

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. DC-012-11

(PETITION FOR DECERTIFICATION OF REPRESENTATIVE)

JANICE L. STRAIGHT on behalf of the)	
EMPLOYEES OF THE CARLTON)	
POLICE DEPARTMENT,)	
)	
Petitioner,)	ORDER DISMISSING
)	PETITION
v.)	
)	
YAMHILL CARLTON EMPLOYEE)	
ASSOCIATION,)	
)	
Respondent.)	
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On April 21, 2011,¹ Janice L. Straight (Petitioner) filed a decertification petition on behalf of the employees of the Carlton Police Department (Department). The petition asserts that Yamhill Carlton Employee Association (Association) no longer represents a majority of employees in the bargaining unit. ORS 243.682(1)(b)(D). The petition is supported by a showing of interest signed by two bargaining unit members. Petitioner represents that there are four members in the bargaining unit. She further represents that the most recent collective bargaining agreement between the Department and the Association is in effect from July 1, 2009 to June 30, 2011.

The Association is the exclusive representative of a bargaining unit of Department employees. The agreement describes the unit as:

“* * * [A]ll regular sworn employees of the Carlton Police Department, excluding casual and temporary employees, supervisory, and confidential employees.”

¹All dates are 2011 unless otherwise specified.

The Elections Coordinator asked petitioner for a showing of interest and the name of the employer's representative, and then served the petition on the Department and the Association on May 25. The Department certified that, on May 26, it posted the required Board notices entitled "Decertification Election Has Been Requested." OAR 115-025-0030(1).

The Association had until May 13 to file objections to the petition. On May 11, the Association's representative wrote to the Elections Coordinator claiming that the petition contains a serious error. The Association's representative clarified that the Yamhill Carlton Employee Association represents two separate bargaining units, one for the Police in the City of Yamhill and another for the Police in the City of Carlton. The bargaining unit at issue here—the Police in the City of Carlton—contains only two employees, not four as asserted in the petition. The Association's representative also disclaimed further interest in representing the City of Carlton Police Department bargaining unit that is the subject of this petition.

DISCUSSION

ORS 243.682(1)(b)(D) permits a public employee or a group of public employees to petition for decertification if at least 30 percent of the employees in the bargaining unit "assert that the designated exclusive representative is no longer the representative of the majority of the employees in the unit." *See also* OAR 115-025-0000(1)(d). When a valid petition has been filed without objection and a question of representation exists, this Board orders an election under the procedures set forth in OAR 115-025-0060.

Here, however, the Association has disclaimed interest in the bargaining unit. OAR 115-025-0060(3) provides that "[a] labor organization may request in writing to have its name removed from the ballot disclaiming any representation interest for the employees in the unit." Accordingly, the petition does not raise a question of representation.

An election gives employees the option to vote for a union or for no representation. ORS 243.686; OAR 115-025-0060(4). Because the Association has disclaimed interest, it will not appear on the election ballot. This would leave "No Representation" as the only choice remaining on the ballot. The Association's disclaimer of interest thus renders the petition to decertify the Association moot. Because there is no longer a question regarding representation of Department employees, this petition must be dismissed. *See* ORS 243.682(1) and (4) (requiring an election only if there is a question of representation); *Coon and Employees of the City of Halfway v. Carpenters*

Industrial Council Local Union No. 1017, ERB Case No. DC-021-09, 23 PECBR 310 (2009); Clark and Employees of Curry General Hospital v. Oregon Nurses Association, ERB Case No. DC-57-97, 17 PECBR 491 (1998); Henderson and Employes of Oakridge Police Department v. Teamsters Local 223, ERB Case No. C-220-83, 7 PECBR 6093 (1983).

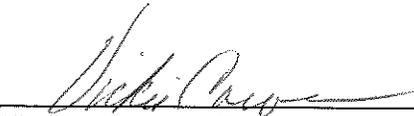
ORDER

The petition for decertification is dismissed.

DATED this 14 day of July 2011.



Paul B. Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member

This Order may be appealed pursuant to ORS 183.482.