

**BEFORE THE EMPLOYMENT RELATIONS BOARD
FOR THE STATE OF OREGON**

LANE COMMUNITY COLLEGE
EDUCATION ASSOCIATION,

Complainant,

vs.

LANE COMMUNITY COLLEGE,

Respondent.

Case No. UP-045-14

CONSENT ORDER

I. STATEMENT OF THE CASE

In December 2014 complainant Lane Community College Education Association (“LCCEA” or “Association”) filed an unfair labor practice complaint against respondent Lane Community College (“College”) alleging violations of ORS 243.672(1)(a), (b) and (c). The parties have agreed to settle this matter by entry of this consent order, subject to Board approval. The parties agree to waive all further proceedings in this matter, including a hearing before the Board, and judicial review of this consent order. The signatories warrant that they are authorized by their respective principals to sign the stipulation and waive reading of the Administrative Procedure Act rights (ORS 183.413). The parties further represent that the statements and the stipulations of fact are accurate and constitute all of the evidence that either party wished to present to the Board.

II. STIPULATED FACTS

1. The LCCEA is a labor organization as defined by ORS 243.650(13).
2. The College is a public employer as defined by ORS 243.650(20).

3. The allegations arose out of an investigation conducted by Lane Community College into a formal complaint filed against an Association representative. The Association filed two consolidated grievances arising out of alleged violations of the complaint procedures, and also requested information specifying the alleged misbehavior of the Association representative, including investigation materials developed during the investigation.

4. The College initially refused the Association's investigation request, and on July 17, 2014 issued a notice of findings that alleged unprofessional conduct but did not impose any discipline. The notice conditioned the Association representative's continued participation in the College governance system on the conformance of behavior to an undeveloped "protocol." In October, 2014, the College furnished the Association's attorney with a copy of the investigator's report, with names of interviewees redacted. In January, 2015, the College withdrew the letter of July 17, 2014, and substituted a letter that did not threaten any bar to participation by the Association representative.

5. The parties received an award from Arbitrator William Reeves on or about July 23, 2015. The arbitrator found that the College violated complaint procedures under the contract.

6. The parties now wish to resolve remaining pending issues that were not determined by the arbitrator.

III. STIPULATED CONCLUSIONS OF LAW

1. The Board has jurisdiction over these parties and the subject matter.

2. The College violated ORS 243.672(1)(e) by its failure to timely provide the Association with the Kilcullen investigative report and the information supporting that report.

3. The College violated ORS 243.672(1)(a) and (b) by its threat to exclude the Association representative from participation in College governance if the representative did not refrain from certain undisclosed types of conduct, and had the impact of interfering with or coercing him in the exercise of his PECBA-protected rights to represent the Association.

IV. STIPULATED ORDER

1. The College violated ORS 243.672(1)(a), (b), and (e) by its failure to provide requested investigation materials and by its threat to exclude the Association Representative from College governance meetings under some circumstances.

2. The College will provide the Association's legal counsel with an un-redacted copy of the Kilcullen investigative report and any supporting notes or materials maintained in any investigative file in the control of the College or its attorneys. This report shall not be copied, distributed, or read by anyone except the Association Executive team and Association counsel.

3. The College shall cease and desist from threatening to remove any Association representative from governance meetings based on undeveloped standards of conduct.

4. The parties will pay their own representation costs.

5. The Association will waive its request for a civil penalty.

6. The College will reimburse the Association's filing fee.

7. A copy of the attached Notice will be posted on the College Bulletin Board inside the South second floor entrance to the College Administration Building within 30 days of the date of the Board's Final Order, and will remain posted for 30 days. Lane Community College shall send an electronic copy of this order and notice to all College Administrators and Board members on their work email account.

LANE COMMUNITY COLLEGE
EDUCATION ASSOCIATION

LANE COMMUNITY COLLEGE

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Attorney for Respondent

Nov. 6, 2015
Date

Nov. 11, 2015
Date

This consent order is approved and adopted this 17 day of ~~November~~ 2015.

FOR THE EMPLOYMENT RELATIONS BOARD

Kathryn A. Logan
Kathryn A. Logan, Chair

Jason M. Weyand
Jason M. Weyand, Member

Adam L. Rhynard
Adam L. Rhynard, Member

NOTICE TO EMPLOYEES

POSTED BY ORDER OF THE
STATE OF OREGON
EMPLOYMENT RELATIONS BOARD

PURSUANT TO A STIPULATED ORDER of the Employment Relations Board in Case No. UP-045-14, *Lane Community College Education Association v. Lane Community College*, and in order to effectuate the policies of the Public Employee Collective Bargaining Act (PECBA), we hereby notify our employees that:

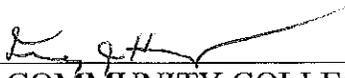
Lane Community College violated the PECBA by (1) interfering with, restraining, and coercing an employee in and because of the exercise of protected rights in violation of ORS 243.672(1)(a); (2) interfering in the administration of the Lane Community College Education Association in violation of ORS 243.672(1)(b) and (3) failing to provide information requested by the LCCEA in violation of ORS 243.672(1)(e). The violations occurred in connection with a complaint investigation.

The Employment Relations Board has ordered Lane Community College to cease and desist from violating ORS 243.672(1)(a), (b), and (e).

Lane Community College shall comply with the Board's order. Lane Community College shall cease and desist from such conduct in the future.

EMPLOYER

Dated this 11th day of Nov., 2015

By: 
LANE COMMUNITY COLLEGE