

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. CC-004-14

(PETITION FOR CERTIFICATION WITHOUT AN ELECTION)

OREGON AFSCME COUNCIL 75,	)	
	)	
Petitioner,	)	
	)	
v.	)	RULINGS,
	)	FINDINGS OF FACT,
DOUGLAS COUNTY,	)	CONCLUSIONS OF LAW,
	)	AND ORDER
	)	
Respondent.	)	
	)	

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On December 15, 2014, this Board heard oral argument on Respondent’s objections to an October 31, 2014, recommended order issued by Administrative Law Judge (ALJ) B. Carlton Grew, after a hearing on June 23 and 24, 2014, in Salem, Oregon. The record closed on July 28, 2014, upon receipt of the parties’ post-hearing briefs.

Jennifer K. Chapman, Legal Counsel, Oregon AFSCME Council 75, Salem, Oregon, represented Petitioner Oregon AFSCME Council 75 (AFSCME).

Ashley Boyle, Attorney at Law, formerly of LGPI, Salem, Oregon, and currently of Beery, Elsner, and Hammond, Portland, Oregon, represented Respondent Douglas County (County).

On May 5, 2014, AFSCME filed this Petition for Certification Without an Election under OAR 115-025-0065. The petition seeks certification of a new bargaining unit.

The issue is: Is a bargaining unit of full-time and regular part-time employees in the Douglas County Assessor’s Office, excluding managers, supervisors, on-call and temporary and confidential employees, an appropriate unit under ORS 243.682(1)(a) and OAR 115-025-0050?<sup>1</sup>

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<sup>1</sup>The parties stipulated that the Petition, which identified the employees at issue as working in the County “Tax and Assessment Department,” does not include employees of the County’s Tax Collection department, whose relationship to the Assessor’s Office is explained in more detail below. In accordance with that stipulation, and for clarity, we have modified the issue statement to refer to the department at issue as the “Assessor’s Office.” The issue statement for hearing also included, “[i]f the bargaining unit is appropriate, are there casual employees who should be excluded,” but no evidence or argument was submitted regarding any such employees, and we do not address the issue.

For the reasons explained below, we conclude that the proposed unit is appropriate.

### RULINGS

At the time of hearing, a newly elected Assessor was to take office in January 2015. The County objected to the Union offering evidence of the incoming Assessor's "political position and potential changes the Assessor may make," and renewed its objection in its post-hearing brief. The ALJ properly received this evidence, which was relevant to the employees' desire for a separate bargaining unit and illustrative of the variability of working conditions resulting from the County's structure and changes in elected leadership.

The remaining rulings of the ALJ were reviewed and are correct.

### FINDINGS OF FACT

1. The County is a public employer as defined by ORS 243.650(20). AFSCME is a labor organization as defined by ORS 243.650(13).

2. The County has 683 employees working in 27 subdivisions or departments. Seven County departments are headed by individual elected officials and do not report to the elected Board of Commissioners, including: the Assessor's Office (with 23 full-time employees (FTE));<sup>2</sup> the County Clerk's office (7 FTE); the District Attorney's office (22 FTE); 4 Justices of the Peace operating as separate departments (11 FTE); the Sheriff's office (127 FTE); the Surveyor's office (5 FTE); and the Treasurer's office (2 FTE).

3. Twenty County departments report to the Board of Commissioners, including: the Building Department (8 FTE), Building Facilities (18 FTE), the Commission on Children and Families (2 FTE), Communications (20 FTE), County Counsel (4 FTE), the Fair Board (9 FTE), Financial Services (8 FTE), Fleet Management (12 FTE), Forest Management (5 FTE), Health and Social Services (196 FTE),<sup>3</sup> Human Resources (7 FTE), Information Technology (10 FTE), Juvenile (39 FTE), the Library (26 FTE), Public Works (95 FTE), Planning (15 FTE), the Museum (4 FTE), Parks (14 FTE), Salmon Harbor (10 FTE), Tax Collection (3 FTE), and Watermaster (1 FTE).

4. There are four County bargaining units and a number of unrepresented employees. AFSCME represents separate units of the Deputy District Attorneys and the Juvenile Department employees. Teamsters Local 223 represents a single unit comprised of public works employees in

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<sup>2</sup>Although some County organizational documents describe the Assessor's Office as including the Assessor employees and Tax Collection employees, the three tax employees do not report to the Assessor and are budgeted under the County Financial Services Department.

<sup>3</sup>In June 2014, the County decided to "[n]o longer be a provider of basic or local public health services." This means that most or all of the County Health and Social Services Department will soon disappear. This led to AFSCME's withdrawal of a petition (CC-005-14) to represent "[a]ll employees in the Douglas County Public Health Department, excluding managers, supervisors, and confidential employees."

the Public Works Department and the Fleet Services Department. The Douglas County Law Enforcement Association represents the full time Sheriff's Department employees; the part-time employees in that department are unrepresented.<sup>4</sup>

5. In 1992, the Oregon Public Employees Union, SEIU Local 503 (SEIU), attempted to organize a bargaining unit of “[a]ll full-time and regular part-time employees of Douglas County, *excluding* employees who work at the Salmon Harbor Marina, all supervisory, confidential, management employees, employees represented pursuant to the certification of any other labor organization, temporary employees, seasonal and casual employees.” An election was held, and employees voted for no representation. This Board certified the results of that election on March 23, 1993.<sup>5</sup>

6. On April 14, 2014, AFSCME filed a petition seeking an election to determine whether the remaining unrepresented full and part-time employees of the County wished to be represented by AFSCME.<sup>6</sup> AFSCME withdrew that petition after it determined that it was unlikely to prevail in an election.

7. Forty-four positions in 12 County departments require employees to be registered, certified, or licensed. Employees in 47 positions spend substantial amounts of time in the field. Positions in seven departments have employees who spend substantial time in the field and who are registered, certified, or licensed.

8. Employees in three types of positions work in multiple County departments. The County employs 7 Office Managers and 64 Department Assistants in various departments throughout the County. There are some Information Systems Technical Support Analyst positions in multiple County Departments. No Office Managers, Department Assistants, or Information Systems Technical Support Analysts are currently represented by a labor organization.

9. Most County employees work in the County Courthouse, including the employees in the positions discussed at length in this Order.

10. The County has formal, written, personnel rules. County departments headed by individual elected officials that are not covered by a collective bargaining agreement are generally subject to all of these rules, except for County Personnel Rule 12, which contains the County's

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<sup>4</sup>At present, no County assessor's department in Oregon has its own bargaining unit; either the assessor employees are unrepresented or they are part of a much larger unit.

<sup>5</sup>We take official notice of the certification results from the election in *Oregon Public Employees Union, SEIU, Local 503 v. Douglas County*, Case No. RC-69-92 (1993). See *SAIF v. Calder*, 157 Or App 224, 227, 969 P2d 1050 (1998) (an administrative agency may take judicial notice of facts capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned). Cf. *Arlington Ed. Assn. v. Arlington Sch. Dist. No. 3*, 177 Or App 658, 34 P3d 1197 (2001), *rev. den.*, 333 Or 399, 42 P3d 1243 (2002) (this Board was not authorized to take official notice of a party's letter, which had not been submitted at the evidentiary hearing, but that had appeared elsewhere in the Board's files; the letter was not a source whose accuracy could not reasonably be questioned).

<sup>6</sup>*AFSCME Council 75 v. Douglas County*, Case No. RC-003-14 (2014).

policies for termination and discipline. Rule 12 provides that an employee may not be disciplined except for cause. Elected department heads can choose to adopt Rule 12 for their department, but none of them has done so. Individual elected department heads may opt out of other County rules with the approval of the County Board of Commissioners, although there is no evidence in the record that any have done so. In addition to the County personnel rules, each County department has its own supplementary policies and procedures.

11. The unrepresented employees outside the Assessor's Office, who work for individually elected officials and therefore may be disciplined without cause, are as follows: one Accountant Clerk, one Office Manager, and three Records and Election Technicians (County Clerk); one District Attorney Office Manager, nine Legal Assistants, and one Victim Assistance Coordinator (District Attorney); seven Department Assistants (Justices of the Peace); all part time employees (Sheriff's Office); three Survey Technicians and one Survey Support Supervisor (County Surveyor); and one Accounting Clerk (Treasurer's Office).

12. There is a salary classification system covering all employees with the goal of compensating comparable positions with equal compensation. All unrepresented employees receive the same medical, dental, life insurance, sick leave, vacation, holiday, and retirement benefits.

#### County Assessor's Office

13. The Assessor's Office is a County department that is responsible for the data used to support County tax billing. As such, the Assessor's Office performs property valuation and mapmaking functions. The Assessor's Office includes positions directly concerned with the assessment function, such as Property Appraisers and Assessment Technicians. Assessor's Office employees input data into County-wide TSG<sup>7</sup> program databases, which share data with the Assessor's Office, Tax Collection office, Planning Department, Building Department, Surveyor's Office, Clerk's Office, Land Department, and Public Works Department. Employees from these offices can also enter data into the TSG program.

14. The Assessor's Office also includes positions with mapmaking duties such as the Cartographic/GIS (geographic information system) Technicians. Maps and data created by the mapmaking employees are used by the assessment employees, and also by a variety of other County employees including those working for the Planning Department and Surveyor.

15. The Assessor's Office is headed by an elected official, who has chosen not to adopt County Personnel Rule 12, which provides that discipline must be for cause. At the time of hearing, Susan Acree was the elected Douglas County Assessor. Before being elected to that position, Acree worked in the office for more than 32 years, holding the positions of Department Assistant, Appraiser 1 and 2, Lead Residential Appraiser, and Appraiser Manager. Acree's term ended in January 2015, and a newly elected Assessor took the position. Department employees believe that the new Assessor's electoral campaign included statements critical of their competence.

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<sup>7</sup>The record does not contain the meaning of this acronym.

16. The Assessor's Office is located on the second floor of the County Courthouse. It is physically separate from other County offices, except that it shares a lobby and a break room with the Tax Collection Office. The cartography division of the Assessor's Office is in a nearby office with its own entrance.

17. The Assessor's Office has supplemented County policies with a six-page, largely single-spaced, nine-and-ten-point-font "Assessor Office Guidelines," and a "Dress Code Policy" made up of one similarly formatted page of written rules and one-and-a-half pages of illustrative photographs.

18. The Assessor Office Guidelines, a document drafted by County Assessor Acree, establish rules covering a range of employee conduct and working conditions, including the following: employees should speak with the Assessor about issues regarding working conditions instead of one another, as this "only fuels the fire; employees may not flex their hours; staff who regularly fail to arrive on time or are not ready to work by 8:00 a.m., including time spent visiting with coworkers, putting lunch in the refrigerator, getting water/coffee, making coffee, etc., should share those facts with their supervisors or take vacation time; employees should question themselves whether time off is really necessary before asking for it; employees will not be granted leave during the busy seasons (leave blackout period); the guidelines "strongly suggest" that employees not have their personal cell phones at their desks; employees should not have personal items such as plants, memorabilia, and photos at their desks; employees should not whisper because it "draws attention and indicates to others that the conversation is probably not work related;" employees who whisper or have personal conversations during work hours may account for the minutes spent doing so by adjusting their break time, adjusting their lunch hour, or taking vacation time; employees who miss or cut short a break due to work should first "be conscious of times when doing non-work related / personal business on county time – it probably evens out for those times"; employees on sick leave on a Thursday and Friday are presumed to be sick on the following Saturday and Sunday (triggering County personnel rules requiring employees on sick leave for four or more consecutive days to supply a doctor's note to return to work on Monday); and employees donating sick leave may only donate hours they have accrued over 40. The record does not reveal any other County department with comparably specific and detailed employee rules.

19. The Assessor's Office dress code is detailed and includes attire worn in the office and the field. Jeans are allowed on Fridays, if they are "very dark blue dress jeans," not "blue denim," and if a \$1.00 donation is paid. Nylons or knee highs with open-toed shoes are "optional" during warmer weather, but "suggest[ed]" during other times of the year. Employees may not wear "dresses, skirts, etc. \* \* \* any shorter than 4" above the top of the kneecap[,]" \* \* \* "tight fitting pants of any type[,]" \* \* \* "too high of heels if struggle to walk[,]" and are to limit wearing jackets and coats in the office. While in the field, employees may wear "[c]asual colored pants/jeans," if they are not "too relaxed or \* \* \* too baggy," except when the field work involves "better quality homes." Capri pants can be worn if they are no shorter than mid-calf. Employees may not wear field clothes to work unless they work at least six hours in the field that day. Although some other County departments have written or unwritten dress codes, the record contains few specifics regarding those codes.

20. The dress code includes a disciplinary framework for violations, including an oral or e-mail warning by a supervisor, a written warning to be placed in the employee's personnel file, and further disciplinary action "at the discretion of the Assessor and HR involvement."

21. The Assessor's Office employs 20 nonsupervisory employees, in the following positio: one Assessment Database Technician; three Assessment Technicians 1 and 2; two Cartographic/GIS Technicians 2; three Department Assistants 4; one Information Systems Technical Support Analyst 2; one Office Manager 2; one Personal Property Technician 2; six Property Appraisers 2 or 3; and two Property Appraiser Trainees.<sup>8</sup> The Assessor's Office employees have never been part of a bargaining unit.

22. Assessor's Office technical employees interact weekly with employees from the Surveyor's Office, usually by obtaining surveys and sharing maps. They interact with employees from the Planning Department weekly, usually regarding planning worksheet notifications or zoning information. Some of these discussions are technical; others involve simply exchanging information about particular real property. Most of these interactions take place electronically. Appraisers interact with the cartographers weekly, usually about the boundaries of fire districts or other similar valuation borders or new construction revealed by their satellite photos.

23. Appraisers interact with the employees from the Building Department during their busy reappraisal season (when the appraisers cannot personally visit every property) to obtain building plans and permits to use as a basis for valuation of new structures.

24. Assessor's Office employees see other County employees mostly when passing by them in the building's hallways. Those employees include Deputy District Attorneys, Public Works employees, Sheriff's employees, and Juvenile Department employees.

#### Property Appraisers

25. The Property Appraiser position has levels 1 through 4.<sup>9</sup> The wages range from \$13.01 to \$28.52 per hour.

26. Each Appraiser specializes in one type of real property: residential, commercial, or farm/forest. Higher-level Appraisers provide working supervision of lower-level Appraisers and perform appraisals of more complex or unusual properties. Appraisers perform data collection and analysis and conduct ratio studies. Appraisers also update assessment information and conduct special studies or projects. Finally, they defend appraisals as expert witnesses in appeals before the Board of Property Tax Appeals, Department of Revenue, Board of Ratio Review, Small Claims Court, and Tax Court.

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<sup>8</sup>The department also employs the Assessor, the Chief Deputy Assessor/Chief Appraiser, and the Cartographic Supervisor. The parties appear to agree that these positions are supervisory.

<sup>9</sup>The differences between the Property Appraiser levels do not affect our analysis of the appropriate unit; we summarize the position description for the Property Appraiser 2.

27. Principal duties of the Appraisers during the “reappraisal cycle” (annual valuation of property) are as follows:

“Prepare maps and aerial photos; inspect, verify and analyze sales for assigned appraisal area. Prepare pre-appraisal studies such as time trend analysis, local cost modifier, depreciation schedules, market benchmarks, basic unit land values, base adjustment factors, etc. Physically inspect buildings and land to determine market value; observe construction type and quality to classify buildings and assign appropriate costs; observe physical, functional and economic factors and apply appropriate accrued depreciation. Enter data into the department automated system.” (Enumeration omitted.)

28. Principal duties of the Appraisers during the “Maintenance Cycle” (checking for property changes that affect valuation over the rest of the year) are as follows:

“Compile all building permits, computer printouts, notes and accounts for assigned area. Field inspect properties adjusting values for new construction, segregation, removal of buildings, damage, depreciation, etc. Conduct special studies and prepare reports as requested. Enter value changes into the department automated system. Respond to requests for value reviews and complaints; explain appraisal process; [and] revalue properties judged inequitable.” (Enumeration omitted.)

29. The Appraisers also revalue properties that are divided or consolidated, and process property exemption applications and review them for continued compliance. They also assist members of the public with special assessment programs, including evaluating applications, designated forest-land plans, and proof of income; identifying areas of non-compliance; sending out questionnaires; and informing the public of statutory requirements.

30. The knowledge, skills, and abilities required for the Appraiser positions are as follows:

“**Knowledge of:** Considerable knowledge of theories, principles, practices and techniques of property appraisal including property description and measurement, building construction practices, materials and costs and appeal procedures; reasonable knowledge of Oregon Revised Statutes and Department of Revenue guidelines, laws, rules, regulations and ordinances relating to appraisal; reasonable knowledge of local zoning/planning regulations as related to property values; reasonable knowledge of special assessment programs such as farm use and designated forest land; reasonable knowledge of exemption programs. **Skill in:** Performing mathematical and statistical calculations; operation of office equipment including calculator, camera, copy machine, microfiche reader, automated equipment and systems; reading aerial photos and maps; use of reference manuals for valuation purposes; writing clear and concise records, appeal responses, reports and statistical data. **Ability to:** Communicate effectively in both oral and written form; perform research; perform effectively at appeal hearings; make decisions independently in accordance with established policies and procedures and use

initiative and judgment in completing tasks and responsibilities; make sound judgment in making decisions regarding property values; utilize problem identification and resolution techniques; gather and analyze sales data and compile into meaningful reports; establish and maintain records and statistical data; understand and interpret deeds, legal property descriptions and maps; work independently; efficiently manage time to meet deadlines; prepare and present reports; courteously meet and deal effectively with other employees, property owners, boards, courts, real estate and title companies, fee appraisers, other agency representatives, businesses, professionals and the public.” (Emphasis in original.)

31. The minimum qualifications for the Appraiser positions include a bachelor’s degree or a combination of experience, education, and training in property appraisals. State certification is required.

32. Appraisers perform their work with minimal supervision.

33. Appraisers spend one-third of their time in the field doing inspections, including in inclement weather. In addition to the data generated by physical inspections, the resources used by the appraisers include a field data card containing information and notes from the cartography division of the Assessor’s Office, the Building Department, and the Planning Department. Appraisers also consult the Assessor Permitting System, which contains data entered by the Building Department, including the permit number (issued by the cartographer), the type of permit (Building Department permit, Planning Department worksheet, or Assessor’s Office permit), the type of project (remodel, electrical, review), the date that the permit was issued, and the appraisal status. The Permitting System also contains a “Building Work Value” created by the Building Department. Some Appraisers use this number as a check on their assessed value for properties under construction.

34. When not in the field, Appraisers spend most of their time entering data into the County’s TSG computer program.

#### Property Appraiser Trainee

35. The Property Appraiser Trainee has one level. The wage for the position ranges from \$11.55 to \$16.81 per hour.

36. An employee hired into this position is a trainee to the Property Appraiser series and is trained to perform standardized appraisals of urban, rural, personal, or commercial property and other activities of the Property Appraiser. Employees work under the supervision of an appraiser of a higher classification. After the initial training period, the employee is required to pass the registered appraiser test and will then be promoted to Property Appraiser 1. This is a training position and requires a high degree of supervision and review.

37. The knowledge, skills, and abilities required by this position are as follows:

**“Knowledge of:** Basic knowledge of real estate values. **Desired Skill in:** computer operation and considerable knowledge of computer software. **Skill in:** Performing mathematical and statistical calculations; operation of office equipment including calculator, camera, copy machine, microfiche reader and automated equipment and systems; reading aerial photos and maps; use of reference manuals for valuation purposes; writing clear and concise records, reports and statistical data. **Ability to:** Communicate effectively in both oral and written form; perform research; make decisions independently in accordance with established policies and procedures and use initiative and judgment in completing tasks and responsibilities; use sound judgment in making decisions; gather and analyze sales data and compile into meaningful reports; establish and maintain records and statistical data; understand and interpret deeds, legal property descriptions and maps; effectively and efficiently manage time to meet deadlines; prepare reports; courteously meet and deal effectively with other employees, property owners, boards, courts, real estate and title companies, other agency representatives, fee appraisers, private agencies, businesses, professionals and the public.” (Emphasis in original.)

38. The minimum requirements for the position are three years of work experience or education affording knowledge of business administration, land values, or a related field. The employee is expected to obtain certification as a Property Appraiser 1 at completion of the training period.

39. This classification works in the office and in the field, including in inclement weather.

#### Assessment Technician

40. The Assessment Technician position has levels 1 and 2.<sup>10</sup> The wages range from \$11.55 to \$18.93 per hour.

41. Assessment Technicians “provide computer application and peripheral support” to the Assessor’s Office including “installing, on a limited basis, and/or under the guidance of the Information Technology department, hardware/software and peripheral equipment, solving inter-office user operation problems[,] and providing daily support for appraisal and data operations.” They work primarily in an office setting.

42. The Technicians perform “farm/forest support duties, appraisal support, field audits, technical work, and support to the Assessor or Assessor’s managers and work in an analytical environment.” They perform this work with minimal supervision.

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<sup>10</sup>The differences between the Assessment Technician levels do not affect our analysis of the appropriate unit; we summarize the position description for the Assessment Technician 2.

43. Specific duties are as follows: troubleshoot and diagnose software failures; compute values based on reported or typical cost and depreciation using guidelines established by the Department of Revenue and other reference materials; enter data into the Assessor's computer system; prepare and defend values and assessments at the Board of Equalization, Department of Revenue and Tax Court; assign work to, lead, monitor and review the work of technical and clerical employees working with the Assessment Technician 2 position and/or within the imaging department of the office; coordinate work flow; analyze and correct software utilization and problems; and create and maintain policy and procedure manual according to changes made by legislature, department of revenue guidelines, administrative rules, and case law and of user's procedures within the imaging department.

44. The knowledge, skills, and abilities required by this position are as follows:

“Extensive knowledge of property valuation techniques and procedures; considerable knowledge of Oregon Revised Statutes, Administrative Rules and Department of Revenue guidelines, laws, regulations and ordinances relating to property valuation; Considerable knowledge of mathematical practices and principles and statistical analysis; considerable knowledge of record keeping principles. Extensive knowledge of computer operating principles, capabilities, and general uses; considerable knowledge of recommended computer hardware, software and peripheral equipment/software. **Skill in:** Performing mathematical computations; operation of all office equipment including calculators, cameras, copy machine, microfiche reader and automated equipment and systems; writing clear and concise records, reports, procedure manuals and statistical data. Diagnosing and correcting computer hardware and software problems; guiding and encouraging computer system users and translating technical instructions into understandable language for users. **Ability to:** Communicate effectively in both oral and written form; make decisions independently in accordance with established policies and procedures, establish new procedures when applicable, and use initiative and judgment in completing tasks and responsibilities; make sound judgment in making decisions regarding property values; utilize problem identification and resolution techniques; establish and maintain records and reports; lead support staff; work independently and meet established deadlines; support the defense of values, courteously meet and deal effectively with other employees, property owners, boards, courts, other agency representatives, vendors and the public.” (Emphasis in original.)

45. The minimum requirements for the position are an associate degree in a related field and two years of experience in an assessor's office or a combination of education, experience, and training. A desirable qualification is an associate degree in business administration or closely related field. State certification is not required.

46. It does not appear, in this record, that Assessment Technicians rely to a significant degree upon employees in other departments to provide information or other material necessary for their work.

47. It is common for Assessment Technicians to be promoted to Property Appraiser.

#### Personal Property Technician

48. The Personal Property Technician position has at least two levels, 1 and 2. (Only the position description for the level 2 position is in the record.) The wages for this position range from \$13.01 to \$18.93 per hour.

49. An employee in this position performs and coordinates the identification, valuation, and assessment of personal property for placement on assessment and tax rolls. The technicians process personal property returns, conduct field audits, assess personal property, compute and depreciate values, defend appraisals at hearings, and coordinate staff who assist personal-property-section work during peak periods. These technicians lead the work of lower classified technicians.

50. Other principal duties of the Personal Property Technician are as follows: contacting personal property owners to obtain needed information to determine appropriate value; physically canvassing the county for the purpose of identifying taxable personal property; reviewing accounts flagged for tax correction; maintaining the personal property section policy and procedure manual according to changes made by state laws, rules, and judicial decisions; researching various subjects and issues; and preparing records, reports, and statistical data.

51. The knowledge, skills, and abilities required by this position are as follows:

**“Knowledge of:** Thorough knowledge of personal property valuation techniques and procedures; considerable knowledge of Oregon Revised Statutes, Administrative Rules and Department of Revenue guidelines, laws, regulations and ordinances relating to personal property valuation; reasonable knowledge of mathematical practices and principles and statistical analysis; considerable knowledge of record keeping principles. **Skill in:** Performing mathematical computations; operation of office equipment including calculators, cameras, copy machine, microfiche reader and automated equipment and systems; writing clear and concise records, reports, procedure manuals and statistical data. **Ability to:** Communicate effectively in both oral and written form; perform effectively at appeal hearings; make decisions independently in accordance with established policies and procedures, establish new procedures when applicable, and use initiative and judgment in completing tasks and responsibilities; make sound judgment in making decisions regarding property values; utilize problem identification and resolution techniques; establish and maintain records and reports; lead support staff; work independently and meet established deadlines; defend values of personal property; courteously meet and deal effectively with other employees, property owners, boards, courts, other agency representatives, vendors and the public.” (Emphasis in original.)

52. The minimum requirements for the Personal Property Technician position are four years of experience in an assessor’s office personal property section or an equivalent combination

of education, experience, and training. An associate degree in business administration or a closely related field is a desirable qualification. State certification is not required.

53. The Personal Property Technicians work in the office and in the field under the general direction and instructions of an appraisal supervisor. They refer to department policy and procedures; federal, state and county statutes, rules, and regulations; assessment principles and practices; manufacturers' catalogs and handbooks; sales and condition information; and valuation factor tables.

#### Assessment Database Technician<sup>11</sup>

54. The Assessment Database Technician position has only one level. The wage for the position ranges from \$15.48 to \$22.56 per hour. The technician provides technical assistance, and analyzes and facilitates the use of computer hardware and software for the Assessor's Office, which includes creating, maintaining, troubleshooting, and diagnosing assessment applications to ensure program quality, integrity, and performance. The technician also coordinates with supervisors, managers, and assessment technician staff in providing daily support for appraisal and data operations. The position requires the employee to have knowledge of valuation techniques and procedures in compliance with state law, rules, and established guidelines. The employee is minimally supervised, and may participate in assigning and overseeing work and monitoring the methods and quality of the department's scanning and imaging.

55. Other principal duties of the position include monitoring program systems for efficiency and effectiveness, recommending procedural changes, and participating in system analysis; using mathematical techniques and statistical analysis and procedures to calculate and compute necessary factors and values, including preparation of charts, graphs, reports, and working papers; preparing materials for defense of values, appraisals, appeals, and assessments before the Board of Property Tax Appeals, Oregon Department of Revenue, and Oregon Tax Court; assisting in research projects to develop assessment data; and assisting auditor and/or appraisers in obtaining information.

56. The knowledge, skills, and abilities required by this position are as follows:

**Knowledge of:** Computer operating principles, capabilities, and general uses; recommended computer hardware, software and peripheral equipment/software. Visual Basic of Applications (VBA). Property valuation techniques and procedures. Knowledge of Oregon Revised Statutes, Administrative Rules and Department of Revenue guidelines, laws, regulations and ordinances relating to property valuation. Mathematical practices and principles and statistical analysis. Record keeping principles. **Skill in:** Strong proficiency in MS Excel, Access 2003 or newer, database design and development. Performing mathematical computations; operation of all office equipment including calculators, cameras, copy machine, microfiche reader and automated equipment and systems; writing clear and concise records, reports, procedure manuals and statistical data. Diagnosing and correcting computer hardware and software problems; guiding and

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<sup>11</sup>The employee who holds this position is also licensed as, and works as, a Property Appraiser.

encouraging computer system users and translating technical instructions into understandable language for users. **Ability to:** Communicate effectively in both oral and written form; make decisions independently in accordance with established policies and procedures, recommend new procedures when applicable, and use initiative and judgment in completing tasks and responsibilities; make sound judgment in making decisions regarding property values; utilize problem identification and resolution techniques; establish and maintain records and reports; assist support staff; be able to work independently and meet established deadlines. Courteously meet and deal effectively with other employees, property owners, boards, other agency representatives, vendors and the public.” (Emphasis added.)

57. The minimum qualifications for the Assessment Database Technician position include an associate or technical degree in computer science or a related field and three years of work experience in database analysis and data modeling with a high level of computer efficiency and systems knowledge, or an equivalent combination of education, training, and/or experience relevant to the position. Preference is given to those with work experience in an assessor’s office.

58. The technician works in the office and in the field under the general direction of the Chief Deputy Assessor, Assessment Database Manager, or his/her designee. The level of supervision is minimal. Employees refer to department policy and procedures; federal, state, and county statutes, rules, and regulations; assessment principles and practices; and manufacturers’ catalogs and handbooks, sales and condition information, and valuation factor tables.

#### Information Systems Technical Support Analyst

59. Only the level 1 position description for this position is in the record, and it is unclear how many additional levels exist.<sup>12</sup> The wage for the level 1 position ranges from \$20.69 to \$30.18 per hour.

60. The analyst performs complex technical duties that involve design, administration, and maintenance of the County’s web site, operating systems support, end-user systems analysis and support, network and systems administration, software application design, development, installation, support maintenance and problem resolution, and network planning, administration, and management. It is the only position whose duties require, with varying degrees of difficulty, highly technical work involving the design, development, testing, implementation, and maintenance of networks and systems deployed throughout the County and the departments within the County. The analyst is involved in establishing and maintaining relevant department policies and procedures.

61. Persons in the level 1 position handle more routine or specialized projects within the County’s Information Technology Department, such as basic County web design and maintenance, basic level system diagnostic and problem resolution, basic network monitoring, diagnostic and problem resolution, and general technical interaction with vendors, suppliers, and other technical personnel. Major technical decisions are deferred to senior level support analysts, and the analyst has limited responsibility regarding system decisions that impact volumes of users.

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<sup>12</sup> The Assessor’s Office has a level 2 position.

62. Principal duties are as follows: respond to individual requests for technical support; install new software, system upgrades, system backups and recovery; documentation/project tracking and management reporting; install, configure, and maintain County network; design, implement, and manage backup strategies for all County servers; prepare system specifications based on information obtained from analysis; convert specifications into specific programming language and/or vendor software applications; document new and existing systems for users and information systems staff, including operating instructions, internal controls, error conditions, recover/restart procedures, report generation and layouts, computer languages and support utilities used, special systems software, file layouts, user approval documents, system flow charts, agency documentation and system narrative; participate in departmental planning for procedure and policy changes, budget strategy and equipment/facility needs; serve as project manager for purchased/adapted systems, including acting as team leader, monitoring budget and scheduling performance; serve as database manager; act as vendor liaison; assist with preparation of RFP's; provide support during the procurement process; assure delivered products meet requirements; train users in the use of new, existing, and enhanced systems; train information systems staff on new/revised hardware and software; assist lower level analysts with complex technical problems; and serve as County information systems security officer and County network systems administrator.

63. The knowledge, skills, and abilities required by the Information Systems Technical Support Analyst are:

“Thorough knowledge of commonly used concepts, practices, and procedures within a particular field is required. Depending on the level of responsibility, the incumbent will rely on experience and judgment to plan and accomplish goals and rely on instructions and pre-established guidelines to perform the functions of the job. Performs a variety of complex tasks. **Skill in:** Developing, adapting, modifying, testing, documenting and operating applications programs; system-level programming. **Ability to:** Communicate effectively in both oral and written forms; obtain appropriate information and analyze needs of user department and translate needs into automated system solutions; integrate vendor-supplied software into County systems; reason logically when analyzing data and developing computer systems and programs; utilize problem identification and resolution techniques; make decisions independently in accordance with established policy, establish new policy when applicable, and use initiative and judgment in completing tasks and responsibilities; remain calm and use good judgment during confrontational or high pressure situations; work within a team concept; plan, organize, schedule and monitor projects; prepare clear and concise documentation; courteously meet and deal effectively with other employees, vendors and the public.” (Emphasis in original.)

64. The minimum qualifications for the position are a bachelor's degree in computer science or a related field and two years related experience in network and/or systems-related analysis, design, installation, and maintenance, or an equivalent combination of education, experience, and training.

65. The Information Systems Technical Support Analyst position works in an office environment under the general direction of the department head or designee with minimal supervision.

66. Employees in the position refer to established policy and procedures; County rules, regulations, orders, resolutions, and ordinances; standards manuals for information systems; systems and programming manuals; vendor-supplied documentation; and program management principles and practices.

67. Information Systems Technical Support Analysts also work in the departments of Public Works (1), Management and Finance (1), Information Technology (2), and Health (3). These other Analysts all work in departments subject to County Personnel Rule 12, providing for discipline for cause. None of them are part of a bargaining unit.

#### Cartographer/GIS Technician

68. The Cartographer/GIS Technician position has levels 1 and 2.<sup>13</sup> The wages range from \$13.01 to \$21.28 per hour.

“The classifications in this two-level series perform duties associated with developing and maintaining the County cadastral mapping system. Incumbents apply cartographic principles and practices to maintain records and cadastral maps aiding the Assessor’s Office in the identification, location, inventory and mapping of land for assessment and valuation of property. All positions prepare a variety of cartographic maps, solve problems requiring knowledge of the subject matter of surveying, mapping and legal ownership. Individual positions perform, at varying levels of difficulty, all types of cartographic projects from basic preparation of partitions, segregations and consolidations to more complex projects requiring research and resolution of ownership, boundary and taxing district issues as well as involvement with the County geographic information system (GIS) program.”

69. Cartographer/GIS Technician duties are as follows:

“Plot annexations, formations, mergers, consolidations and withdrawals of taxing districts on code and cadastral maps; record changes on maps, tax lot records and assessment rolls; prepare new boundary maps for new districts. Prepare segregation, consolidations and partitions of property by plotting new boundaries on map, computing acreage of new parcel, assign new tax lot and account number and prepare new prints of revised maps for map books. Construct complex maps such as base control maps, cadastral maps and specialized maps from beginning to finalization; revise maps to conform to official government land surveys, highway maps, BLM public land surveys and new aerial photos. Receive and review deed records and other instruments indicating ownership changes of property and change assessment roll, tax lot card and other pertinent records. Review subdivision and condominiums for conformance to statutes and revise maps and

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<sup>13</sup>The differences between the Cartographer/GIS Technician levels do not affect our analysis of the appropriate unit; we summarize the position description for the Cartographer/GIS Technician 2.

assessment roll to conform and reflect new subdivisions or condominiums. Assist the GIS project by performing research; input and update basemaps, plot, compare to existing maps and analyze differences. Perform extensive title searches to determine ownership on questioned properties; review ownership boundary, taxing district, tax code area issues; interprets legal descriptions. Assist other departments, agencies and the public with property questions or complaints regarding cadastral maps and records. Prepare and maintain records, reports and statistical data.” (Enumeration omitted.)

70. The knowledge, skills, and abilities required by the positions are as follows:

“**Knowledge of:** Considerable knowledge of cartographic principles, practices and techniques involved in the preparation of appraisal maps; considerable knowledge of mathematics including algebra, geometry and trigonometry; basic knowledge of surveying and engineering principles and practices; considerable knowledge of legal property descriptions, deed records, survey files and other documents pertaining to boundary and ownership of property; reasonable knowledge of the Oregon Administrative Rules as applied to preparation of cadastral maps. **Skill in:** Using calculator, automated equipment and systems; drafting instruments, planimeter and blue print machine, other job-related equipment; writing clear and concise records, reports and statistical data. **Ability to:** Communicate effectively in both oral and written forms; understand and interpret deeds and legal property descriptions; conduct records searches; work independently and manage time efficiently; make decisions independently in accordance with established policies and procedures and use initiative and judgment in completing tasks and responsibilities; utilize problem identification and resolution techniques; courteously meet and deal effectively with other employees, professionals, title companies, courts, other agency representatives, real estate agents, utility companies and the public.” (Emphasis in original.)

71. The minimum requirements for the position are an associate degree in cartography, land surveying, engineering technology, or a related field and two years of cartographic experience in an assessor’s office,<sup>14</sup> or an equivalent combination of education, experience, and training. State certification is not required.

72. The work of the Cartographer/GIS Technician, who reports to the Cartographic Supervisor, is performed with minimal supervision. The employees in the positions refer to department policy and procedures; state and county statutes, rules, and regulations; the Manual of Cadastral Map Standards, Concepts and Cartographic Procedures; and various state and technical manuals.

73. The work of the Cartographer/GIS Technician takes place exclusively in an office setting.

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<sup>14</sup>This requirement emphasizes the connection between the work of the cartographic employees and that of the property assessment employees.

74. The Cartographer/GIS Technicians obtain information from other County departments, which the Technicians need to update the maps that they create.. Other County departments create maps and other tools based on information and base maps created by Cartographer/GIS Technicians. The Technicians may also alert employees in other departments to changes in property that the Technicians discover.

#### Office Manager 2

75. The Office Manager position has levels 1 through 3.<sup>15</sup> The wage for the Office Manager 2 ranges from \$12.25 to \$17.86 per hour.

76. The focus of the position is

“organizing and directing office operations and providing support to a department or division head in addition to providing direct secretarial assistance as needed and/or supervising support staff. Organizing and directing an office typically include coordinating workflow and communication, and developing procedures, policies, materials/forms, and filing and other support systems (including confidential documents) for efficient office operations. Direct secretarial support typically includes responsibility for incoming and outgoing information and paper-flow for the assigned manager, coordinating and maintaining confidential documents and files, assisting in the budget process and coding invoices for payment. Supervision of support staff typically includes having primary responsibility for hiring, work assignments, discipline, performance assessment and termination of assigned employees. All levels within this series may provide staff research and project/program management as assigned.”

77. The knowledge, skills, and abilities required by the Office Manager position are as follows:

“Thorough knowledge of methods of modern office management and general office practices and procedures; considerable knowledge of record keeping and reporting; considerable knowledge of bookkeeping principles; considerable knowledge of word processing, spreadsheet and data base software capabilities. **Skill in:** Report writing and composing correspondence; typing rapidly and accurately; use of complex office equipment which includes automated equipment and systems; processing information on a computer; taking and transcribing dictation either manually or by machine. **Ability to:** Communicate effectively in both oral and written forms; plan and organize office operations, including developing office systems, policies, and procedures; plan, organize, assign, coordinate, and review work of staff; establish and maintain records, reports and statistical data; make decisions independently in accordance with established policies and procedures, establish new policies when applicable, and use initiative and judgment in completing tasks and responsibilities; represent department or division in a variety of settings; maintain confidentiality; courteously meet and deal effectively with

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<sup>15</sup>The record contains only the job description and salary for the Office Manager 2.

other employees, other agency representatives, advisory boards, committees, vendors and the public.” (Emphasis in original.)

78. The minimum requirements for the position are: five years of progressively responsible clerical experience (which include one year of office management and lead or supervisory experience), or a satisfactory equivalent combination of education, experience, and training. No State certification is required.

79. An Office Manager’s work is performed in an office environment under the general instruction and direction of a department or division head. The work is guided by departmental policy and procedures; federal, state, and county statutes, rules, and regulations; secretarial handbooks; software and equipment manuals; specialized dictionaries; and reference materials. Office Manager is one of three job classifications that appears in multiple County departments. The County employs seven Office Managers. All of the positions have the same job description and are paid on the same wage scale. They often transfer to different County departments, although there is no evidence that any have transferred into, or out of, the Assessor’s Office. Depending on their assignment, Office Managers may have unique duties. In the Assessor’s Office, the Office Manager performs data entry regarding manufactured homes.

80. The other six Office Managers work in the Building Department (1), Clerk’s Office (1), the Health Department (which is to be closed) (3), the Library (1), Public Works (2), and Salmon Harbor (1).<sup>16</sup> None of these positions is part of a bargaining unit. These six Office Managers are covered by Rule 12. The Office Managers in the Clerk’s Office and Assessor’s Office are supervised by an elected official and do not have Rule-12 protection.

#### Department Assistant

81. The Department Assistant position has levels 1 through 4.<sup>17</sup> The wage for the Department Assistant 4 ranges from \$10.29 to \$14.97 per hour. The focus of the position is

“providing support to a department in the preparation, processing, organization and maintenance of information, records and materials. \* \* \* [Higher level Department Assistants perform] senior-level support activities to assist technical, professional and administrative functions within guidelines which require interpretation. Duties assigned to this classification are significantly varied and/or specialized, and the employee uses considerable judgment and independence to determine appropriate procedures and conduct of assignment. [The employee] may supervise or lead lower-level department assistants and may have sole responsibility for specialized projects or assignments.”

82. The knowledge, skills, and abilities required by this position are as follows:

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<sup>16</sup>There is also a position called “District Attorney Office Mgr;” there is no evidence that this is the same position as “Office Manager.”

<sup>17</sup>The record contains only the job description and salary for the Department Assistant 4.

“Considerable knowledge of general office practices and procedures; considerable knowledge of word processing and data spreadsheets; considerable knowledge of record keeping and reporting; considerable knowledge of systematic filing and retrieval processes or systems relating to assigned department or program area; considerable knowledge of English composition, spelling and grammar; reasonable knowledge of bookkeeping principles. **Skill in:** Typing rapidly and accurately; use of complex office equipment which includes automated equipment and systems; processing information on a computer; taking and transcribing dictation either manually or by machine. **Ability to:** Communicate effectively in both oral and written forms; estimate and manage time efficiently; make decisions independently in accordance with established policy; maintain records, reports and statistical data; maintain confidentiality; lead or supervise support staff; courteously meet and deal effectively with other employees and the public.” (Emphasis in original.)

83. The minimum requirements for the Department Assistant position are: three years of work-related support experience of a progressively responsible nature or an equivalent combination of education, experience, and training. Specific knowledge or experience related to the assigned department or program area is a desirable qualification. No State certification is required.

84. The employee in this position works in an office environment under general direction and instructions from a clerical, professional, or administrative employee.

85. The Department Assistants perform work within established department policy and procedure; federal, state, and county statutes, rules, regulations, and ordinances; secretarial handbooks; software and equipment manuals; specialized dictionaries; and reference materials. A considerable amount of judgment and initiative is used to interpret these guidelines.

86. The Department Assistant is one of three job classifications that appears in multiple County departments. The County employs 64 Department Assistants, and all of the positions have the same job description and are paid on the same wage scale. They often transfer to different County departments, although there is no evidence that any have transferred into, or out of, the Assessor’s Office.

87. The other 61 Department Assistant positions are in the Fairgrounds Department (1), Human Resources (1), Justices of the Peace (7), Library (21), Parks (1), Planning (2), Public Works (2), Salmon Harbor (2), Sheriff’s Department (1), and the Health Department (23). None of these positions is part of a bargaining unit. Like the Assessor’s Office, the Justices of the Peace and Sheriff’s department are supervised by an elected official. The rest of these Office Managers are covered by County Personnel Rule 12.

### Building Department

88. The Building Department is generally responsible for reviewing, approving, and issuing permits regarding construction in the County. It employs approximately six nonsupervisory employees; two Building Inspectors, one Electrical Inspector, one Building Permit Technician,

and one Office Manager 3. As part of its work, this department assesses the value of a structure based on the average cost of construction per square foot for the type of structure and the type of construction. This information, along with the permitting information, is available to the Assessor's Office via the Assessor Permitting System database. Employees report to the Building Services Supervisor, who in turn reports to the Building Official, who reports to the County Board of Commissioners.

89. The Building Department is subject to all of the County Personnel Rules, including Rule 12, providing for discipline only with cause. The Department also has its own written and unwritten policies and procedures.

### Building Inspectors

90. The Building Inspector position has one level. The wage ranges from \$16.39 to \$32.11 per hour.

91. Building Inspectors issue permits for new construction and for improvements on existing structures. A Building Inspector may visit a site on multiple occasions throughout the process. Appraisers or Assessment Technicians may also visit sites visited by Building Inspectors.

92. Building Inspectors perform:

“regular to complex duties in inspecting building construction, remodeling and repair, installation of mechanical devices and plumbing systems to assure compliance to appropriate State codes, Oregon Revised Statutes, Oregon Administrative Rules, city and county ordinances related to safety, health, and welfare of the public; examine plans and specifications for approval for proposed construction when necessary; [and] inspect manufactured home installation.”

93. The duties of the Building Inspector position are as follows:

“Inspect and evaluate structures (within certification level) while being constructed, remodeled or repaired (in areas of structural, mechanical, and/or plumbing); approve or disapprove work; write correction notices; enforce appropriate state specialty codes; assure construction, remodeling, or repair is in compliance with approved plans and state building, mechanical, and plumbing codes; conduct final inspection. Issue stop work order when directed by supervisor to do so. Inspect fire damaged structures; estimate necessary repairs. Inspect and approve manufactured home installations; [*i.e.*] blocking, sewer, water, and electrical connections; decking. Document inspections and establish and maintain record keeping. \* \* \* [E]xamine plans, drawings, and specifications for proposed construction or remodeling projects. Work with builder/architect to correct code violation. Determine value of structures and issue building permits. Provide information regarding permits, building codes, and compliance procedures to contractors, builders, and public.” (Enumeration omitted.)

94. The knowledge, skills, and abilities required by this position are:

**Knowledge of:** Considerable knowledge of building construction, mechanical, and plumbing principles, practices, and procedures as applied to commercial and residential construction; considerable knowledge of construction and manufactured home inspection methods; considerable knowledge of Oregon Revised Statutes, Oregon Administrative Rules, Oregon specialty codes, city and county ordinances that govern building, mechanical, plumbing inspection. **Skill and ability to:** Conduct inspections, document findings, determine correction actions, and implement compliance according to appropriate specialty codes; perform mathematical computations related to construction estimating. **Ability to:** Communicate effectively in both oral and written forms; conduct inspections, document findings, determine correction actions and implement compliance according to appropriate specialty codes; establish and maintain records and reports; make decisions independently in accordance with established rules and regulations and use initiative and judgment in carrying out tasks and responsibilities; utilize problem identification and resolution techniques; remain calm and use good judgment during confrontational or high pressure situations; efficiently manage time; courteously meet and deal effectively with employees, builders, architects, engineers, city officials and the public.” (Emphasis in original.)

95. Minimum qualifications for the position are a State A-level certification in one specialty code, supported by one and two-family specialty dwelling code certification, including a manufactured-home certification. State A-level certification in more than one specialty code is a desirable qualification.

96. Building Inspectors work with minimal supervision under the general direction of the Building Inspection Supervisor. Building Inspectors use their independent, professional judgment in determining and enforcing the appropriate code. If they determine that a project fails to comply with the relevant code, they refer the matter to the Building Official. Building Inspectors’ decisions can be appealed, and the inspectors may have to defend their position in an adversarial proceeding.

97. In the course of their work, Building Inspectors refer to departmental policy and procedure, state statutes, Oregon Uniform Building, Plumbing, and Mechanical Codes, city and county ordinances, and building inspection reference materials.

98. Building Inspectors spend 90 percent of their time in the field and their work may include climbing, crawling in confined areas, and moving through structures under construction and on uneven ground, sometimes in inclement weather. Interactions with affected members of the public may be adversarial. Their remaining time is spent in the office.

#### Building Permit Technician

99. The Building Permit Technician position has one level. The wage ranges from \$15.48 to \$22.56 per hour. Building Permit Technicians coordinate the building permit application

process between the public and County departments. They provide information to the public regarding Building Department procedures; review construction plans and specifications for compliance with building and planning codes and ordinances; issue building permits; receive and answer public questions; and perform inspection duties when necessary.

100. The duties of Building Permit Technicians are as follows:

“[P]rovide information regarding permits, specialty codes and compliance procedures to architects, engineers, builders and the public. Coordinate permit application process between the public and county and other agencies as necessary. Determine value of structure and necessary permits; compute fees; issue permits. Examine and evaluate building plans and specifications for structural, mechanical, plumbing, fire/life safety and zoning code compliance; approve or disapprove plans; explain appropriate state specialty codes, ORS, OAR, city and county ordinances. Document examination. Maintain recordkeeping utilizing automated permit application tracking systems. \* \* \* [I]nspect and evaluate structures while being constructed, remodeled[, or] repaired (in areas of structural, mechanical); approve or disapprove work; write correction notices; enforce appropriate state specialty codes, ORS, OAR, city and county ordinances; work with builders to assure construction, remodeling, or repair is in compliance with approved plans and state building, mechanical, grading, and plumbing codes. Document inspections.” (Enumeration omitted.)

101. The knowledge, skills, and abilities required by this position are as follows:

“**Knowledge of:** Considerable knowledge of Oregon Revised Statutes, Oregon Administrative Rules, Oregon specialty codes, city and county ordinances that govern building permit process; considerable knowledge of permitting process; considerable knowledge of coordination between appropriate departments and agencies for permit purposes; considerable knowledge of structural engineering design to determine structural soundness of plans and specifications; considerable knowledge of building construction, mechanical, and plumbing principles, practices, and procedures as applied to construction. **Skill to:** Read and interpret blue prints, plans, and specifications; conduct plans reviews, use automated permit application tracking systems and equipment. **Ability to:** Communicate effectively in both oral and written forms; establish and maintain records and reports; perform mathematical computations related to permit fees; make decisions independently in accordance with established rules, regulations and codes and use initiative and judgment in carrying out tasks and responsibilities; utilize problem identification and resolution techniques; remain calm and use good judgment during confrontational or high pressure situations; efficiently manage time; conduct inspections, document findings, determine correction actions, and implement compliance according to appropriate specialty codes; courteously meet and deal effectively with other employees, builders, architects, engineers, city officials[,] contractors and the public.” (Emphasis in original.)

102. The minimum requirements for the position are four years of code or zoning administration, plan review, or building inspection, architectural or engineering experience/training; or an associate degree plus two years of work related experience; or any combination of education, experience, and training. A desirable qualification is public employer work experience related to building inspection services, plan review, and permit processing. State certification is not required.

103. Building Permit Technicians work under the general direction and instruction of the building inspection supervisor. Procedures and problem resolution are left to employee discretion and interpretation. The employee uses considerable judgment in choosing and enforcing appropriate guidelines. Building Permit Technicians refer to departmental policy and procedures, state statute, Oregon Uniform Building Code, city and county ordinances, zoning codes and regulations, building inspection and engineering reference material, and data-processing manuals.

104. Building Permit Technicians perform most of their work in the office, working infrequently in the field, including in inclement weather conditions.

### Planning Department

105. The Planning Department is responsible for County planning regarding land use, zoning, and relevant County code enforcement. The Department employs 17 employees, one Senior Planner, one Senior Sanitarian, one Planning Director, one Planning Manager, three Planners, six Planning Technicians, one Environmental Inspection Specialist, one Executive Administrative Assistant, and two Department Assistants. The Department is not headed by an elected official; employees report to the Senior Planner or the Senior Sanitarian, who in turn reports to the Department Head, who reports to the County Board of Commissioners.

106. The Planning Department is subject to all of the County personnel rules, including Rule 12. The department has its own written dress code, which is strictly enforced. The dress code differs from that of the Assessor's Department. For example, although the Planning Department does not encourage women to wear nylons, it does not allow any employees to wear sneakers.

107. The Planning Department and Assessor's Office share information required for their work. Appraisers and Planners interact about once a week, and the departments' technicians interact twice a week, on average. The Planning Department employees view Assessor's Office records daily in processing land use applications and for customer service purposes. The Planning Department uses the base maps created by the Assessor's Office Cartographers, and the Cartographers update their maps based on information from the Planning Department. Once a week, the two departments exchange physical maps and discuss map updates and changes. Assessor's Office employees often ask Planners questions about notifications and conditional use permits. The Assessor's Office also has access to zoning and file information created and updated by the Planning Department. County Planning Administrator Keith Cubic believes that the Assessor's Office, the Planning Department, the Building Department, and the Surveyor's Office work together as a whole, each within their own area of specialization.

## Planner Position

108. The Planner position has levels 1 through 5.<sup>18</sup> The wage ranges from \$15.48 to \$26.89 per hour for Planners at levels 1 through 3. The focus of the position is “perform[ing] professional planning duties including research, analysis, presentation of data; interpretation and enforcement of state and local land use regulations and development of plan or ordinance provision, coordination and comprehensive plan maintenance and updates.” The five levels differ in the amount of judgment required in interpreting and adapting guidelines; the difficulty of their work in carrying out the County’s comprehensive plan and development ordinance; and the level of responsibility in supporting the department in meeting administrative and long-range planning goals and objectives.

109. The duties of Planners are as follows:

“Interpret local ordinances for determination of appropriate land use actions. Conduct conferences with clients using the land use system. Write and monitor administrative land use decisions. Assist clients in the development permit process. Provide information and interpret ordinances. Direct citizen involvement program. Manage the day-to-day functions of the program; provide professional advisory support to and oversee ten committees; conduct monthly meetings; develop and present informational workshops; prepare newsletter, prepare annual report. Review applications for completeness, write legal descriptions, oversee notification, perform field check to determine compliance with comprehensive goals and policies, investigate provided written and oral comments. Prepare for conferences by reviewing research material and determine appropriate application and alternate courses of action. On a weekly basis, conduct pre-application conferences. Explain procedural matters, substantive requirements, opportunities, constraints, and otherwise provide professional assistance to clients. Process appropriate supportive material. Administer land use and development ordinance provisions pertaining to ministerial and administrative land use decisions; provide staff level decisions delegated by director. Research, analyze, and prepare studies, reports, recommendations and statistics on comprehensive land use planning and state-wide issues. Update and republish plan elements; interpret state amendment proposals and formulate county response. Counsel the public, state agencies, special districts and cities in person or by phone with problems, questions and complaints regarding land use, land development and zoning and the statewide planning program; interpret local and state rules and regulations. Prepare documents required to satisfy conditions of approval, ensure compliance with the condition of approval, review maps for completeness and format, and coordinate with the director for signature. Mediate resolutions of objections to application through utility coordination sessions and meetings between applicants and parties to applications. Serve as expert staff responsible for clearance of complex development approval requests and in agency coordination issues. Attend meetings

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<sup>18</sup>The differences between the Planner levels do not affect our analysis of the appropriate unit; we summarize the position description for the Planner 3.

and hearings with public groups and provide professional planning support.”  
(Enumeration omitted.)

110. The knowledge, skills, and abilities required by the Planner position are as follows:

“**Knowledge of:** Considerable knowledge of planning concepts, principles, theory and development techniques; considerable knowledge of state and local procedures, regulations and ordinances associated with land use planning; considerable knowledge of research methodology and statistical techniques; considerable knowledge of use maps, land use data and other professional planning materials; considerable knowledge of industrial, commercial, residential developments, subdivision design to review and evaluate proposals. **Ability to:** Communicate effectively in both oral and written form; conduct research and to compile and analyze data; establish and maintain recordkeeping systems and reports; make decisions independently in accordance with established policy and procedures, and use initiative and judgment in completing tasks and responsibilities; utilize problem identification and resolution techniques; remain calm and use good judgment during confrontational or high pressure situations; efficiently organize time and meet established deadlines; courteously meet and deal effectively with other employees, other agency representatives, commissions, committees, contractors, engineers and the public.” (Emphasis in original.)

111. Planners’ work is performed under minimal supervision. They use considerable judgment in interpreting guidelines and adapting to special situations. A Planner is supervised by either a senior planner or planning manager.

112. Planners refer to department policy and procedures; federal, state, county, and local statutes, rules, regulations and ordinances; the Douglas County Comprehensive Plan; and the Douglas County Land Use and Development Ordinance.

113. Planners work primarily in the office, but perform occasional field investigations. In the field, they may have challenging encounters with disgruntled citizens. Assessor employees assess the value of property visited by Planners.

114. The minimum qualifications for a Planner are a bachelor’s degree in planning or a related field, or an equivalent combination of training, experience and education.

115. Planners must use independent judgment to apply County standards, statutes and regulations to situations requiring sometimes subtle distinctions, such as the standard of compatibility. Most land use decisions must be justified and accompanied by a finding of fact. Aggrieved citizens may appeal discretionary staff decisions to the Land Use Board of Appeals or to court, and Planners must defend their decisions at the lower levels.

## Planning Technician

116. The Planning Technicians positions have levels 1 through 3. The wages range from \$10.92 to \$22.56 per hour.<sup>19</sup> The focus of these positions is assisting the public and providing technical support to the Planning Department and public in cartography, graphics production, drafting, GIS operations, research and data compilation.

117. The duties of Planning Technicians are as follows:

“Prepare pre-application conference packets for client appointments. Research and document ownership history; interpret ordinances and/or policies and apply land-use provisions and policies to specific land use action. Process applications resulting from pre-application conference; prepare files for legal notification to adjacent land owners and public agencies; prepare for planner review. Regularly serve as counter support and, as necessary, as primary counter position to assist clients. Includes application of ordinances and policies, answer questions and concerns regarding applications, ordinances, planning process, requirements, other general information and processing planning clearance for development. Maintain files and update records using automated equipment. Operate standard drafting equipment. Research and prepare special projects. Provide staff assistance and representation to planning advisory committee(s). Regularly provide support services to the public and higher level staff in specialty areas of addressing, land use information, technical research and/or graphics. Research and issue new addresses. Notify emergency services and public facilities of new addresses and changes. Draft updates to addressing maps and digital file corresponding to assessor accounts. Process requests. Maintain and update land use, zoning, subdivision maps, address files and maps, information, logs, files, and records. Involves computer updates. Provide technical research assistance for planners on a variety of issues. Prepare charts, graphs, signs and other graphic art projects.” (Enumeration omitted.)

118. The Planning Technician position requires the following knowledge, skills, and abilities:

“**Knowledge of:** Considerable knowledge of cartographic and drafting principles and practices to develop and revise maps and other documents for planning projects; considerable knowledge of GIS principles and practices; considerable knowledge of mathematics to compute necessary data for cartographic and drafting projects; reasonable knowledge of land use planning concepts and theories; basic knowledge of surveying principles and practices. **Skill in:** Understanding and interpreting deeds and legal property descriptions; interpreting maps and aerial photographs; use of calculator, automated equipment and systems, drafting tools, reproduction equipment and drafting and office equipment; conducting record searches. **Ability to:** Communicate effectively in both oral and written forms; work

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<sup>19</sup>The differences between the Planning Technician levels do not affect our analysis of the appropriate unit; we summarize the position description for the Planning Technician 2.

independently and manage time efficiently to meet established deadlines; conduct research and prepare maps, graphics, reports, etc.; utilize problem identification and resolution techniques; courteously meet and deal effectively with other employees, other agency representatives, contractors, committees and the public.” (Emphasis in original.)

119. The minimum qualifications for the Planning Technician position are three years of cartographic or drafting experience; or an associate degree plus one year of experience in cartography, drafting, planning, land survey, or a related field; or a combination of education, experience, or training. Specific knowledge or experience related to the assigned program area is a desirable qualification.

120. Planning Technicians work under minimal supervision. The work of the position may be supervised by a higher level planning technician, technical manager, or planning manager. Recurring routine assignments are independently performed by the employee on the basis of past experience.

121. Planning Technicians refer to departmental policy and procedures, state and county statutes, ordinances, rules, and regulations, the Douglas County Land Use and Development Ordinance, the comprehensive plan, urban growth management agreements and committed lands documents, maps, and drafting manuals. The guidelines provide a basis for employee interpretations; however, when encountering complex questions, discussions, or interpretations, the employee refers to a supervisor or an employee in a higher classification.

122. Employees in these positions generally work in an office environment with some field work.<sup>20</sup>

123. One Planning Department employee left for employment in Deschutes County and subsequently returned to a position in the Assessor’s Office.

### Tax Collection Department

124. The Tax Collection Department and the Assessor’s Office are adjacent to each other on the County’s organizational chart and share a lobby and a break room. However, the Tax Collection Department is not supervised by the Assessor. It is budgeted separately and its employees do not report to the Assessor. Instead, employees report to the Tax Collector, who in turn reports to the County Financial Services Department, and, in turn, the County Board of Commissioners.

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<sup>20</sup> From the County’s perspective, the Planning Technician position and Cartographer/GIS Technician positions are very similar, with identical qualifications and similar duties. However, the Cartographer/GIS job description lists experience in an assessor’s office as a desirable qualification, while the Planning Technician job descriptions do not refer to assessor or planning office experience. There are three levels of Planning Technicians and two levels of Cartographers/GIS Technicians.

125. In addition to the Tax Collector, the Department employs one Tax Collector Deputy and two Tax Clerks.<sup>21</sup> The Department is covered by all of the County personnel rules, including Rule 12.

126. The Tax Collection Department uses the information provided by the Assessor's Office, such as value, address, and ownership information, and the tax levy and special assessments, to collect property taxes. Employees in both departments work together daily to provide taxpayers with information and assistance, and to solve problems such as ensuring that deeds are processed correctly and tax liens are secured.

### Land Department

127. The Land Department obtains property for County roads and rights of way, determines property values to establish minimum bid levels for tax foreclosure auctions, obtains comparable lease values for the County's actions as lessee and lessor, and sells County property. The Department employs five employees: one Administrative Assistant, two Foresters, a Land and Park Director, and a Real Property Officer. Of these employees, only the job description of the Real Property Officer is part of the record. The Department is subject to all of the County personnel rules, including Rule 12.

### Real Property Officer

128. There is only one Real Property Officer in the County. The wage ranges from \$16.40 to \$23.89 per hour. The responsibilities of the position are to "plan, appraise, negotiate, monitor and complete the process of acquisition and/or disposal of real property for the Land Department. The Real Property Officer performs specialized duties including appraisal of real property; negotiation with property owners; and preparation of tax foreclosed and surplus properties for sale. The Real Property Officer's primary duty is to "prepare real property appraisals" of public and private property.

129. The duties of the position are as follows:

"Prepare real property appraisals for public works and forestry projects; review appraisals submitted by outside appraisers. Negotiate with property owners for the acquisition of property needed by the county for projects of road construction, building sites, etc.; prepare options, deeds and other documents necessary for the acquisition or use of properties by the county. Provide information to the public and other agencies regarding county-owned real property. Identify, inventory, describe and perform on-site inspections of tax foreclosed properties; identify hazards, liabilities and potential uses of tax foreclosed properties and make recommendations. Prepare tax foreclosed and surplus properties for sale including valuation, descriptions and marketing; solicit bids and supervise contract execution with title companies, appraisers, public, etc. Review and analyze market rental and lease data. Serve as staff representative at various meetings; provide appraisals and opinions of value for county departments to use in long range project planning.

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<sup>21</sup>The job descriptions of the Tax Department employees do not appear in the record.

Prepare and maintain records, reports and statistical data; participate in establishing and maintaining policy and procedures. Coordinate maintenance and other real property management activities for tax foreclosed and surplus County properties, including securing properties, [and] arranging for site cleanup and weed abatement.” (Enumeration omitted.)

130. The knowledge, skills, and abilities required by the Real Property Officer position are as follows:

“**Knowledge of:** Thorough knowledge of principles, practices and procedures of real estate appraisal practices; considerable knowledge of procedures and techniques regarding real property legal document preparation including deeds, contracts and leases; considerable knowledge of laws, regulations, policies, and procedures pertaining to management and acquisition of real property; considerable knowledge of contract administration. **Skill in:** Writing clear and concise reports, records, contracts and statistical data. **Ability to:** Communicate effectively in both oral and written forms; establish and maintain records, reports, and statistical data; read and interpret real estate related documents such as legal descriptions, deeds, easements, contracts, maps, plot plans, construction plans, etc.; make decisions independently in accordance with established policy and procedures, and use a considerable degree of initiative and judgment in completing tasks and responsibilities; efficiently organize time and meet established deadlines; courteously meet and deal effectively with other employees, other agency representatives, real estate related agencies, property owners and the public.” (Emphasis in original.)

131. The minimum requirements for the position are an associate degree in business administration or related field and four years of progressively responsible work experience in property acquisition and real estate appraisal; or an equivalent combination of education, experience, and training.

132. The Real Property Officer is subject to minimal supervision, working under the general supervision of the land director who gives general verbal or written instructions concerning the results to be accomplished.

133. The Real Property Officer refers to department policy and procedures; federal, state, and county statutes, rules, regulations, and ordinances; professional appraisal standards; real estate acquisition guides; and contract administration guidelines. The employee uses a considerable degree of judgment in interpreting guidelines and contributes to modification of existing guidelines by recommending changes or adapting guidelines to solve problems encountered.

134. Work is performed in both an office and the field, including undeveloped land.

135. The Real Property Officer position is currently held by a registered appraiser who was formerly a property appraiser in the Assessor’s Office for eight years. The employee’s

experience with the Assessor's Office aided him in obtaining the Real Property Officer position. In the position as the Real Property Officer, he uses the same skills and performs many of the same job duties he did as an appraiser. If the position became vacant, the Land Department would seek a replacement Real Property Officer from those employed by the Assessor's Office.

136. The Real Property Officer spends 75 percent of his time conducting appraisals. As part of that work, the employee conducts market surveys similar to those conducted by the Assessor's Office.

### CONCLUSIONS OF LAW

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

### DISCUSSION

AFSCME seeks to form a new bargaining unit described as all full-time and regular part-time employees in the Douglas County Assessor's Office, excluding managers, supervisors, on-call, temporary and confidential employees. The ultimate issue here is whether the proposed unit is appropriate under ORS 243.682(1)(a) and OAR 115-025-0050.

This proposed unit consists of 20 unrepresented employees working in the following job classifications: Property Appraisers (6), Assessment Database Technician (1), Assessment Technicians (3), Property Appraiser Trainees (2), Personal Property Technician (1), Cartographer GIS Technicians (2), Information Services Technician Support Analyst (1), Office Manager (1) and Department Assistants (3).<sup>22</sup>

AFSCME claims that the employees' community of interest, wages, hours, and working conditions, as well as the desires of the employees and the history of collective bargaining, warrant finding the proposed unit appropriate. The County argues that the proposed unit (1) does not have a clearly distinct community of interest required to create a bargaining unit of a portion of a group of unrepresented employees, and (2) would unduly fragment the County's workforce. For the following reasons, we conclude that the petitioned-for unit is appropriate.

### Standards for Decision

The Public Employee Collective Bargaining Act (PECBA) defines an "appropriate bargaining unit" broadly as a "unit designated by [this] Board or voluntarily recognized by the public employer to be appropriate for collective bargaining." ORS 243.650(1). ORS 243.682(1)(a) further provides that when determining whether a unit is appropriate for collective bargaining, we "shall consider such factors as community of interest, wages, hours and other working conditions

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<sup>22</sup>Neither party specifically referred to the Personal Property Technician position in their briefs or devoted much discussion to the Information Services and clerical support employees. AFSCME generally described the proposed unit as "roughly 20 positions, including 12 appraisers or appraiser trainees, 4 assessment technicians, 2 cartographers, and 2 cartographic technicians."

of the employees involved, the history of collective bargaining, and the desires of the employees.” See also *Oregon AFSCME Council 75 v. Washington County*, Case No. CC-008-12, 25 PECBR 466, 474 (2013); *OPEU v. Dept. of Admin. Services*, 173 Or App 432, 436, 22 P3d 251 (2001). These factors are not exclusive; we also weigh various other factors, including our preference for certifying the largest possible appropriate unit. *Washington County*, 25 PECBR at 474. As a result, our analysis of the propriety of a proposed unit is necessarily fact-driven, with the outcome depending on the specific facts and circumstances of the workplace and workforce at issue. In determining what constitutes an appropriate bargaining unit, we have discretion to decide how much weight to give each relevant factor in any particular case. *OPEU*, 173 Or App at 436; *OSEA v. Deschutes County*, 40 Or App 371, 376, 595 P2d 501 (1979). Finally, the statute does not require that a petition set forth *the* most appropriate unit, only *an* appropriate unit. ORS 243.682(1)(a). Therefore, we may determine a unit to be appropriate even though some other unit might also be appropriate. *Id.*

### Community of Interest

We begin by examining the community of interest of the proposed unit. Whether (and the extent to which) employees share a “community of interest” depends on “similarity of duties, skills, benefits, interchange or transfer of employees, promotional ladders, common supervisor,” and other factors that indicate whether the proposed unit is appropriate for purposes of collective bargaining. OAR 115-025-0050(2).

Here, all of the employees in the proposed unit receive the same benefits package, including medical, dental, insurance, retirement, vacation, holidays, and sick leave. In addition, all members in the proposed unit share a single common supervisor, the elected County Assessor, a factor that we give particular weight to in this case. Moreover, the petitioned-for employees work together and assist each other in furthering the work of the Assessor’s Office, which is reflective of how the County is organizationally structured.

The Property Appraisers, Assessment Technicians, Assessment Database Technician, and Property Appraisal Trainees share a particularly strong community of interest, as those positions work in a specific field and share similar duties, skills, promotional ladders, and common immediate and higher-level supervisors. Likewise, the Personal Property Technician performs a similar role to these positions, except that the work involves personal property instead of real property. The Personal Property Technician also shares similar duties, skills, and a common supervisor with the Property Appraisers, Assessment Technicians, Assessment Database Technician, and Property Appraisal Trainees.

The Cartographer/GIS Technicians work complementarily with the Appraisers and Assessment Technicians to fulfill the Assessor’s Office’s mission of fairly and accurately assessing the taxable value of property. Although the Cartographer/GIS Technicians do not share promotional ladders with the appraisal/assessment employees, and there is no apparent interchange or transfers between these two groups of employees, the work-related interactions among the employees are essential to the work of the Assessor’s Office. Finally, the Cartographer/GIS Technicians positions are unique to the Assessor’s Office.

The Office Manager in the Assessor's Office is responsible for organizing and directing the office's operations, which requires regular interaction with the other office employees. Like the Office Manager, the Department Assistants regularly interact with other Assessor's Office employees to ensure the proper preparing, processing, organizing, and maintaining of the office's information, records, and materials. The Department Assistants also assist other Assessor's Office employees with data collection and entry to fulfill the mission of the Office. Although the Office Manager and Department Assistants do not share a common promotional ladder (or interchange) with the other Assessor's Office positions, all of the Assessor's Office positions regularly work with each other to advance a specific mission that is unique to the Assessor's Office.

The final petitioned-for position, Information Services Technician Support Analyst, works in support of the assessment and mapmaking functions. The position is primarily concerned with obtaining, creating, and maintaining the computer hardware and software tools used in those functions. Although the position's duties are not similar to the duties of the other Assessor employees, and there is no interchange between the positions or a common promotional ladder, the Analyst position is essential to the fulfillment of the Office's mission. The Analyst position requires a specific understanding of the unique work of the Assessor's Office, as well as regular interaction with Assessor's Office employees to accomplish that work.

After considering the community-of-interest factors, we conclude that the employees in the petitioned-for unit have a sufficiently shared community of interest to make that unit appropriate for purposes of collective bargaining. Although some employees share a stronger community of interest than others (*e.g.*, the Property Appraisers, Assessment Technicians, Assessment Database Technician, Property Appraisal Trainees, and Personal Property Technician), all of the petitioned-for employees are sufficiently linked by the specific nature of the work of the Assessor's Office, as well as by the shared interaction and assistance necessary to perform that work. Moreover, there is common supervision across all of the petitioned-for unit, a factor that we deem particularly significant under the facts of this case, given that the common supervisor, the County Assessor, exercises great control over the working conditions of the employees, as discussed in more detail below.

#### Wages, Hours, and Other Working Conditions

All of the positions in the proposed bargaining unit are compensated hourly, based on the employee's placement on the same existing County salary schedule. Per the Assessor's Office Guidelines, all of the petitioned-for employees are required to work from 8:00 a.m. to 5:00 p.m., unless they are travelling or had a preexisting flexible work arrangement with the Assessor.

The employees in the petitioned-for unit are all subject to many of the County-wide Personnel Rules that establish many working conditions. However, they are also subject to numerous rules specific to the Assessor's Office, which are determined by the County Assessor. These rules heavily regulate the working conditions of the petitioned-for employees. Among other restrictions, these rules involve: (1) regulating employee discussions about personal and work related issues; (2) limiting how and when employees may speak on a personal cell phone; (3) creating a presumption that an employee was ill for four days when two sick days are taken before the weekend (triggering a County requirement that the employee then provide verifying documents

upon their return to work); (4) prohibiting eating or drinking at work stations visible to the public; (5) dictating when and how employees must request leave (suggesting that employees question whether leave is necessary) or notify the Assessor of the need for sick leave, including blackout periods during which employees may not take leave; (6) prohibiting employees from having personal items, such as plants, memorabilia, and photos at their desks; (7) telling employees to limit personal conversation and whispering during work hours and directing any non-complying employees that they may have to account for the minutes spent doing so by adjusting their break time or lunch hour, or by taking vacation time; (8) specifying in great detail what can be worn in the office and in the field; and (9) not applying County Rule 12, which requires “for-cause” disciplinary treatment. In concluding that the petitioned-for unit is appropriate, we give great weight to these shared working conditions, which are ultimately controlled by the County Assessor, a common supervisor of the petitioned-for employees. There is no evidence that any other County departments have similarly detailed guidelines in place.<sup>23</sup>

After assessing the wages, hours, and other working conditions of the petitioned-for unit, we conclude that those factors weigh heavily in favor of deeming the unit appropriate for collective bargaining. We give particularly great weight to the unique working conditions (set forth above) of the petitioned-for unit.

### History of Collective Bargaining

The petitioned-for positions have never been represented, but the County has a history of collective bargaining with four other bargaining units. Previous attempts to organize the petitioned-for employees within a larger unit by SEIU in 1993 and AFSCME in 2014 failed.

### Desire of Employees

AFSCME has submitted a sufficient showing of interest to demonstrate that the proposed unit of employees wish to form the petitioned-for bargaining unit.

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<sup>23</sup>There are other working conditions that weigh in favor of the appropriateness of this unit. The majority of the petitioned-for employees work in the same offices. The Appraisers, Assessment Technicians, Assessment Database Technician, Information Systems Technical Support Analyst, Office Manager and Department Assistants work in one office that is separate from other departments. The Tax Department is adjacent and shares a lobby and a break room. The Cartographers work in an adjacent but separate office.

Appraisers spend approximately 35 to 50 percent of their time working independently in the field. Assessment Trainees and Technicians and the Assessment Database Technician also spend a significant amount of time in the field, while the Cartographers, Information Systems employees, the Office Manager and Department Assistants work almost exclusively in the office.

The general organization of work in the Assessor’s Office includes a number of highly-trained and sometimes State-certified specialists such as Assessors and Cartographer/GIS Technicians who are supported by other employees such as the Assessment Database Technician, Information System Technical Support Analyst, Office Manager, and Department Assistants.

## The Largest Possible Appropriate Unit/Undue Fragmentation

As set forth above, in determining whether a proposed unit is appropriate, this Board has long weighed a preference for certifying the largest possible appropriate unit. *Washington County*, 25 PECBR at 473, 475. This preference is rooted in avoiding undue fragmentation of the workforce into excessive bargaining units, as such a result is contrary to many of the policies underlying the PECBA. *Id.* at 475. We do not, however, blindly apply this preference, but rather weigh it, along with the aforementioned statutory factors, in determining the appropriateness of a particular unit in any given case. *Id.*

Here, although there is arguably a larger possible appropriate unit, we give this factor less weight. To begin, we do not believe that certifying this unit as appropriate will result in undue fragmentation of the County's workforce. Specifically, the County already has four bargaining units, each of which is roughly organized by function: Deputy District Attorneys, Juvenile Department employees, employees in the Public Works Department and Fleet Services Department, and the full time Sheriff's Department employees. The petitioned-for unit is consistent with the County's chosen structure and historical practices. We do not believe that allowing this additional unit, which is formed along lines already created by the County, will unduly fragment the County's already-fragmented workforce.

We are also not convinced that the natural result of this decision will be to open up the floodgates to a surge of departmental units in the County (or other public employers). As we noted above, the determination of whether a proposed bargaining unit is appropriate is always going to be evaluated based on the specific facts surrounding that particular workforce and employer. Our decision here is based on the County's unique structure and the wide-ranging ability of the elected Assessor to determine employee working conditions, as demonstrated by the Assessor's Office Guidelines. In other words, the unique nature of the working conditions of the petitioned-for employees, particularly the highly-codified oversight and restrictions on workplace behavior, sets them apart from other department-wide units.

We also give weight to the desires of these employees to be represented, in light of past failed attempts to organize larger bargaining units. As we have previously recognized, in exercising our discretion as to the appropriateness of a proposed unit, we sometimes must strike a balance between employee free choice and the need to establish and maintain stable labor relations and to equalize bargaining power. *See Washington County*, 25 PECBR at 476. Here, that balance weighs in favor of employee free choice. *Cf. id.*

Finally, we disagree with the County's assertion that *Laborers' International Union of North America, Local 320 v. City of Keizer*, Case No. RC-37-99, 18 PECBR 476 (2000) controls the outcome of this case. To begin, because representation matters are fact specific and call on this Board to exercise its discretion in weighing factors on a case-by-case basis, it is unlikely that a prior case involving a different employer will conclusively resolve a future case. Additionally, we reject the proposition that *City of Keizer* announced a rigid four-part test, each part of which must be satisfied, to be applied to *all* petitions for departmental units. Rather, *City of Keizer* attempted to summarize factors that the Board had looked to in earlier cases in determining whether some department-wide units might be appropriate. *See* 18 PECBR at 483-84. We reject and disavow a

more expansive reading of that case. As our analysis in the instant matter should clarify, we weigh the appropriateness of petitioned-for units (departmental or otherwise) using the same statutory criteria, as filtered through the factual lens of each individual case.

Conclusion

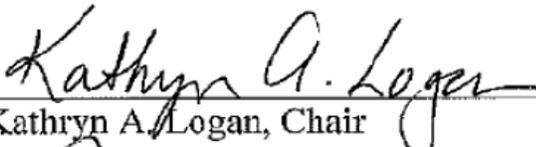
In sum, we conclude that the community of interest; wages, hours, and other working conditions; history of collective bargaining; and the desires of the employees support a conclusion that the proposed bargaining unit is appropriate. *See* ORS 243.682(1)(a). In reaching that conclusion, we give particular weight to the shared community of interest, working conditions, and common supervision of the petitioned-for employees. Although a larger unit might also be appropriate, and there may be some additional future fragmentation of the County's workforce, we give that factor less weight in this particular case and conclude that the petitioned-for unit is appropriate. *See id.* Therefore, we will order the Elections Coordinator to continue processing the Petition in accordance with this order.

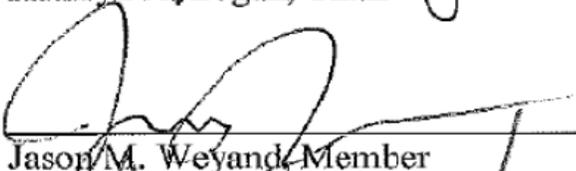
ORDER

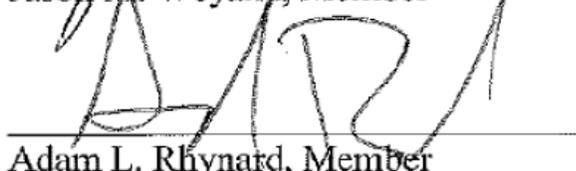
1. An appropriate bargaining unit is: All full-time and regular part-time employees in the Douglas County Assessor's Office, excluding managers, supervisors, on-call, temporary, and confidential employees.

2. The Elections Coordinator shall check the authorization cards against the list of employees provided by the County. If it is determined that a majority of the employees wish to be represented by AFSCME for purposes of collective bargaining, this Board shall certify AFSCME as the exclusive representative of the bargaining unit.

DATED this 4 day of February, 2015.

  
Kathryn A. Logan, Chair

  
Jason M. Weyand, Member

  
Adam L. Rhynard, Member

This Order may be appealed pursuant to ORS 183.482.