

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-064-12

(UNFAIR LABOR PRACTICE)

OREGON AFSCME COUNCIL 75,	)	
LOCAL #3997,	)	
	)	
Complainant,	)	
	)	RULINGS,
v.	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
DESCHUTES COUNTY,	)	AND ORDER
	)	
Respondent.	)	
_____	)	

Giles Gibson, Legal Counsel, AFSCME Council 75, Portland, Oregon, represented Complainant.

Christopher D. Bell, Legal Counsel, Deschutes County, Bend, Oregon, represented Respondent.

On December 18, 2013, Administrative Law Judge B. Carlton Grew issued a recommended order in this matter. The parties had 14 days from the date of service in which to file written objections. See OAR 115-010-0090; OAR 115-035-0050(2). Neither party filed objections.

When neither party objects to a recommended order, we generally adopt the recommended order as our final order, and we consider any objections to that order unpreserved and waived. *International Brotherhood of Electrical Workers, Local Union No. 659 v. Eugene Water & Electric Board*, Case No. UP-008-13 (January 2014). The final order is binding on, and has precedential value for, the named parties only. We do not publish the recommended order because it would not be of benefit to anyone other than the named parties.

ORDER

1. The Board adopts the recommended order as the final order in this matter.
2. The complaint is dismissed.

DATED this 28 day of January 2014.

  
Kathryn A. Logan, Chair

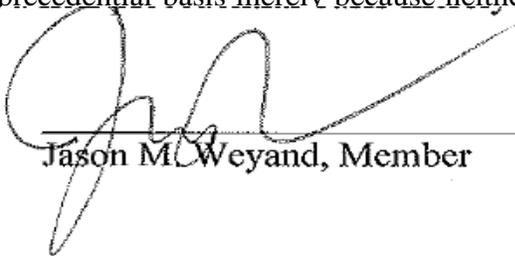
\*Jason M. Weyand, Member

  
Adam L. Rhynard, Member

This Order may be appealed pursuant to ORS 183.482.

\*Member Weyand Concurring.

I agree with the ALJ's recommended order holding that the complainant failed to meet its burden of proof that the County committed an unfair labor practice as alleged in the complaint. As a result, I concur with the majority's decision to dismiss the complaint. However, for the reasons set forth in *International Brotherhood of Electrical Workers, Local Union No. 659 v. Eugene Water & Electric Board*, Case No. UP-008-13 (January 2014), I continue to believe that this Board should not adopt recommended orders on a non-precedential basis merely because neither party filed objections.<sup>1</sup>

  
Jason M. Weyand, Member

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<sup>1</sup>This is the last concurrence I will write on this procedural topic, as I am in the minority on the issue and there is nothing to be gained by continuing to tilt at this particular windmill. However, in cases where the recommended order being adopted is inconsistent with the Public Employees Collective Bargaining Act, I will continue to dissent from the majority opinion on the merits of the underlying dispute.