

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. CC-005-09

(PETITION FOR REPRESENTATION)

IBEW LOCAL 659,	)	
	)	
Petitioner,	)	RULINGS,
	)	FINDINGS OF FACT,
v.	)	CONCLUSIONS OF LAW,
	)	AND ORDER
EUGENE WATER & ELECTRIC	)	
BOARD,	)	
Respondent.	)	
_____	)	

Neither party objected to a Recommended Order issued by Administrative Law Judge (ALJ) B. Carlton Grew on March 22, 2010, following a hearing on September 4, 2009, in Salem, Oregon. The record closed on November 2, 2009, with the submission of the parties' post-hearing briefs.

Lennie Ellis, Assistant Business Manager, IBEW Local 659, Central Point, Oregon, represented Petitioner.

Sharon Rudnick and Andrea M. Nagles, Attorneys at Law, Harrang Long Gary Rudnick, PC, Eugene, Oregon, represented Respondent.

On July 29, 2009, the International Brotherhood of Electrical Workers, Local Union No. 659 (IBEW) filed this Petition for Representation Without an Election under OAR 115-025-0065. The petition seeks certification for a new bargaining unit, described at the hearing as: all employees of Eugene Water & Electric Board in the classifications of Distribution Engineering Area Technician<sup>1</sup>, Distribution Engineering Technician I,

<sup>1</sup>The original petition stated: “[p]roposed unit consists of the Electrical Distribution Engineers. The positions are: Distribution Tech II, Distribution Tech III, Area Tech, Engineer Analyst, GIS.” By the time of hearing, the parties had come to agreement on the actual titles of the positions.

Distribution Engineering Technician II, Distribution Engineering Technician III, Geographic Information Systems (GIS) Mapping Specialist, and Engineering Analyst-Electrical Distribution, whose sole responsibility is engineering for the electrical group.<sup>2</sup>

The issue is whether the proposed bargaining unit is appropriate under ORS 243.682 and OAR 115-025-0050.

### RULINGS

The rulings of the ALJ have been reviewed and are correct.

### FINDINGS OF FACT

1. The Eugene Water & Electric Board (EWEB), a public employer, is a publicly-owned utility providing water, electric, and steam services in the Eugene area. IBEW is a labor organization within the meaning of ORS 243.650(13).

2. EWEB employs approximately 500 employees, organized into product and service divisions. The product divisions consist of the Water & Steam Division and the Electric Division. The service divisions consist of the Power Resources Division, the Corporate Services Division, and the Employee, Customer & Community Services Division. The product and service divisions report to EWEB's General Manager, who reports to the EWEB Board of Commissioners.

3. Each product or service division is further divided into sections. Each section is overseen by management employees who report to the division heads.

4. EWEB classifies its work force by job titles, and some titles exist in more than one division.

5. EWEB also classifies its work force by job families, grouping employees with similar duties, qualifications, and experience into the same job family for pay and advancement purposes. EWEB has approximately nine job family classifications, including an engineering classification and an information services classification. Job family classifications exist across divisions, so that employees in different divisions may be part of the same job family.

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<sup>2</sup>EWEB argues that this unit description is ambiguous. For purposes of this Recommended Order, we note that both parties agree on the positions at issue and agree that the positions are located in the Distribution Engineering Section of the Distribution Reliability Section of the EWEB Electric Services Division.

6. IBEW represents approximately 150 to 170 EWEB employees in one unit. The IBEW-represented employees work in the Electric Division, the Water & Steam Division, and the Corporate Services Division. At the time of hearing, no other EWEB employees were represented by a labor organization.

7. IBEW and EWEB have a collective bargaining agreement in place for the term April 1, 2009 to March 31, 2014. The IBEW bargaining unit description is “those employees in the classifications set forth in Appendix A of this Agreement.” In general, the IBEW unit consists of production and maintenance employees, excluding professional and technical employees, clerical employees, food service employees, guards, and supervisory and confidential personnel. A list of the positions identified in Appendix A, with their hourly salary rate, follows:

Communication and Control Crew Leader, Salary \$46.32; Communication and Control Technician, Salary \$41.42; Communication and Control Technician Trainee, Starting Salary \$37.70; Electric Meter Crew Leader, Salary \$42.18; Lead Electric Meter Technician, Salary \$39.54; Electric Meter Technician, Salary \$37.66; Apprentice Electric Meter Technician, Starting Salary \$26.36; Electrician, Salary \$37.66; Electric Troubleshooter, Salary \$39.54; Generation Crew Leader, Salary \$46.32; Lead Hydro Plant Technician/Operator, Salary \$43.31; Hydro Plant Technician/Operator, Salary \$41.42; Hydro Plant Technician/Operator Trainee, Starting Salary \$29.00; Hydro Utility Worker II, Salary \$27.87; Hydro Utility Worker I, Salary \$21.84; Line Crew Leader, Salary \$42.18; Line Crew Leader II (Formerly Line Crew Chief), Salary \$45.19; Lead Line Technician, Salary \$39.54; Line Technician, Salary \$37.66; Apprentice Line Technician, Starting Salary \$26.36; Meter Relay Crew Leader, Salary \$46.32; Meter Relay Technician, Salary \$41.42; Meter Relay Technician Trainee, Starting Salary \$37.70; Roving Substation Operator, Salary \$33.89; Roving Substation Operator Trainee, Starting Salary \$23.72; Station Wire Crew Leader, Salary \$42.18; Station Wire Crew Leader II (Formerly Station Wire Crew Chief), Salary \$45.19; Station Wire Technician, Salary \$37.66; Station Wire Technician Apprentice, Starting Salary \$26.36; Transformer Technician, Salary \$33.89; Transformer Technician Trainee, Starting Salary \$23.72; Lead Transformer Technician, Salary \$38.03; Lead Dispatcher, Salary \$47.83; Transmission Distribution Dispatcher, Salary \$45.19; Transmission Distribution Dispatcher Trainee, Starting Salary \$40.67; Utility Worker, Salary \$24.47; Equipment Mechanic Crew Leader, Salary \$32.01; Equipment Mechanic, Salary \$29.00; Equipment Mechanic

Trainee, Starting Salary \$23.20; Garage Helper, Salary \$15.44; Landscape Utility Worker, Salary \$20.29; Landscape Utility Worker Trainee, Starting Salary \$17.24; Landscape Crew Leader, Salary \$22.51; Park Caretaker, Salary \$20.29; Storekeeper Crew Leader, Salary \$23.34; Lead Storekeeper, Salary \$22.23; Storekeeper, Salary \$21.12; Welder, Salary \$22.51; Construction Crew Leader, Salary \$33.90; Equipment Operator, Salary \$28.34; Equipment Operator Trainee, Starting Salary \$26.36; Heavy Equipment Operator, Salary \$30.01; Heavy Equipment Operator Trainee, Starting Salary \$27.91; Lead Operator - Hayden Bridge, Salary \$33.62; Maintenance Worker - Hayden Bridge, Salary \$23.34; Maintenance Worker - Hayden Bridge Trainee, Starting Salary \$16.34; Pump & Reservoir Technician, Salary \$31.12; Pump & Reservoir Technician Trainee, Starting Salary \$28.01; Lead Steam Distribution Mechanic, Salary \$31.96; Steam Plant Operator, Salary \$29.46; Steam Plant Operator Trainee, Starting Salary \$23.56; Utility Installer, Salary \$25.01; Utility Installer Trainee, Starting Salary \$21.26; Lead Utility Mechanic, Salary \$31.12; Lead Utility Mechanic Trainee, Starting Salary \$28.01; Utility Mechanic, Salary \$27.79; Utility Mechanic Trainee, Starting Salary \$23.62; Lead Water Meter Mechanic, Salary \$30.01; Lead Water Meter Mechanic Trainee, Starting Salary \$27.91; Water Meter Mechanic, Salary \$25.57; Water Meter Mechanic Trainee, Starting Salary \$21.73; Water SCADA Technician, Salary \$32.51; Water Treatment Plant Operator, Salary \$31.12; Water Treatment Plant Operator Trainee, Starting Salary \$21.85; Water Troubleshooter, Salary \$31.12; Water Troubleshooter Trainee, Starting Salary \$28.01.

8. After the parties ratified the current collective bargaining agreement but before IBEW filed this petition for representation, IBEW asked EWEB to add the employees covered in this petition to the existing IBEW bargaining unit. EWEB denied the request.

9. At the time of hearing, there were nine employees in the six positions in the proposed bargaining unit description: two Distribution Engineering Area Technicians; three Distribution Engineering Technician IIs; two Distribution Engineering Technician IIIs; one Engineering Analyst-Electrical Distribution; and one GIS Mapping Specialist. The Distribution Engineering Technician I position in the proposed unit was vacant at the time of hearing.

10. All of the positions in the proposed unit are in the Distribution Engineering Section of the Distribution Reliability Section of the Electric Services Division of

EWEB. The Distribution Reliability Section also includes an Administrative Assistant, Tech Assistant, three Staff Engineers, and a Utility Joint Use Coordinator, all of whom are unrepresented.<sup>3</sup> The Section Supervisor is Tony Toncray.

11. The Distribution Reliability Section also includes a Customer Support/Operation Coordination Section (5 unrepresented employees), Line Construction & Operations Section (43 IBEW-represented employees), Meter Operations & M Section (8 IBEW-represented employees), and the T&D Dispatch Section (7 IBEW-represented employees).

12. The Customer Support/Operation Coordination Section has one Electric Systems Analyst, two Electric Operations Coordinators, one Administrative Assistant, and one Work Planner Scheduler. The record does not contain any additional information about their duties.

### Distribution Engineering Area Technician

13. Distribution Engineering Area Technician employees work only in the Distribution Engineering Section of the Electric Services Division. The position is part of the engineering job family. They use advanced ability to apply engineering fundamentals to design and process requests for electric distribution fiber optic and water service projects. They coordinate and monitor projects, and they interact with a variety of internal and external customers and agencies in operations, construction, and maintenance. They also assume lead worker responsibility in planning, coordinating, assigning, and monitoring the work of other technicians, and manage department projects on a department- or EWEB-wide basis.

14. The essential duties of the position are to:

(1) Take charge of work activity within area of assignment and/or specific job assignments to process electric distribution service requests for construction, including preparation of design, material needs, records, contracts, permits, notices, and technical problem solving; maintain records for ongoing projects within service area, communicating and consulting with supervisor on progress and needs; and perform field inspections on customer substructure installation;

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<sup>3</sup>The record contains few details about the work or job descriptions of these positions. The Staff Engineers, salary range 8, and Utility Joint Use Coordinator, salary range 6, are categorized as part of the engineering job family.

(2) Coordinate activities with other EWEB departments, provide information and assistance to customers, respond to inquiries and problems relating to electric rates and codes, and prepare, award, and manage contract bid documents;

(3) Provide good written and oral communications, coordination, and information relating to EWEB services, policies, rates, procedures, designs, etc., with the customer, developer, contractor, agency, and general public;

(4) Prepare cost estimates, economic analyses, project authorizations, and review and analyze cost data of completed projects;

(5) Train and provide instruction to Tech Is, IIs, and IIIs within established training programs; coach employees to meet training objectives; inform the supervisor of work and group issues and provide input to the supervisor for hiring, promotion, and employee performance; prioritize, coordinate, and monitor work distribution, schedules, and activities of employees; and ensure quality standards are applied and met;

(6) Prepare special reports relating to electric distribution and facility planning procedures, practices, and forecasts, including forms and material, labor and equipment cost studies, etc.;

(7) Secure verbal permission for easements, identify and specify easement needs on preliminary plats received, and initiate request for written easements;

(8) Analyze work processes and recommend process improvements; and

(9) Participate in developing, implementing, and enhancing electric distribution programs as a project manager; organize and lead special projects and project teams to implement electric distribution programs; and direct the work of team members and consultants.

15. Employees in this position have regular personal contact with customers, EWEB personnel, other utilities, government agencies, developers, contractors, consulting engineers, architects, and vendors.

16. The skills, knowledge, and abilities required for the position include the ability to: assist in fieldwork during emergency outages; communicate effectively with customers, contractors, agencies, EWEB operations, maintenance, and construction personnel; interpret and apply EWEB policies and procedures, rates, appropriate electrical codes, and construction standards; comprehend all types of electric, fiber optic, and water distribution systems, technical problem solving, materials construction, and operating procedures. The position requires mastery of Geographic Information Systems (GIS) functionality, Viewmaster,<sup>4</sup> range finders, and measuring equipment; knowledge of drafting and ability to use mapping symbols and legends; ability to research distribution and engineering department records and files and to analyze data; ability

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<sup>4</sup>The evidence in the record—especially the documentary evidence—contains technical words and phrases that are not explained or defined. We recite the evidence as the parties presented it to us.

to lead a project team effectively; ability to organize, schedule, and maintain records; and ability to provide direction and training of techniques. The position also requires knowledge of the safety roles of the Occupational Safety and Health Administration (OSHA) and EWEB; national, state, and local electric codes; and EWEB policy.

17. The minimum qualifications for the position are: five years in electric operations or a total of eight years of equivalent utility experience in design tasks and customer contact relating to electric distribution systems; an Associate's degree in an engineering discipline, journey level in electric trade, or equivalent education or training or satisfactory completion of an approved electric distribution technician course. No professional license is required. The employee may be required to pass a criminal record check. There is no designated next step on a promotion path. The position is supervised by the Distribution Engineering Supervisor.

18. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, but overtime may be required. The salary for the position is \$30.43-\$42.61 per hour.

### **Distribution Engineering Technician I**

19. The Distribution Engineering Technician I position exists only in the Distribution Engineering Section of the Electric Services Division and was vacant at the time of hearing. The position is part of the engineering job family. The position performs entry-level technical office and field tasks to support the design, construction, and maintenance of electric distribution systems and fiber optic facilities, and works with customers, agencies, and operations and maintenance personnel to assist in the design of electric distribution and fiber optic systems.

20. The essential duties of the position are to:

(1) Process basic requests for construction, service, meter connections, and additions or changes to electric distribution and fiber optic facilities (*e.g.*, poles, transformers, conductors, underground facilities, guying, street lighting, etc.); perform field inspections to specify project needs; prepare forms, drawings, designs, material needs, and records; and provide project status information;

(2) Assist Distribution Technician III or project leader in preparing major system projects for construction, including preparation of design, material needs, records, contracts, permits, notices, job coordination, and technical problem solving for electric services; prepare cost estimates and project authorization forms; and assist in cost analyses of electric distribution projects;

(3) Research, map, and analyze data; locate, measure, and record field data of existing electric distribution systems; field stake proposed construction projects; receive, field inspect, and process telephone and TV pole permits and joint use notices; and

(4) Research and accumulate specific customer data, and respond to customer inquiries regarding policies, rates, street lighting, voltages, etc.

21. Employees in this position have daily contact with customers, EWEB personnel, developers, contractors, customers, and the general public.

22. The skills, knowledge, and abilities required for the position include the ability to communicate effectively with customers, contractors, agencies, and EWEB departments; the ability to apply EWEB policies and procedures, rates, and appropriate electrical codes to complete work assignments; and the ability to comprehend all types of electric distribution systems, technical problem solving, design standards, materials construction, and operating procedures. The employee must be skilled in using GIS software, Viewmaster, range finders, measuring equipment, and possess knowledge of survey methods and drafting.

23. The minimum qualifications for the position include: one year utility experience; high school or equivalent background in mathematics, algebra, trigonometry, geometry, and drafting or equivalent experience. No professional license is required, but employees must pass a criminal record check. The next designated step in the promotion path is to Distribution Engineering Technician II. The position is supervised by the Distribution Engineering Supervisor.

24. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, but overtime may be required. The employee must occasionally work outdoors in all types of weather and work long hours during emergency outage situations. The salary for the position is \$17.18-\$24.05 per hour.

### **Distribution Engineering Technician II**

25. Distribution Engineering Technician II employees work only in the Distribution Engineering Section of the Electric Services Division. The position is part of the engineering job family. The position requires a proficient understanding and demonstrated ability to apply engineering fundamentals and utility policy and procedures to process requests for service and design electric distribution systems, fiber optic systems, and water service projects. Employees in this position coordinate and monitor projects and work directly with a variety of customers, agencies, and operations, maintenance, and construction personnel.

26. The essential duties of the position are to:

(1) Assist the Distribution Technician III or project leader and assume direct assignment in preparing system projects for construction, including preparation of design, material needs, records, contracts, permits, notices, job coordination, and

technical problem solving for electric, fiber optic, and water services; prepare cost estimates, project authorization forms, and assist in cost analyses of electric distribution projects;

(2) Receive and process requests for construction, service, meter connections (water and electric), and additions or changes to electric distribution and fiber optic facilities; perform field inspections to specify project needs; prepare designs, material needs, and records; and provide project status information as required;

(3) Research, map, and analyze data; locate, measure, and record field data of existing electric and water distribution systems and related physical conditions; field stake and mark proposed construction projects; and receive, field inspect, and process telephone and TV pole permits and joint use notices;

(4) Research customer data from billing records; process customer agreement forms, contracts, joint use notices, permit applications, etc.; and receive and respond to customer inquiries regarding policies, rates, street lighting, voltages, etc.; and

(5) Assist in training Electrical Distribution Tech Is and Aides.

27. Employees in this position have regular personal contact with customers, EWEB personnel, other utilities, government agencies, developers, contractors, consulting engineers, architects, and vendors.

28. The skills, knowledge, and abilities required for the position include the ability to communicate effectively in person and by telephone; the ability to interpret and apply EWEB policies, procedures, rates, and electrical codes; knowledge of and ability to comprehend all types of electric distribution systems, technical problem solving, design standards, materials construction, and operating procedures and equipment; and skill in the use of GIS system, calculators, computer terminal, Viewmaster, range finders, and measuring equipment.

29. The minimum qualifications for the position include: two years experience as Electric Distribution Technician I or five years of equivalent utility experience in design tasks and customer contact relating to electric distribution systems, or five years progressively responsible experience as a Civil Engineering Technician or equivalent combination of experience or education; Associate's degree in an engineering discipline or satisfactory completion of two years of approved Electric Distribution Technician courses. No professional license is required, but a criminal record check may be required. The designated next step in the promotion path is to Distribution Engineering Technician III. The position is supervised by the Distribution Engineering Meter & Transformer Supervisor.

30. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, but overtime may be required. The employee must occasionally work outdoors in all types of weather and work long hours during emergency outage situations. The salary for the position is \$20.79-\$29.10 per hour.

## Engineering Technician III

31. Engineering Technician III employees work in both the Distribution Engineering Section of the Electric Services Division and the Planning & Engineering Section of EWEB's Water & Steam Division, and frequently work together on joint projects. The position is part of the engineering job family. The position requires advanced understanding and demonstrated ability to apply engineering fundamentals and utility policy and procedures to process requests for service and design of electric distribution and fiber optic systems. Employees in this position coordinate and monitor projects, and work directly with a wide variety of customers, agencies, and operations, maintenance, and construction personnel.

32. The essential duties of the position are to:

(1) Take responsibility for work activity within area assignment and/or specific job assignments to process all types of electric and fiber optic service requests for construction;

(2) Coordinate activities with other EWEB departments and provide information and assistance to customers; respond to inquiries and problems relating to electric and water services, rates, codes, etc.;

(3) Provide information relating to EWEB services and policies to contractors and the general public;

(4) Prepare cost estimates, economic analyses, and project authorizations; review and analyze actual cost data of completed projects;

(5) Train and direct the activities of Engineering Technician Is and IIs;

(6) Prepare special reports and studies relating to electric distribution procedures, practices, forecasts, labor and equipment cost studies, etc.; evaluate and recommend improvements; and assist in fieldwork during emergency outages; and

(7) Secure verbal permission for easements and initiate requests for written easements.

33. Employees in this position have regular personal contact with customers, EWEB personnel, other utilities, government agencies, developers, contractors, consulting engineers, architects, and vendors.

34. The skills, knowledge, and abilities required for the position include: ability to communicate effectively; ability to interpret and apply EWEB policies and procedures, rates, and appropriate electrical codes and construction standards; knowledge of and ability to comprehend all types of electric and fiber optic distribution systems, and technical problem solving; skill in the use of computers, range finders, measuring equipment, and GIS system; knowledge of drafting and ability to use mapping; ability to research distribution and engineering department records; knowledge of national, state, and local codes, and EWEB policy; knowledge of EWEB and OSHA

safety roles; ability to develop accurate project and job cost estimates, and ability to recommend process improvements.

35. The minimum qualifications for the position include: five years in Electric Operations or eight years of equivalent utility experience in design tasks and customer contact relating to electric distribution systems, or six years progressively responsible experience as an Engineering Technician or equivalent combination of experience or education, and an Associate's degree in an engineering discipline, journey level in electric trade, or equivalent education or training or satisfactory completion of approved electric distribution technician course. No professional license is required. There is no designated next step in the promotion path. The position is supervised by the Distribution Engineering Meter & Transformer Supervisor.

36. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, with overtime as required. The salary for the position is \$27.67-\$38.73 per hour.

### Engineering Analyst

37. Engineering Analysts work in both the Distribution Engineering and the Systems Engineering Sections of the Electric Services Division. The position is part of the engineering job family. The position requires an advanced understanding and demonstrated ability to apply construction, operation, and engineering fundamentals to develop and maintain electric and telecommunications technical programs. The position plans and coordinates division-wide technical programs; works closely with purchasing, engineering, operations, maintenance, and construction personnel to develop, revise, and implement technical programs; represents the utility in a variety of circumstances and technical forums; and performs assigned tasks using experience, knowledge, and judgment in the construction, operation, and maintenance of electric and telecommunication systems.

38. The essential duties of the position include:

(1) Responsible for the development of technical programs for the electric utility for use in the design, construction, operation, maintenance, and regulatory compliance of facilities; coordinates work with other EWEB personnel;

(2) Assist engineers or technicians in the design of new facilities, and inspect fieldwork for compliance with design and construction standards;

(3) Prepare special studies and reports related to electric utility procedures, practices, forecasts, material, labor, and equipment costs;

(4) Review periodicals and attend training necessary to keep technology current, attend conferences, and maintain up-to-date knowledge of pertinent codes; and

(5) Work on various technical division level programs as assigned, including the Design and Construction Standards Program and the Regulatory Compliance Program.

39. Employees in this position have daily contact with EWEB employees, utilities, agencies, vendors, manufacturers' representatives, and customers.

40. The skills, knowledge, and abilities required for the position include: knowledge of all types of electric systems; knowledge of and ability to create, interpret, and modify material specifications, design standards, utility construction standards and methods, and operations and maintenance practices; knowledge of material, labor, and equipment costs and cost estimating procedures as they relate to design, construction, operation, and maintenance of electric utilities; knowledge of design, construction, operation, and maintenance rules and regulations, including related codes; ability to work effectively with EWEB personnel, customers, agencies, other utilities, vendors, and manufacturers' representatives; ability to plan, develop, write, and implement processes and procedures, analyze data to report results, and make recommendations; knowledge of drafting; and possess group leadership skills for effectively working in work groups and teams.

41. The minimum qualifications for the position are: eight years progressive experience in design, construction, regulatory compliance, operation, and maintenance of electric or telecommunication utility systems with demonstrated knowledge of related material specifications, standards, and construction methods; two years of college level electrical engineering coursework, journey level training in an electric trade or satisfactory completion of approved Electric Technician course, or an equivalent combination of education and experience. No professional license is required. There is no designated next step in the promotion path. The position is supervised by the Engineering Supervisor.

42. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, but overtime may be required. The salary for the position is \$30.43–\$42.61 per hour.

### **GIS Mapping Specialist**

43. GIS Mapping Specialists work in both the Distribution Engineering Section of the Electric Services Division and the Water Planning & Engineering Section of the Water & Steam Division. There are also some GIS positions in the GeoGraphics Section of the Corporate Services Division performing similar work. The position is in the information services job family. The GIS Mapping Specialists perform routine and specialized duties in the operation and use of GIS to record and update mapping information for the electric, water, conduit substructure, and telecommunication utility

networks in support of operations and engineering business units. They also develop and maintain relational data in the ArcSDE<sup>5</sup> geodatabase, perform spatial and data analysis, maintain quality assurance and quality control, and document data collection and data entry standards.

44. The essential duties of the position include:

(1) Perform a variety of GIS data maintenance, manipulation, updates, and analysis; perform data research, investigation, and verification; digitize maps, geographical feature data, and attribute data into various GIS layers using strict connectivity rules, and perform quality control checks of own and others' work to ensure database integrity; design, create, and update maps, drawings, databases, and documentation for various utility purposes; coordinate with operations for field checking of missing information;

(2) Prepare, design, and produce a variety of custom thematic maps and other graphic representations displaying layers and attribute data from the geodatabase, using cartographic techniques to represent spatial data; enter attribute data pertaining to specific features into a relational database; and respond to emergency mapping and information requests from various utility divisions, sometimes during crises; and

(3) Respond to requests from the public for GIS data; assist in installing and testing new GIS software; assist in resolving and troubleshooting GIS-related problems and requests; maintain computer peripherals; and provide GIS software training for utility staff on an individual basis as a support service.

45. Employees in this position have frequent contact with GIS and Computer Aided Drafting (CAD) staff members, the user community, and the general public, and attend formal meetings with project teams.

46. The skills, knowledge, and abilities required for the position include: knowledge of GIS concepts, practices, and techniques; knowledge of at least one of the following systems, infrastructure design, construction, and operation: water, electric, fiber, or telecommunication; working knowledge of CAD software; ability to employ coordinate geometry and other surveying principles in the creation of planimetric base maps; knowledge and ability to interpret complex engineering technical maps and drawings; ability to communicate and work effectively with others in a team environment; ability to perform technical research and gather data; ability to present technical information clearly; and ability to instruct field crews in proper data collection and documentation practices.

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<sup>5</sup>According to Wikipedia, ArcSDE is software that “spatially enables a Relational Database Management System. The spatial data may then be used as part of a geodatabase.” ArcSDE, <http://en.wikipedia.org/w/index.php?title=ArcSDE&oldid=341985463> (last visited May 12, 2010).

47. The minimum qualifications for the position are: two years experience as a CAD or GIS Mapper, Technician, Specialist, or similar classification including one year of cartographic experience; experience with the use of ESRI ArcGIS software, with experience working in a utility environment and working with AutoCAD preferred; an Associate's degree in GIS, cartography, or computer science, or an equivalent combination of experience and education. No professional license is required. There is no designated next step in the promotion path. The position is supervised by the GeoGraphics Supervisor.

48. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, but overtime may be required. The salary for the position is \$23.75-\$33.24 per hour.

### Other EWEB Positions Not Included in the Proposed Unit

#### CAD Technician

49. CAD Technicians work in the GeoGraphics Section of the Corporate Services Division. The position is in the engineering job family. The position uses CAD and document management applications to develop and revise water, electric, telecommunication, and steam utility technical drawings in architectural, civil, mechanical, and electrical engineering fields, and performs facilities and property research.

50. The essential duties for the position include:

- (1) Develop maps and technical drawings in civil, mechanical, architectural, and electrical engineering disciplines using CAD methods;
  - (2) Systematically research county, city, EWEB, and other utilities' infrastructure documents to aid in the planning, design, operation, and maintenance of EWEB facilities;
  - (3) Attend EWEB business meetings and job related training as required;
- and
- (4) Assist internal or external customers seeking facility information.

51. employees in this position have constant contact with other EWEB employees regarding drafting and research requests, frequent contact with other utilities and agencies, and occasional contact with the general public.

52. The skills, knowledge, and abilities required for the position include: knowledge and skills in proper CAD techniques for preparing complex architectural, structural, electrical, civil, mechanical engineering, and cartographic drawings; knowledge and ability to operate CAD software, document management system, and reprographic

equipment; familiarity with GIS; ability to interpret engineering technical comprehension, English composition, and mathematical skills (including algebra, trigonometry, and plane geometry); ability to perform facility and property research with a fundamental knowledge of land surveying techniques, property legal descriptions, and surveying/engineering nomenclature; and ability to communicate and work effectively and cooperatively with users, customers, and consultants who have varied levels of technical experience and knowledge. The position is supervised by the GIS Supervisor.

53. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, but overtime may be required. The salary for the position is \$18.90-\$26.46 per hour.

### GIS Analyst

54. GIS Analysts work in the GeoGraphics Section of the Corporate Services Division. The position is in the information services job family. The position supports the delivery, testing, configuration, and customization of GIS solutions for the management of electric, water, and telecommunication networks, environmental protection, and hydro generation activities. Analysts work collaboratively on GIS projects in the role of Project Manager or technical expert. They perform complex analysis of graphic and non-graphic data by creating custom maps and reports; solve process, information technology, and data-quality problems proactively and collaboratively with other GIS staff members; support the GIS Program Coordinator in the analysis and identification of needs and opportunities, and research, recommend, and deploy GIS solutions in support of utility planning and operations. They develop and deliver user training for ESRI GIS, customized, and third-party applications as required.

55. The essential duties of the position include:

(1) Anticipate the business uses of geospatial information and work closely with business unit planners and operations staff to raise the quality and speed of planning and operational decisions; provide the results of analyses as custom maps, custom tabular reports, or datasets; use creativity and latitude in the development of information products; act as backup Mapping Specialist if required; design data entry procedures and workflow processes; and monitor the mapping efforts to maintain currency and accuracy standards;

(2) Serve as Project Manager or as technical expert for on-going GIS technology projects; work closely with end-users and solution vendors in the performance of contract work; and perform data, functionality, and system performance quality control;

(3) Support GIS as an accurate, accessible, and reliable data delivery system; troubleshoot application data and performance problems; act as a liaison to GIS user community, performing configuration of tools and displays and analyzing the business value of customization requests; train end-users on field and desktop applications; and assist in the planning and deployment of system upgrades, including desktop and server applications;

(4) Utilize GIS techniques to analyze data and improve the delivery of information to a diverse community of GIS users; understand the critical nature of data quality and data design; and act as backup ArcSDE Geodatabase Administrator;

(5) Research and acquire outside data in support of planning decisions; work with the Application Developer in defining functional requirements for new applications; and optimize configuration of ESRI and third-party applications on user workstations and laptops according to user needs; and

(6) Make GIS tool recommendations, create requisitions for, and manage optimal use of GIS software licenses; budget for hardware and software in collaboration with users and the GIS Program Coordinator; support CAD users in the regular bi-directional sharing of data between CAD and GIS systems; and attend departmental and organizational meetings and trainings.

56. Employees in this position have constant contact with other EWEB personnel regarding drafting and mapping requests, frequent contact with other utilities and agencies, and occasional contact with the general public.

57. The skills, knowledge, and abilities required for the position include: excellent knowledge of current ESRI products and strategies for delivering GIS capability to a broad user community; an understanding of relational databases, geodatabases, and data management practices with exposure to database design and modeling techniques; ability to work effectively as part of a project team, managing multiple and diverse tasks and priorities; a working knowledge of CAD systems and concepts involved in the translation of CAD and GIS data; ability to communicate effectively; ability to advise and cross-train other GIS staff members in sound data management practices; and ability to work toward shared objectives with broad latitude, creativity, and minimal supervision.

58. The minimum qualifications for the position are: five years GIS experience in a support capacity, including three years using ESRI ArcGIS software and two years of cartographic experience, with experience working in a utility environment and linear networks preferred; and a Bachelor's degree in geography, computer science, engineering, business, or related field with specific GIS coursework and/or training, or an equivalent combination of experience and education. No professional license is required. A criminal

records check is required. There is no designated next step in a promotion path. The position is supervised by the Facilities Graphics Supervisor.

59. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, but overtime and on-call hours may be required. The salary for the position is \$28.73-\$40.23 per hour.

### GIS Programmer Analyst

60. GIS Programmer Analysts work in the GeoGraphics Section of the Corporate Services Division. The position is in the information services job family. The position supports the delivery, testing, configuration, and customization of GIS solutions for the management of electric, water, and telecommunication networks as the GIS information analyst; performs the role of ArcSDE database administrator and system administrator for GIS applications; acts as the primary internal developer of GIS applications to engineering and operational business units; solves information technology and data-quality problems proactively and collaboratively with other GIS staff members; maintains the GIS data model; integrates GIS applications, data, and functionality with or into other enterprise applications according to information services standards and policies; and provides GIS user training as required.

61. The essential duties of the position include:

(1) Act as primary GIS internal developer, customize and configure browser-based, client-based, and server-based applications in support of the business needs of the GIS user community using ArcGIS development tools, and develop custom reports;

(2) Support other business units and technology projects by serving as the expert in data and GIS application integration, and work collaboratively with other GIS staff and business area experts on technology project teams in the acquisition and deployment of new applications or the refinement and integration of existing solutions;

(3) Serve as the GIS information analyst and primary ArcSDE Geodatabase administrator; support the definition of business rules and data transactions requirements; create and document procedural and programmatic solutions that ensure data quality and accessibility; and maintain the GIS data model; and

(4) Perform the maintenance and trouble-shooting duties of GIS application administrator, and train users on the appropriate use of the application and data-entry protocols where applicable.

62. Employees in this position have informal contact and meetings with line organizations and analysts, contact with outside agencies and vendors, and formal meetings with project teams and information services customers.

63. The skills, knowledge, and abilities required for the position include: advanced understanding of the ESRI GIS platform, including the various ESRI products and strategies for delivering GIS capability to a broad user community; an understanding of application development in a GIS environment established through development experience; a working knowledge of ESRI application development tools; skill in computer programming and database languages; ability to work effectively as part of a project team, managing multiple and diverse tasks and priorities; ability to communicate effectively verbally or in writing; ability to advise and cross-train other GIS staff members in sound data management practices; knowledge of relational data theory, structured programming technique, structured development methodology, data normalization rules, and physical database design; skill in relational database design; strong analytical skills; knowledge of and ability to use data modeling tools, word processors, spread sheets, and query and reporting tools; knowledge of data warehousing; and knowledge of utility company business functions.

64. The minimum qualifications for the position include: five years experience in database design, data modeling, data integration, and software development, including two years experience in developing GIS applications on the ESRI platform, with utility and data warehousing experience preferred; and a Bachelor's degree in Computer Science, Information Systems, or other related field, or an equivalent combination of experience and education. No professional license or registration is required. A criminal record check is required. There is no designated next step in the promotion path. The position is supervised by the GeoGraphics Supervisor.

65. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, but overtime and after hours on-call work may be required. The salary for the position is \$34.77-\$48.67 per hour.

### **GIS Program Coordinator**

66. GIS Program Coordinators work in the GeoGraphics Section of the Corporate Services Division. The position is in the information services job family. The position assists in the coordination and management of the utility-wide Geographic Information System Program; coordinates priorities, resources, and budgeting; provides technical support, consultation, and guidance in the development and ongoing maintenance of the GIS program; assists in the development of short-term and long-term program objectives relative to the GIS Plan; assists in the updating of the GIS Strategic Plan; coordinates and provides direction for the GIS Section staff and oversees the GIS support work from other IS Sections; acts as a liaison to GIS users throughout the utility; advises and advocates for the prioritization of GIS development projects; and acts as a Project Manager for GIS projects.

67. The essential duties of the position include:

(1) Serve as project manager for current and proposed GIS development projects; anticipate and negotiate for project resource requirements; maintain the project schedule to ensure the timely delivery of products and services; act as a Contract Manager when outside vendors are utilized; monitor project costs and recruit additional resources when necessary; and develop contingency plans and reports on status;

(2) Provide direction to the ongoing maintenance and development of the ESRI-based GIS; coordinate and develop functional specifications for GIS applications in support of EWEB and departmental goals; coordinate GIS activities of GIS professional staff and other business units and coordinate GIS data development and workflow processes between these units; provide technical advice and recommend policies, procedures, standards, enhancements, and services regarding GIS data and applications;

(3) Provide leadership to EWEB in GIS technology; support enterprise GIS as a strategic initiative for the organization; maintain and update the GIS Strategic Plan; lead the GIS Working Group and develop and manage the agenda for the GIS Steering Committee; promote the benefits of GIS based solutions; and work with EWEB Business Units to facilitate the identification of potential GIS solutions to business problems, as appropriate.; and

(4) Develop a prioritization process for GIS development projects, assist the proposed projects through the annual prioritization and budget processes at EWEB, and document the scope, benefits, and risks associated with proposed projects and guide others in the use of these tools.

68. Employees in this position lead meetings within and between business units, including upper and senior management, working groups, steering committees, regional peers, and have significant personal contact with the general public and vendors.

69. The skills, knowledge, and abilities required for the position include: an advanced understanding of the ESRI GIS platform, including the various ESRI products; understanding the underlying business case for GIS, the breadth of solutions that GIS provides, and the specific ESRI tools available to build those solutions; strong project management skills, including ability to use project management tools; excellent facilitative skills for leading group discussion and activities, negotiating work strategies, and working with users at a number of different levels in the organization; leadership skills, including demonstrated success in leading interdepartmental change initiatives; a working knowledge of application development using ESRI development tools, preferably established through development experience as well as training; budget administration skills, including the creation and monitoring of budgets; the ability to represent EWEB GIS interests at the regional level; ability to communicate effectively;

and ability to advocate for GIS projects and resources to Executive Managers and/or the Board of Commissioners as needed.

70. The minimum qualifications for the position include: five years of GIS experience in a multi-disciplinary environment including two years ESRI experience and project management experience required, with lead worker and utility experience preferred; and a Bachelor's degree in Geography, Computer Science, Engineering, Business, or related field with specific GIS coursework and/or training, or an equivalent combination of experience and education. No professional license is required. A criminal records check is required. There is no designated next step in the promotional path. The position is supervised by the GeoGraphics Supervisor.

71. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, but additional hours may be required. The salary for the position is \$31.61-\$44.25 per hour.

### Water Engineering Technician III

72. Water Engineering Technician IIIs work in the Water Planning & Engineer Section of the Water & Steam Division. The position is in the engineering job family. The position performs technical assignments requiring experience, knowledge, and judgment in the application of engineering fundamentals and standards as they apply to the design, construction, and maintenance of water utility systems; applies utility policies and procedures to process customer service and line extension requests for the distribution of water utility services; develops and maintains utility system standards programs; and provides inspection of proposed improvements to ensure contract compliance. The position designs, coordinates, and monitors projects; assists engineers in performance of technical tasks; and communicates directly with customers/users to determine facility requirements.

73. The essential duties of the position include:

(1) Take responsibility for specific job assignments to process all types of water distribution service requests for construction, including preparation of design, material needs, records, contracts, estimates, permits, notices, and technical problem solving.

(2) Provide communications, coordination, and information relating to EWEB water services, policies, rates, procedures, etc., with customers, developers, contractors, agencies, and the general public;

(3) Perform civil engineering related work in support of planning, design, material takeoff, expediting materials, etc.;

(4) Perform construction inspection, including interpreting contract documents, inspecting to assure contract compliance, maintaining accurate records of work for payment for extra work authorized or for future claims, and coordinating owner-furnished materials and equipment as required; field inspect water treatment plant projects involving reinforced concrete construction and mechanical systems, water pipelines, booster pump stations, storage reservoirs, and water transmission lines; review and field verify engineering designs and engineering standards to assure compatible construction; evaluate problems and make recommendations for solutions; and prepare clear, concise, and thorough daily diaries and as-built notes of facilities being installed;

(5) Investigate and prepare reports on assigned engineering, economic, and other problems; perform mathematical computations and work on engineering computer programs; gather and compile data; and develop, enter, and evaluate programs and results; and

(6) Participate in developing, implementing, and enhancing Water Distribution programs; and organize special projects and project teams to implement Water Distribution programs.

74. Employees in this position have regular contact with customers, EWEB personnel, other utilities, government agencies, consulting engineers, architects, land developers, manufacturer's representatives, and contractors.

75. The skills, knowledge, and abilities required for the position include: the ability to interpret and apply EWEB policies, procedures, and rates as they apply to the water utility; ability to communicate effectively in person and by telephone with customers, contractors, agencies, and EWEB engineering, operations, construction, and maintenance personnel; and experience inspecting projects involving reinforced concrete construction, mechanical systems, and electrical/instrumentation systems with experience with water retaining structures and pipe/pumping systems. The position requires knowledge of water treatment facilities, pump stations, or other similar complex industrial processes; ability and willingness to perform work outside in adverse weather conditions; knowledge of and ability to comprehend all types of water distribution systems, materials, and construction; ability to relate to and coordinate construction work with customers, contractors, agencies, other utilities, and other EWEB departments; knowledge of relevant national standards and regulations and City of Eugene Codes; knowledge and understanding of CAD, GIS, and other computer engineering applications; knowledge and understanding of basic hydraulic theory; and knowledge and understanding of land development codes and subdivision design and approval processes. The position has contact on a regular basis with customers, employees, other utilities, government agencies, consulting engineers, architects, land developers, manufacturer's representatives, and contractors.

76. The minimum qualifications for the position include six years experience in the specific technical field with previous experience as a mid-level Engineering Technician; an Associate's degree in science, engineering, or related field, or an equivalent combination of education and experience. No professional license is required. The employee must pass a criminal record check. There is no designated next step in the promotion path. The position is supervised by the Water Engineering Manager.

77. The position's work schedule is 8 hours per day, 40 hours per week, during weekdays, with overtime as required. The salary for the position is \$27.67 - \$38.73 per hour.

### CONCLUSIONS OF LAW

1. This Board has jurisdiction over the parties and subject matter of this dispute.
2. The Petition does not propose an appropriate unit.

EWEB employs about 500 people. Approximately 150 to 170 employees belong to the sole bargaining unit at EWEB. The rest of the employees are unrepresented. IBEW petitions to represent a separate new bargaining unit of nine unrepresented EWEB employees who work in six specified job classifications. EWEB objects to the petition on grounds that it does not propose a unit that is appropriate for collective bargaining. Specifically, it asserts that the subject employees lack a distinct community of interest and that the proposed unit would unduly fragment the workforce. We agree with EWEB's objections and accordingly will dismiss the petition.

### Standards for Decision

ORS 243.682(1)(a) provides that, upon request by a public employer, public employee, or labor organization, this Board shall

"\* \* \* designate the appropriate bargaining unit, and in making its determination shall consider such factors as community of interest, wages, hours and other working conditions of the employees involved, the history of collective bargaining, and the desires of the employees. The board may determine a unit to be the appropriate unit in a particular case even though some other unit might also be appropriate."

Community of interest includes “similarity of duties, skills, benefits, interchange or transfer of employees, promotional ladders, common supervisor, etc.” OAR 115-025-0050(2).

This Board has discretion to determine how much weight to give each factor. *OPEU v. Dept. of Admin. Services*, 173 Or App 432, 436, 22 P3d 251 (2001). The statutory list of factors is not exclusive. *Id.* We also consider the policies and preferences developed by this Board. *Oregon Workers Union v. State of Oregon, Department of Transportation and SEIU Local 503, OPEU*, Case No. RC-26-05, 21 PECBR 873, 883 (2007). We have a well-established preference for designating the largest possible appropriate unit for a public employer in order to avoid undue fragmentation in the workplace:

“\* \* \* We have expressly declined to allow separation of one small group of employees into their own bargaining unit, except where the small group is clearly distinguishable from a larger group by reason of its peculiar responsibilities or where some other compelling circumstances dictate such a unit.” *Oregon AFSCME Council 75 v. City of Ontario*, Case No. RC-1-07, 22 PECBR 260, 272 (2008) (quoting *Teamsters v. Linn County Parks & Recreation Department*, Case No. C-40-80, 5 PECBR 3081, 3084-85 (1980) (footnote omitted)).

The preference for larger bargaining units furthers several important Public Employee Collective Bargaining Act (PECBA) policies. It establishes greater equality of bargaining power between the parties, helps protect the public from impairment or interruption of necessary public services, promotes stable labor relations in the workplace, and prevents the undue burden that would fall on public employers if they had to bargain separately with numerous splinter groups. *Oregon Workers Union v. State of Oregon, Department of Transportation and SEIU Local 503*, 21 PECBR at 883.

This Board’s preference for large units, however, “must be applied in a way that supports, rather than supplants, the statutory unit determination factors.” *LIUNA, Local 320 v. City of Keizer*, Case No. RC-37-99, 18 PECBR 476, 483 (2000).<sup>6</sup> We summarized the circumstances in which a separate department bargaining unit may be appropriate:

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<sup>6</sup>*LIUNA v. City of Keizer* permitted a small bargaining unit, but for reasons that are not present here. First, in *LIUNA*, the proposed unit had a community of interest distinct from that of other unrepresented employees. Second, in *LIUNA*, the entire group of unrepresented employees had already voted against a larger bargaining unit, so if we rejected the proposed smaller bargaining unit, the employees would effectively lose their statutory right to seek representation. Neither of these factors apply here.

“\* \* \* a separate department bargaining unit may be appropriate where: (1) employees in the proposed bargaining unit have working conditions that are significantly different from those of other personnel employed by the employer; (2) the department in which the employees work is self-contained and clearly separate from other employer operations; (3) the employees desire a separate bargaining unit; and (4) designation of the unit would not lead to undue fragmentation.” *International Brotherhood of Teamsters v. Bay Area Hospital*, Case No. RC-36-01, 19 PECBR 898, 905 (2002) (citation omitted).

We now apply these statutory and policy factors to the facts presented here.

### Community of Interest

The duties performed and skills used by most of the positions in the proposed unit are not unique within EWEB. They are very similar to the duties performed and the skills used by positions in other EWEB departments. For example, eight of the nine members of the proposed unit perform engineering work, but there are many other EWEB engineering positions excluded from the proposed unit, including staff engineers in the Distribution Engineering Section and numerous others in the Electric Services and Water & Steam Divisions. More specifically, there are five Engineering Technicians (IIs and IIIs) inside the proposed unit. Outside the proposed unit, there are three Engineering Technician III positions in the Planning & Engineering Section of EWEB's Water & Steam Division. All of the positions have similar job descriptions and perform similar work, although the Technician I and II positions work at a lower level of expertise and responsibility, and work only in the Distribution Engineering Section. The Electric Services and Water & Steam engineering employees perform very similar work and sometimes work together on joint projects. In addition, there are three Staff Engineers and one Utility Joint Use Coordinator inside the Distribution Engineering Section but outside the proposed unit.

There is one GIS Mapping Specialist position inside the proposed unit, and one other such position outside the proposed unit in the Planning & Engineering Section of the Water & Steam Division. Both positions have similar job descriptions and perform similar work. In addition, there is one GIS Analyst position, two GIS Data/Programmer positions, and one GIS program coordinator position in the GeoGraphics Section of the Corporate Services Division, along with three CAD/GIS Technicians and three Senior CAD/GIS Technicians. The Geographics GIS Analyst and Data/Programmer perform work similar to that of the proposed unit's GIS Mapping Specialist. The proposed unit's GIS Mapping specialist works in an office setting in a position characterized as information services. The other positions in the proposed unit perform a significant amount of engineering work.

There is one Engineering Analyst inside the proposed unit. There are two Engineering Analyst positions outside the proposed unit, working in the Systems Engineering Section of the Electric Services Division. All of the positions have similar job descriptions and perform similar work.

There are two Distribution Engineering Area Technician positions inside the proposed unit. They do not appear to have analogues outside the proposed unit.

The Engineering Technician I position requires a high school degree; the Engineering Analyst position requires two years of college with coursework in a relevant field; and the Engineering Area Technician and Engineering Technician II and III positions require an Associate's degree in a relevant field.

There is no evidence that EWEB provides benefits to its employees which are different in any way that is material to this petition.

There is no evidence regarding any relevant interchange or transfer of employees between the proposed unit and other portions of EWEB.

The promotional ladders for proposed unit members appear to be based more on job family, expertise, and accomplishment than assignment in a particular department or unit. For example, the designated promotion path for Distribution Engineering Technician I is to II and III, and the III positions exist both inside and outside the proposed unit. The Engineering Analyst position does not have a designated promotion path, but few, if any, higher salaried non-management positions in the engineering job family appear to exist inside or outside the proposed unit. GIS Mapping Specialists do not have a designated promotional path; there are no other GIS positions at higher salary levels inside the proposed unit, but there are higher salaried GIS positions outside the unit, such as the GIS Analyst and GIS Program Coordinator.

The employees in the proposed unit share common supervision by virtue of working in the Distribution Engineering Section of the Electric Services Division. Other unrepresented employees outside of the proposed unit also share this common supervision.

### Wages, Hours, and Other Working Conditions

#### Wages

The starting wages for the proposed unit employees range from \$17.18 per hour in salary range 1 for the vacant position of Distribution Engineering Technician I (or \$20.79 per hour in salary range 3 for the Distribution Engineering Technician II) to

\$30.43 per hour in salary range 7 for the Engineering Analyst-Electrical Distribution and Distribution Engineering Area Technician positions. Two positions with four employees inside the Distribution Engineering Section, but outside the proposed unit, are Staff Engineers, salary range 8, and Utility Joint Use Coordinator, salary range 6. These wages are commensurate with the wages of similar employees outside of the proposed bargaining unit. The record does not reveal the basis or timing upon which any salary increases are provided to these employees. The wages for IBEW unit employees are set by the IBEW-EWEB collective bargaining agreement.

## Hours

The default schedule for all of the employees in the proposed unit is a 40-hour workweek, Monday through Friday, with possible overtime work. Other unrepresented employees with the same or similar job descriptions generally work these same hours.

## Other Working Conditions

GIS employees both inside and outside the proposed unit work in an office environment, where they primarily interact with other GIS employees, the general public, and their project teams. The engineering employees both inside and outside the unit do a significant amount of work in the field, at times in inclement weather. They interact daily with other EWEB employees, utilities, agencies, vendors, manufacturers' representatives, and EWEB customers.

## History of Collective Bargaining

The record contains no evidence that the proposed unit, or other EWEB employees outside of the existing IBEW unit, have ever been represented by a labor organization, or that they have sought such representation. Although there is no evidence in the record on this point, according to our reported decisions, the IBEW unit has existed since at least late 1993. *International Brotherhood of Electrical Workers, Local Union No. 659 v. Eugene Water and Electric Board*, Case No. RC-36-93, 14 PECBR 808 (1993). Unlike the proposed unit, the IBEW unit crosses both section and division lines. It includes employees in the Distribution and Systems Engineering Sections of the Electric Services Division as well as positions in the Water & Steam Division.

## Desires of Employees

IBEW has presented a sufficient showing of interest to demonstrate that the proposed unit employees wish to be represented by IBEW.

## Analysis

The proposed unit is not a section-wide unit. Some employees in the Distribution Reliability Section are in the existing IBEW unit, while others would be in neither unit. The proposed unit does not even span the 17-employee Distribution Engineering Section.

In addition, the community of interest shared by the positions in the proposed unit is not substantially different from the community of interest shared by a significant number of EWEB positions outside the unit. Nor is there a shared community of interest within the proposed unit based on the nature of the work performed. Some employees in the proposed unit perform engineering work and others perform information services work; some positions exclusively perform office work and others do a substantial amount of field work. There is little evidence that the employees in the proposed unit actually do significant work together—much of their contact appears, in this record, to take place in formal meetings. Although employees in the proposed unit apparently work out of the same facility, have similar job qualifications, compensation, work schedules, and participate in the same training and departmental meetings, this also appears to be the case for numerous positions outside of the proposed unit.

In addition to the lack of a distinct community of interest, the proposed unit would contribute to fragmentation of the workplace. The existing IBEW unit crosses Section and Division borders to knit together a unit of mostly front-line utility employees. The proposed unit does not include all similarly situated employees, and does not even include all of the Section employees outside of the existing IBEW unit. Certifying this unit would leave similarly situated employees in the same and other EWEB Sections to form their own units, based on no apparent rationale except their exclusion from the current IBEW unit and from this new proposed unit. Such fragmentation would undermine important PECBA policies.

Generally, when “the proposed unit is not appropriate, another configuration of classifications included in the proposed unit may be appropriate.” *Lane County Juvenile Department Association v. Lane County Juvenile Department and Lane County Peace Officers Association*, Case No. C-123-87, 11 PECBR 395, 411 (1989). However, given the small number of positions and employees at issue, the similarity of their work with the work performed in numerous positions outside the proposed unit, and the lack of information about other positions in the same section, there is no basis in this record to construct a different bargaining unit description.

We conclude that the proposed bargaining unit lacks a distinct community of interest. We also conclude that certifying such a unit within EWEB, considering its organization of work and history of collective bargaining, would create needless unit fragmentation. Therefore, we conclude that the proposed unit is not appropriate for bargaining, and we will dismiss the petition.

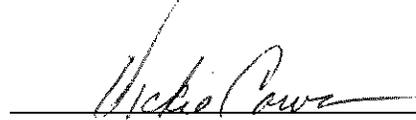
ORDER

The petition is dismissed.

DATED this 26<sup>th</sup> day of May 2010.



Paul B. Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member

This Order may be appealed pursuant to ORS 183.482.