

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. MA-012-13

(TRIAL SERVICE REMOVAL)

CHARLES D. WOOSLEY,)	
)	
Appellant,)	
)	
v.)	
)	DISMISSAL ORDER
STATE OF OREGON,)	
DEPARTMENT OF AGRICULTURE,)	
)	
Respondent.)	
_____)	

Charles D. Woosley, Irrigon, Oregon, *pro se*.

Tessa M. Sugahara, Attorney-in-Charge, Labor and Employment Section, Department of Justice, Salem, Oregon, represented Respondent.

On October 7, 2013, Charles Woosley filed this appeal regarding his removal from trial service as an agricultural worker for the State of Oregon, Department of Agriculture (Department) effective September 23, 2013.

On October 9, 2013, Administrative Law Judge (ALJ) Wendy L. Greenwald sent a letter to the parties asking them to show cause why the appeal should or should not be dismissed because this Board lacked jurisdiction in this matter. The Department filed a timely response. Appellant did not respond. Thereafter, ALJ Greenwald transferred the case to the Board with a recommendation that the appeal be dismissed.

For purposes of this Order, we assume the allegations in the appeal are true. We also rely on undisputed facts discovered during our investigation. *Miller v. State of Oregon, Department of Human Services, Seniors and People with Disabilities*, Case No. MA-010-10 at 2 (April 2011).

Pursuant to ORS 240.086(1), this Board has jurisdiction to review personnel actions affecting a state employee “who is *not* in a certified or recognized appropriate collective bargaining unit.” (Emphasis added.) At the time of his removal from trial service, Appellant worked in a represented position in the Service Employees International Union Local 503, OPEU (SEIU) bargaining unit. As a result, this Board has no jurisdiction under ORS 240.086(1) to hear this appeal. *Thorson v. State of Oregon, Department of Human Services, Medford Child Welfare Office*, Case No. MA-15-04 (February 2005).

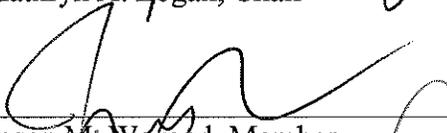
ORDER

The appeal is dismissed.

DATED this 13 day of November 2013.



Kathryn A. Logan, Chair



Jason M. Weyand, Member



Adam L. Rhynard, Member

This Order may be appealed pursuant to ORS 183.482.