

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-4-06

(AMENDMENT OF CERTIFICATION)

LINCOLN COUNTY,	)	
	)	
	)	
Petitioner,	)	
	)	ORDER REDESIGNATING
v.	)	BARGAINING UNIT
	)	
LINCOLN COUNTY EMPLOYEES	)	
ASSOCIATION,	)	
	)	
Respondent.	)	
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Lincoln County Employees Association (Association) is the exclusive representative for a bargaining unit of employees of Lincoln County (County). The existing wall-to-wall unit is defined as:

“All regular employees with the exception of supervisory and confidential employees or departments who are represented by other labor organizations. Positions included within the bargaining unit are in classifications set forth in Exhibit ‘A’ to the collective bargaining agreement.”

The County employs adult parole and probation officers who are included in the Association bargaining unit. The term of the collective bargaining agreement is July 1, 2003 to June 30, 2006.

On January 31, 2006, the County filed this petition for Redesignation of a Bargaining Unit seeking to exclude all parole and probation officers and parole and probation/presentence investigator positions.

The Elections Coordinator served the petition on the County on January 31, 2006. On February 2, the County posted notices of the proposed unit redesignation in the work areas of the affected employees. No objections to the petition were filed and a hearing was not necessary.

### DISCUSSION

This Board will grant a redesignation petition when the petition proposes a facially appropriate unit and there are no objections to the petition. *See Lane County v. AFSCME, Local 2831*, Case No. UC-4-05, 20 PECBR 856 (2005); *Josephine County v. AFSCME, Local 3694, Council 75*, Case No. UC-5-05; 20 PECBR 853 (2005); *Jackson County v. SEIU Local 503, OPEU*, Case No. UC-2-04, 20 PECBR 544 (2004); and *Coos County v. Oregon AFSCME Council 75, Local 2936*, Case No. UC-1-04, 20 PECBR 534 (2004). No objections to the petition were filed.

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.

The proposed redesignation is facially appropriate. There are nine strike-prohibited parole and probation officers in a strike-permitted unit of 159. Keeping the parole and probation officers in the unit renders the entire unit strike-prohibited. This Board will not permit such a small number of strike-prohibited employees to deny the right to strike to a much larger group. *Lane County, Josephine County, Jackson County, and Coos County, Multnomah County v. Multnomah County Employees Union Local 88*, Case No. UC-4-92, 13 PECBR 689, 699-700 (1992).

This Board shall redesignate the existing bargaining unit and will designate a new bargaining unit of strike-prohibited parole and probation officers. The Association shall continue to represent both of the units.

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

ORDER

1. The petition for redesignation is granted. The recognition is amended to exclude all parole and probation officers and parole and probation/presentence investigator positions. The bargaining unit description is amended to read as follows:

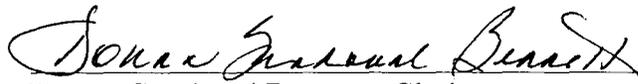
“All regular employees with the exception of supervisory and confidential employees, departments who are represented by other labor organizations, and all parole and probation officers and parole and probation/presentence investigators as defined in ORS 243.736. Positions included within the bargaining unit are in classifications set forth in Exhibit ‘A’ to the collective bargaining agreement.”

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

“All parole and probation officers and parole and probation/presentence investigator positions, as defined in ORS 243.736, employed by Lincoln County, excluding supervisory and confidential employees.”

3. Lincoln County Employees Association continues to represent both units as redesignated.

DATED this 3<sup>rd</sup> day of March 2006.

  
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Donna Sandoval Bennett, Chair

  
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Paul B. Gamson, Board Member

  
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James W. Kasameyer, Board Member

This Order may be appealed pursuant to ORS 183.482.