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

STATE OF OREGON
EMPLOYMENT RELATIONS BOARD

For Board Use Only

Case No. UP-023-16

UNFAIR LABOR PRACTICE COMPLAINT
Public Employment

Date Filed 8/9/16

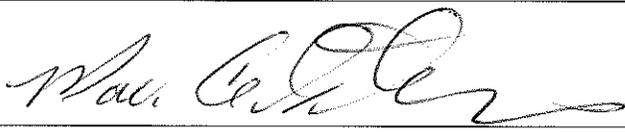
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<p>COMPLAINANT</p> <p>SEIU Local 503, OPEU P.O. Box 12159 Salem, OR 97309-0159 503.581.1505 stefanm@seiu503.org</p>	<p>COMPLAINANT'S REPRESENTATIVE</p> <p>AUG 09 2016 Marc A. Stefan, Supervising Attorney SEIU Local 503, OPEU P.O. Box 12159 Salem, OR 97309-0159 503.581.1505 stefanm@seiu503.org</p>
<p>RESPONDENT</p> <p>Oregon Department of Human Services 500 Summer Street Salem, OR 97301 503.945.5600</p>	<p>RESPONDENT'S REPRESENTATIVE</p> <p>Name, address, phone number, and e-mail address, if applicable</p> <p>Clyde Saiki, Director Oregon Department of Human Services 500 Summer Street, E-15 Salem, OR 97301 503.945.5600</p>

Complainant alleges that Respondent has committed an unfair labor practice under ORS 243.672(1)(a), (c) and (g) 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

Supervising Attorney
Title

August 9, 2016
Date

STATE OF OREGON

EMPLOYMENT RELATIONS BOARD

SERVICE EMPLOYEES INTERNATIONAL)	
UNION LOCAL 503, OREGON PUBLIC)	
EMPLOYEES UNION,)	
)	
Complainant,)	Case No. UP- _____
)	
v.)	
)	COMPLAINT
OREGON DEPARTMENT OF HUMAN)	
SERVICES,)	
)	
Respondent)	
)	
)	
)	
_____)	

1.

Complainant Service Employees International Union Local 503, Oregon Public Employees Union (the Union) is a labor organization as defined by ORS 243.650(13).

2.

Respondent Oregon Department of Human Services (DHS) is a public employer as defined by ORS 243.650(20).

3.

The Union and the Employer have been parties to a series of collective bargaining agreements over several decades (the DAS). The current DAS contract expires, by its terms, on June 30, 2019, and covers employees represented by the Union at DHS's Child Welfare Services facility in Medford, OR.

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4.

This matter concerns a calculated, coordinated and relentless campaign of unlawful harassment, intimidation, isolation, discrimination and retaliation perpetrated against the Union and a group of workers who serve and have served as Union stewards at the Medford facility by a group of DHS Child Welfare Managers and Supervisor in Medford, Oregon, which include but are not limited to: Doug Mares; Kirsten Arreguin; Rowna Hunt; Pattie Cavinder; Lori McClure; Violeta Ibarra; Cindy Laird; Jan Hall; Rebecca Foster; Cheyenne Edwards, and; Kristi Johnston. That campaign against the Union and workers commenced in or around early March 2016 and continues today at ever escalating levels.

5.

In broad terms, this unlawful campaign was prompted by and arose out of Union and steward efforts to protect themselves and other workers from unwarranted hostile statements against unit employees at the hands of court judges before whom the workers appear and submit reports. Finding the Medford Child Welfare Management unresponsive to the legitimate concerns they and the Union were raising, the workers and the Union began engaging in “unity breaks” and during lunch times, breaks and non-working hours.

6.

As set forth in fuller detail below, Medford Child Welfare Management reacted hostilely to unity breaks by seeking to disrupt them, sending “spies” to learn about Union/worker strategies and making demands that the Union disclose when such meetings would take place and seek Program Manager Kirsten Arreguin’s permission to

hold the meetings in the first place. Retaliation, harassment, implicit threats, isolation and other forms of unlawful treatment started against individual activist stewards. A pattern that would continue and escalate throughout the Spring and into the Summer.

7.

Management also acted to coopt individuals stewards (through granting them favorable treatment, reduced workloads and other privileges) to do its bidding in thwarting union and steward efforts to protect unit employees and engage in other Union activities to which Medford Child Welfare Management was hostile.

8.

As conditions continued to worsen at the Medford Child Welfare facility, Union officials and the Medford stewards arranged a meeting at DHS headquarters in Salem with, among others, DHS Director, Clyde Saiki. At that meeting, the Union, the stewards and workers expressed their concerns about Medford Management's actions including more than a dozen collective bargaining agreement violations that were ongoing. Director Saiki was respectful and receptive to the concerns expressed and indicated that he would look into the expressed problems.

9.

Although Director Saiki was respectful and receptive, Medford Management was not. The retaliation intensified and continues to the date of this filing.

10.

During in or about April, May and June, Kirsten Arreguin, Rowna Hunt, Violeta Ibarra and Lori McClure called pro-union employees into meetings that the employees reasonably believed could result in their discipline. Pursuant to their rights under the

collective bargaining agreement and the PECBA, the employees requested to have a Union steward present. The Managers including the Program Manager Kirsten Aguerriin told them that the meeting was not to impose discipline and denied the requests. In the ensuing meetings, the Managers and the Program Manager Kirsten Arreguin questioned the employees about work performance matters and asked them to justify their work actions and behavior. More precisely, the interviews were used gather information that could lead to the discipline of the employees. By these actions in violation of the CBA and the PECBA, the Employer violated ORS 243.672(1)(a) and (1)(g).

11.

a) During March and April, Managers repeatedly recruited workers and stewards to attend Union “unity breaks” and other Union meetings to gather information and report to management about who attended the meetings, who spoke at the meetings and what was said at the meetings and to discourage employees from attending such meetings.

b) In exchange for such activities, the recruited stewards were granted more favorable treatment by managers who solicited them and to whom they reported.

c) Pursuant to the foregoing process, managers would confront workers who had attended the meetings and confronted them about statements the employees had made at the meetings. By these actions, the employer engaged in unlawful surveillance of employees' Union activities and unlawfully created the impression among employees that their Union activities were under surveillance and engaged in other activities in violation of ORS 243.672(1)(a) and (c) and (g).

12.

On repeated occasions during the relevant period the Employer acting through Human Resources Generalist Larry Merritt failed and refused to comply with pro-Union employees' requests to review their personnel files pursuant to their rights under the collective bargaining agreement. By those actions the Employer violated ORS 243.672(1)(a), (c) and (g). Mr. Merritt interfered with and manipulated complaints made against Management by pro-Union stewards in regards to retaliation, discrimination, employee's standing and work performance.

13.

On repeated occasions during the relevant period, Medford Program Manager Kirsten Arreguin and Office Manager Pattie Cavinder disparaged, ridiculed and sought to humiliate pro-Union stewards in front of their co-workers. By these actions, the Employer violated ORS 2423.672(1)(a) and (g).

14.

In or about early July, 2016, the Employer, acting through District Manager Doug Mares and Program Manager Kirsten Arreguin:

a) Sought to dictate and control how stewards would have to account for their time spent in unity breaks and other Union activities that take place on non-working time;

b) Asked/demanded that she be notified in advance by the Union and/or the stewards of unity breaks and other similar Union activities that take place during non-work time;

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c) Requested/demanded that stewards come to her first to resolve and deal with problems before they file grievances;

d) Criticized the stewards for getting employees upset by soliciting information to file grievances;

e) Told stewards that they could only gather information to support grievances on their own, personal time;

f) Both Managers requested and demanded to know Organizer's job description, specific duties and SEIU's organizational chart.

By these actions the Employer acted in violation of ORS 243.672(1)(a) and (g).

WHEREAS, by the foregoing actions, the Employer has violated and continues to violate ORS 243.672(1)(a), (c) and (g) as alleged above. It has also done so in blatant disregard of its known legal obligations and with full knowledge at the time the unlawful acts were being committed that the actions are, in fact, unlawful.

WHEREAS Complainant prays that this Board issue an Order that:

a) Directs the employer to cease and desist from all violations of law set forth above and otherwise committed by the Employer;

b) Directs the employer to rescind any unlawfully implemented policies and procedures;

c) Directs the employer to post a Notice at the facility setting out the violations it has committed and pledging to cease and desist from those or any other violations of the PECBA going forward;

d) Directs the employer to send the Notice referenced above to all unit employees on the employer's own e-mail system;

e) Directs the employer to pay a civil penalty and pay Complainant's legal costs in bringing this action.

DATED this 9th day of August, 2016, at Salem, Oregon.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Marc A. Stefan", written over a horizontal line.

Marc A. Stefan, OSB #086075
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