

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-2-04

(REDESIGNATION)

JACKSON COUNTY,)	
)	
Petitioner,)	
)	
v.)	
)	ORDER REDESIGNATING
SEIU LOCAL 503, OPEU,)	BARGAINING UNIT
)	
Respondent.)	
_____)	

SEIU Local 503, OPEU (Respondent) is the recognized exclusive bargaining representative for a bargaining unit of Jackson County (Petitioner) employees described as:

“Nonsupervisory employees of Jackson County, Oregon, who are employed on regular full-time or regular part-time basis in positions for more than 40 hours per pay period, but excluding Sheriff’s Department personnel, department heads and other supervisors, confidential employees, Airport crash/fire rescue personnel, temporary employees, and employees hired for a limited term under a specific State or federal grant program.”

The term of the contract is July 1, 2001, to June 30, 2004.

In 2003, the legislature enacted House Bill 2576, amending ORS 243.736, to make adult parole and probation officers strike-prohibited employees. The bill became effective January 1, 2004. On that date, the bargaining unit became a mixed unit containing both strike-permitted and strike-prohibited employees.

On January 20, 2004, Petitioner filed a Unit Clarification—Redesignation petition (UC petition). A copy of the contract was attached to the petition. The petition seeks to amend the bargaining unit description to specifically exclude all parole and probation officer classifications. The petition would create a separate bargaining unit for the strike-prohibited parole and probation officers.

The elections coordinator served the petition on Respondent on January 21, 2004. On January 26, the Petitioner posted notices of the proposed UC petition in the work areas of the affected employees. No objections to the UC petition were filed.

DISCUSSION

Board Rule 115-25-045 provides that we will conduct a hearing “[w]hen a valid petition has been filed and objections * * * have been timely filed * * *.”

We recently concluded that we will grant a redesignation petition when the petition proposes a facially appropriate unit and there are no objections to the petition. *Coos County v. Oregon AFSCME Council 75, Local 2936*, Case No. UC-1-04, 20 PECBR 534 (2004). There are no objections filed here.

The proposed redesignation is facially appropriate. The strike-prohibited parole and probation officers constitute 24 employees in a unit of 672. If the parole and probation officers were to remain in the unit, the entire unit would be strike-prohibited. In such circumstances, we will not permit such a small number of strike-prohibited employees to deny the right to strike to the much larger group. *Coos County, supra; Multnomah County v. Multnomah County Employees Union Local 88*, Case No. UC-4-92, 13 PECBR 689, 699-700 (1992).

Because there are no objections to the petition, a hearing is not necessary. The petition proposes a facially appropriate bargaining unit. We shall grant the requested redesignation. Respondent continues to represent the redesignated units.

Based on the foregoing, this Board issues the following order:

ORDER

1. The petition for redesignation is granted. The recognition shall be amended to exclude all adult parole and probation officer classifications. The bargaining unit description is amended to read as follows:

"Nonsupervisory employees of Jackson County, Oregon, who are employed on regular full-time or regular part-time basis in positions for more than 40 hours per pay period, but excluding all adult parole and probation officers, as defined in ORS 243.736; Sheriff's Department personnel, department heads and other supervisors, confidential employees; airport crash/fire rescue personnel, temporary employees, and employees hired for a limited term under a specific State or federal grant program."

2. The adult parole and probation officers are redesignated into an appropriate unit described as follows:

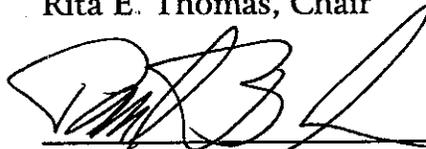
"All adult parole and probation officers, as defined in ORS 243.736, employed by Jackson County, excluding supervisory and confidential employees."

3. SEIU Local 503, OPEU continues to represent both units as redesignated.

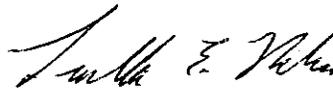
DATED this 12th day of February 2004.



Rita E. Thomas, Chair



Paul B. Gamson, Board Member



Luella E. Nelson, Board Member

This Order may be appealed pursuant to ORS 183.482.