

**INSTRUCTIONS:** File the original and three copies of the complaint and all attachments and the \$300 filing fee with the Board at:

528 Cottage St NE, Suite 400  
Salem, Oregon 97301-3807  
Phone 503-378-3807

**STATE OF OREGON  
EMPLOYMENT RELATIONS BOARD**

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Case No. JUN 29 2016 UP-09-16

**UNFAIR LABOR PRACTICE COMPLAINT  
Public Employment**

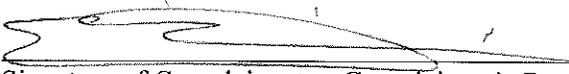
**EMPLOYMENT RELATIONS BOARD**  
Date Filed 6/29/16

<p><b>COMPLAINANT</b> Name, address, phone number, and e-mail address</p> <p>SEIU Local 503, OPEU 1730 Commercial Street SE Salem, OR 97302 503.581.1505</p>	<p><b>COMPLAINANT'S REPRESENTATIVE</b> Name, address, phone number, and e-mail address, if applicable</p> <p>Shirin Khosravi, Staff Attorney 1730 Commercial Street SE Salem, OR 97302 503.581.1505 x135 khosravis@seiu503.org</p>
<p><b>RESPONDENT</b> Name, address, phone number, and e-mail address</p> <p>University of Oregon 1585 E. 13<sup>th</sup> Avenue Eugene, OR 97043 541.346.1000</p>	<p><b>RESPONDENT'S REPRESENTATIVE</b> Name, address, phone number, and e-mail address, if applicable</p> <p>Brian Caufield, Director of Labor Relations University Shared Services Enterprise P.O. Box 456 Corvallis, OR 97339 503.725.5739 brian.caufield@oregonstate.edu</p>

Complainant alleges that Respondent has committed an unfair labor practice under ORS 243.672(1) (e) of the Public Employee Collective Bargaining Act. The following is a clear and concise statement of the facts involved in each alleged violation, followed by a specific reference to the section and subsection of the law allegedly violated. (For each claim, specific dates, names, places, and actions. Attach copies of main supporting documents referred to in the statement of claims.)

I certify that the statements in this complaint are true to the best of my knowledge and information.

**Please see attached**

By:   
Signature of Complainant or Complainant's Representative

Staff Attorney  
Title

June 29, 2016  
Date

STATE OF OREGON

EMPLOYMENT RELATIONS BOARD

SERVICE EMPLOYEES )  
INTERNATIONAL UNION LOCAL 503, )  
OREGON PUBLIC )  
EMPLOYEES UNION, )  
Complainant, )  
v. )  
UNIVERSITY OF OREGON, )  
Respondent. )

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Case No. *UP-019-16*

COMPLAINT

1.

Complainant, Service Employees International Union Local 503, Oregon Public Employees Union (“the Union”), is a labor organization within the meaning of ORS 243.650(13), representing a group of employees of University of Oregon (“Respondent” or “UO”) a public employer, within the meaning of ORS 243.650(20).

2.

The Union and Respondent have been parties to a series of collective bargaining agreements (CBAs), the most recent of which is effective, by its terms, from July 1, 2015, through June 30, 2019. (Relevant portions of that Agreement are included herewith as Attachment 1).

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3.

The Union is the exclusive collective bargaining representative for various employees of Respondent (unit employees) and the CBAs referenced in paragraph 2 above set out various terms and conditions of employment applicable to the unit employees.

4.

Under ORS 243.672(1)(e), the duty to bargain in good faith requires parties to provide requested information relevant to an actual or potential grievance or otherwise relevant to or necessary for the Union's performance of its collective bargaining rights and obligations.

5.

On or about January 14, 2016, John Ahlen, the Union's chief steward for OUS Local 085, filed an information request with UO Human Resources Director of Employee and Labor relations, Wes Fowler, requesting the letter placing employee, John Laws, on investigatory suspension with pay pursuant to the Union's grievance investigation. (*See Attachment 2*). The information contained in the request is relevant to an actual or potential grievance or otherwise relevant to or necessary for the Union's performance of its collective bargaining rights and obligations.

6.

On or about January 14, 2016, Fowler replied to Ahlen, via e-mail, denying the information request referenced in ¶ 5 above citing Article 16, Section 1(A) of the CBA (*See Attachment 1*) for its reasoning in denying the request.

7.

On or about January 22, 2016, Michael Omogrosso, steward for OUS Local 085, filed an information request with Fowler, requesting "related information to a case involving an

employee being reprimanded for taking “erotic” photographs on campus.” (See Attachment 4).

On or about January 28, 2016, Fowler responded to Omogrosso, requesting the basis for the information. *Id.* Omogrosso replied to Fowler that the request was in relation to “DV’s case.” *Id.* The information contained in the request is relevant to an actual or potential grievance or otherwise relevant to or necessary for the Union’s performance of its collective bargaining rights and obligations.

8.

On or about January 29, 2016, Fowler responded, via email, to Omogrosso’s information request for information related to “DV’s” case, denying the information request referenced in ¶ 7 above citing Article 16, Section 1(A) of the CBA (See Attachment 1) for its reasoning in denying the request. (See Attachment 4).

9.

On or about March 30, 2016, Union Steward Charles Theobald filed an information request with Fowler, via email, requesting information regarding another unit employee’s case, Mark Jennings, requesting “all information [Fowler] used to reach the decision of offering resignation or termination” pursuant to the Union’s grievance investigation. (See Attachment 5). The information contained in the request is relevant to an actual or potential grievance or otherwise relevant to or necessary for the Union’s performance of its collective bargaining rights and obligations.

10.

On or about March 30, 2016, Fowler replied to Theobald, via e-mail, stating that he “should be able to get [Theobald] this information in pretty short order[,]” however, Fowler conditioned providing the information upon receipt of “something in writing from Mark

authorizing release of this information.” (See Attachment 5). By that response UO refused, and continues to refuse, to provide the Union with the requested relevant information.

11.

By actions set forth above, and in particular, those outlined in ¶¶ 5 through 10, UO violated and is violating ORS 243.672(1)(e) by failing and refusing to supply the Union with requested information that is relevant to an actual or potential grievance or otherwise relevant to or necessary for the Union’s performance of its collective bargaining rights and obligations.

12.

Respondent has committed similar violations in the past. *See Service Employee International Union Local 503, Oregon Public Employees Union v. University of Oregon*, Case No. UP-009-15 (2016), (this Board held Respondent violated ORS 243.672(1)(e) as it did not establish it pursue a good-faith accommodation regarding requested information related to the discipline of unit employees); *See also, Graduate Teaching Fellows Federation Local 3544, AFT, AFL-CIO v. Oregon University System (University of Oregon)* 19 PECBR 469, 508 (2001). By actions set forth in this paragraph, Respondent has repetitively taken actions knowing that those actions are unfair labor practices, and has done so with disregard to that knowledge. *See OAR 115-035-0075(1)*. Thus, the Union respectfully requests that this Board award a civil penalty in this case.

WHEREFORE, Complainant requests an Order of this Board as follows:

- A. That the Board find the Employer to have violated ORS 243.672(1)(e);
- B. That the Board issue a cease and desist order;
- C. That the Board order an appropriate notice be posted throughout the Employer’s facilities;

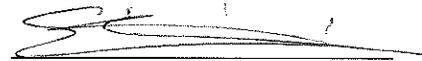
D. That the Board require the employer to reimburse the Union for the filing fee accompanying this complaint;

E. That the Board award full representation costs to the Union in this matter; and

F. That the Board award a civil penalty to the Union in this matter.

DATED this 29<sup>th</sup> day of June, 2016.

Respectfully submitted,



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