

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-030-14

(UNFAIR LABOR PRACTICE)

LABORERS' INTERNATIONAL UNION	)	
OF NORTH AMERICA, LOCAL 483,	)	
	)	
Complainant,	)	FINDINGS AND ORDER
v.	)	ON COMPLAINANT'S PETITION
	)	FOR REPRESENTATION COSTS
METRO, REGIONAL CENTER	)	
	)	
Respondent.	)	
_____	)	

On March 23, 2016, this Board issued an order holding that Metro violated ORS 243.672(1)(a) when it forbade employees represented by the Laborers' International Union of North America, Local 483 (Union) from wearing Union stickers. See 26 PECBR 665 (2016). The Union timely filed a petition for representation costs. Metro did not file objections to the Union's petition. Pursuant to ORS 243.676(2)(d) and OAR 115-035-0055, this Board finds that:

1. The Union is the prevailing party. See OAR 115-035-0055(1)(b).

2. This case required two days of hearing.

3. The Union requests an award of \$5,000, the maximum amount awarded by this Board unless a civil penalty is also ordered. OAR 115-035-0055(1)(a). The Union's request is based on total costs of \$19,522.50, which includes 110.3 hours of attorney time billed at an hourly rate of \$175.00, and 8.8 hours of law clerk time billed at \$25.00 per hour.

4. The Union's hourly rate for attorney time is slightly higher than the average hourly rate used for representation costs. See *Oregon School Employees Association v. North Clackamas School District*, Case No. UP-017-13, 26 PECBR 129, 130 (2014) (Rep. Cost Order) (the average rate for representation costs is between \$165 and \$170 per hour). The Union's time claimed is also slightly higher than what this Board considers an average amount of time for a two day hearing. See *id.* (cases generally require an average of 45 to 50 hours per day of hearing). We will adjust our award accordingly.

5. An average award is generally one-third of the reasonable representation costs of the prevailing party, subject to the \$5,000 cap in OAR 115-035-0055(1)(a). Reasonable representation costs are costs that are calculated using the Board's criteria of hourly rate and number of hours.

6. 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 in this case, this Board awards representation costs to the Union in the amount of \$5,000.

ORDER

Metro will remit \$5,000 to the Union within 30 days of the date of this Order.

Dated June 15, 2016.



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Kathryn A. Logan, Chair



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Jason M. Weyand, Member



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Adam L. Rhynard, Member

This Order may be appealed pursuant to ORS 183.482.