

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. DC-16-10

(DECERTIFICATION)

DANA CARLILE and CERTAIN )  
EMPLOYEES OF THE PORTLAND )  
CENTER FOR THE PERFORMING ARTS, )  
 )  
                                Petitioners, )  
 )  
                                v. )  
IATSE LOCAL B-20, )  
 )  
                                Respondent. )  
\_\_\_\_\_ )

ORDER DISMISSING  
PETITION

Dana Carlile, Portland, Oregon, represented Petitioners.

Elizabeth A. Joffe and Patrick N. Bryant, Attorneys at Law, McKanna Bishop Joffe & Arms, Portland, Oregon, represented Respondent.

On June 21, 2010, Dana Carlile filed this petition seeking to decertify IATSE Local B-20 (Local B-20) as the exclusive bargaining representative of a bargaining unit of employees in the position of Stage Door Watch Person at the Portland Center for the Performing Arts (Center). The Center is part of the Metro Exposition Recreation Center (MERC). Petitioners filed the petition based on their belief that MERC had voluntarily recognized Local B-20 as the exclusive bargaining representative of the employees in the Stage Door Watch Person position and had agreed to include them as part of Local B-20's existing bargaining unit of MERC employees.

On June 30, 2010, Local B-20 objected to the petition. It asserts in part that MERC has not recognized Local B-20 as the exclusive representative of employees in the Stage Door Watch Person position, and as a result, those employees are not included in the Local B-20 bargaining unit. Local B-20 admitted it was involved in an organizing campaign to add these employees to its bargaining unit and had discussed its intentions with MERC. It states, however, that these employees are not currently included in the Local B-20 bargaining unit either through Board certification or voluntary recognition.

Local B-20 and MERC are parties to a collective bargaining agreement which covers certain employees at the Center.<sup>1</sup> The agreement does not cover the position of Stage Door Watch Person.

On July 5, 2010, Carlile responded to Local B-20's objections in an e-mail to the Elections Coordinator. He agreed that if MERC has not recognized Local B-20 as the exclusive bargaining representative of employees in the position of Stage Door Watch Person, then the petition is moot. On July 19, 2010, pursuant to OAR 115-025-0025(2), the Administrative Law Judge (ALJ) asked Carlile to withdraw the petition because the employees subject to the petition are not represented by Local B-20. The ALJ advised Carlile that if he did not withdraw the petition, he would have until August 2, 2010 to show cause why the petition should not be dismissed. The ALJ further advised that if he failed to do so, she would recommend to the Board that the petition be dismissed. Carlile did not respond to the ALJ's request.

OAR 115-025-0000(1)(d) provides that "[a] petition for decertification may be filed by a public employee or group of public employees alleging that 30 percent of the employees in a bargaining unit assert that the designated exclusive representative is no longer the representative of the majority of the employees in the unit." Petitioners concede that the employees on behalf of whom the petition was filed are not members of the Local B-20 bargaining unit which Petitioners seek to decertify. Under ORS 243.682(1) and (4), this Board will order an election when "a question of

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<sup>1</sup>Local B-20 points out in its objections that this petition was filed on June 21, 2010, and the Local B-20/MERC agreement expired on June 30, 2010. As a result, this petition is also subject to dismissal because of a contract bar under ORS 243.692(3). That statute provides that "[a] petition for an election where a contract exists must be filed not more than 90 calendar days and not less than 60 calendar days before the end of the contract period." This petition is untimely.

representation exists.” Because no question of representation exists regarding the employees subject to this petition, the petition will be dismissed.<sup>2</sup>

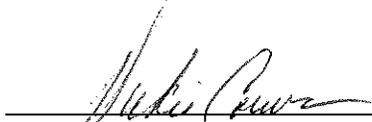
ORDER

The petition is dismissed.

DATED this 18 day of August, 2010.



Paul B. Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member

This Order may be appealed pursuant to ORS 183.482.

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<sup>2</sup>The basis for the dismissal here is similar to our dismissal of a petition where no question of representation exists after a union disclaims representation of a group of employees in response to a decertification petition. *See Coon and Employees of the City of Halfway v. Carpenters Industrial Council Local Union No. 1017*, Case No. DC-21-09, 23 PECBR 310 (2009).