

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. RC-009-12

(PETITION FOR REPRESENTATION)

FEDERATION OF OREGON PAROLE)	
AND PROBATION OFFICERS,)	
)	
Petitioner,)	
)	RULINGS,
v.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CLATSOP COUNTY and AFSCME)	AND ORDER
LOCAL 2746,)	
)	
Respondents.)	
)	

A hearing was held before Administrative Law Judge (ALJ) B. Carlton Grew, on August 21, 2012, at ERB's offices in Salem, Oregon. The record closed on October 1, 2012, following receipt of the parties' post-hearing briefs. The case was then submitted to this Board for issuance of a Final Order.

Daryl S. Garrettson, Attorney at Law, Lafayette, Oregon, represented Petitioner Federation of Oregon Parole and Probation Officers.

Kirk S. Peterson, Bullard Smith Jernstedt Wilson, Portland, Oregon, represented Respondent Clatsop County.

Jennifer K. Chapman, Legal Counsel, AFSCME Council 75, Salem, Oregon, represented Respondent AFSCME, Local 2746.

On April 3, 2012, the Federation of Oregon Parole and Probation Officers (FOPPO) filed a Petition for Representation, Case No. RC-009-12, under OAR 115-025-0000(1)(a), seeking to represent a new bargaining unit consisting of "[a]ll regular full and part time Adult Parole and Probation Officers, excluding supervisory, confidential and casual employees" employed by Clatsop County (County). The employees who are the subjects of this petition are currently part of a Community Corrections-Sheriff's Department bargaining unit represented by the American Federation of State, County and Municipal Employees, Local 2746 (AFSCME). This bargaining unit consists of County Sheriff's Deputies and the Adult Parole and Probation Officers.

On April 10, 2012, the Clatsop County Law Enforcement Association filed a Petition for Representation, Case No. RC-010-12 under OAR 115-025-0000(1)(a), seeking to represent a bargaining unit consisting of all employees, including Parole and Probation Officers, in the Community Corrections-Sheriff's Department bargaining unit currently represented by AFSCME.

By letter dated June 5, 2012, this Board informed the parties to both cases that the hearing in RC-009-12 would proceed, and that the proceedings in RC-010-12 would be held in abeyance, pending determination of RC-009-12.

On August 21, 2010, ALJ Grew conducted a hearing in RC-009-12. ALJ Grew prepared Rulings and Findings of Fact; the case was then submitted to the Board for issuance of a Final Order.

The issue in this case is as follows: Is the proposed bargaining unit of "[a]ll regular full and part time Adult Parole and Probation Officers, excluding supervisory, confidential and casual employees" appropriate under ORS 243.682(1)?

RULINGS

The rulings of the ALJ were reviewed and are correct.

FINDINGS OF FACT

1. The County is a public employer. AFSCME, a labor organization, is the exclusive representative of a bargaining unit of approximately 46 strike-prohibited employees of the County Sheriff's Department, including six Parole and Probation Officer (PPO) positions.¹

2. The County has four bargaining units: (1) the Courthouse/Roads unit, which includes approximately 150 employees, represented by AFSCME; (2) the Deputy District Attorneys unit, represented by AFSCME; (3) a small nurses unit, comprised of nurses working in the County Public Health Department and a part time position in the County Sheriff's Corrections Division, represented by Oregon Nurses Association; and (4) the Community Corrections-Sheriff's Department unit, comprised of County Sheriff's Deputies and the PPOs, also represented by AFSCME. The three AFSCME units have one AFSCME staff representative (Council Representative) and coordinate their bargaining strategies.

3. The AFSCME Sheriff's Department unit has the following recognition clause in the most recent County-AFSCME collective bargaining agreement:²

¹At the time of hearing, one of the six PPO positions was vacant.

²The collective bargaining agreement in evidence expired June 30, 2011, and was renewed as written for one year. At the time of hearing, the renewed agreement had expired, and the parties were postponing bargaining for a successor agreement pending the resolution of this and another representation petition.

“The County recognizes the Union as the sole and exclusive bargaining agent for the purpose of establishing wages, salaries, hours and other conditions of employment for all employees, including corrections shift supervisors and Community Corrections Department Parole and Probation Officers, within the Sheriff bargaining unit, excluding all other supervisors, confidential employees, nurses, casual employees and all employees working in other bargaining units.”

4. The Sheriff’s Department bargaining unit positions identified in the collective bargaining agreement include Deputy Sheriff, Criminal; Deputy Sheriff, Corrections; PPO I and II; and Control Room Technician. The agreement also identifies the positions of Courthouse Security Officer; Deputy Sheriff Trainee; Narcotics Detective; and Transition Center Technician, but these positions are now inactive.

5. Oversight of offenders on parole or probation was originally performed by the state and was transferred to the counties in the late 1990’s, and the state employee parole and probation officers became county employees. The PPOs have been a part of the AFSCME Sheriff’s bargaining unit since that time, and have had one or two representatives on the AFSCME unit bargaining team from that time until the present.

6. From the late 1990’s until July 2011, the County parole and probation function was performed by a separate County department, headed by a director who reported to the County Manager. The PPOs were in the same facility as the County Transition Center, a County entity created to reintegrate offenders into civil society and reduce recidivism. In July 2011, the County closed the Transition Center and moved the parole and probation function into the Sheriff’s Department.

7. The County Sheriff’s Department has several Divisions or subdivisions: Administrative; Animal Control; Corrections; Parole and Probation; and Patrol.

8. The Courthouse, the headquarters of the Sheriff’s Department, and some other County facilities are located within a few blocks of each other in downtown Astoria. The PPOs work out of the former Clatsop County Transition Center building in Warrenton, seven miles away from the main Sheriff’s Department building. No other Sheriff’s Department employees work at that facility, although some Courthouse/Road unit employees work there. Various Sheriff’s Deputies and other employees are based in an animal control station in Warrenton, substations in Knappa and Jewell, and a marina in Warrenton.

Parole and Probation Officers: Parole and Probation Officer I

9. The goal of a PPO is to integrate an offender into the community by facilitating the offender’s access to services such as housing, employment, and mental health treatment. The purpose of the position is to provide supervisory and investigative services to adult offenders who have been placed under supervision as a condition of release by the Corrections Department or the Courts. PPOs reduce the risk of criminal conduct for these offenders through community supervision, sanctions, counseling, adjustment, rehabilitation, and other services.

10. Essential functions of the position include: develop a supervision plan for offenders; counsel and refer offenders to appropriate community services; create programs, provide alternative behavior models, and facilitate classes to teach relapse prevention; make home, employment, office, field, and jail contacts with offenders to ensure compliance with release conditions; conduct searches,³ take samples, and impose sanctions as appropriate. Parole and Probation Officers 1 also prepare pre-sentence and other reports, such as those regarding violations, modifications, and early terminations; maintain records; and participate in court proceedings and other hearings.

11. Mandatory qualifications for the PPO I position are: A Bachelor's Degree in criminal justice or behavioral sciences; completion of DPSST basic certification; broad knowledge of adult behavior and adjustment problems and related treatment methods; probation practices and philosophy; and the laws and regulations governing the operation of adult probation programs and the criminal justice system. The employee must pass a psychological examination. It is desirable that the employee be bilingual in English and Spanish.

12. The PPO I position description does not require the ability to subdue or control unwilling persons.

13. The salary for the PPO I position ranges from \$3,490 per month to \$4,242 per month. The position is not exempt from payment of overtime wages. No current staff holds a PPO I position.

Parole and Probation Officers: Parole and Probation Officer II

14. The purpose of the PPO II position is similar to the PPO I position, but these employees are also expected to supervise offenders who represent an increased risk to repeat offend in the community; they also act as a mentor and provide training, guidance, and instruction to Community Corrections Counselors.

15. The PPO II position includes the essential functions of the PPO I position. In addition, PPO IIs must have considerable experience in supervising, directing, and monitoring adult offenders. They work independently with minimal supervision, and are expected to demonstrate a high level of commitment, professionalism, and responsibility. They may be required to work some weekends or nights.

16. In addition to the mandatory qualifications of the PPO I classification, employees in the PPO II classification must have ten years experience as a certified Oregon Parole and Probation Officer or a Bachelor's degree in a behavioral science or related field with major course work in behavioral science and two years certified experience as a PPO; DPSST intermediate certification in Parole and Probation; a demonstrated knowledge and ability to manage complex casework; and a demonstrated ability to work with confidential information and perform as a team member with minimal supervision.

³Although PPOs have the authority to seek search warrants and arrest individuals, they rarely exercise this authority.

17. The PPO II position description does not require the ability to subdue or control unwilling persons.

18. The salary for the PPO II position ranges from \$3,848 per month to \$4,677 per month. The position is not exempt from payment of overtime wages. All five current staff members fill PPO II positions.

Parole and Probation Officers: Job Duties and Responsibilities

19. PPOs have independent authority to immediately commit an offender to custody for up to 30 days. They can seek an extension of that custody from the Parole Board or a judge for up to 30 additional days. They also have the authority to order an offender to receive mental health treatment, attend a support or accountability group, or join an inmate work crew, and can sanction an offender for failure to comply. The officers may also process an incident as a crime, as a Deputy would.

20. Because the offenders supervised by the PPOs may have substance abuse or other behavioral problems, these officers must be well versed in mental health diagnoses and treatments, including medications. They receive frequent training in the latest developments in this field. Because these officers also facilitate offender peer accountability, employment, and support groups, they receive training in these areas as well.

21. PPOs are commissioned deputies, but the County considers them to be public safety officers pursuant to ORS 181.610(16),⁴ not peace officers pursuant to ORS 161.015.⁵ County officials desire that the PPOs become comparable in training and abilities to Deputies.

⁴ORS 181.610(16) states: “‘Public safety personnel’ and ‘public safety officer’ include corrections officers, youth correction officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, telecommunicators and fire service professionals.

⁵ORS 161.015(4) “‘Peace officer’ means:

“(a) A member of the Oregon State Police;

“(b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS 133.005, or a police officer commissioned by a university under ORS 352.383;

“(c) An investigator of the Criminal Justice Division of the Department of Justice or investigator of a district attorney’s office;

“(d) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011; and

“(e) Any other person designated by law as a peace officer.”

22. One PPO specializes in work with sex offenders and is on an interdisciplinary child abuse team, working closely with child abuse detectives.

Parole and Probation Officers: Other Working Conditions

23. The Sheriff has published policies governing the work of Department employees. Most of the policies, including the Code of Ethics, apply to both PPOs and Deputies, if not all Department employees. Both PPOs and Deputies are jointly trained on many subjects covered by the policies. Some policies, however, such as those governing pursuit of criminals, code enforcement, and interactions with juveniles, apply only to Deputies and only Deputies receive training on those subjects.

24. The work of PPOs regarding particular offenders is subject to the supervision of: (1) the Parole Board (for offenders on parole) and (2) Circuit Court judges, including those presiding over Drug Court, Treatment Court, and Family Court (for offenders on probation).

25. PPOs report to Lieutenant Kristen Hanthorn, who reports to Chief Deputy Paul Williams.

26. Most benefits for the PPOs are identical to Sheriff's Deputies and other members of the Sheriff's bargaining unit, as set by the most recent collective bargaining agreement.

27. PPOs bid for their vacations separately from other Department unit employees. There are also call-back, on-call, and holiday provisions in the collective bargaining agreement exclusively governing PPOs, which differ from those governing other bargaining unit employees.

28. PPOs generally work Monday through Friday during the daytime. Some officers work some evening hours to accommodate offenders who have regular daytime work and cannot meet the officer during their working day. PPOs are on call for emergencies, however, at any hour on any day. The Department has a modest overtime budget to pay for such activities.

29. Beginning in January 2012, PPOs began to carry firearms. They also carry non-lethal weapons, such as collapsible batons and pepper spray, and other equipment such as handcuffs, flashlights, and Department radios. All of these items are supplied by the County.

30. PPOs wear coats and ties; "soft uniforms," e.g., polo shirts with the Sheriff's logo; and a hat with the same logo. Parole and Probation Officers receive a \$300 yearly allowance for work-related clothing. When doing active work in the field, the Parole and Probation Officers wear a County-issued ballistic vest with the Sheriff's logo and a name tag.

31. After the promotion path from PPO I to II, there is no evidence in the record regarding further promotional opportunities for these officers. They are supervised by a Lieutenant who was formerly a Deputy.

32. PPOs have numerous contacts with Deputy Sheriffs during the day, and conduct joint operations with them, such as obtaining warrants and searching residences.

33. One PPO testified at hearing that he wished to be represented by the Association due to its familiarity and specialization in the parole and probation function. The Association Petition was supported by an adequate showing of interest.

Deputy Sheriff: Corrections

34. The purpose of the Corrections Deputy position is to provide services in the care and custody of prisoners in a correctional facility.

35. Essential functions of the position include: Maintain custody and surveillance of, and observe and report, prisoners' behavior and physical and medical condition; control prisoner movement; supervise and instruct prisoners on work crews and on prisoner program assignments; investigate inmate rule violations to assess need for disciplinary measures; collect evidence and property, interview witnesses, and coordinate inmate disciplinary hearings; and recommend prisoner discipline and other actions.

Deputies must also inspect prisoners' quarters for cleanliness, safety, and contraband; implement prisoner recreational activities; issue inmates' meals and related utensils, clothing, personal hygiene items, and bedding; maintain written records and logs of activities and prepare reports concerning various subjects; process individuals in and out of the facility; and escort and provide security for prisoner court appearances, hospital, and other prisoner trips outside of the correctional facility.

Deputies must also develop and maintain proficiency in the use of law enforcement equipment and tactics, including batons and handcuffs.

36. Mandatory qualifications for the position of Corrections Deputy are the equivalent of high school education and completion of DPSST basic academy training. Deputies must also have a thorough knowledge of modern policies, procedures, and techniques for the custody, care, and transportation of prisoners; applicable laws and ordinances and jail standards; investigative methods and techniques; first aid, fingerprinting, photographic, breathalyzer, and video monitoring equipment; and report writing and preparation methods. It is desirable that Deputies have previous college-level training or experience in corrections facilities and their duties, and that the Deputies be bilingual in English and Spanish.

37. The salary for the Corrections Deputy Sheriff position ranges from \$3,239 per month to \$3,937 per month.⁶ The position is not exempt from payment of overtime wages.

Deputy Sheriff: Criminal

38. The purpose of the Criminal Deputy position is to enforce federal, state, and local traffic, criminal, and civil laws and ordinances; patrol roads, waterways, and business and residential

⁶A Senior Corrections Deputy Sheriff's salary ranges from \$3,401 per month to \$4134 per month, but the record does not reveal whether any employees hold that position.

areas; and investigate traffic accidents, crimes, and complaints regarding violations of criminal law and uncontrolled livestock.

39. Essential functions of the position include: patrolling rural roads, businesses, and residential areas to enforce traffic and criminal laws; issuing warnings or citations for violations; making security checks and checking for suspicious persons or vehicles; responding to calls concerning crimes, civil complaints, family disputes, and juvenile complaints and taking appropriate action; maintaining written records of all activities and preparing reports necessary for accident and crime investigations; and arresting and booking suspects into the jail as necessary.

Criminal Deputies must also serve subpoenas, summons, and warrants for arrest; appear as a witnesses in court; and participate in search and rescue operations, including underwater search and mountaineering as qualified. They must also develop and maintain proficiency in the use of law enforcement equipment and tactics, including baton, handcuffs, and other restraint devices.

39. Mandatory qualifications for the Criminal Deputy are the equivalent of a high school education and completion of DPSST basic law enforcement training. Deputies must also have a thorough knowledge of pertinent laws, rules, and regulations; proper enforcement procedures; law enforcement equipment; criminal investigative methods and techniques; civil procedures; firearm use; report preparation methods; and first aid. It is desirable that employees have previous college-level training or experience in law enforcement, and be bilingual in English and Spanish.

40. The salary for the Criminal Deputy Sheriff position ranges from \$3,239 per month to \$3,937 per month.⁷ The position is not exempt from payment of overtime wages.

Deputy Sheriff: Other working conditions

41. Sheriff's Deputies are exclusively supervised by, and report to, the chain of command in the Sheriff's office. All Deputies (Corrections and Patrol) report to Sergeants, who report to Lieutenants, who report to Chief Deputy Williams, who in turn reports to the Sheriff.

42. Sheriff's Deputies do not have the authority to sanction an offender on parole or probation, but can only process an incident as a crime and take an offender into custody as a suspect.

43. Sheriff's Deputies work rotations on one of three shifts, providing 24 hours a day, seven days a week coverage for their duties.

44. Deputies receive training on various law enforcement matters, including such things as pursuit of suspects that are unique to their function. They do not receive the specialized training in mental health, behavioral problems, and substance abuse provided to Parole and Probation Officers.

⁷A Senior Criminal Deputy Sheriff's salary ranges from \$3,401 per month to \$4134 per month, but the record does not reveal whether any employees hold that position.

45. Deputies wear uniforms which are supplied by the County. They do not have a separate clothing allowance.

46. The promotion path for Deputies extends at least to the level of Lieutenant, and one former Deputy supervises the Parole and Probation Officers.

Control Room Technician

47. The purpose of the Control Room Technician position is to support Corrections Officers in maintaining the security and welfare of inmates in the Clatsop County jail.

48. Essential functions of the position include: monitoring and operating the automated security system, maintaining jail records, processing warrants and summonses, and operating various types of office equipment, including a LEADS teletype; performing surveillance within the jail security areas; controlling inmate movements within the jail and public access to the jail; operating the computerized security system and door control panel; and processing and maintaining reports, documents, and other records. Shifts may include nights, weekends, and holidays.

49. Mandatory qualifications for the Control Room Technician position include: High School diploma or equivalent; two years experience or training in office procedures and computers, preferably in a corrections or law enforcement setting, or an equivalent combination of experience and training; and knowledge of police records and procedures, policies, and methods. The position requires the abilities to communicate with violent and combative individuals; work in a noisy and crowded area; adapt to a wide variety of personalities; and work effectively in disruptive situations. The position does not require police certification because, unlike Corrections Deputies, it lacks daily physical contact with inmates. Control of jail security by Control Room Technicians is done by voice and automated locking devices. Employees must pass a criminal background check and receive certification in the Law Enforcement Data Systems (LEADS).

50. Control Room Technicians work shifts that may include nights and weekends.

51. The salary for the Control Room Technician position ranges from \$2,425 per month to \$2,948 per month. The position is not exempt from payment of overtime wages.

CONCLUSIONS OF LAW

1. This Board has jurisdiction over the parties and subject matter of this dispute.
2. The proposed unit of all regular County Adult PPOs is an appropriate bargaining unit.

FOPPO proposes to carve a unit of five Adult PPOs from an existing unit of approximately 26 employees who have been represented by AFSCME for over a decade. Both the County and AFSCME object to the petition, contending that creating a bargaining unit of PPOs will unduly fragment the County's workforce.

When presented with a question of representation, this Board must designate an appropriate bargaining unit. We consider the following statutory factors in doing so: community of interest; wages, hours, and other working conditions; history of collective bargaining; and employees' desires. We may determine a unit to be appropriate in a particular case, even though some other unit might also be appropriate. ORS 243.682(1)(a).

In addition to these statutory factors, we have a long-standing policy against fragmentation of bargaining units. We avoid splitting an employer's work force into a number of small bargaining units because such an action is contrary to many of the policies the Public Employee Collective Bargaining Act (PECBA) seeks to further. *Oregon Workers Union v. State of Oregon, Department of Transportation and Service Employees Union Local 503, Oregon Public Employees Union*, Case No. RC-26-05, 21 PECBR 873, 883 (2007). Smaller bargaining units contravene the PECBA policy of creating "greater equality of bargaining power between public employers and public employees." ORS 243.656(3). Our preference against fragmentation is also based in part on a recognition of the need to protect the interest of the public: more bargaining units increase the potential for labor disputes that could result in work stoppages and the disruption of services to the public. *Oregon Workers Union* at 883. Finally, our nonfragmentation policy also benefits public employers. Public employers are unduly burdened if they have "to engage in bargaining sessions for the many splinter groups on a round-robin basis." *Association of Public Employees v. Oregon State System of Higher Education and Oregon Public Employees Union, Local 503, SEIU*, Case No. RC-113-87, 10 PECBR 883, 889 (1988).

To overcome our preference against fragmentation, a petitioner must demonstrate that the proposed bargaining unit has a community of interest clearly distinct from that of the existing unit, or that some other compelling reason exists for creating a splinter bargaining unit. *Oregon Workers Union*, 21 PECBR at 885. Accordingly, we review the record to determine whether the bargaining unit for which FOPPO has petitioned has a clearly distinct community of interest from other employees in the current AFSCME unit, or whether there is some other compelling reason to split the bargaining unit.

Community of Interest Factors

To determine whether employees share a community of interest, we consider similarity of duties, skills, benefits, interchange or transfer of employees, promotion ladders, and common supervision. OAR 115-025-0050(2). We apply these standards to the facts presented here.

PPOs share a number of similar qualifications and employment conditions with Sheriff's Deputies. PPOs and Deputies are sworn and commissioned deputies; must be DPSST certified; carry firearms, radios, and other law enforcement equipment; and wear uniforms. Most of the Department policies, including the Code of Ethics, apply to both PPOs and Deputies. Deputies and PPOs are jointly trained on many subjects covered by these policies. Although PPOs, like Deputies, have the power to arrest individuals and obtain search warrants, they rarely exercise these powers.

Wages and benefits for PPOs and other members of the AFSCME bargaining unit are established by the collective bargaining agreement. Under this contract, all bargaining unit employees receive the same benefits.

There is no common promotional ladder for bargaining unit employees, and no evidence of any interchange among bargaining unit positions. PPOs share a common line of supervision with other bargaining unit employees, however. They are supervised by a Lieutenant who reports to Chief Deputy Williams; Chief Deputy Williams reports to the Sheriff and is responsible for all aspects of the Department's operations.

In regard to the similarity between the PPOs' job duties and those of the Sheriff's Department Deputies, we analyzed a similar situation in *Federation of Oregon Parole and Probation Officers v. Polk County Community Corrections*, Case No. RC-71-88, 11 PECBR 667 (1989). In that case, FOPPO petitioned to represent a group of seven unrepresented parole and probation officers (PPCs) who worked for the county. The county employed approximately 140 regular employees and had two represented bargaining units—a general strike-permitted unit of 48 employees represented by AFSCME and a strike-prohibited unit of 22 employees represented by a deputy sheriffs' association. The PPCs' duties included supervising a caseload of convicted felons and misdemeanants, monitoring clients' compliance with parole and probation conditions, and arresting clients who violated the conditions of their release. We concluded it was not appropriate to include the PPCs in the sheriff's department bargaining unit because the role of the PPCs was completely different from those of the deputies in the sheriff's department:

“The patrol deputies are charged with enforcing laws and arresting violators to be brought before the courts. The corrections deputies are responsible for maintaining security or custody of violators who have been arrested or who have been arrested or sentenced by the courts. The PPCs, on the other hand, deal with sentenced offenders who have been given early release into society under court or parole board jurisdiction. As such they serve as the arm of the judiciary to ensure compliance with conditions established for such early releases and must control such offenders in a less restricted environment than the corrections deputies. Ensuring rehabilitation of offenders is the primary job of the PPCs while catching and keeping custody of offenders is the primary job of County deputies.” *Id.* at 689-90.

Here, as in *Polk County Community Corrections*, the primary duty of the PPOs is to rehabilitate offenders who have been released from custody. These job responsibilities differ significantly from those of the Sheriff's Department Deputies, whose main responsibilities are to arrest individuals suspected of a crime and to maintain custody of individuals convicted of a crime. Based on our reasoning in *Polk County Community Corrections*, we conclude that the PPOs lack a community of interest with other Sheriff's Department employees.

Other Compelling Reasons

In *Polk County Community Corrections*, we also held that a compelling reason existed to form a bargaining unit consisting only of the small group of PPCs. We noted that we have historically treated certain groups of professional employees as “crafts” for purposes of bargaining unit determination, particularly when employees wanted to be represented by a special-purpose labor organization. We concluded:

“FOPPO is a special-purpose labor organization that represents the professional craft of adult parole and probation officers. Where viable bargaining units of probation officers exist in state and local jurisdictions, such employees usually are represented by FOPPO in craft units. We consider the continuation of such craft representation, where that is the desire of the affected employees, to be a compelling reason to establish the unit petitioned-for in this case, depending upon a vote of the employees. Such units, in essence, constitute an exception to our preference for ‘wall-to-wall’ or largest-possible bargaining units.”*Id.* at 690.

We reached a similar result in *Federation of Oregon Parole and Probation Officers v. Lane County and AFSCME Local 2831*, Case No. RC-10-05, 21 PECBR 235 (2006), where FOPPO sought to represent a group of PPOs who, in the past, had been represented by AFSCME.⁸ We noted that we had traditionally treated PPOs as a group of professional employees who constituted a “craft” for purposes of bargaining unit determination. We reaffirmed the conclusion we reached in *Polk County Community Corrections*: that a bargaining unit composed exclusively of PPOs was appropriate as a valid exception to our preference for creating the largest possible bargaining units. *Id.* at 241.

Here, as in *Polk County Community Corrections* and *Lane County*, community of interest factors and the status of PPOs as a group of professionals who constitute a “craft” justify the formation of a separate PPO bargaining unit. We will provide these employees with an opportunity to determine whether FOPPO will represent them.

ORDER

1. An appropriate bargaining unit is: All regular full and part-time Adult Parole and Probation Officers, excluding supervisory, confidential, and casual employees.
2. The Elections Coordinator shall conduct a secret mail ballot election in the above bargaining unit for eligible employees to express their desires regarding collective bargaining representation. Eligible voters are those employees of the County employed in the bargaining unit on the date of this Order and who are still employed at the time of the close of the election. The choices on the ballot shall be: FOPPO and No Representation.

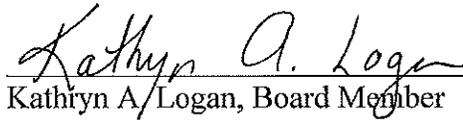
⁸In *Lane County*, the county workforce consisted of approximately 1,470 employees. Employees other than the PPOs were organized into the following bargaining units: a 608-member unit of strike-permitted employees working in 13 different county departments; a 35-member unit of strike-permitted nurses; a 149-member unit of strike-permitted public works employees; a 109-member unit of strike-permitted administrative and professional public works employees; a 24-member unit of strike-permitted attorneys; and a 275-member unit of strike-prohibited public safety and youth services employees. *Lane County*, 21 PECBR at 236-37.

3. The County shall provide this Board and FOPPO with an alphabetical list of names, home addresses, and classification titles of all eligible employees, within 20 days of the date of this Board's final Order. The County shall provide a set of mailing labels, with the addresses of eligible voters in alphabetical order, to the elections coordinator within 20 days of the date of this Board's Final Order.

DATED this 26 day of October, 2012.



Susan Rossiter, Chair



Kathryn A. Logan, Board Member

*Jason M. Weyand, Board Member

This Order may be appealed pursuant to ORS 183.482.

*Member Weyand did not participate in the deliberations and decision in this case.