

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. DC-015-11

(PETITION FOR DECERTIFICATION OF REPRESENTATIVE)

GEORGE E. COLLINS on behalf of)
 EMPLOYEES OF ROGUE COMMUNITY)
 COLLEGE,)
)
 Petitioner,)
)
 v.)
)
 TEAMSTERS LOCAL 962,)
)
 Respondent.)
 _____)

ORDER DISMISSING
PETITION

Teamsters Local 962 (Union) represents a bargaining unit of employees at Rogue Community College (College). On May 5, 2011,¹ George E. Collins (Petitioner) filed a petition on behalf of certain employees of the College. The petition seeks to decertify the Union as exclusive bargaining representative. Petitioner represents that there are two members in the bargaining unit and that a contract between the College and the Union is in force from July 1, 2008 through June 30, 2011.

A copy of the contract was provided with the petition. The contract describes the bargaining unit as:

“All employees of Rogue Community College who are Commercial Truck Driving Instructors, excluding:

- “1. Supervisory and confidential employees.
- “2. RCC OSEA members.
- “3. RCC OEA members.
- “4. Temporary instructors employed 29 days or less in any fiscal year.
- “5. Instructors for out-of-district classes with four (4) or fewer students enrolled.”

¹All dates are 2011 unless otherwise specified.

On May 6, the Elections Coordinator wrote to Petitioner informing him that the petition was not timely filed and that the showing of interest accompanying the petition was not sufficient. The Elections Coordinator requested that Petitioner withdraw the petition by May 16. Petitioner did not respond.

ORS 243.692(3) establishes the "window" or "open" period for filing a petition when a contract exists as "not more than 90 calendar days and not less than 60 calendar days before the end of the contract period." *See also* OAR 115-025-0015(4). The contract expires on June 30. The appropriate period to file this petition was April 2 to May 1. Because May 1 fell on a weekend, the open period expired on the following day, Monday, May 2. This petition was received on May 5, "less than 60 calendar days before the end of the contract period." The petition is therefore untimely.

In addition, the showing of interest is inadequate. *See* ORS 243.682(1)(b)(D) (requiring a 30 percent showing of interest in order to obtain an election on a decertification petition). The showing of interest provided with the petition is the "example" clipped from the instructions this Board provides to potential petitioners. Neither the name of the College nor the name of the Union this petition seeks to decertify are included in the document. Other than the fact that the person signing the document no longer desires to be represented, it is not clear what labor organization and what employer the document refers to.

We dismiss the petition as untimely and not supported by an adequate showing of interest.

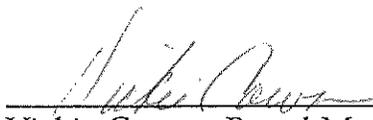
ORDER

The petition for a decertification election is dismissed.

DATED this 20 day of June, 2011.



Paul B. Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member

This Order may be appealed pursuant to ORS 183.482.