

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**

**UNFAIR LABOR PRACTICE COMPLAINT
Public Employment**

For Board Use Only

Case No. UP-03576

Date Filed 11/14/16

COMPLAINANT Springfield Police Association c/o President Scott Akins Springfield Police Department 230 4 th Street Springfield, OR 97477 Phone: 541-726-3714	COMPLAINANT'S REPRESENTATIVE David A. Snyder Law Offices of David A. Snyder, LLC. 3759 NE MLK Jr. Blvd. Portland, OR 97212 Phone: 503-222-9290 <u>DSnyder@LODASLLC.com</u>
RESPONDENT City of Springfield Springfield Police Department 230 4 th Street Springfield, OR 97477	RESPONDENT'S REPRESENTATIVE Deputy Chief Richard Lewis Springfield Police Department 230 4 th Street Springfield, OR 97477

Complainant alleges that Respondent has committed an unfair labor practice under ORS 243.672(1) (a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, z), ORS 243.672(2) (_____), or ORS 243.752 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.

See attached.

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By: 
Signature of Complainant or Complainant's Representative

ATTORNEY
Title

11/14/16
Date

Attachment

1.

The Springfield Police Association (SPA) is a certified representative of Police Officers, Police Clerks, Police Dispatchers, Detention Officers, Detention Supervisors and other public employees employed by the City of Springfield.

2.

The SPA does not represent management officials of the Springfield Police Department such as Sergeants, Lieutenants, the Deputy Chief or the Chief of Police. The City of Springfield is a public employer.

3.

At all times material hereto, Officer Scott Akins is, and has been, a public employee and a member of SPA.

4.

Running for union office is protected activity under ORS 243.662. Voting in an election of a union's officers is protected activity under ORS 243.662.

5.

On or about August 24, 2016, Officer Jared Quinones was in the patrol report writing area of the Springfield Police Department. Lieutenant Tom Rappe' approached Officer Quinones and inquired who was running for office in the upcoming SPA election? Officer Quinones identified the candidates for Treasurer. He stated that Officer Scott Akins was the sole candidate for the office of President. Lieutenant Rappe' responded to the effect that the union could not let Officer Akins be elected President and that the union should find someone else to be President. He urged Officer Quinones to run for SPA President. Lieutenant Rappe' made further, persistent statements consistent with his opinion that Officer Akins should not be elected President of SPA.

6.

Officer Quinones was concerned that Lieutenant Rappe' had crossed appropriate levels of management influence on SPA's activities. He promptly reported Lieutenant Rappe's interference with SPA's election process to then SPA President Officer Eric Pardee and SPA Board Member Officer Brian Antone. After the SPA election he reported the conversation to President – elect Officer Scott Akins. Lieutenant Rappe's interference with SPA's selection process is known to many members of the SPA and others in the Springfield Police Department.

7.

Lieutenant Rappe's statements undermined SPA's ability to perform its duties as exclusive representative. His statements regarding SPA's election interfered with a core SPA activity, that is, the election of its officers. His statements undermine the SPA's independence, or perceived independence, from the City. His statements undermine the autonomy of SPA and prevent the establishment of greater equality of bargaining power between SPA and the City. His statements are inimical to the core values of the PECBA.

8.

The natural and probable effect of Lieutenant Rappe's statements tends to interfere with employees protected rights, including the rights to run for union office and to vote freely in union elections.

9.

Well-established precedent under the PECBA prohibits public employers from interfering with public employee labor organization internal elections processes and interfering with employees in the exercise of their rights guaranteed in ORS 243.662.

10.

The actions of the City described in paragraphs 1-8 are in violation of well-established caselaw under the PECBA, flagrantly and without legitimate basis interfere with a core internal union function, that is election of its officers, and therefore are egregious. The Association is entitled to a civil penalty of \$1,000 for each of the above-listed violations in accord with OAR 115-35-075(1)(a).

11.

WHEREFORE SPA requests the following remedies:

1. That the City be declared to have violated ORS 243.672(1)(a) by its actions described herein.
2. That the City be declared to have violated ORS 243.672(1)(b) by its actions described herein.
3. That the SPA be awarded representation costs and reimbursed for its filing fee.
4. That the City's actions described herein are held to be egregious violations of well-established precedent and that SPA be awarded a civil penalty of \$1,000 for each egregious violation.
5. That SPA be awarded all other relief that the Board deems appropriate.