

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. MA-15-12

(SPRL APPEAL)

STEPHEN PASCO,)	
)	
Appellant,)	
)	
v.)	DISMISSAL ORDER
)	
PORTLAND STATE UNIVERSITY,)	
)	
Respondent.)	
_____)	

Linda L. Marshall, Attorney at Law, Lake Oswego, Oregon, represented Appellant.

David Reese, General Counsel, Portland State University, Portland, Oregon, represented Respondent.

On June 19, 2012, Appellant Stephen Pasco filed this appeal under ORS Chapter 240, the State Personnel Relations Law (SPRL). Pasco appealed the actions taken by his employer, Portland State University (PSU), including investigating sexual harassment charges brought against him by a student and terminating his employment at PSU. Appellant sought relief under ORS 240.560(4), on the basis that he was not dismissed in accordance with the standards established in ORS 240.316(2) or ORS 240.555.

By letter dated June 21, 2012, the Administrative Law Judge (ALJ) notified Pasco's counsel that it did not appear that this Board had jurisdiction over the appeal because the SPRL appeal process did not apply to PSU employees. The ALJ asked Pasco's counsel to provide facts or legal authority which would show cause why the appeal should not be dismissed for lack of jurisdiction by July 9, 2012. Pasco's counsel did not respond to the ALJ's letter.

Pasco was an employee of PSU, which is a part of the Oregon University System (OUS). ORS 352.002. Pursuant to ORS 351.086(1), the provisions of ORS Chapter 240, with exceptions not pertinent here, do not apply to OUS. See *Slinker v. Oregon University System, Oregon Institute of Technology*, Case No. MA-15-07 (December 2007); *Huntley v. Oregon Institute of Technology*, Case No. MA-19-96 (January 1997). Therefore, this Board lacks jurisdiction over this appeal and we must dismiss it.

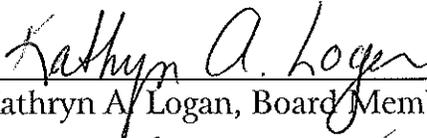
ORDER

The appeal is dismissed.

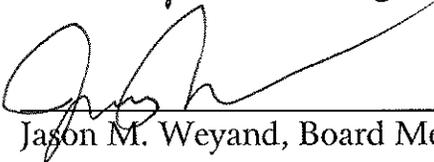
DATED this 16 day of July 2012.



Susan Rossiter, Chair



Kathryn A. Logan, Board Member



Jason M. Weyand, Board Member

This Order may be appealed pursuant to ORS 183.482.