

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. RC-10-08

(PETITION FOR REPRESENTATION)

ADMINISTRATIVE-PROFESSIONAL)	
ASSOCIATION OF LANE COUNTY)	
PUBLIC WORKS, INC.,)	
)	
Petitioner,)	
)	
v.)	RULINGS,
)	FINDINGS OF FACT,
LANE COUNTY,)	CONCLUSIONS OF LAW,
)	AND ORDER
)	
Employer,)	
)	
and)	
)	
AFSCME LOCAL 2831,)	
)	
Incumbent.)	
_____)	

Neither party objected to a Recommended Order issued on October 21, 2008 by Administrative Law Judge (ALJ) B. Carlton Grew following a hearing on July 17, 2008, in Salem, Oregon. The record closed on August 1, 2008, with the receipt of the parties' post-hearing briefs.

Patricia Bridge Urquhart, Attorney at Law, Garrettson, Gallagher, Fenrich & Makler, 5530 S.W. Kelly Avenue, Portland, Oregon 97239, represented Petitioner.

Liane I. Richardson, Assistant County Counsel, Lane County Courthouse, 125 E 8th Avenue, Eugene, Oregon 97401, represented Employer.

Allison R. Hassler, Legal Counsel, Oregon AFSCME Council 75, 688 Charnelton Street, Eugene, Oregon 97401, represented Incumbent.

On May 7, 2008, the Administrative-Professional Association of Lane County Public Works, Inc. (Association) filed this Amended Petition¹ seeking to certify a new bargaining unit of

“All employees in professional, paraprofessional and technical positions (including the Compliance Officer, Compliance Specialist, Planner, Associate Planner, Senior Planner, [Cartographer] Cadastral/GIS Technician, [Cartographer] Cadastral/GIS Specialist, Information Services Technician, Information Services Analyst, Senior Information Services Analyst, Programmer Analyst 1, Programmer Analyst 2, Senior Programmer & System Analyst, System Network Analyst 1, System Network Analyst 2, Senior System Network Analyst, Database Administrator and Management Analyst not currently represented in the Administrative Professionals Public Works bargaining unit, exclusive of persons so employed and classified but in a confidential or supervisory capacity.”²

The petitioned-for employees are currently included in the AFSCME collective bargaining unit.

On May 20, 2008, AFSCME Local 189 (AFSCME) filed objections to the representation petition on grounds that the proposed unit is not appropriate for bargaining. The employer Lane County (County) takes a neutral position on the issue.

The issue is: Does the petition propose an appropriate bargaining unit under ORS 243.682(1)?

¹On April 30, 2008, Petitioner Association filed an OAR 115-025-0005(6) unit clarification petition in which it sought to transfer the same positions into the existing Association unit (except for the Compliance Specialist). This Board’s elections coordinator notified the Association that its petition was untimely. On May 7, 2008 the Association amended its petition to a representation petition in which it seeks to establish a separate bargaining unit consisting of the same employees, with the addition of the Compliance Specialist. OAR 115-025-0001(1)(a)

²As explained below, the following positions are also included in the proposed unit: Associate Surveyor, Administrative Analyst, Property Management Officer 1 and 2, Land Management Technician, Building Inspector 2, Senior Building Inspector, and Plans Examiner 1 and 2.

RULINGS

1. After the Association filed its Amended Petition, the County presented a list of 10 positions it believed were similar to those in the proposed bargaining unit. The Association then requested leave to include them in the proposed bargaining unit. AFSCME did not object, and the ALJ properly granted the request, subject to the Association filing an amended showing of interest if this Board concludes that the proposed bargaining unit is an appropriate one.³

2. At hearing, the Association sought to introduce job descriptions of employees in the present Association unit. The ALJ admitted the exhibits over AFSCME's objections. In evaluating whether a proposed unit has a distinct community of interest, and other factors regarding whether it is an appropriate unit, comparison with positions outside of the proposed unit is often required. The ALJ appropriately admitted this evidence

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

FINDINGS OF FACT

Parties

1. The County is a public employer under ORS 243.650(20). AFSCME and the Association are labor organizations within the meaning of ORS 243.650(13) and the exclusive representatives of separate bargaining units of County employees.

2. There are seven bargaining units in the County. AFSCME represents a unit of approximately 700 employees, including the employees at issue in this Amended Petition, and a separate unit of County nurses.⁴ Other bargaining units include: Lane County Peace Officers Association (strike-prohibited deputy and correction sheriffs and juvenile detention workers); Federation of Parole and Probation Officers (FOPPO) (strike-prohibited parole and probation officers); Prosecuting

³The parties have not told us how many employees are in the Administrative Analyst, Property Manager, or Building Inspector 2 positions, and therefore we are unable to determine if the present showing of interest is adequate with this modification to the proposed unit.

⁴The AFSCME nurses' unit is not relevant to the issues raised by this Amended Petition. For purposes of this Order, the term "the AFSCME unit" refers to the 700 employee unit.

Attorney's Association (deputy district attorneys); Lane County Public Works Association Local 626 (mechanic and road workers in the Road Maintenance and Fleet Divisions of Public Works, and some other employees); and the Association (90 - 100 administrative, technical, and professional employees in the Public Works Department).

3. The Association unit description is a list of the following positions in the Public Works Department: Associate Surveyor, Bridge Supervisor, Engineer-in-Training, Engineering Aide, Engineering Assistant, Engineering Associate, Engineering Technician 1, Engineering Technician 2, Environmental Engineering Spec., Lead Electrician, Lead Mechanic, Lead Worker, Lead Worker-Parks, Nuisance Abatement Specialist, Park Planner, Parks Superintendent, Parks Supervisor, Public Works Administrative Assistant, Public Works Analyst, Real Property Officer 1, Real Property Officer 2, Road Maintenance Supervisor, Safety Coordinator, Shop Supervisor, Sign Shop Supervisor, Solid Waste Supervisor, Senior Engineering Associate, Senior Public Works Analyst, Senior Real Property Officer, Senior Surveyor, Vegetation Management Coordinator, Waste Management Tech Specialist, and Waste Reduction Specialist.

4. In this petition, the Association seeks to represent a separate bargaining unit of approximately 100 employees who work in the Land Management and Transportation Planning Divisions of the Public Works Department and certain employees who work in the County Information Services Department.

5. The County has a variety of work sites. Most of the petitioned-for employees work in the County's Public Service building in downtown Eugene, along with other County employees, including employees in the AFSCME unit.⁵

6. The Lane County Department of Public Works consists of eight divisions: Engineering and Construction Services, Transportation Planning and Traffic, Road Maintenance, Administrative Services, Land Management, Waste Management, Parks, and Fleet Services. The Land Management Division includes planning, surveying, building inspection, and sanitation functions. The Transportation Planning and Traffic Division includes planning, traffic engineering, and Geographical Information System (GIS) functions.

⁵The record does not reveal the location of the Administrative Analyst or Property Manager 1 and 2 positions. We infer that the Building Inspector 2 is, like the other building inspector positions, located in the Building section of the County Land Management Division

PETITIONED-FOR EMPLOYEES

Positions Within the Land Management Division of the Lane County Department of Public Works

7. The Compliance Officer position⁶ (maximum wage \$53,310 per year) investigates, screens, evaluates, and brings to compliance alleged violations applicable to land use, nuisance, and building sections of the Lane County Code and state law and road-related activities, and consults with legal counsel regarding evaluation of complaints. The position receives direction from the Land Management Manager or Public Works Director, and may exercise functional and technical supervision over clerical and technical personnel. The position requires knowledge of principles and practices of code enforcement; investigation; research and data collection; statistical analysis and report writing; and pertinent local, state, and federal laws, ordinances, and rules regarding land use, nuisance, building sections, Public Works right-of-way, and other road maintenance activities. The position requires the ability to conduct investigations including collecting data, analyzing facts, and drawing conclusions; reviewing the work of others; dealing effectively with the public in potentially stressful situations; establishing and maintaining effective working relationships with those contacted in the course of work; and communicating clearly and concisely, both orally and in writing. The employee is expected to drive to locations in the field and appear in court. Employees must have an education equivalent to the completion of the twelfth grade, and four years of increasingly responsible experience in planning, building, community development, or an equivalent combination of experience and training. The employee must also be able to be deputized at the time of appointment. The position is located in the Compliance section of the Land Management Division.

8. The Planner position (maximum wage \$52,042 per year) performs professional planning work on projects of limited complexity relating to a comprehensive plan implementing code development and/or code administration. This is an entry/journey-level position which receives general supervision from the Planning Program Manager, and technical and functional supervision from the Associate Planner. The position requires knowledge of modern principles and practices of planning; current literature, information sources, and research techniques in the field of urban planning; and laws, as well as ordinances, policies, and regulations governing planning, growth management, and land use. It requires the ability to interpret and apply applicable laws,

⁶Descriptions of the various positions at issue are taken from the relevant job descriptions with minor changes. The parties offered little specific testimony regarding most positions and largely ignored the additional positions identified by the County.

ordinances, and policies; learn to perform professional planning work with a minimum of supervision; analyze and compile technical information and reports; establish and maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely, both orally and in writing. The position requires a bachelor's degree from an accredited college or university with major course work in planning or a related field, and one year of responsible professional planning experience, or an equivalent combination of experience and training. The Planner position is located in the Planning section of the Land Management Division.

9. The Associate Planner position (maximum wage \$57,387 per year) conducts professional community planning projects; provides responsible technical planning advice to the County; and develops assigned programs and prepares comprehensive reports including statistical data and graphic material. This is the full journey-level Planner, with a greater level of responsibility assumed and complexity of duties assigned, including providing complex professional planning support. Receiving direction from the Planning Program Manager, these employees may receive only occasional instruction or assistance as new or unusual situations arise, and may exercise functional and technical supervision over clerical and technical personnel. The minimum qualifications include knowledge of modern principles and practices of planning; subdivision, site planning, and zoning ordinance administration; current literature, information sources, and research techniques in the field of planning; laws, ordinances, policies and regulations governing planning, growth management, and land use; and long-range planning methods, practices, and procedures. Employees are required to have the ability to interpret and apply applicable laws, ordinances, and policies; perform professional planning work with a minimum of supervision; analyze and compile complex technical information and reports; establish and maintain effective working relationships with those contacted in the course of work; provide technical and functional supervision of professional and clerical staff; and communicate clearly and concisely, both orally and in writing. In addition to the equivalent of a bachelor's degree from an accredited college or university with major course work in community planning or a related field, the employee must have three years of responsible professional planning experience, or an equivalent combination of experience and training. The Associate Planner position is located in the Planning section of the Land Management Division.

10. The Senior Planner position (maximum wage \$61,797 per year) manages professional planning projects; provides highly responsible technical planning advice to the County; and develops assigned programs and prepares comprehensive reports, including statistical data and graphic material. This is an advanced/journey-level position, and includes providing complex professional planning support and lead worker

support with other planning personnel. Employees receive direction from the Planning Program Manager, and may exercise technical and functional supervision over clerical, technical, and professional personnel.

The Senior Planner must have knowledge of principles and practices of supervision, training, and work coordination; modern principles and practices of comprehensive planning and zoning ordinance administration; principles and practices of policy development and implementation; principles and practices of research and analysis; government and legal planning requirements, including Oregon laws, local ordinances, policies, and regulations governing planning, growth management, and land use; and budgeting procedures and techniques. The employee must have the ability to organize, implement, and supervise comprehensive planning and code activities; plan, schedule, coordinate, and assign the work of staff; interpret and apply Oregon law and applicable County and department rules, regulations, policies, and procedures; assist in the development and recommendation of policies, procedures, and operating practices related to assigned area; perform professional planning work with a minimum of supervision; establish and maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely, both orally and in writing. In addition to the equivalent of a bachelor's degree from an accredited college or university with major course work in regional or urban planning or a related field, the position requires three years of increasingly responsible experience in city, county, or regional planning, including one year of lead responsibility, or an equivalent combination of experience and training. In addition, knowledge and experience working with Oregon Land Conservation and Development Goals and Rules is preferred. The Senior Planner position is located in the Planning section of the Land Management Division.

Positions Within the Transportation Planning and Traffic Division of the Lane County Department of Public Works

11. Cartographer/GIS Technicians (maximum wage \$42,682 per year) maintain the cadastral map system; perform geo-processing (processing information linked to physical location of various GIS components) of property boundary databases; and contribute to the development and maintenance of the GIS. The employee assesses reliability and enters documents such as right-of-way deeds, property deeds, recorded easements, plat road plans, subdivision plats, surveys, or other data into the system. This is an entry/journey-level position, and employees receive general supervision from a department supervisor or manager and may receive technical and functional supervision from a Cartographer/GIS Specialist.

The minimum qualifications for the position include knowledge of principles, practices, and techniques of cartography; geographic information systems or computer-aided drafting equipment, software, and techniques; geobase theory and functions as it relates to provision of services and computer-assisted production of maps; legal descriptions, survey and subdivision plats, instruments of title and other records related to mapping property; coordinate geometry and spatial data analysis; private, city, county, state, and federal sources of demographic data; and applicable rules and regulations as apply to the preparation of maps. These employees must have the ability to operate and use various computers, computer-aided devices, and software such as graphic workstations, personal computers (PCs), and digitizer; interpret and translate geographic data using coordinate geometry and spatial analysis; conduct research of documents necessary for the construction and update of GIS database; evaluate the reliability of input data; read and interpret legal documents, maps, and surveys; conduct title searches to determine property ownership; communicate effectively, both orally and in writing; determine and present information in cartographic and statistical formats; perform accurate mathematical calculations; and establish and maintain effective working relationships with the public, other employees, and representatives of other agencies. The position requires an associate's degree with major course work in computer science, geography, surveying, engineering, or a related field, and two years' experience working with survey mapping or geographic information systems, or an equivalent combination of experience and training. The positions are located in the GIS section of the Transportation Planning and Traffic Division and in the GIS section of the Assessment and Taxation Department.

12. The Cartographer/GIS Specialist (maximum wage \$49,525 per year) performs geo-processing (processing information linked to physical location of various GIS components) of property boundary databases, and contributes to the development and maintenance of the GIS. Specific duties depend on project assignments and may include assessing reliability and entering documents such as right-of-way deeds, property deeds, recorded easements, plat road plans, subdivision plats, surveys, or other data; researching questions concerning conflicting measurements of boundaries and other related matters; preparing information for input to the GIS system; or assisting in the development of automated procedures for linking the GIS base map to existing database systems. Employees also perform a lead role in project design and coordination of work plans, using independent judgment. They receive direction from a department supervisor or manager, and may exercise technical and functional supervision over Cartographer/GIS Technicians.

The minimum qualifications for the position include knowledge of principles, practices, and techniques of cartography and surveying; applicable rules and regulations as applied to the preparation of maps; geographic information systems or computer-aided drafting equipment, software, and techniques; geo-base theory and functions as it relates to provision of services and computer-assisted production of maps; legal descriptions, instruments of title, survey, and subdivision plats, and other records related to mapping property; coordinate geometry and spatial data analysis; private, city, county, state, and federal sources of demographic data; and basic principles and practices of supervision and training. Such employees must have the ability to operate and use various computers, computer-aided devices, and software such as graphic workstations, PCs, and digitizer; interpret and translate geographic data using coordinate geometry and spatial analysis; conduct research of documents necessary for the construction and update of GIS database; evaluate the reliability of input data; read and interpret legal documents, maps, and surveys; communicate effectively, both orally and in writing; determine and present information in cartographic and statistical formats; perform accurate mathematical calculations; understand and utilize complex data processing programs and systems related to GIS; establish and maintain effective working relationships with the public, other employees, and representatives of other agencies; and provide training and assign and coordinate the work of Cartographer/GIS Technicians. The employee is expected to drive to locations in the field. In addition to an associate's degree with major course work in computer science, geography, surveying, engineering, or a related field, the position requires four years' experience working with survey mapping or geographic information systems, or an equivalent combination of experience and training which provide the applicant with the desired skills, knowledge, and ability. The position is located in the GIS section of the Transportation Planning and Traffic Division

13. The Associate Surveyor position (maximum wage \$58,593 per year) serves as survey crew leader on complex projects; performs professional survey activities on public works improvement and survey projects; and serves as a resource and provides professional expertise, guidance, and assistance to lower-level staff working on multiple activities in the area of field engineering/surveying. This is the entry-level position in the Surveyor series. Employees receive general direction from their assigned supervisory, management, or professional staff, and exercise functional and technical supervision over assigned technical personnel in field surveying applications.

The position requires knowledge of professional surveying concepts, theories, principles, practices, and methods of land, geodetic, and construction surveying; Public Land Survey System and statutes related to surveying, right-of-way, and platting; Oregon laws and regulations as applied to boundary surveying and property

development; mathematics including trigonometry, algebra, and geometry used in engineering and surveying technology; principles and practices of basic engineering land surveying or public works construction; practices of technical research and report writing relating to area of assignment, title research, and deed records; tools, equipment, and methods of drafting and mapping; computer software relating to surveying and engineering; methods and equipment used in electronic and conventional surveying and Global Positioning System (GPS) data collection; computer-assisted drafting; and principles and practices of work site safety. The position requires the ability to use current manual and electronic survey instruments; use field and office engineering instruments; operate personal computers and a scientific calculator; operate GPS data collection equipment and related software; perform physical labor in varying weather and terrain as required; perform engineering and surveying mathematical calculations, through trigonometry, with speed and accuracy; prepare drawings and surveying maps neatly and accurately, using both computer-assisted drafting software and conventional or manual means; read and interpret construction plans and specifications, technical manuals, and other related materials; research and prepare technical reports; prepare drafts, sketches, or tracings of maps and plans; maintain neat, legible, and accurate notes; establish and maintain effective working relationships; lead and train technical staff as necessary; and communicate clearly and concisely, both orally and in writing. The position requires the equivalent of a bachelor's degree from an accredited college or university with major course work in surveying, and three years of construction, boundary, and/or cadastral surveying experience, or an equivalent combination of experience and training. Experience in leading and training personnel is preferred. The employee must be registered as a Professional Land Surveyor (PLS). The Associate Surveyor position is located in the Surveyors section of the Land Management Division, and is a member of the existing Association unit.

14. The Land Management Technician position (maximum wage \$42,682 per year) performs technical work in support of the planning, building, and compliance sections and provides administrative support to professional staff related to planning, building, and compliance analyses and report preparation. The position receives general supervision from the Land Management Manager, Building Program Manager, or Planning Program Manager, and technical and functional supervision from professional staff. The employee may exercise technical and functional supervision over assigned support staff. The position requires knowledge of principles and practices of basic drafting and mapping; techniques of technical research and report preparation; data collection techniques; report writing, methods, and techniques; modern office procedures, methods, and computer equipment; and current literature, information sources, and research techniques in the fields of urban planning, building codes, and construction practices. The position requires the ability to learn laws and policies

underlying general plans, zoning and land divisions, building codes, and construction techniques; respond to general planning, zoning, building, and compliance questions from the general public; prepare statistical reports; establish and maintain effective working relationships with those contacted in the course of work; use computer applications to expedite permit processing; and communicate clearly and concisely, both orally and in writing. The employee is expected to drive to locations in the field. The position requires the equivalent of the completion of two years of college level course work in drafting, land surveying, urban planning, construction, or a related field, and one year of paraprofessional planning or building experience, or an equivalent combination of experience and training. Assuming that the organization chart's term "LMD Technician" refers to this position, such positions exist in the Compliance section, Building section, and Planning sections of the Land Management Division.

15. The Senior Building Inspector position (maximum wage \$53,310 per year) performs complex inspection duties in trade specialties such as plumbing, mechanical, structural, or electrical, and maintains and cleans assigned vehicle. The position requires knowledge of principles and practices of the Uniform Building, Plumbing, Electrical, or Mechanical Codes, and pertinent state and County codes and ordinances; building construction methods and materials; proper inspection methods and procedures; and principles of structural design, engineering, mathematics, and soil engineering. Employees must have the ability to inspect buildings and structures in all areas of specialty in the County; analyze and interpret plans, specifications, and calculations; interpret and apply applicable laws, rules, and regulations; communicate clearly and concisely, both orally and in writing; establish and maintain effective working relationships with those contacted in the course of work; and train subordinate professional and technical personnel. The employee is expected to drive to locations in the field. Employees must have an equivalent of the completion of the twelfth grade, and additional specialized training in the building trades or a related field is desirable. Employees must have three years of responsible building and structural inspection experience, or an equivalent combination of experience and training. The employee must possess, or be able to obtain, an "A" level and a "C" level certification in two or more areas of inspection. The Senior Building Inspector position is located in the Building section of the Land Management Division.

16. The Plans Examiner 1 and 2 positions (maximum wage \$44,824 and \$50,752 per year) examine residential and accessory buildings for compliance with applicable state and local codes and ordinances. This is the entry-level class in the Plans Examiner series. The position receives supervision from the Building Official. The position requires knowledge of building plans, blueprints, and construction terminology; building materials and construction methods used in residential construction; structural

integrity criteria and tables; building permit processes; state structural and mechanical specialty codes related to residential construction; pertinent county codes and ordinances; and modern office procedures, methods, and computer equipment. Employees must have the ability to interpret building plan specifications and detect design faults; interpret and explain complex codes; perform mathematical computations; maintain accurate and complete records; handle public tactfully and enforce codes with good judgment, firmness, and impartiality; establish and maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely, both orally and in writing. The employees are expected to spend some time working in the field. Employees must have the equivalent of the completion of the twelfth grade, and additional specialized training in engineering, architecture, or a related field is desirable. Employees must have three years of increasingly responsible experience in the design or construction of residential buildings including one year of plans examination experience, or an equivalent combination of experience and training. The employee must also possess a "C" level Plans Examiner certificate from the State of Oregon.

The Plans Examiner 2 position examines residential and accessory buildings and small commercial buildings for compliance with applicable state and local codes and ordinances. This is the full journey-level class within the Plans Examiner series. Employees receive general supervision from the Building Official. The position requires knowledge of building plans, blueprints, and construction terminology; building materials and construction methods used in residential and commercial construction; structural integrity criteria and tables; building permit processes; the state structural and mechanical specialty codes related to residential and commercial construction; and pertinent County codes and ordinances. The employee must have the ability to interpret residential and commercial building plan specifications and detect design faults; interpret complex codes; perform mathematical computations; maintain accurate and complete records; handle the public tactfully and enforce codes with good judgment, firmness, and impartiality; establish and maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely, both orally and in writing. The position requires the equivalent of the completion of the twelfth grade, and additional specialized training in engineering, architecture, or in a related field is desirable. The position also requires two years of responsible plans examination experience, or an equivalent combination of experience and training. The position also requires possession of a "B" level Plans Examiner certificate from the State of Oregon. The Plans Examiner 1 and 2 positions are located in the Building section of the Land Management Division.

Positions Within the Information Services Department

17. Most employees in the Information Services (IS) Department work in the Public Services Building, in a secured area called the “Data Center” or another secured area. Most technical employees of the department work on one of two types of work, called “tracks.” The Infrastructure track supports networks and communication systems. The Client Support track supports personal computers, peripherals, and users, and employees working on these issues regularly visit the workstations of computer users. In addition, except for the Senior IS Analyst, all IS technical employees have responsibility for training users. Many IS technical employees work a 4/10 shift, and some of them are on call at times outside regular working hours.

18. There are six subsections of the IS department: the Area Information Records System (AIRS) section, with four current AFSCME positions; the “RIS”⁷ section, with three current AFSCME positions; the Administrative Services section, with four current AFSCME positions; the Applications section, with two current AFSCME positions; the Technical Services section, with four current AFSCME positions; and the Project Management section, with three current AFSCME positions. Each position reports to a manager who in turn reports to the department head.

19. Many, if not most, employees working in the IS Department are specifically assigned to provide technical support to one or more County departments or divisions whose employees are represented by AFSCME.

20. The Database Administrator position (maximum wage \$68,203 per year) performs database administration for multiple enterprise-wide Database Management Systems (DBMS), including the design, implementation, and maintenance of database and database applications in a network environment. The employee is often assigned responsibility for project coordination and data management projects, and has an advanced level of knowledge, experience, and responsibility in the area of high-end database administration. The position receives direction from management personnel, may receive functional and technical supervision from assigned professional personnel, and may provide technical and functional supervision to assigned staff.

The minimum qualifications for the position include knowledge of team-building concepts; customer service practices; information analysis and data modeling techniques; computer hardware, networking, and software technology;

⁷The record does not reveal what the acronym “RIS” means.

technical documentation procedures; computer operating systems; database management systems, techniques, and concepts; standard programming techniques; application file and database design; advanced troubleshooting procedures; application development environments as they relate to database management; application and database security concepts and techniques; principles of project coordination; Structured Query Language (SQL) or object-oriented database systems; database backup and recovery techniques and strategies; and network operating system security concepts and the relationship to database security. Employees must have the ability to perform advanced data analysis; establish and maintain effective working relationships; convey technical information simply and clearly, both verbally and in writing; improve technical skills; apply advanced technical writing methodologies and tools to develop policies, procedures, and technical documents; understand organizational goals and objectives, and perform assigned work to meet those goals and objectives; coordinate projects; work with users, technical staff, and managers to implement and maintain a stable and efficient database environment; design, install, and maintain database systems; troubleshoot complex database problems; and write SQL or object-oriented procedures and reports. In addition to the equivalent of a bachelor's degree from an accredited college or university with major course work in computer science or a related field, the position requires a minimum of three years' of experience administering enterprise-wide database management systems, or an equivalent combination of experience and training. The position may require a criminal background investigation and, as a condition of employment, security clearance to have and be able to maintain access to the AIRS and/or the Law Enforcement Data Systems (LEDS). The Database Administrator works in a separate but secure location in the Public Services Building separate from the other Information Services employees.

21. The Information Services Technician position (maximum wage \$48,298 per year) performs installations, repairs, upgrades, maintenance, and problem determination on computer systems in a complex computer and network environment. Employees in the Infrastructure track support network, Local Area Network (LAN), and communication systems, while members of the Client Support track support personal computers, peripherals, and users. This is an entry-level position, supervised by assigned management personnel, with functional and technical supervision from assigned professional personnel.

The position requires knowledge of customer service practices; internal functioning of computer hardware and software; basic principles of computer networking; basic principles of personal computer operating systems; basic testing, installation, and troubleshooting procedures; technical documentation procedures; and basic desktop applications. Employees must have the ability to communicate effectively both verbally and in writing; establish and maintain effective working relationships;

contribute to projects as a member of a team; convey technical information simply and clearly, both verbally and in writing; assist in the preparation of technical specifications recommending the purchase of computer-related equipment; troubleshoot computer system problems; maintain accurate documentation; use word-processing, spreadsheet, and personal database applications; assist in the development of technical procedures and documentation; improve technical skills; understand organizational goals and objectives, and perform assigned work to meet those goals and objectives.

In addition to the requirements above, employees in the Infrastructure track must also have knowledge of basic theory of network protocols; basic theory and operation of network technologies; basic structured wiring concepts and technologies; and basic network administration. They must have the ability to assist in implementing, troubleshooting, and supporting Local Area Network/Wide Area Network (LAN/WAN) networks; operate and support data backup systems; operate proactive network management systems; assist in implementing and supporting wiring systems and network devices; operate and support network software; and use basic network diagnostic devices. Employees in the Client Support track must also have knowledge of basic theory of multiple protocol and cabling schemes; and basic theory of the interrelationship between hardware, software, drivers, system modules, and patches. They must have the ability to work on a help desk managing multiple lines and multiple requests; diagnose and resolve routine technical problems on personal computers, workstations, terminals, peripherals, and software; and perform basic research for technical solutions to problems (such as drivers, patches, and software). These employees must have training equivalent to a two-year technical or associate degree in a computer science field, or comparable course work, and one and one-half years of professional work experience in a computer field related to one or more of the specific IS tracks, or an equivalent combination of experience and training. In addition, the positions may require a criminal background check and a security clearance to have and be able to maintain access to AIRS and/or LEDS.

22. The Information Services Analyst position (maximum wage \$58,802 per year) performs analysis, design, implementation, and system management duties in one of the series tracks, in a complex computer and network environment; assumes responsibility for the operation of existing systems; and installs and configures computer hardware and software as necessary to implement systems. This position is an intermediate level position. Employees receive supervision from assigned management personnel, and functional and technical supervision from assigned professional personnel.

Employees must have knowledge of customer service practices; basic principles of project coordination; internal functioning of computer hardware and software; principles of computer networking; principles of computer operating systems; testing, installation, and troubleshooting procedures; and technical documentation procedures. They must have the ability to communicate effectively; contribute to projects as a member of a team; prioritize work within established guidelines and follow through on a variety of requests; establish and maintain effective working relationships; apply technical writing methodologies and tools to develop and maintain procedures and technical documents; convey technical information simply and clearly, both verbally and in writing; prepare technical specifications; evaluate, recommend, install, and perform diagnostics on LAN/PC hardware, software, and peripherals; understand organizational goals and objectives, and perform assigned work to meet those goals and objectives; troubleshoot computer system problems; improve technical skills; and develop scripts and batch files.

In addition, Infrastructure track employees must have knowledge of theory of network protocols; theory and operation of network technologies; theory and operation of hubs, switches, bridges, and routers; structured wiring concepts and technologies; network administration; e-mail and network security systems, and have the ability to implement, operate, and support local and wide area networks; implement, operate, and support network operating systems; administer e-mail security systems; install and configure network devices; and use network diagnostic devices. Employees in the Client Support track must also have knowledge of theory of the interrelationship between hardware, software, drivers, system modules, and patches, and how to implement solutions; theory of multiple network, protocols, and cabling schemes; systems that allow for software distribution and remote accessibility of client workstations; have the ability to work on a help desk managing multiple lines and multiple requests; perform research for technical solutions to problems (such as drivers, patches, and software); implement and support automated software upgrades and patches to workstations; implement and support techniques for remote accessibility of workstations; and diagnose and resolve technical problems on personal computers, workstations, terminals, peripherals, and software.

Employees must have the equivalent of an associate's degree from an accredited college or university with major course work in computer science or a related field, and three years of increasingly responsible professional experience in a computer field working in one or more of the specific IS tracks, or an equivalent combination of experience and training. Employees must also pass a criminal background check and security clearance to have and be able to maintain access to AIRS and/or LEDS.

23. The Programmer Analyst 1 position (maximum wage \$44,824 per year) performs systems analysis and computer programming for the design, development, implementation, and maintenance of application software systems to meet the goals and objectives of the customer. This is the entry-level position in the Programmer Analyst series. The employee receives supervision from assigned management, and functional and technical supervision from assigned professional staff.

The position requires knowledge of customer service practices; standard programming techniques; general computer operations, procedures, and operating systems; file structures, database concepts, and capabilities of computer equipment; computer hardware and software technologies; basic troubleshooting procedures; technical documentation procedures; and basic systems analysis. Employees must have the ability to establish and maintain effective working relationships; contribute to projects as a member of a team; perform a variety of programming tasks; program in one or more computer languages; convey technical information simply and clearly, both verbally and in writing; troubleshoot and resolve application problems; improve technical skills; and participate in a simple systems analysis. The position requires the equivalent of an associate's degree from an accredited college or university with major course work in computer science or a related field, and six months of programming experience that demonstrates software systems expertise, or an equivalent combination of experience and training. The position may also require a criminal background check and a security clearance for access to AIRS and/or LEDS.

24. The Programmer Analyst 2 position (maximum wage \$58,802 per year) performs intermediate systems analysis and computer programming for the design, development, implementation, and maintenance of application software systems to meet the goals and objectives of the customer served. This is the full journey level within the Programmer Analyst series. The employee receives supervision from assigned management personnel, and functional and technical supervision from assigned professional personnel.

The position requires knowledge of customer service practices; standard programming techniques; general computer operations, procedures, and operating systems; file structures, database concepts, and capabilities of computer equipment; computer hardware and software technologies; basic troubleshooting procedures; technical documentation procedures; systems analysis; data management techniques and concepts; user interface design; systems analysis, design principles, common methodologies, and tools; more advanced troubleshooting procedures; application development environments; security concepts and techniques; and personal computers, personal computer concepts, and the operation of personal computers. Employees must

have the ability to establish and maintain effective working relationships; contribute to projects as a member of a team; perform a variety of programming tasks; program in one or more computer languages; convey technical information simply and clearly, both verbally and in writing; troubleshoot and resolve application problems; improve technical skills; participate in systems analysis; develop application, functional, and design specifications; analyze business processes; design, develop, implement, and maintain applications systems; apply technical writing methodologies and tools to develop and maintain procedures and technical documents; evaluate, recommend, and implement vendor developed software; and work with database management systems for application development and maintenance. The employee must have the equivalent of a bachelor's degree from an accredited college or university with major course work in computer science or a related field, and two years of programming experience that demonstrates an increasing level of software systems expertise or an equivalent combination of experience and training, such as six years of programming experience that demonstrates an increasing level of software systems expertise. The position may also require a criminal background check and a security clearance to have and be able to maintain access to AIRS and/or LEDS.

25. The Senior Information Services Analyst position (maximum wage \$68,203 per year) performs advanced analysis, design, implementation, and system management duties, in one of the series tracks, for complex computer and network systems; assumes responsibility for the operation of existing systems; acquires or modifies computer hardware and software as necessary to implement systems; and coordinates projects. Such employees working in the Infrastructure track support the networks and communications systems; those working in the Client Support track support the personal computers, peripherals, and users. This is the advanced-level class in the IS series and employees are often assigned responsibility for project coordination. The position receives direction from assigned management personnel, and functional and technical supervision from assigned professional personnel. The position may provide functional and technical supervision to assigned staff

The minimum qualifications for the position include knowledge of customer service practices; advanced project coordination and planning; advanced functionality of computer hardware and software; advanced computer networking; advanced principles of computer operating systems; advanced testing, installation, and troubleshooting procedures; and technical documentation procedures. Employees must have the ability to communicate effectively, both verbally and in writing; establish and maintain effective working relationships; apply advanced technical writing methodologies and tools to develop and maintain policies, procedures, and technical documentation; convey technical information simply and clearly, both verbally and in writing; prepare

complex technical specifications recommending the purchase of computer-related equipment; evaluate, recommend, install, and perform diagnostics on LAN/PC hardware, software, and peripherals; troubleshoot complex computer system problems; coordinate complex projects; and develop script and batch files.

In addition, employees in the Infrastructure track must have knowledge of advanced theory of network protocols; advanced theory and operation of network technologies; structured wiring concepts and technologies; advanced network administration; advanced e-mail and network security systems; have the ability to develop, implement, operate, and support LAN/WAN networks, data backup systems, proactive network management systems, directory systems, and structured wiring systems; track network software solutions; manage e-mail systems; design and manage system security; develop configurations for network devices; troubleshoot complex server and network problems; and use advanced network diagnostic devices.

Employees in the Client Support track must also have knowledge of standardized desktop environment design; automated software distribution schemes; advanced theory of networks, network protocols, and cabling schemes; theory of application design; advanced theory of the interrelationship between hardware, software, drivers, system modules, patches, and how to implement solutions. In addition, employees must have the ability to develop, implement, and support software and hardware deployment systems; diagnose and resolve complex technical problems on hardware and software; perform research for complex technical solutions; as well as design, implement, and support techniques for remote accessibility of workstations. The position requires the equivalent of a bachelor's degree from an accredited college or university with major course work in computer science or a related field, and three years of increasingly responsible experience working in an infrastructure and/or a client support environment, or its equivalent. The position may also require a criminal background check and a security clearance to have and be able to maintain access to AIRS and/or LEADS.

26. The Senior Programmer and Systems Analyst positions (maximum wage \$68,203 per year) perform advanced systems analysis, and computer programming for design, development, implementation, and maintenance of complex application software systems to meet the goals and objectives of the customer served; assumes responsibility for the operation of existing and new systems; and coordinates projects. This is the advanced-level class in the Programmer Analyst series, and such employees are often assigned responsibility for project coordination and may be responsible for more than one project area. The position receives direction from assigned management, may receive functional and technical supervision from assigned professional staff, and may provide functional and technical supervision to assigned staff.

The position requires knowledge of customer service practices; standard programming techniques; information analysis and data modeling techniques; computer operations, procedures, and operating systems; file structures, database concepts, and capabilities of computer equipment; computer applications and hardware and software technologies; technical documentation procedures; personal computers, personal computer concepts, and the operation of personal computers; data management techniques and concepts; user interface design; software engineering techniques; advanced systems analysis, design principles and methodologies, and tools; advanced troubleshooting procedures; advanced applications development environments; advanced security concepts and techniques; and principles of project coordination. Employees must have the ability to convey technical information simply and clearly, both verbally and in writing; improve technical skills; establish and maintain effective working relationships including building effective teams; program in one or more computer languages; perform advanced systems analysis; design, develop, implement, and maintain complex application systems; apply advanced technical writing methodologies and tools to develop and maintain policies, procedures, and technical documents; perform database administration duties; evaluate, recommend, and implement vendor developed software systems; understand organizational goals and objectives and perform assigned work to meet those goals and objectives; troubleshoot complex software system problems; and coordinate complex projects. Employees must have the equivalent of a bachelor's degree from an accredited college or university with major course work in computer science or a related field, and three years of systems analysis and programming experience that demonstrate increased responsibility in application software maintenance and development, or an equivalent combination of experience and training. The position may also require a criminal background check and a security clearance to have and be able to maintain access to AIRS and/or LEDS.

Positions Whose Location is Unidentified

27. The Management Analyst (maximum wage not in record), an exempt⁸ position, performs professional-level activities related to the research and analyses of routine administrative and business management policies and practices while developing proficiency and experience related to government operations and administration. Responsibilities include preparing and presenting statistical and related reports; providing administrative and analytical support; and making recommendations regarding budget, program contract, and/or service delivery modifications. Employees must have a bachelor's degree and two years of professional experience in public or

⁸According to the AFSCME/County collective bargaining agreement, employees identified as "exempt" are "those employees who are not covered by the Fair Labor Standards Act."

business administration, public affairs, or a related field, or an equivalent combination of education and experience. Such employees typically provide professional-level staff assistance and preliminary analysis of routine policies involving organizational, administrative, and/or fiscal processes and services; serve as a technical resource for County information in their assigned area of responsibility; prepare a variety of analytical reports on operations and activities in their assigned area of responsibility; review agenda and contract items; ensure background information and supporting materials are available; assist departments in maintaining agenda standards; conduct surveys and perform research and statistical analysis; prepare related reports; participate in preparing requests for proposals for outside contractors; assist with budget preparation and administration; and assist departments in preparing cost estimates for budget recommendations.

The employee must have knowledge of public administration concepts and theories; principles and practices in assigned area of responsibility; research and statistical methods; statistical analysis and theory; project management methods; report writing techniques; public relations principles; culturally competent practices; the role that culture plays in work relationships, operations, and dynamics; applicable federal, state, and local laws, rules, and regulations; and basic budgeting principles. The employee must have the ability to use computers and applicable software applications; conduct research; analyze a variety of statistical data and/or information and make recommendations based on findings; write reports; present information; interpret and apply program/project requirements; manage projects; work effectively with clients, coworkers, employees, and supervisors from diverse backgrounds; gather, interpret, and behaviorally adapt to cultural contexts; and communicate, both verbally and in writing, to exchange or convey information and to receive work direction.

28. The Building Inspector 2 position (maximum wage \$50,752 per year) performs a variety of building inspection duties at various stages of construction, alteration, and repair; performs related code compliance work as necessary; and performs related duties as assigned. This is the full journey level class within the Building Inspector series. The position receives general supervision from the Building Official and technical and functional supervision from the Senior Plans Examiner.

The position requires knowledge of accepted safety standards and methods of building construction; applicable building and related codes and ordinances enforceable by the County, specifically, the Uniform Building Code; and principles and techniques of building inspection work. The position requires the ability to apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices; perform journey-level inspection skills in a variety of specialty trade areas and

perform competent and efficient work as a combination Building Inspector; enforce a variety of zoning, general land use, and related county codes with firmness and tact; read and interpret building plans, specifications, and building codes; apply codes and policies regarding zoning, environmental matters, and other regulations to field situations; advise on standard construction methods and requirements; make arithmetical computations rapidly and accurately; communicate clearly and concisely, both orally and in writing; and establish and maintain working relationships with those contacted in the course of work. The employee is expected to drive to locations in the field. The position requires the equivalent of the completion of the twelfth grade, and additional specialized training in the building trades or a related field is desirable. The position requires two years of responsible building inspection experience, or an equivalent combination of experience and training. The employee must possess, or be able to obtain, a "B" level or equivalent certification in one area of inspection.

29. The Administrative Analyst (maximum wage \$48,298 per year), an exempt position, performs difficult and complex administrative analytical work involved in the study of organizations and systems directed toward improving the efficient attainment of department objectives and purposes; collects, organizes, analyzes, and interprets data; and prepares detailed research, studies, reports, and recommendations. This is the entry/journey-level position in the Administrative Analyst series. The position receives direction from the departmental supervisor or manager, and may receive technical and functional supervision from a Senior Administrative Analyst.

The position requires knowledge of principles of public administration and management including principles, practices, and methods of administrative and management analysis; public financing, budgeting, and accounting; functions, operations, and objectives of county government; basic principles and practices of public personnel administration; general principles of statistics and accounting; computers and computer applications; report writing methods and techniques; and effective public information and relations techniques. Employees must have the ability to initiate research studies and reports including the collection, organization, analysis, and development of administrative and management recommendations; prepare written analysis, recommendations, and complex reports; and evaluate and recommend improvements in operations, systems, procedures, policies, and methods. Employees must have the ability to analyze situations and adopt an effective course of action; establish and maintain working relationships with those contacted in the course of work; and communicate clearly and concisely, both orally and in writing. Employees must have the equivalent of a bachelor's degree from an accredited college or university with major course work in business administration, public administration, organizational analysis, accounting, finance, or a related field, and one year of responsible administrative staff support and analytical experience, or an equivalent combination of experience and training.

30. Property Management Officers 1 and 2 (maximum wage \$47,091 and \$52,042 per year) perform technical and professional duties related to the appraisal, acquisition, disposition, and management of real property. Property Management Officer 1 is the entry-level class in the Property Management Officer series, and is typically used as a training class. Employees may have only limited work experience and work under immediate supervision of assigned management personnel while learning job tasks. Property Management Officer 2 is the full journey-level class within the Property Management Officer series. The Property Management Officer 2 receives direction from assigned management personnel, and exercises technical and functional supervision over support staff involved in performing duties within the property management function.

The minimum qualifications for the Property Management Officer 1 include knowledge of basic theories, principles, practices, and techniques of property appraisal; basic practices and procedures of real estate sales; form and content of legal documents, particularly deeds, mortgages, contracts, and leases; local, state, and federal regulations pertaining to property appraisal and disposition; and real estate law. The Property Management Officer 1 must have the ability to perform technical and professional duties of average difficulty in the disposition and management of real property; read maps, legal descriptions, profiles, and other technical data related to property or construction; perform mathematical and statistical calculations; operate office equipment including calculators and computers; maintain accurate and complete records; collect, interpret, and evaluate data; establish and maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely, both orally and in writing. The Property Management Officer 1 must have the equivalent of a bachelor's degree from an accredited college or university with major course work in business administration or a related field, and one year of responsible property appraisal, real estate, or property management experience, or an equivalent combination of experience and training. The employee must be designated a Certified Appraiser under ORS 308.010 within six months of appointment.

The qualifications for Property Management Officer 2 include, in addition to the qualifications for Property Management Officer 1, knowledge of advanced theories, principles, practices, and techniques of property appraisal and management; advanced practices and procedures of real estate sales; and Oregon Revised Statutes, Lane Manual, Lane Code, and Administrative Procedures as they apply to real estate. Employees must have the ability to perform technical and professional duties of above average difficulty in the disposition and management of real property; coordinate the activities of a program or a work unit; perform complex or difficult appraisals using various approaches; analyze economic or market conditions affecting property value; and deliver presentations to city, county, state government, and the public. The employee

is expected to drive to locations in the field. The employee must have two years of responsible property appraisal, real estate, or property management experience or an equivalent combination of experience and training. The employee must be designated as a Certified Appraiser under ORS 308.010.

Other Professional Positions

31. Other professional, paraprofessional, technical, or simply highly paid positions in the present AFSCME unit include Paralegal (maximum wage \$44,824 per year), Accountant (maximum wage \$55,994 per year), Accounting Analyst (maximum wage \$52,042 per year), Auditor (maximum wage \$47,091 per year), Employment Specialist 2 (maximum wage \$49,525 per year), Medical Assistant (maximum wage \$40,622 per year), Medical Lab Technologist (maximum wage \$48,298 per year), Mental Health Associate (maximum wage \$47,091 per year), Senior Mental Health Specialist (maximum wage \$55,994 per year), Nutritionist/Dietician (maximum wage \$49,525 per year), Senior Program Services Coordinator (maximum wage \$58,802 per year), Public Health Educator (maximum wage \$50,752 per year), Sanitarian 2 (maximum wage \$53,310 per year), Special Waste Specialist (maximum wage \$52,042 per year), and Youth Advocacy Coordinator (maximum wage \$52,042 per year).

32. According to the AFSCME/County collective bargaining agreement, the following employees are exempt from the Fair Labor Standards Act: Accounting Analyst, Administrative Analyst, Administrative Assistant (County Administration), Administrative Secretary, Assistant County Counsel 1, Assistant County Counsel 2, Assistant County Counsel 3, Assistant County Counsel 4, Board Office Specialist 1, Board Office Specialist 2, Community and Economic Development Coordinator, Data Entry Operator ("HR"), Deputy Medical Examiner, Emergency Management Coordinator, Executive Assistant, Internal Auditor, Juvenile Counselor 1, Juvenile Counselor 2, Law Librarian, Legal Assistant, Legal Secretary 1 (County Counsel), Legal Secretary 2 (County Counsel), Management Analyst 1, Management Analyst 2, HR Analyst 1, HR Analyst 2, Paralegal (County Counsel), Performance Development and Diversity Coordinator, HR Assistant, HR Technician, Physician, Psychiatrist, Public Health Officer, Public Information Officer (County Administration), Public Safety HR Coordinator, Senior Administrative Analyst, Senior Board Office Specialist, Senior Legal Secretary, Senior Juvenile Counselor, and Senior Management Analyst. Only the Administrative Analyst and Management Analyst positions are included in the Association's proposed unit.

33. Several County positions in the current AFSCME unit that are not included in the proposed unit require state licensing including mental health workers, medical arts employees, and indigent health service employees. Some positions in the current AFSCME unit require academic degrees including mental health workers, children and family services employees, and juvenile counselors. Several positions in the current AFSCME unit may be on-call from time to time, including positions in mental health services, criminal services, facilities maintenance, and juvenile counselors

34. Positions in the existing Association unit include Associate Surveyor (maximum wage \$58,594 per year), Engineering Aide (maximum wage \$28,620 per year), Engineering Technician 1 (maximum wage \$42,474 per year), Lead Worker (maximum wage \$53,082 per year), Nuisance Abatement Specialist (maximum wage \$51,813 per year), Public Works Administrative Assistant (maximum wage \$46,904 per year), and Vegetation Management Coordinator (maximum wage \$63,066 per year)

35. There are 10 professional, paraprofessional, or technical positions in the IS Department, all of which are included in the proposed unit. There are also four or five clerical IS employees who are not included in the proposed unit.

36. Around 2000, AFSCME aided technical IS employees in having their positions reclassified, resulting in a modest pay increase. AFSCME has also represented IS Department staff in disciplinary matters and in negotiating separation agreements. At the time of hearing, the AFSCME unit treasurer was an IS employee.

37. In prior years, IS Department employees approached AFSCME officials to obtain free parking in downtown Eugene. AFSCME officials responded that they would not bargain that proposal with County management because it was not practical given that other County employees working in downtown Eugene generally did not get free parking, and that the County was not interested in the idea.

38. County officials and IS technical employees believe that technical employees in the IS Department are paid at a rate sufficiently below market salary such that the staff in these positions are difficult to hire and retain, resulting in a number of unfilled positions. In December 2007, there were between 16 and 18 vacant positions in the department. IS employees believe that they are overworked because of those vacancies.

39. The AFSCME-County contract expired on June, 30, 2008. The contract provided for a Joint Labor/Management Classification Committee (JLMCC) giving AFSCME the opportunity to give input to the County regarding the classification

of employees with regard to “seniority, layoff and recall and internal equity.” (emphasis omitted) The JLMCC was also the mechanism for AFSCME to request a “formal classification review.” The County was obligated to grant such requests for up to six positions in a fiscal year. It appears that this process did not address the actual market value of employees qualified for those positions.

40. In December 2007, IS employees approached AFSCME officials and urged them to ask the County to increase IS employee wages because they believed those wages were substantially below the market. The IS employees also expressed their dissatisfaction with a recent AFSCME dues increase.

41. In early January 2008, AFSCME notified the County that it wished to begin negotiations for the successor collective bargaining agreement.

42. IS Department employees met with AFSCME officials at least twice seeking AFSCME’s assistance with a pay increase, including discussions about a proposed salary survey. At some point, after receiving what they believed to be inconsistent information from AFSCME or the County, some IS Department employees sought to have a joint meeting with AFSCME and the County to explore these differences. AFSCME officials declined such a meeting.

43. In early 2008, AFSCME representative Jim Steiner talked with County Labor Relations Program Supervisor Roland Hoskins about IS employee wages. Hoskins proposed that the parties use the contractual classification review process to increase wages for IS Department staff. Hoskins stated that the County would pay to review six positions and suggested that AFSCME pay to review the remaining positions. AFSCME declined, preferring to raise the matter through a full compensation study (to include job market issues) and conventional bargaining.⁹

44. In late 2007 or early 2008, AFSCME asked the County to perform a full compensation study on the positions in the IS Department. The County declined. Following this discussion, AFSCME decided that it would perform a full compensation market study on the compensation of IS Department staff, but decided to wait until it had hired and trained a research analyst to perform the analysis in-house.

⁹AFSCME witness Steiner suggested that only three classification review slots, to be paid by the County, remained available under the contract for that period. County Labor Relations Manager Roland Hoskins and County Human Resources Director Greta Utecht testified that the County had offered to pay for six studies of IS despite this fact, but there is no evidence that Steiner was aware that the County planned to waive this provision of the collective bargaining agreement.

45. The Amended Petition seeks to move all AFSCME-represented employees in the IS department into the proposed unit except non-technical office support employees, who would remain in AFSCME.

46. Because of the specialized nature of their work, many employees in the proposed unit have a unique promotional ladder. For example, the record indicates that the promotion path for Planner is Associate Planner and then Senior Planner. The promotion path for System Network Analyst 1 is System Network Analyst 2 and then Senior System Network Analyst. Other AFSCME represented employees have similarly specialized work and similar promotion paths, such as positions in GIS, building inspection, accounting, and mental health work. There is no evidence that proposed unit employees are treated differently than other employees regarding promotion and transfer.

CONCLUSIONS OF LAW

1. This Board has jurisdiction over the parties and subject matter of this dispute.

2. The Amended Petition does not propose an appropriate bargaining unit under ORS 243.682(1)

The Association seeks to represent, as a separate bargaining unit, approximately 100 professional, paraprofessional, and technical employees in 27 listed positions who traditionally have been represented by AFSCME. AFSCME objects that the proposed unit is not an appropriate bargaining unit.¹⁰

Standards for Decision

ORS 243.682 requires this Board to designate appropriate bargaining units, taking into consideration community of interest factors, wages, hours, working conditions, the history of collective bargaining, and the desires of the petitioned for employees.

¹⁰Despite the first clause of the Amended Petition's proposed unit description ("All employees in professional, paraprofessional and technical positions * * *"), the parties focused their evidence and arguments to the specific positions listed in the Amended Petition and the nine positions identified by the County. Petitioner does not discuss other AFSCME unit positions which would appear to be covered by the language of the Amended Petition, such as mental health professionals, paralegals, and accountants. Therefore, we consider a proposed unit of County employees consisting of the specific listed positions, and not a unit of all positions falling within the broad categories of professional, paraprofessional, and technical.

In interpreting and applying the required statutory requirements, we try to avoid unduly fragmenting the employer's work force by creating the largest possible appropriate bargaining units. *Association of Public Employes v. Oregon State System of Higher Education and Oregon Public Employees Union, Local 503, SEIU*, Case No. RC-113-87, 10 PECBR 883, 889 (1988). Larger bargaining units further the purposes and policies of the PECBA by creating a more equal bargaining relationship and by reducing the number of potential labor disputes and work stoppages. *Oregon Workers Union v. State of Oregon, Department of Transportation and Service Employees International Union Local 503, Oregon Public Employees Union*, Case No. RC-26-05, 21 PECBR 873, 883 (2007); *Teamsters Local Union No. 223 v. Yamhill County and Yamhill County Employees' Association*, Case No. RC-14-07, 22 PECBR 459, 470-71 (2008). Accordingly, we have consistently refused to allow labor organizations to 'carve out' only a portion of an existing bargaining unit to form a new bargaining unit unless (1) the proposed unit has a community of interest which is 'clearly distinct' from that of the existing unit, or (2) 'compelling reasons' warrant creation of a splinter bargaining unit. *Oregon Workers Union*, 21 PECBR at 885.¹¹

We apply these principles to the facts at hand.

Community of Interest

In determining community of interest, OAR 115-025-0050(2) requires that we consider the similarity of duties and skills, benefits, interchange or transfer of employees, promotional ladders, and common supervision of the petitioned-for employees.

Similarity of Duties and Skills

The Association argues that the petitioned-for employees are higher-paid professionals which gives them a community of interest distinct from the employees in the AFSCME unit. The petitioned-for employees are focused on the same areas of work—construction, engineering, technology, land management, hard sciences, and public

¹¹The Association argues that establishing a separate bargaining unit limited to these employees would not unduly fragment the County's workforce because the new unit plans to join the existing Association unit. This Board will not base a decision on the appropriateness of a proposed bargaining unit on what such a unit may or may not wish to do if created. The Association retains the option to file a unit clarification petition under OAR 115-025-0005(6) to add these employees to its existing unit at the time designated by law.

works; all require some form of specialized education or training, state licensing, or equivalent professional experience; and the employee is generally asked to exercise a substantial degree of professional independence.

However, the record does not support the Association's allegations. For example, there is no evidence that the Administrative Analyst, Building Inspector, Compliance Officer, Management Analyst-Plans Examiner, Planner, and Property Management Officers positions involve "hard science" or are focused on the same areas of work. Nor is there commonality in the level of education and experience required for the positions at issue. Some positions require a high school diploma, some an associate's degree or two years of college courses, and others require a bachelor's degree. In addition, the proposed unit includes only two of AFSCME's 40 FLSA-exempt positions. Most of the petitioned-for employees primarily work in an office setting along with other AFSCME represented employees and their duties require extensive computer use. Other petitioned-for employees work at construction sites, other buildings, and even at the desks of fellow AFSCME unit members. Some of the petitioned-for employees have no public contact while others have significant public contact. Most IS employees work in a secure office setting where they maintain computer software and hardware. Other employees, such as the building inspectors, spend a significant amount of time at construction projects. Many proposed unit employees exercise a moderate degree of independence in prioritizing and resolving work problems. Some of the petitioned-for IS employees have security clearance because of their access to confidential, computerized law enforcement data while other petitioned-for employees require no such clearance. The record does not establish that any of these features are unique to employees in the proposed unit.

The proposed unit positions are at the higher end of the AFSCME unit salary schedule with a high level of specialized expertise and commensurate independence in performing work. The proposed unit does not, however, include all, highly paid positions in the AFSCME unit. Nor does the record reveal whether other employees in the present AFSCME unit have this level of independence.

The petitioned-for employees do not have a single set of highly specialized skills but are divided into different specialties, such as computer technology, planning, and building inspection. They perform different job duties and possess skills unique to their type of work. They do not work in a separate, self-integrated work unit or department. In this respect, the petitioned-for positions are no different than several positions that would remain in the AFSCME unit. *See Oregon AFSCME Council 75 v. City of Ontario*, Case No. RC-1-07, 22 PECBR 260 (2008).

Benefits

The petitioned-for employees are covered by the County-AFSCME collective bargaining agreement and have the same benefits as other AFSCME unit members.

Employee Interchange or Transfers

Occupational mobility for the petitioned-for employees is generally limited by their specialties and sections. Technical positions in the IS department are not filled by transfers from other departments, nor do IS employees in the proposed unit transfer to other County positions. Based on the specialized nature of their work and training, the same appears to be true for employees in other specialties such as planning, GIS, building inspection, and compliance. There is no evidence that this pattern of occupational mobility is different from employees who would remain in the AFSCME unit.

Promotions and Common Supervision

The promotion path for each specialty is within its section or specialty, with the possible exception of IS Department positions. The IS Department has its own promotional ladder and chain of supervision to the department head level. The Land Management and Transportation Planning & Traffic divisions of the Public Works Department have their own specialized sections, such as Planning, Surveying, Building, and Compliance, with chains of supervision up to the level of division managers, who in turn report to the department head. If a new unit were created, employees in some sections would have the same supervisor but be represented by different bargaining units.

Because of their specialties, many of these positions do not have common supervision. The largest number of employees with common supervision is in the subsection of the IS department.

Wages

The petitioned-for employees are at the upper end of AFSCME's bargaining unit wage scale. However, this is not unique to the proposed unit. A significant number of higher paid professionals, paraprofessional, and technical workers would remain in the AFSCME unit: Accountant (maximum wage \$55,994 per year), Accounting Analyst (maximum wage \$52,042 per year), Senior Mental Health Specialist (maximum wage

\$55,994 per year), Senior Program Services Coordinator (maximum wage \$58,802 per year), Public Health Educator (maximum wage \$50,752 per year), Sanitarian 2 (maximum wage \$53,310 per year), Special Waste Specialist (maximum wage \$52,042 per year), and Youth Advocacy Coordinator (maximum wage \$52,042 per year).

Hours and other Working Conditions

Some of the petitioned-for IS employees work from 8:00 a.m. to 5:00 p.m., five days per week; others work four, ten-hour shifts. Some of the petitioned-for employees are on call outside of work hours, while others are not.

Employee Desires

A significant number of the petitioned-for employees signed cards indicating their desire to be represented by the Association. Although employee desires is one of the factors we use to determine appropriate bargaining units, it is rarely, if ever, the only determining factor. We have discretion to decide how much weight to give each factor. *Oregon Workers Union v. State of Oregon, Department of Transportation*, 21 PECBR at 883. When there are no clearly distinct community of interest factors, we will not give controlling weight to employees' preferences. *Ontario*, 22 PECBR 260 (2008); *Teamsters Local No. 223 v. Yamhill County and Yamhill County Employees Association*, Case No. RC-14-07, 22 PECBR at 473.

We find that the proposed bargaining unit employees do not have a community of interest sufficiently distinct from the AFSCME unit employees.

Compelling Reasons

In the absence of a distinct community of interest, we may still find a proposed bargaining unit appropriate if there are compelling reasons to do so. *Oregon Workers Union*, 21 PECBR at 885.

The Association argues that the petitioned-for employees strongly desire a separate bargaining unit, in part because they believe AFSCME has not responded to their desire for a substantial wage increase, and that this constitutes a compelling reason for them to have their own bargaining unit. We previously entertained and rejected this argument in *Teamsters Local Union No. 223 v. Yamhill County and Yamhill County Employees' Association*, Case No. RC-14-07, 22 PECBR 459 (2008). We acknowledged that:

“* * * In large and diverse social organizations, particularly regarding employment relationships, it is inevitable that some members of the social group feel dissatisfied or believe their interests have been neglected by others.”
22 PECBR at 472-73.

However, we found these differences of opinion were insufficiently compelling to warrant a separate bargaining unit. See also *Revenue Hearing Officers Association v. Oregon Department of Revenue and Oregon Public Employees Union Local 503*, Case No. C-155-83, 7 PECBR 6086 (1983) (salary issues did not present a compelling circumstance warranting the creation of a separate unit) and *Association of Public Utility Professional Employees v. Public Utility Commissioner and Oregon Public Employees Union*, Case No. C-138-81, 6 PECBR 5153 (1982) (debate about basis for pay increase is not sufficiently compelling to warrant a separate unit).

We conclude that the positions in the proposed unit do not have a clearly distinct community of interest and find no compelling reason that warrants a separate bargaining unit. The Amended Petition does not propose an appropriate bargaining unit; therefore, we will dismiss it.

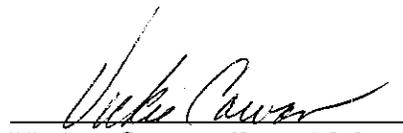
ORDER

The Amended Petition is dismissed.

Dated this 25th day of February 2009.



Paul B. Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member

This Order may be appealed pursuant to ORS 183.482.