

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. RC-25-04

(PETITION FOR CERTIFICATION OF REPRESENTATIVE)

YAMHILL COUNTY EMPLOYEES	)	
ASSOCIATION (YCEA),	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
YAMHILL COUNTY,	)	ELECTION ORDER
	)	
Respondent,	)	
	)	
and	)	
	)	
SEIU LOCAL 503, OPEU/YCEA	)	
LOCAL 915,	)	
	)	
Incumbent.	)	
_____	)	

On April 12, 2004, the Yamhill County Employees Association (Petitioner) filed a petition to become the exclusive representative for a bargaining unit of employees of Yamhill County (Respondent). The bargaining unit is currently represented by an affiliation of SEIU Local 503, OPEU with Yamhill County Employees Association Local 915 (YCEA) (Incumbent). The result of the petition would be to end the affiliation and make Petitioner the exclusive representative.

The petition describes the proposed bargaining unit as:

Yamhill County Employees Association: Exclusive representative for all Yamhill County employees, other than those employees specifically covered by other collective bargaining agreements. Yamhill County Employees Association seeks to be the exclusive representative for this bargaining unit

and cease any affiliation with SEIU or other labor organization.

On April 14, 2004, Respondent was served with the petition. On April 19 and 20, Respondent certified that it had posted the "Notices Representation Election Has Been Requested." The election coordinator's letter to Respondent stated: "Note that you have 14 days from the date of the notice (until May 4, 2004) to file specific written objections to the petition." (Emphasis in original ) On April 26, Respondent filed its response to the petition stating that it had no objection to the proposed unit or petition, as long as it was understood that the description contained in the petition related only to recognition and not to the scope of the bargaining unit

By letter dated April 14, the election coordinator notified the Incumbent that, "If you have no objections to the proposed unit and no other objections to an election being conducted, please call and I will prepare a consent election agreement for signature by all parties." Incumbent filed no objections to the petition or to the proposed bargaining unit. OAR 115-25-030(4) states, in part: "Interested persons may notify the Board Agent of their specific objections. Such objections must also be served on the petitioner. \* \* \*"

In addition, both letters provided that if no valid objections were filed and any party refused to sign a consent election agreement, the Board would deem the parties to have waived their right to a hearing and would order an election.

On April 27, the elections coordinator notified the parties that the showing of interest supporting the petition was adequate. Her letter stated that the bargaining unit description should reflect the scope of the unit as set out in Incumbent's collective bargaining agreement. She further informed the parties that unless she heard to the contrary, she would use that description when preparing the consent election agreement. Neither Petitioner nor Incumbent responded to the letter.

The elections coordinator prepared a consent election agreement on May 5 and faxed it to the parties. Petitioner and Respondent signed the agreement and faxed it back to the Employment Relations Board (ERB). Incumbent refused to sign the agreement.

Incumbent insists that its name be listed on the consent election agreement and on the ballot as "Yamhill County Employees Association/SEIU Local 503, OPEU" to preserve the fact that this is an affiliation and that the affiliation would continue after the election. This proposed listing has the potential to confuse voters because it would require them to choose between two groups that have "Yamhill County Employee Association" as part or all of their name. To reduce this potential for confusion, the elections coordinator suggested that the consent election agreement and the ballot reflect a choice of either

Yamhill County Employees Association (Petitioner), or SEIU Local 503, OPEU/YCEA Local 915 (Incumbent).

### FINDINGS OF FACT

1 Yamhill County Employees Association and SEIU Local 503, OPEU/YCEA are labor organizations, and Yamhill County is a public employer, all within ORS 243.650.

### CONCLUSIONS OF LAW

1. This Board has jurisdiction over these parties and this subject matter.
2. Petitioner has presented a question of representation requiring an election
3. An appropriate bargaining unit is:

“All non-supervisory employees of Yamhill County, *excluding* elected officials, supervisory employees, confidential employees, persons appointed to serve on boards and commissions, irregular part-time employees and part-time employees normally working less than 20 hours per week, seasonal employees hired for summer employment, employees hired for a limited term under specified state and federal grants, and all employees represented by other bargaining units.”

No valid objections have been raised to the petition, so there is no issue of fact and/or law necessitating a hearing.

### ORDER

1. An appropriate bargaining unit is:

“All non-supervisory employees of Yamhill County, *excluding* elected officials, supervisory employees, confidential employees, persons appointed to serve on boards and commissions, irregular part-time employees and part-time employees normally working less than 20 hours per week, seasonal employees hired for summer employment, employees hired for a limited term under specified state and federal grants, and all employees represented by other bargaining units.”

2. The elections coordinator shall conduct a secret mail ballot election for employees in the bargaining unit to express their desires for representation by Petitioner or Incumbent, for the purposes of collective bargaining. Eligible voters shall be those employees employed on the date of this Order and still employed at the time of the closing of the election. The choices and order of choices on the ballot shall be:

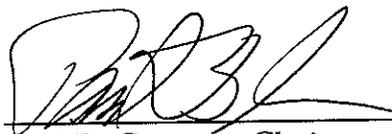
- (1) Yamhill County Employees Association,
- (2) SEIU Local 503, OPEU / YCEA Local 915, and
- (3) No Representation.

3. Respondent has provided this Board with an alphabetical listing of names, home addresses, and position titles together with mailing labels of all eligible employees.

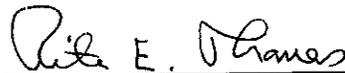
4. The dates for the election shall be as follows:

- |               |   |
|---------------|---|
| May 27, 2004  | Employer to post election notices and return certification of posting to ERB. |
| June 10, 2004 | ERB to mail ballots to eligible voters.                                       |
| June 24, 2004 | Ballots due in ERB offices by no later than 5:00 p.m.                         |
| June 25, 2004 | Tally of ballots in ERB offices at 10:00 a.m.                                 |

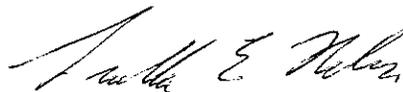
DATED this 12 day of May 2004.



Paul B. Gamson, Chair



Rita E. Thomas, Board Member



Luella E. Nelson, Board Member

This Order may be appealed pursuant to ORS 183 482.