

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-039-14

(UNFAIR LABOR PRACTICE)

MEDFORD SCHOOL DISTRICT 549C,)	
)	
Complainant,)	FINDINGS AND ORDER
v.)	ON RESPONDENT’S PETITION
)	FOR REPRESENTATION COSTS
MEDFORD EDUCATION ASSOCIATION,)	
)	
Respondent.)	
_____)	

On December 14, 2015, the Board issued an order adopting a recommended order that dismissed an unfair labor practice complaint filed by the Medford School District 549C (District) against the Medford Education Association (Association). See 26 PECBR 572 (2015). The Association timely filed a petition for representation costs. No objections were filed. Pursuant to ORS 243.676(3)(b) and OAR 115-035-0055, this Board finds that:

1. The Association is the prevailing party. See OAR 115-035-0055(1)(b).
2. This case required one day of hearing.
3. The Association requests an award of \$5,000, based on 88.50 hours of attorney time. 86.50 hours were billed at \$155.00 per hour, while two hours were billed at \$77.50, for a total of \$13,562.50.
4. The Association’s hourly rate is less 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).
5. The Association’s time claimed is more than what this Board considers an average amount of time for a one day hearing. See *id.* (cases generally require an average of 45 to 50 hours per day of hearing). We will take that into consideration.
6. The Association requests a filing fee reimbursement and payment of expenses incurred, for a total of \$1,583.73. We do not order reimbursement of filing fees as part of representation costs incurred by a party. *Association of Oregon Corrections Employees v. State of*

Oregon, Department of Corrections, Case No. UP-069-11, 26 PECBR 412, 412 n 2 (2015) (Rep. Cost Order). Other costs and expenses are also not awarded in a representation costs award. Id.

7. 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.

8. 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 Association in the amount of \$2,583.83.

ORDER

The District will remit \$2,583.33 to the Association within 30 days of the date of this Order.

DATED March 24, 2016.



Kathryn A. Logan, Chair



Jason M. Weyand, Member



Adam L. Rhynard, Member

This Order may be appealed pursuant to ORS 183.482