

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-5-05

(REDESIGNATION)

JOSEPHINE COUNTY,)	
)	
Petitioner,)	
)	
v.)	
)	ORDER REDESIGNATING
AFSCME, LOCAL 3694,)	BARGAINING UNIT
COUNCIL 75,)	
)	
Respondent.)	
_____)	

AFSCME, Local 3694, Council 75 (Respondent) is the exclusive representative for a bargaining unit of employees of Josephine County (Petitioner). The unit is described in the collective bargaining agreement as:

"All Josephine County employees, excluding employees represented by OPEU in the Public Works Department, employees represented by the Sheriff's Office Employees Association in the Sheriff's Office; employees who work less than 20 hours per week, supervisory and confidential employees as defined by ORS 243.650(6) and (14) and temporary employees."

The term of the collective bargaining agreement is January 1, 2002, to June 30, 2005.

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 31, 2005, Petitioner filed this Redesignation petition (UC petition) which seeks to amend the bargaining unit description to specifically exclude all parole and probation officer classifications.

The elections coordinator served the petition on Respondent on February 2, 2005. On February 7, Petitioner posted notices of the proposed petition in the work areas of the affected employees. No objections to the 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. *See 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 were filed here.

The proposed redesignation is facially appropriate. The strike-prohibited parole and probation officers constitute 15 employees in a unit of 367. 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. *Jackson County and 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:

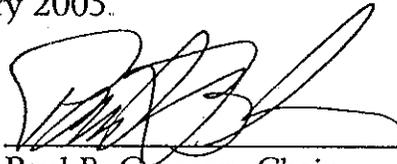
"All Josephine County employees, excluding employees represented by OPEU in the Public Works Department, employees represented by the Sheriff's Office Employees Association in the Sheriff's Office; employees who work in parole and probation officer classifications that supervise adult offenders, as defined in ORS 243.736, employees who work less than 20 hours per week, supervisory and confidential employees as defined by ORS 243.650(6) and (14) and temporary employees."

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

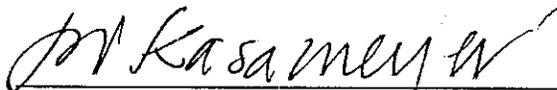
"All adult parole and probation officers, as defined in ORS 243.736, employed by Josephine County, excluding supervisory and confidential employees."

3. AFSCME, Local 3694, Council 75 continues to represent both units as redesignated

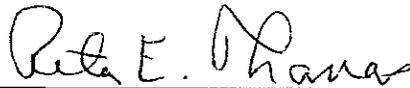
DATED this 24 day of February 2005.



Paul B. Gamson, Chair



James W. Kasameyer, Board Member



Rita E. Thomas, Board Member

This Order may be appealed pursuant to ORS 183.482.