

Update on Union's Demand to Bargain Over SB 1049

The Oregon School Employees Association had recently sent demand-to-bargain notices to Oregon school districts, education service districts and community colleges regarding impacts of the bill, passed in the 2019 legislative session. It includes diverting a portion of employees' Individual Account Program (IAP) accounts to an Employee Pension Stability Account, establishing a final average salary cap of \$195,000, and changing some of the requirements for retiree work-back agreements.

OSBA believe the changes do not create a duty to bargain and has provided [guidance](#) and a [letter](#) to respond to the union's demand to bargain. Over the last week, many employers have received a second letter from their OSEA representatives outlining rationale and case citations as a means to compel employers into negotiations.

Management and labor advocates have been unable to agree whether the legislation creates a duty to bargain over its outcomes. As a result, OSBA and OSEA expect there will be a filing with the Employment Relations Board requesting a declaratory ruling on that issue.

Until such a ruling is issued, employers can use a [Memorandum of Agreement](#) (MOA) to request that timelines be held in abeyance.

One of the MOA's features is that if the declaratory ruling requires employers to negotiate, the association will issue a new demand-to-bargain notice. This will restart the timeline triggered by the initial June notices.

Districts, community colleges and ESDs are not required to use this MOA. If an employer is currently in negotiations or wants to negotiate with the association over SB 1049, it is free to do so. OSBA simply wants to make another option available to its members.

If you have any questions, please contact our Labor Services Department or consult with your labor advocate.