

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-054-13

(UNFAIR LABOR PRACTICE)

AFSCME COUNCIL 75, LOCAL 1082,)	
)	
Complainant,)	
)	FINDINGS AND ORDER ON
v.)	RESPONDENT’S PETITION FOR
)	REPRESENTATION COSTS
HOOD RIVER COUNTY,)	
)	
Respondent.)	
)	

On September 15, 2014, this Board issued an order dismissing an unfair labor practice complaint filed by AFSCME Council 75, Local 1082 (Union), alleging that Hood River County (County) violated ORS 243.672(1)(a). On September 30, 2014, the County filed a petition for representation costs.

Pursuant to ORS 243.676(3)(b) and OAR 115-035-0055, this Board finds that:

1. The County filed a timely petition for representation costs.
2. The County is the prevailing party.
3. This case required one day of hearing.

4. Counsel for the County submitted an affidavit reflecting total representation costs of \$8,892, based on 39.92 hours of legal work at a rate of \$225 per hour. Based on these costs, the County requests an award of \$3,500 in representation costs, which was the maximum amount that we awarded under former OAR 115-035-0055(1)(a) in the absence of a civil penalty. See *Oregon School Employees Association v. North Clackamas School District*, Case No. UP-017-13, 26 PECBR 129 (2014) (Rep. Cost Order).

The requested rate is above average. See *North Clackamas School District*, 26 PECBR at 130 (the average rate for representation costs is between \$165 and \$170 per hour). The number of hours claimed is slightly below average for a case requiring one day of hearing. See *id.* (cases

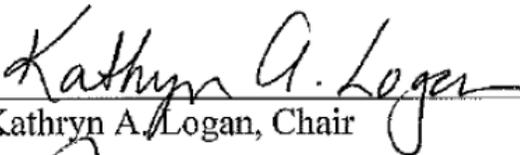
generally require an average of 45 to 50 hours per day of hearing). We will consider these factors in our award below.

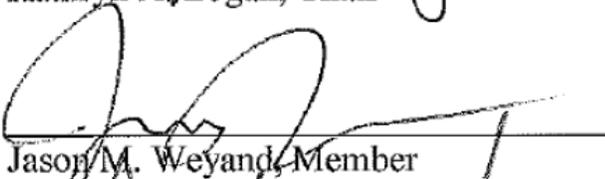
5. An average award is generally one-third of the reasonable representation costs of the prevailing party, subject to the \$5,000 cap in *current* OAR 115-035-0055(1)(a).¹ Having considered the purposes and policies of the Public Employee Collective Bargaining Act, our awards in prior cases, and the reasonable costs of services rendered, this Board awards the County representation costs of \$2,263.

ORDER

The Union will remit \$2,263 to the County within 30 days of the date of this Order.

DATED this 17 day of December, 2014.


Kathryn A. Logan, Chair


Jason M. Weyand, Member


Adam L. Rhynard, Member

This Order may be appealed pursuant to ORS 183.482.

¹*Current* OAR 115-035-0055(1)(a) applies to this case because it became effective September 10, 2104, before the County's September 30, 2014, petition for representation costs. In any event, one-third of the reasonable representation costs in this case is less than the cap under either the former or current rule.