

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-12-09

(UNIT CLARIFICATION)

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

None of the parties objected to a Recommended Order issued on September 20, 2010, by Administrative Law Judge (ALJ) B. Carlton Grew after a hearing held on July 13, 2009, in Salem, Oregon. The record closed on August 24, 2009, with the submission of the parties' post-hearing briefs.

Patricia B. Urquhart, Attorney at Law, Garrettson, Gallagher, Fenrich & Makler, Portland, Oregon, represented Petitioner.

Pierre Robert, Assistant County Counsel, Lane County, Eugene, Oregon, represented Respondent Lane County.

Allison Hassler, Legal Counsel, Oregon AFSCME Council 75, Eugene, Oregon, represented Incumbent AFSCME.

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On April 28, 2009, the Administrative-Professional Association of Lane County Public Works, Inc. (Association) filed this Petition seeking to transfer the following ten positions from the AFSCME Local 2831 (AFSCME or Local) unit to the Association unit: Database Administrator, Information Services Analyst, Senior Information Services Analyst, Information Services Technician, Programmer Analyst 1, Programmer Analyst 2, Senior Programmer and Systems Analyst, System Network Analyst 1, System Network Analyst 2, and Senior System Network Analyst.<sup>1</sup> On May 5, 2009, AFSCME filed its objections. Lane County (County) has taken a neutral position on the issue.

The issue is: Do the petitioned-for positions, which are currently part of the bargaining unit represented by AFSCME, more appropriately belong in the bargaining unit represented by the Association?

### RULINGS

At hearing, the Association offered Exhibit P-53. AFSCME objected on the grounds that the exhibit had not been provided to it within the time frame set out in the ALJ's pre-hearing letter. The Association responded that AFSCME had previously asserted, in an e-mail to Association Counsel, that it would not raise such an objection, and also provided that e-mail as an exhibit. The ALJ properly admitted Exhibit P-53.

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

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<sup>1</sup>On April 30, 2008, the Association filed a unit clarification petition under OAR 115-025-0005(6) to transfer these Information Services positions and several positions in the Land Management Transportation Planning and Traffic Divisions of the Lane County Department of Public Works into the existing Association unit. After this Board informed the Association that the petition was untimely, the Association amended its petition on May 7, 2008, to a representation petition. The representation petition ultimately sought to include the following positions in the Association bargaining unit: Administrative Analyst, Building Inspector 2, Senior Building Inspector, [Cartographer] Cadastral/GIS Technician, [Cartographer] Cadastral/GIS Specialist, Compliance Officer, Compliance Specialist, Database Administrator, Information Services Technician, Information Services Analyst, Senior Information Services Analyst, Land Management Technician, Management Analyst, Plans Examiner 1 and 2, Programmer Analyst 1, Programmer Analyst 2, Senior Programmer and Systems Analyst, Property Management Officer 1 and 2, System Network Analyst 1, System Network Analyst 2, Senior System Network Analyst, Associate Planner, Senior Planner, and Associate Surveyor. This Board dismissed the petition on February 26, 2009. *Administrative-Professional Association of Lane County v. Lane County and AFSCME Local 2831*, Case No. RC-10-08, 23 PECBR 1 (2009).

## FINDINGS OF FACT<sup>2</sup>

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 petition, and a separate unit of County nurses.<sup>3</sup> The Association represents 96 engineering, parks, and infrastructure support employees in the Public Works Department. The Lane County Public Works Association Local 626 represents mechanics and road workers in the Road Maintenance and Fleet Divisions of the Public Works Department, and some other employees. Other bargaining units are: Lane County Peace Officers Association (strike-prohibited deputy and correction sheriffs and juvenile detention workers); Federation of Parole and Probation Officers (strike-prohibited parole and probation officers); and the Prosecuting Attorney's Association (deputy district attorneys).

### Current Association Bargaining Unit Positions and the Department of Public Works

3. 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.

4. The Association bargaining unit description is a list of the following positions in the Public Works Department: Bridge Supervisor, Lead Electrician,

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<sup>2</sup>The parties stipulated that this Board may consider the testimony presented at the July 2008 evidentiary hearing in RC-10-08 as it pertains to the ten positions currently at issue, specifically the testimony of John Baldwin, Tony Black, Brad Carpenter, Roland Hoskins, Rhett Karr, and Jim Steiner. The parties also stipulated to the following Findings of Fact entered in that matter: 1, 2, 3, 6, 18, 20, 21, 22, 23, 24, 25, 26, 31, 34, 39, 41, 43, and 44. The Findings of Fact in this case are based on these stipulations of the parties and the record of the hearing in this case.

<sup>3</sup>The parties do not argue that the AFSCME nurses' unit is relevant to the issues raised by this Petition; as used in this Recommended Order, phrases such as "the AFSCME unit" refer to the 700 employee unit.

Engineer-in-Training, Engineering Aide, Engineering Assistant, Engineering Associate, Senior Engineering Associate, Engineering Technician 1, Engineering Technician 2, Environmental Engineering Specialist, Lead Mechanic, Nuisance Abatement Specialist, Park Planner, Parks Superintendent, Parks Supervisor, Public Works Administrative Assistant, Public Works Analyst, Senior Public Works Analyst, Real Property Officer 1, Real Property Officer 2, Senior Real Property Officer, Road Maintenance Supervisor, Safety Coordinator, Shop Supervisor, Sign Shop Supervisor, Solid Waste Supervisor, Associate Surveyor, Senior Surveyor, Vegetation Management Coordinator, Waste Management Technician Specialist, Waste Reduction Specialist, Lead Worker, and Lead Worker-Parks.

Association Bargaining Unit Positions: General Facts

5. The primary function of the Department of Public Works is to build and maintain County roads, paths, bridges, parks, and related infrastructure. All Public Works employees work in, or are based in, the Delta Complex work site, located a significant distance from the Public Service Building where the largest number of AFSCME bargaining unit employees work. All Association-represented employees work within the Department of Public Works. Eight Information Service (IS) Department positions at issue in this case are stationed at that location, as are some other AFSCME bargaining unit employees.<sup>4</sup> There is no evidence in the record that Association-represented employees working at the Delta Complex have significant contact with any AFSCME bargaining unit employees other than the AFSCME bargaining unit members who also work at the Delta Complex. All Association bargaining unit employees are strike-permitted.

6. All of the positions in the Association bargaining unit are unique to that bargaining unit and to the Public Works Department. There is no evidence that any employees in the positions at issue in the Public Works Department have ever transferred into or out of that department.

7. The Association bargaining unit employees work at offices and shop settings in the Delta Complex; most of them also do extensive work in the field, often

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<sup>4</sup>The IS Department positions stationed at the Public Works Department are not identified in the record and are not listed in the Public Works' organization charts. The Lane County Public Works Association Local 626 represents mechanic and road workers in the Road Maintenance and Fleet Divisions, and some other employees. The other AFSCME bargaining unit employees assigned to the Public Works Department include the following positions: Administrative Assistant, Administrative Secretary, Clerical Assistant, Office Assistant 2, and Senior Office Assistant.

in inclement weather. Many do significant physical work such as clearing brush or moving and operating survey equipment. They are exposed to the hazards of working outdoors, working with heavy mechanical equipment, working with pesticides, and working around vehicle traffic.

8. Twenty-two of the 33 Public Works Department positions in the current Association bargaining unit are exempt from paid overtime: Bridge Supervisor, Engineer-in-Training, Engineering Associate, Senior Engineering Associate, Environmental Engineering Specialist, Park Planner, Parks Superintendent, Parks Supervisor, Public Works Analyst, Senior Public Works Analyst, Real Property Officer 2, Senior Real Property Officer, Road Maintenance Supervisor, Safety Coordinator, Shop Supervisor, Sign Shop Supervisor, Solid Waste Supervisor, Associate Surveyor, Senior Surveyor, Vegetation Management Coordinator, Waste Management Tech Specialist, and Waste Reduction Specialist. It appears from the job descriptions that at least 21 of the 33 positions involve a significant amount of work outdoors in the field.

#### Bridge Supervisor

9. The Bridge Supervisor (annual salary \$41,266-\$57,158) plans, organizes, and supervises the County bridge program, including administration and field maintenance operations. The position receives direction from the Road Maintenance Manager and exercises direct supervision over assigned maintenance personnel.

10. The duties of this position include: supervising a bridge crew in the maintenance or rehabilitation of wooden, concrete, or steel bridges, including installing safety features, painting, and removal and replacement of wood, steel, or concrete bridge components. The position also participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justification for equipment, tools, and personnel; monitors and controls the budget; keeps records of time worked, materials used, job costs, and other similar records; requisitions necessary supplies and equipment as needed on bridge projects; evaluates operations and activities; recommends improvements and modifications; prepares estimates and various reports on operations and activities; provides or coordinates staff training; and implements discipline procedures. The position also coordinates activities with other agencies, answers questions, provides information to the public, and investigates complaints and recommends corrective action as necessary.

11. The minimum qualifications for this position include knowledge of the following subjects: equipment, tools, and materials of bridge and road maintenance and basic construction; construction safety; training, supervision, and performance management; budget monitoring and financial record-keeping; and relevant local, state,

and federal laws, ordinances, and rules, including those dealing with environmental impact. The position requires the ability to organize, implement, and monitor bridge maintenance operations; interpret and explain engineering plans, specifications, and bridge inspection reports; maintain accurate records; prepare cost estimates and reports; maintain effective working relationships with those contacted in the course of work; communicate clearly and concisely; and supervise, train, and evaluate staff.

12. The position requires experience or training equivalent to the completion of the twelfth grade; three years of increasingly responsible experience in road or bridge construction and maintenance, including one year of lead responsibility; or an equivalent combination of experience and training. The employee must possess an Oregon Class A Commercial Driver's License (CDL), medical card, and appropriate endorsements.

### Lead Electrician

13. The Lead Electrician (annual salary \$39,250-\$54,413) supervises and participates in the maintenance and repair of traffic signals and controllers; assigns and reviews the work of personnel; and performs related duties as assigned. The position receives direction from the Traffic Engineer, and exercises technical and functional supervision over technical personnel.

14. The duties of the position include supervising and participating in the maintenance, repair, or installation of traffic signals and controllers; planning and reviewing other employees' work; inspecting new installations and repair work; maintaining safety and quality standards; identifying maintenance and repair needs and recommending corrective action; providing technical staff assistance to other divisions on projects and equipment; maintaining daily records of equipment, personnel, and materials; preparing requests for equipment and supplies; responding to citizen complaints and inquiries regarding traffic signal operations; performing the most complex electrical maintenance and repair duties; and performing electrical maintenance and making improvements in department buildings, including pulling telephone and computer cable.

15. The minimum qualifications for the position include knowledge of the following subjects: materials, methods, equipment, and tools used in electrical work; methods of estimating time, cost, and equipment necessary to perform work; occupational hazards and standard safety precautions necessary in work; principles of supervision and training; and pertinent state and local ordinances and laws.

16. The position requires the ability to: read and interpret electrical diagrams and drawings; maintain accurate and complete records; respond courteously and tactfully

to public inquiries and complaints; perform complex and dangerous duties in a safe and efficient manner; train and schedule personnel; establish effective working relationships with those contacted in the course of work; and communicate clearly and concisely.

17. Experience and training required for the position are: completion of the twelfth grade and three years of responsible journey-level electrician experience, or an equivalent combination of experience and training. The employee must also possess an Oregon Electrician's license.

### Engineer-in-Training

18. The Engineer-in-Training position (annual salary \$39,250-\$54,413) is the first step in a career progression that continues to the Engineering Associate classification. The position plans, organizes, and performs engineering assignments in roads, streets, structures, traffic, and related public works engineering and specialty functions, including civil, structural, geo-technical, and other engineering disciplines. It is an entry-level engineer position. The position is responsible for completion of moderately difficult professional engineering assignments on time and within budget for a wide variety of projects and may also serve as an interagency liaison. The position may exercise functional and technical supervision over technical and support staff and temporary help.

19. The duties of the position may require the employee to: perform and coordinate engineering, planning, and design functions; formulate and evaluate design alternatives; write project provisions and specifications; guide design review functions; assist other staff on design projects; perform or coordinate project management; write contract specifications and prepare cost information; schedule work; inspect construction and perform specialized tests; field check progress; assist with negotiating change orders and approving payment requests; and keep project records and verify project completion and final reports. The position also uses and maintains computer programs in design and construction of public works projects, including Geographic Information Systems (GIS); performs or coordinates project databases and information technology functions such as analysis and defining of software and supplemental system needs; prepares spreadsheet computations and performs internet research and development; facilitates communication between parties involved in engineering functions including management, technicians, consultants, contractors, vendors, and other agencies; investigates concerns and responds to inquiries; makes recommendations and appropriate reports; performs project leadership and communication functions such as scheduling day-to-day activities, coordinating County and contractor functions, and leading public involvement processes; and assists in supervision of technical and support staff.

20. The minimum qualifications for the position include knowledge of the following subjects: principles of civil engineering; project management; engineering presentation; communications and report preparation; information systems, Internet technology, and software applications; policy development and implementation; supervision, training, and personnel management; pertinent local, state, and federal laws and ordinances; and office methods and computer equipment.

21. The position requires the ability to: plan, organize, and coordinate engineering specialty projects; operate Global Positioning System (GPS) data collection equipment and maintain GIS databases; develop a wide variety of reports and collaborate with individuals representing a variety of disciplines, interests, and organizations, and with people of diverse ethnic and socio-economic backgrounds; interpret and apply relevant County guidelines and federal, state, and local laws, rules, regulations, and policies; administer a variety of general and specialty activities and help provide technical and functional supervision; analyze situations, develop alternative solutions, present sound recommendations; maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely.

22. Experience and training required for the position are: a bachelor's degree from an accredited college or university in civil engineering or a related field and some directly related engineering experience, or an equivalent combination of experience and training, and possession of Engineer Intern or Engineer-in-Training certification.

#### Engineering Aide

23. The Engineering Aide (annual salary \$20,634-\$28,621) performs tasks of limited technical skill. It is filled mainly during the summer to assist on special engineering projects. Since this position is typically used for nontechnical, unskilled labor, employees may have no directly related work experience. The position receives direct supervision from a supervisor or lead worker.

24. The duties of the position may include assisting a field survey party by carrying equipment; clearing brush and other obstacles from transit line; assisting in directing traffic around crews on work projects; assisting higher-level engineering employees in the materials and soils labs by performing such duties as taking material receipt tickets; and assisting in performing simple drafting on engineering plans, maps, charts, and graphs.

25. The minimum qualifications of the position include knowledge of basic safety practices; proper use of a variety of hand tools and simple engineering

instruments; and simple arithmetic. The position requires the ability to follow written and oral instructions, and perform arduous manual tasks.

26. Experience and training required are education equivalent to the completion of the twelfth grade or an equivalent amount of experience and training.

#### Engineering Assistant

27. The Engineering Assistant (annual salary \$27,102-\$37,586) assists engineering or surveying staff in the performance of basic field and office work by acting as survey party aide, traffic aide, inspection aide, engineering office aide, or material testing aide. The position provides support to Engineering Technicians through routine types of surveying, inspection, materials testing, drafting, and office engineering. The position prepares an employee for advancement into Engineering Technician positions, and employees may have no directly related work experience. The position receives specific and frequent supervision from supervisory personnel.

28. The duties of the position may include: (1) working as a member of a survey crew on public improvement and survey projects; acting as a flagger; giving line; setting survey markers and reflectors; clearing brush; acting as a stake, rod, or chain person; assisting in establishing line and grades, rerunning lines, and taking before and after cross-sections; performing basic elements of fundamental survey and mathematical computations; (2) assisting a higher level inspector on public improvement projects; checking construction materials for size, quantity, and quality; collecting contractor invoices; performing routine inspections and engineering calculations; receiving inspection information and recording project data; verifying accuracy of information and correcting errors; checking field notes, calculating land areas, and performing other basic office engineering work; (3) assisting in the installation, maintenance, repair, and use of traffic counting equipment; compiling and interpreting data for reports; performing routine drafting; plotting cross-sections and profiles and field survey data; drafting construction plans using office engineering equipment including computer-assisted drafting; assisting higher level materials inspectors on public improvement projects; assisting in field studies; and (4) sampling soil, asphalt aggregate, and concrete; assisting in field or laboratory testing; assisting the public as necessary; answering questions; performing research; preparing legal documents for road right-of-way dedication, and checking survey maps for compliance with code requirements; indexing and maintaining survey related records; and performing various office functions.

29. The minimum qualifications for the position include knowledge of the following subjects: basic arithmetic; fundamentals of algebra, plane geometry, and trigonometry; basic practices of drafting, surveying, and public works construction and data collection; and work site safety.

30. The position requires the ability to: read and plot property deed descriptions; trace and letter architectural or engineering drawings; use computer-assisted drafting tools; operate and maintain equipment or instruments; learn basic laboratory soil sampling and testing procedures; research legal documents; maintain accurate notes; follow written and oral instructions with care and accuracy; prepare simple reports and keep accurate records; perform physical labor in varying weather and terrain; maintain effective working relationships with those contacted in the course of work; work extended hours as necessary; and communicate clearly and concisely.

31. Experience and training required for the position are: completion of the twelfth grade and one year of para-professional civil engineering or surveying experience, or an equivalent combination of experience and training.

### Engineering Associate

32. The Engineering Associate (annual salary \$40,227-\$55,765) performs engineering, including waste management and environmental engineering, GIS, boundary, geodetic surveying and preservation of public land survey corners, or surveying duties relevant to area of assignment;<sup>5</sup> determines the location, design, or construction of roads and sanitary landfills in part through land and construction surveys; prepares permit applications, reports, plans, designs, specifications, and legal descriptions; prepares construction material investigations and design properties of construction materials; performs construction inspection and documentation; performs duties related to investigating and processing of subdivision plats, legal road proceedings, and land survey matters; and plans the work of less experienced personnel.

33. This is the entry/journey level in the Engineering Associate series. Employees initially perform less complex duties. As employees gain experience, they are expected to perform the full range of duties with a decreasing need for detailed supervision and oversight by higher classifications, and to be fully aware of policies and procedures of the work unit. The position receives general direction from supervisory personnel who review the work to ensure compliance with standards, rules, and regulations. The position may exercise supervision over technical personnel.

34. The duties of the position may include: (1) performing field and office survey activities on public works improvement, sanitary landfill construction, survey, and other projects; training and maintaining the work standards of one or more survey crews

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<sup>5</sup>Much of the evidence in the record—particularly the job descriptions for the positions at issue—contains technical words and phrases that are not defined, and lists duties and responsibilities that are not explained. We recite the evidence as the parties presented it to us.

to meet established project requirements and applicable Oregon survey laws; caring for survey instruments; performing complex surveys and calculations using electronic survey equipment, calculators, and computer programs; using conventional or computer-aided drafting equipment to draft engineering surveys; researching and preparing reports, and computing, checking, and analyzing surveys; performing all functions related to construction surveys including alignments, staking of slopes, drainage, finish grades, bridge, and incidental structures; (2) performing surveys including geodetic control which may include the use of GPS equipment, preservation of government corners, and boundary surveys; ensures accuracy of field notes and project records; designing highways, streets, and other public works improvement projects; preparing final construction plans and drafting contract specifications; developing data processing applications for engineering and surveying work; overseeing and coordinating the use and maintenance of computer programs in all phases of design and construction of public works projects, including GIS; (3) performing field inspections and contract documentation on complex public works improvement projects; inspecting, accepting, or rejecting construction materials for quantity and quality, and enforcing contractor compliance to plans and specifications on one or more projects; reviewing, collating, and recording project data in preparation of input into computerized record systems; preparing 'As Constructed' drawings; obtaining preliminary data and computing quantities for asphalt overlay projects; preparing deed and right-of-way descriptions, preliminary road alterations, legalizations, vacations, and establishment documents utilizing necessary records, research, and computations; (4) preparing analysis, recommendations, and reports for land use referrals, planning studies, environmental studies, project alternatives, or permit applications; (5) assisting citizen groups, committees, other agencies, and the general public on issues related to County projects, plans, programs, and permits; coordinating activities with outside agencies, contractors, and the public; (6) performing field and laboratory testing of materials used in the construction of transportation facilities; performing field investigations; identifying, classifying, and designing properties of construction materials; accepting or rejecting construction materials for quality and conformance to applicable specifications; recording characteristics of materials incorporated into the project by the contractor; reviewing, collating, and recording data received from technicians; (7) performing subdivision and condominium administrative duties ranging from preliminary referrals to final recording, including calculation checks, title reports, legal matters, and submitting agendas; and (8) representing the County at public meetings, advisory committee meetings, and professional meetings.

35. The minimum qualifications of the position include knowledge of the following subjects: general mathematics, including trigonometry, algebra, geometry, and statistics as applied to engineering and surveying computations; computer-aided drafting and design; principles of civil engineering, surveying, and public works construction;

basic principles of environmental protection, control, and measurement; GIS and computer-assisted drafting equipment, software, techniques, and applications; office procedures and computer equipment; pertinent laws, ordinances, and codes; principles of occupational safety; professional surveying concepts, theories, principles, practices, and methods of land, geodetic, and construction surveying; Oregon laws and regulations as applied to boundary surveying and property development; principles of electronic survey equipment, including GPS equipment; principles of construction surveying and materials testing; principles, procedures, and applications of sampling, testing, and design properties of soil, aggregate, asphalt, and concrete materials used in construction and practices of quality control sampling, and testing of construction project materials; principles of transportation systems planning, corridor studies, and project planning; land use planning as it relates to transportation facilities; capital improvement programming; principles of street and highway design; county, state, and federal standards for design of streets and highways; principles of landfill design, construction, and operation; county, state, and federal standards for the design, construction, and operation of sanitary landfills and transfer stations; and principles of property deed descriptions and right-of-way descriptions.

36. The position requires the ability to: interpret and apply pertinent local, state, and federal rules, regulations, and laws, and county, state, and federal design standards; effectively utilize field survey instruments or traffic control devices; read and understand engineering plans and specifications; conduct research and prepare documentation; plan and supervise the work of other employees; determine the design and application of the properties of material used in construction, and perform quality control sampling and testing of construction project materials; research and prepare technical reports, letters, or plans; prepare construction drawings and draft specifications for contracted construction projects; prepare accurate field notes; perform physical labor in varying weather and terrain; prepare accurate scale base maps, cross-sections, and profiles; interpret and apply computer programs to engineering problems; operate GPS data collection equipment and related software; maintain GIS databases; perform duties independently with care and accuracy; maintain effective working relationships; communicate clearly and concisely; and structure a safe working environment in proximity to highway traffic and construction equipment.

37. Experience and training required for the position are: the equivalent of a bachelor's degree from an accredited college or university with major course work in civil engineering, surveying, environmental science, geography, or a related field, and three years of responsible civil engineering, waste management engineering, GIS mapping/maintenance, or surveying experience; or an equivalent combination of experience and training.

### Senior Engineering Associate

38. The Senior Engineering Associate (annual salary \$45,510-\$63,066) performs highly responsible engineering work, including waste management and environmental engineering, GIS, or surveying duties relevant to area of assignment, which may involve planning, administration, location, design, or construction of roads and sanitary landfills, which may include geodetic, preservation of government corners, and GPS boundary and construction surveys. Additional duties include preparing permits, reports, plans, designs, and legal documents and descriptions; providing qualifications and design properties of construction materials; performing construction inspections and documentation; and planning and supervising the work of less experienced personnel.

39. This is the advanced journey level position in the Engineering Associate series, and differs from the Engineering Associate by the level of responsibility assumed and the complexity of duties. Employees perform the most difficult and responsible types of duties within this series which include leading, directing, and facilitating team solutions to, and designs for, project-level assignments. Employees at this level are required to be fully knowledgeable in all procedures related to their areas of responsibility and in Department and County policies and procedures. The position receives general direction from management personnel who review work for adherence to relevant standards, and exercises direct supervision over technical personnel.

40. The Senior Engineer Associate performs the following tasks: (1) directs field and office surveying activities on public works improvement, sanitary landfill construction, and survey and other property development projects; directs the work of survey crews and office support staff to meet project requirements and pertinent Oregon survey laws; obtains all necessary survey records for the planning and implementation of project surveys, including oversight of survey research, preliminary surveys, location and establishment of government and property corners, preparation of topographical base maps, and establishment of land survey controls; plans and supervises annual GPS surveys for road and common mapping; (2) acts as design team leader over all phases of the design of public works improvement projects, including preparation of construction plans and contract specifications; acts as team leader over preparation of property deed and right-of-way descriptions for acquisition of property for public works projects, including road record research, survey research, road alterations, legalization maps, vacations, and establishment documents; (3) directs field and office activities in the sampling and testing of construction materials; performs field investigations for road and structure projects; maintains quality control and documentation of construction materials incorporated into projects, including Federal Aid projects; prepares reports and

makes recommendations for roadway base, pavement thickness designs; and cites potential geotechnical and site construction problems; directs field and office operations of several survey crews for the preservation of government corners annual projects; (4) provides information to citizen groups, committees, other agencies, and the general public on engineering, survey, and planning issues; organizes and provides staff support for public meetings on projects or transportation issues; directs field and office activities in construction inspection and contract documentation on public works improvement projects; ensures contract compliance to plans and specifications on construction projects; checks quality and quantity of materials furnished by contractors; (5) advises subordinate employees on details of work; reviews contract change order costs, checks estimates for completeness, and determines final contract costs; compiles data for weekly reports; has the authority to suspend non-specification work; and (6) reviews design and complete construction plans for land use applications which may include periodic inspection during construction to determine conformance with plans and specifications; prepares reports and recommendations, in response to land use applications, based on pertinent Oregon law, Lane County Code, and existing or planned county transportation system; represents the County at public meetings, advisory committee meetings, and professional meetings; oversees administrative duties and processing of subdivision and land partition plats; and coordinates the development and maintenance of GIS databases or road information system databases.

41. The minimum qualifications for the position include knowledge of the following subjects: principles of civil engineering or field surveying; principles of environmental protection, control and measurement; development and maintenance of GIS databases or road information system databases and related software; pertinent local, state, and federal rules, regulations, and laws pertaining to area of assignment; principles of training and supervision; professional surveying principles and methods as applied to highway construction, land survey work, and property development; Oregon laws, rules, and regulations as applied to land surveying; State Plane Coordinate System; and principles of geodetic surveying. In addition, positions in specific areas of responsibility (Survey, Inspector, Soils Laboratory, Transportation Planning, Solid Waste, Design, and Right of Way) require specific, additional qualifications. For example, the Senior Engineering Associate – Inspector must have knowledge of inspecting highway construction plans and specifications, principles of construction surveying, and materials testing; Soils Laboratory must have knowledge of principles, procedures, and applications of soil, aggregate, asphalt, and concrete materials testing, engineering geology and geotechnology; and procedures of highway construction.

42. Experience and training required for the position are: the equivalent of a bachelor's degree from an accredited college or university with major course work in civil engineering, environmental science, geography, or a related field; three years of

increasingly responsible experience in civil engineering, waste management engineering or surveying, GIS mapping/maintenance, including one year of lead responsibility; or an equivalent combination of experience and training.

### Engineering Technician 1

43. The Engineering Technician 1 (annual salary \$30,659-\$42,474) performs a variety of technical office, field engineering, environmental, and waste management engineering, GIS, and survey support work involving drafting, mathematical calculations, construction inspections, lab testing, and field surveying, and collection and analysis of data.

44. This is the entry level position in the Engineering Technician series. Employees at this level receive specific supervision and instruction while learning job tasks, but as experience is gained with repetitive tasks the degree of supervision lessens. Employees at this level are assigned less complex projects than higher level employees. The position receives supervision from supervisory personnel.

45. The duties of the position may include: (1) preparing maps and drawings on a variety of public works or survey projects; performing drafting design work and calculations using computer-assisted drafting or manual techniques; performing various office functions; maintaining engineering base maps, reports, and drawing files; entering map features and creating basic maps performing geoprocessing, using various databases and files which include legal documents such as deeds, recording easements, surveys, plats, and geographic and demographic data sources; preparing letter charts, graphs, maps, plans, and other drawings; preparing drawings on existing improvements, rights-of-way, and other utilities using field notes, maps, and photographs; checking calculations used in designs and estimates; (2) working as a member of a survey crew on public improvement and survey projects whose responsibilities are: caring for survey instruments; working as a chain or level person using theodolite or level on simple line or cross-section work; recording data in field notes or other project records; performing basic surveying computations using calculators involving highway curves, traverse work, plane coordinates, government corner retracement, and GPS functions; assisting in staking of alignments, slopes, drainage, finish grades, incidental structures, and establishing right-of-way markers; (3) performing field and laboratory testing of materials; assisting in the identification and classification of construction materials; obtaining samples of construction materials; assisting in performing physical and chemical tests to determine the quality of materials; verifying quality of materials; performing material compaction and gradation tests; performing asphalt extraction and concrete compressive tests; assisting in collecting data on existing pavement; performing field inspections and contract documentation on public works transportation and solid

waste improvement projects; inspecting and accepting or rejecting construction materials for quantity or quality; enforcing contractor compliance to plans and specifications; recording project data; preparing 'As Constructed' drawings; performing basic field inspections of sanitary landfill and transfer operations for compliance to specified standards; (4) performing manual traffic counts and other traffic engineering investigations; maintaining and placing mechanical traffic counters; evaluating traffic engineering data; checking for threatened and endangered species and assisting in identifying potential impacts on streams, wetlands, and other sensitive areas; checking field notes, making computations involving the use of algebra and trigonometry to determine earth work quantities, coordinates, simple grades, spirals, curves, property investigations, and government corner locations; searching office, court, and other records for property ownership and deeds relating to current or proposed Public Works projects; preparing reports and searching environmental databases, wetland inventory maps, and other environmental information sources as necessary; participating in the preparation, filing, and retrieval of a variety of engineering maps, documents, and records; assisting in the preparation of agenda packets for a variety of legal proceedings related to roads; and (5) answering routine questions and providing information to the public and private sector concerning engineering surveying and property development activities; providing information regarding the location of utilities, off-site improvements, and flood zones; maintaining files, surveys, records, computations, and maps; and providing documented information to engineers, realtors, officials, and the public.

46. The minimum qualifications for the position include knowledge of the following subjects: fundamental engineering and surveying principles such as drafting, construction and land surveying, design and strength of materials, landfill construction and operation, environmental protection, control and measurement, and GIS mapping and application; mathematics, trigonometry, algebra, and geometry; office and field engineering principles; engineering and surveying maps and records; methods of equipment used in survey work; tools, equipment, and methods of drafting and mapping, including computer-assisted drafting and GIS, field, and laboratory testing procedures and equipment; and principles of work site safety.

47. The position requires the ability to: follow written and oral instructions; assist in the preparation of written reports and correspondence; perform basic engineering, survey, and mathematical calculations with speed and accuracy; maintain accurate notes; prepare accurate engineering plans, survey maps, and drawings; perform physical labor in varying weather and terrain as required; interpret construction and survey plans and specifications in conformance to established drafting standards; use and care for drafting, surveying, mechanical, and electrical instruments and tools; maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely.

48. Experience and training required for the position are: completion of the twelfth grade, supplemented by course work in civil engineering, surveying, environmental science, geography, or a related field and one year of para-professional civil engineering, environmental, or waste management engineering, GIS mapping or surveying experience, or an equivalent combination of experience and training.

### Engineering Technician 2

49. The Engineering Technician 2 (annual salary \$34,694-\$48,090) performs para-professional engineering and surveying support work in the investigation, location, design, construction, maintenance, or operation of engineering or surveying projects, environmental and waste management engineering, and GIS.

50. This is the journey level position within the Engineering Technicians. Employees within this position are distinguished from the Engineering Technician 1 by the performance of the full range of classification duties as assigned, including performing duties of a Crew Chief on less complex assignments. Employees at this level receive occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit.

51. The position receives direction from supervisory personnel, and may exercise functional and technical supervision over technical personnel in lower classifications.

52. The Engineering Technician I performs the following tasks: (1) performs survey work following specific assignments pertaining to boundary, geodetic, GPS, or government corner surveys; acts as crew member on large surveying projects and as crew chief on less complex survey or engineering projects; researches County records of property surveys, government corner records, road records, and property deeds, and prepares reports and summaries; (2) operates survey instruments which may include level or theodolite and data collector; follows directions to set out a project traverse or complex lines or cross-section work; (3) performs field and office survey activities on public improvement and survey projects; responsible for the care of survey instruments; records accurate field notes; performs surveying computations using calculators or computer programs to determine elevations, curve data for spiraled or circular curves, angles or coordinates for survey projects, and establishing highway alignments; performs surveys adequate for location, design, and construction of project segments on less complex projects; performs construction staking and establishes right-of-way markers; (4) provides technical engineering information to contractors, developers, the general public, and county staff regarding the location of utility lines, off-site improvements, and planned engineering projects and improvements; provides assistance to the public

regarding county policies and procedures; provides technical information to contractors and developers as necessary; (5) collects, maintains, and analyzes a variety of engineering and surveying data; enters map features and creates a variety of maps performing geoprocessing using various databases and files which include legal documents such as deeds, recording easements, surveys, plats, and geographic and demographic data sources; prepares cost estimates and right-of-way deeds; researches reports; searches environmental databases, wetland inventory maps, and other environmental information sources, and analyzes data as appropriate; (6) performs traffic volume and capacity studies; investigates and develops recommendations on safety complaints and issues; analyzes accident, traffic volume, and related information; provides technical assistance to the public, professional private sector organizations, and other government agencies related to various aspects of property development; investigates public complaints regarding traffic engineering and safety; (7) performs field inspections and contract documentation on public works projects, including solid waste improvement projects and sanitary landfill and transfer operations for compliance with applicable rules and regulations; inspects, accepts, or rejects construction materials for quantity and quality; enforces contractor compliance to plans and specifications; collects and records data; prepares 'As Constructed' drawings, and obtains preliminary data and computes quantities for asphalt overlays; (8) performs field and laboratory testing of materials incorporated in the construction of public works projects; performs field investigations and assists in the identification, classification, and design of construction materials; obtains samples of construction materials from suppliers or project sites; performs physical and chemical tests to determine quality of materials; verifies quality of materials; performs material testing including compaction, aggregate gradation, asphalt extraction, and concrete compressive tests; collects test data on existing pavements; and (9) performs environmental field work for projects, including looking for threatened and endangered species and identifying potential impacts on streams, wetlands, and other sensitive areas; prepares a variety of draft form legal documents and agenda materials relative to road vacations, surrenders, establishments, etc.; checks field notes, calculates land areas, and performs other technical office engineering work; performs drafting work of a technical nature requiring the application of surveying and engineering knowledge to produce maps, structural plans, right-of-way plots, drawings or charts, and mass diagrams utilizing manual and Computer Aided Design (CAD) techniques and equipment.

53. The minimum qualifications of the position include knowledge of the following subjects: terminology, methods, practices, and techniques of drafting, land surveying, construction surveying, and design; mathematics including trigonometry, algebra, and geometry used in engineering and surveying technology; principles of basic engineering land surveying or public works construction relating to area of assignment such as landfill construction and operations, environmental protection, control and measurement, and GIS mapping techniques and applications; practices of technical

research and report writing relating to area of assignment; procedures of field and laboratory construction materials testing; tools, equipment, and methods of drafting and mapping; GIS and computer-assisted drafting methods and equipment; methods and equipment used in electronic and conventional surveying; principles of work site safety; and traffic engineering standards and principles.

54. The position requires the ability to: prepare engineering plans, drawings, and surveying maps, using both computer-assisted drafting and conventional means; read and interpret plans and specifications and technical manuals; perform physical labor in varying weather and terrain as required; use field and office engineering instruments; prepare written correspondence; prepare technical reports; maintain accurate notes; prepare drafts, sketches, or tracings of maps and plans; perform engineering and surveying mathematical calculations with speed and accuracy; lead and train technical staff; maintain effective working relationships; communicate clearly and concisely; and write technical reports.

55. Experience and training required for the position are: completion of the twelfth grade supplemented by course work in civil engineering, surveying, environmental science, geography, or a related field, and three years of responsible para-professional civil engineering, surveying, environmental, or waste management engineering, and GIS mapping/maintenance experience, or an equivalent combination of experience and training.

#### Environmental Engineering Specialist

56. The Environmental Engineering Specialist (annual salary \$40,227-\$55,765) coordinates the environmental activities of the Engineering Division, primarily those related to road construction and maintenance, and may coordinate environmental activities elsewhere in County government. The position receives general direction from the Transportation Planning Engineer.

57. The Environmental Engineering Specialist performs the following tasks: (1) provides responsible technical support to department staff by assisting in the planning, development, organization, and implementation of policies and procedures relating to the environmental aspects of road construction and maintenance; performs environmental overview/reconnaissance field work for road and bridge construction projects, including looking for threatened and endangered species, and determining impact on streams, wetlands, and other sensitive areas; prepares environmental assessments; (2) analyzes technical data and interprets federal, state, and local government environmental regulations, rules, and policies to advise department and recommend course of action pertaining to wetlands, threatened and endangered species, storm water discharge, air quality, underground storage tanks, or other environmental

issues as related to County roads and bridges and other Public Works activities; (3) assists in the development of environmental mitigation measures to offset the effect of road and bridge maintenance and construction; conducts periodic inspection of mitigation efforts in progress; (4) prepares applications for removal and fill permits for Division of State Lands and the Corps of Engineers; prepares flood plain permit applications to Lane County Land Management Division; (5) assists in consultant selection and preparation of consultant contracts; directs the work of environmental consultants and reviews and evaluates environmental studies prepared by consultants; (6) coordinates interagency environmental review activities, files appropriate application and permit documents with federal, state, or local government environmental authorities, and serves as liaison with those agencies; and (7) interacts effectively with the Board of County Commissioners, citizen advisory committees, media, and citizens as a County representative; and prepares presentations and information for the Board, advisory committees, media, and community groups.

58. The minimum qualifications for the position include knowledge of pertinent federal, state, and local regulations, rules, and policies relating to environmental issues, including the Clean Air Act, Clean Water Act, Threatened and Endangered Species Act, and Oregon Revised Statutes; principles of transportation planning, road construction, and road maintenance; basic theory and principles of environmental protection, control, and measurement; and information sources and research techniques in the field of environmental protection; report writing methods and techniques; and effective public information and relations techniques.

59. The position requires the ability to: navigate on rough terrain and in inclement weather in order to perform overview/reconnaissance/inspection field work pertaining to wetlands, threatened and endangered species, storm water discharge, or other environmental issues; plan, develop, organize, and implement an environmental program relating to road and bridge construction and maintenance and other Public Works projects; work as a project team member to successfully plan, develop, organize, and implement road and bridge construction projects and ensure that necessary maintenance activities are accomplished within environmental regulations; initiate research studies and reports and develop administrative and management recommendations; plan and carry out work independently; prepare written analysis, recommendations, and complex reports; analyze technical data and recommend an effective course of action; maintain effective working relationships; and communicate clearly and concisely.

60. Experience and training required for the position are: a bachelor's degree from an accredited college or university with major course work in environmental engineering, civil engineering, transportation planning, and the physical or natural sciences; three years of responsible experience in environmental analysis or resource management, with some experience in transportation planning, road maintenance, or road construction; or an equivalent combination of experience and training.

## Lead Mechanic

61. The Lead Mechanic (annual salary \$38,293-\$53,082) coordinates, oversees, and performs the repair, overhaul, and maintenance of automobiles and light trucks or machinery and construction equipment utilized by the County. It is the working supervisory level position within the Mechanic series, and is distinguished from the Senior Mechanic by its responsibility for assigning, controlling, and reviewing the work of personnel in the Mechanic series, and performing the most complex duties. The position receives direction from the Shop Supervisor, and exercises technical and functional supervision over shop maintenance personnel.

62. The Lead Mechanic performs the following tasks: organizes, plans, and assigns the work of subordinate mechanics; trains and instructs staff; monitors work; participates in the selection and evaluation of mechanics; diagnoses mechanical problems; dismantles and assembles equipment; rebuilds automotive or diesel engines; adjusts and overhauls transmissions, differentials, starters, brakes, and steering systems; tests and repairs electrical and ignition systems; arranges for and schedules required equipment and materials necessary to complete repairs; responds to complaints and inquiries regarding maintenance work performed; assures accurate maintenance data are entered onto work orders and other records; obtains quotes for parts, prepares requisitions, and approves field purchase orders; and prepares job cost estimates and submits reports.

63. The position requires knowledge of the following subjects: standard methods, tools, and materials used in maintaining, repairing, and overhauling automobiles and light trucks or machinery and construction equipment; principles of internal combustion; diesel engines and their components; use of testing and diagnostic equipment such as engine and emission analyzers; use of hydraulic testing equipment; standard methods, tools, and materials used in machine work; use of welding equipment and lathes; and safety practices related to mechanical work.

64. The position requires the ability to: evaluate, make decisions, and take appropriate action; follow oral and written instructions; interpret schematics, both electrical and hydraulic; operate vehicles or heavy equipment for diagnostic or testing purposes; improvise and make repairs in the field under adverse conditions; fabricate special parts or pieces of equipment; lift heavy parts of equipment; perform basic mathematical computations for fabrication and work layout; comprehend equipment maintenance manuals and diagrams; maintain accurate and current records; respond courteously and tactfully to equipment user inquiries and complaints; inspect work in progress and upon completion; identify areas needing improvement; communicate clearly and concisely; plan, assign, and review the work of others; and maintain effective working relationships.

65. Experience and training required for the position are: completion of the twelfth grade; completion of a two-year program/apprenticeship in automotive or heavy equipment mechanics; four years of responsible experience as a general mechanic, including at least one year of experience on automobiles and light trucks and at least one year on heavy equipment; or an equivalent combination of experience and training. The position also requires possession of a valid Oregon CDL and the ability to obtain necessary CDL endorsements.

#### Nuisance Abatement Specialist

66. The Nuisance Abatement Specialist (annual salary \$37,357-\$51,813) investigates reports of illegal dumping and nuisance violations on Public Works controlled properties; identifies responsible parties and initiates corrective action as necessary; and cleans dump sites as allowed by Lane Code and state laws. The position receives direction from Division Manager or designee.

67. The Nuisance Abatement Specialist performs the following tasks: patrols Waste Management Division transfer sites and provides security services for closed transfer sites; investigates illegal dumping and nuisance complaints and violations in Lane County; performs field enforcement by issuing citations for County Code infractions; coordinates with appropriate County departments and outside agencies to clean up illegal dumping and nuisance sites when necessary; performs illegal dump site cleanup; consults with legal counsel regarding evaluation of complaints; establishes documentation and sufficient background information to proceed with legal action if necessary; answers inquiries regarding ordinances, policies, rules, or regulations under applicable sections of the Lane Code and state law, and provides community education regarding illegal dumping; coordinates with the Division Program Managers and County staff, making recommendations on proposed ordinances, program evaluations, and compliance methods; appears in court and represents the County before the County Hearings Officer or as a witness; maintains accurate records of type and number of actions being processed; provides written reports at regular intervals; and participates in community and professional groups, task forces, and committees as necessary.

68. The minimum qualifications for the position include knowledge of the following subjects: principles of code enforcement; principles of investigation; principles of research and data collection; and pertinent local, state, and federal laws, ordinances, and rules in connection with land use, nuisance, and building sections, as well as Public Works right-of-way and other road maintenance activities.

69. The position requires the ability to: conduct investigations including collecting data, analyzing facts, and drawing conclusions; estimate project costs and project management; deal effectively with the public in potentially stressful situations; maintain effective working relationships; and communicate clearly and concisely.

70. Experience and training required for the position are: completion of the twelfth grade; specialized training in environmental sciences, law enforcement, or related field preferred; three years of increasingly responsible experience in planning, building or community development, law enforcement, or related field; or an equivalent combination of experience and training. The position also requires the ability to legally issue citations and complete DPSST training.

### Park Planner

71. The Park Planner (annual salary \$41,266-\$57,158) plans, organizes, and coordinates park and recreation facility planning and design operations within the Parks Division. The position receives general direction from the Parks Manager, exercises direct supervision over seasonal staff, interns, and volunteers, and exercises technical and functional supervision over technical and Parks personnel.

72. The Park Planner performs the following tasks: (1) plans, coordinates, and participates in comprehensive park and facility planning, and the preparation and maintenance of the County Parks Master Plan; develops and implements public input strategies that encourage public involvement in park planning efforts; prepares maps, plans, and specifications for park and recreation facility development and renovation; coordinates and performs on-site surveys and layouts of facilities, trails, and other related designs; (2) coordinates and develops bid specifications; recommends contract awards; administers contracts; prepares and administers grants; inspects contracted construction to insure contract compliance; supervises volunteer and in-house construction of park and recreation facilities in coordination with the Parks Superintendent; monitors and controls capital project expenses; recommends to the Parks Manager changes in project scope or design to keep projects within budget or design standards; and (3) participates in budget preparation and administration; prepares cost estimates for budget recommendations; answers questions and provides information to the public; investigates complaints and recommends corrective action as necessary to resolve complaints; supervises and participates in a wide variety of duties related to an area of responsibility including project-specific work in parks; and provides professional consultation and services to other County Divisions and Departments as requested.

73. The minimum qualifications for the position include knowledge of principles of landscape architecture as related to park planning, design, and construction;

principles of irrigation system design, erosion control, and trail layout; methods of park maintenance and construction; and pertinent federal, state, and local laws, codes, and regulations.

The position requires the ability to: plan, design, and coordinate construction and renovation of park and recreation facilities; prepare, develop, and conduct public presentations; prepare and implement public input strategies; take a lead role in the comprehensive master plan process associated with regional park systems; prepare and administer project estimates and budgets; supervise and inspect the work of contractors, volunteers, and staff and obtain conformity with established standards; work effectively on complex projects with personnel from other departments and agencies; and communicate clearly and concisely.

74. Experience and training required for the position are: the equivalent to a bachelor's degree in landscape architecture or a related field from an accredited college or university; an Oregon registration for Landscape Architect; three years of increasingly responsible experience in landscape architecture, park planning, and landscape construction; or an equivalent combination of experience and training.

#### Parks Superintendent

75. The record does not contain evidence regarding the Parks Superintendent position except for annual salary (\$42,266-\$58,594).

#### Parks Supervisor

76. The Parks Supervisor (annual salary \$41,266-\$57,158) supervises and organizes personnel performing park operations, maintenance, and construction work; coordinates activities with other divisions; and performs a variety of technical tasks relative to the Park Supervisor's area of responsibility. This position is distinguished from Parks Superintendent by the performance of the more routine tasks and duties and less independence. The position receives direction from the Parks Superintendent or Parks Manager, and exercises direct supervision over other personnel.

77. The Park Supervisor performs the following tasks: (1) supervises, assigns, and reviews the work of staff located in all parks operation locations; recommends and assists in the implementation of goals and objectives; establishes schedules and methods for parks maintenance; implements policies and procedures; assists in the development of work plans; monitors and evaluates work methods, procedures, and program results; evaluates operations and activities of assigned responsibilities; recommends improvements and modifications; prepares various reports on operations and activities; (2) participates in budget preparation and administration; prepares cost estimates for

budget recommendations; submits justifications for equipment, tools, and personnel; monitors and controls expenditures; participates in the selection of staff; provides or assists in the coordination of staff training; works with employees to correct deficiencies; implements discipline procedures; answers questions and provides information to the public; investigates complaints and recommends corrective action as necessary to resolve complaints; (3) patrols and inspects County parks and related properties and facilities in an assigned area checking for repair needs, compliance with Park Rules and County Code, and complaints; coordinates repairs and maintenance; enforces County Code and Park Rules in County parks, and issues citations for infractions; ensures Rule and Code compliance and the safety of park visitors; and (4) coordinates the requisition of materials, supplies, and equipment; oversees the maintenance of equipment; keeps operational records and prepares periodic reports regarding the activities and progress of work programs; monitors and assists concessionaires, contractors, and caretakers; and monitors and maintains operating levels of roads, parking lots, sewage plants, irrigation systems, structures, and related park systems and facilities.

78. The minimum qualifications for the position include knowledge of the following subjects: principles of parks development and maintenance; equipment, tools, and materials used in parks maintenance; principles of supervision, training, and performance evaluation; principles of public safety, Code compliance, and Rule enforcement; principles of budget monitoring; principles of maintenance management systems; principles of safety management; and relevant local, state, and federal laws, ordinances, and rules.

79. The position requires the ability to: organize, implement, and direct parks construction and maintenance activities; interpret and explain pertinent County and Department policies and procedures; recommend and monitor a budget; develop and recommend policies and procedures related to operations; maintain effective working relationships with those contacted in the course of work; communicate clearly and concisely; supervise, train, and evaluate staff; and exercise discretion and independent judgment.

80. Experience and training required for the position are: completion of the twelfth grade; additional course work in parks and grounds maintenance, landscape construction, building construction and maintenance, or a related field; three years of increasingly responsible experience in parks maintenance, construction, and relevant public safety, including one year of lead responsibility; or an equivalent combination of experience and training. The person must obtain legal citation authority and possess a valid Oregon Class A CDL, medical card, and any required endorsements. Some positions may require an Oregon Spray license and benefit from a Limited Maintenance Electrician's license.

## Public Works Administrative Assistant

81. The Public Works Administrative Assistant (annual salary \$33,842-\$46,904) assists with the basic administrative and technical phases of a personnel or administrative function within the Department of Public Works; assists in the day-to-day operation of central administrative and business management services tasks in Public Works; and performs general program and office support duties. The position receives general supervision from a departmental manager or supervisor, and may exercise technical and functional supervision over clerical and technical personnel.

82. The Public Works Administrative Assistant performs the following tasks: (1) gathers and assembles data involving limited variables; performs structured mathematical and statistical calculations; performs comparative analysis of technical data; assists in conducting research studies or performs independent research; participates in the technical phases of special studies, surveys, investigations, and research projects; prepares graphic charts; (2) answers correspondence and inquiries from the public and employees; confers with Department officials and assists in resolving personnel/administrative problems; assists in providing administrative control over staff assigned to the administrative services operation; develops and recommends departmental clerical and fiscal procedures and policies; analyzes office methods, procedures, and forms; develops recommendations for improvement of procedures and coordination of departmental functions; conducts studies and prepares reports on departmental administrative operations; and (3) develops and maintains departmental operating or procedures manuals; participates in the preparation and administration of contracts and the preparation of grant applications; conducts special projects related to departmental administrative services; and performs general, office, program, staff, and financial support activities.

83. The minimum qualifications for the position include knowledge of the following subjects: statistical research techniques and procedures; office procedures, methods, and computer equipment; data collection techniques; correct English usage, spelling, grammar, and punctuation; report writing methods and techniques; and basic financial and statistical record-keeping practices.

84. The position requires the ability to: understand, interpret, and apply Department and program rules, procedures, and policies with good judgment, while carrying out a variety of technical and administrative support duties; coordinate a variety of administrative and staff support functions; prepare and maintain a variety of records; operate a variety of office equipment, including calculators, copiers, typewriters, and computer terminals; assemble data and prepare summaries, analysis, recommendations,

and reports; provide a variety of program and policy information to the public and staff; maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely.

85. Experience and training required for the position are: completion of the twelfth grade supplemented by course work in business, personnel, public administration, or a related field; three years of responsible experience providing complex secretarial or administrative support to management; or an equivalent combination of experience and training.

### Public Works Analyst

86. The Public Works Analyst (annual salary \$35,568-\$49,296) performs difficult and complex administrative analytical work involved in the study of organizations and systems directed toward improving the efficient attainment of objectives and purposes within the Department of Public Works; collects, organizes, analyzes, and interprets data; and prepares detailed research, studies, reports, and recommendations.

87. This is the entry/journey level in the Public Works Analyst series. Employees in this position initially perform the more routine duties and work under close supervision. As experience is gained, employees are expected to perform the full range of duties with increasing independence. The position receives direction from a supervisor or manager, and may receive direct supervision from a Senior Public Works Analyst.

88. The Public Works Analyst performs the following tasks: (1) conducts research and studies as assigned; performs a variety of duties related to special assignments and projects; investigates, studies, analyzes, and prepares reports and recommendations on such areas as operating and organization procedures, pending and approved state and federal legislation, and cost comparison; collects, organizes, analyzes, monitors, and interprets data relating to operations, including such areas as policies, functions, organizational structures, forms and procedures, work output, space and physical layouts, and types and effectiveness of equipment; (2) attends meetings in the absence of the administrative official; attends planning meetings; (3) prepares organization and work flow charts; conducts surveys of practices in other jurisdictions; prepares proposals for new and adjusted services to include finance, staffing, and organization requirements; (4) reviews budget requests in conference with department heads; analyzes and investigates proposals for new programs, services, equipment, and personnel; prepares reports recommending adjustments in proposals; may plan, promote, and organize special programs and events; prepares procedural manuals; prepares financial studies, revenue estimates, and forecasts; and (5) designs and controls the

utilization of forms, which may include promotional and informational materials; prepares reports and presents recommendations in connection with studies and projects; and enlists, trains, and monitors volunteers, extra help, and seasonal staff in routine tasks.

89. The minimum qualifications of the position include knowledge of the following subjects: principles of public administration and management, including principles of administrative and management analysis; public financing, budgeting, and accounting; functions, operations, and objectives of County government; basic principles of public personnel administration; general principles of statistics and accounting; computers and computer applications; report writing methods and techniques; and effective public information and community relations techniques. The position requires the ability to initiate research studies and reports including the collection, organization, analysis, and development of administrative and management recommendations; prepare written analysis, recommendations, proposals, and complex reports; evaluate and recommend improvements in operations, systems, procedures, policies, and methods; analyze situations and adopt an effective course of action; maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely.

90. Experience and training required for the position are: 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; one year of responsible administrative staff support and analytical experience; or an equivalent combination of experience and training.

#### Senior Public Works Analyst

91. The Senior Public Works Analyst (annual salary \$38,293-\$53,082) performs the most difficult and complex administrative analytical work involved in the study of organization and systems directed toward improving the efficient attainment of objectives and purposes within the Department of Public Works; collects, organizes, analyzes, and interprets data; prepares detailed research, studies, reports, and recommendations; plan, assigns, and reviews the work of other professional and support staff.

92. This is the advanced journey level position of the Public Works Analyst series. This position differs from the Public Works Analyst classification by the level of responsibility assumed and the complexity of duties. Employees perform the most difficult and responsible types of duties within this series, which include advanced administrative and management research, analysis, and system design and planning, and assigning and reviewing the work of other professional and support staff. Employees at

this level must be fully trained in all procedures related to their area of responsibility. The position receives direction from management personnel, and may exercise direct supervision over clerical, technical, and administrative personnel.

93. The Senior Public Works Analyst performs the following tasks: (1) performs advanced administrative and management research, analysis, and system design related to area of responsibility; plans, assigns, and reviews the work of clerical, administrative, and professional staff; performs a variety of duties related to special assignments and projects; investigates, studies, analyzes, and prepares reports and recommendations on such subjects as operating and organization procedures, pending and approved state and federal legislation, and cost comparison; designs new or upgrades existing accounting systems; modifies systems to accommodate Department or County policies; collects, organizes, analyzes, monitors, and interprets data relating to operations, including such subjects as policies, functions, organizational structures, forms and procedures, work output, space and physical layouts, and types and effectiveness of equipment; (2) attends meetings in the absence of the administrative official; attends organizational planning meetings; provides ideas and suggestions for effective and efficient systems and procedures; prepares organization and work flow charts; evaluates program service delivery systems; conducts surveys of practices in other jurisdictions; prepares proposals for new and adjusted services to include finance, staffing, and organization requirements; reviews budget requests in conference with department heads; analyzes and investigates proposals for new programs, services, equipment, and personnel; prepares reports recommending adjustments in proposals; and (3) plans, promotes, and organizes special programs and events; prepares procedural manuals; prepares financial studies, revenue estimates, and forecasts; develops economic impact reports regarding credit and payment policies; designs and controls the utilization of forms, which may include promotional and informational materials; and prepares reports and presents recommendations in connection with studies and projects.

94. The minimum qualifications of the position include knowledge of the following subjects: 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 of public personnel administration; general principles of statistics and accounting; computers and computer applications; report writing methods and techniques; effective public information and community relations techniques; principles of work planning and organization; and principles of supervision.

95. The position requires the ability to: perform advanced administrative and management research, analysis, and system design and implementation work; plan, assign, and review the work of staff; prepare and analyze fiscal and accounting systems and procedures; initiate research studies and reports including the collection,

organization, analysis, and development of administrative and management recommendations; prepare written analysis, recommendations, proposals, and complex reports; evaluate and recommend improvements in operations, systems, procedures, policies, and methods; analyze situations and adopt an effective course of action; maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely.

96. Experience and training required for the position are: 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; three years of responsible administrative staff support and analytical experience; or an equivalent combination of experience and training.

#### Real Property Officer 1 and 2

97. The Real Property Officer 1 (annual salary \$34,694-\$48,090) performs technical and professional duties related to the appraisal, acquisition, and management of real property for rights-of-way and other County properties. This is the entry level position in the Real Property Officer series. Employees at this level are not expected to perform with the same independence of direction and judgment on matters related to established procedures and guidelines as are positions at the 2 level. New employees may have only limited work experience, and work under immediate supervision.

98. The Real Property Officer 2 position (annual salary \$40,227-\$55,765) is the full journey level position within the Real Property Officer series, and performs the full range of duties. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and they are fully aware of the operating procedures and policies within the work unit. These positions are flexibly staffed and may be filled by advancement from the 1 level.

99. Management personnel supervise Real Property Officers 1 and 2.

100. The Real Property Officer 1 must have knowledge of the following subjects: basic theories, principles, practices, and techniques of property appraisal; basic practices and procedures of real estate sales; form and content of legal documents related to real property; local, state, and federal regulations pertaining to property appraisal, disposition, and right-of-way acquisition; and real estate law.

101. In addition to knowledge of the above subjects, the Real Property Officer 2 must have knowledge of the following subjects: advanced theories, principles, practices, and techniques of property appraisal; advanced practices and procedures of real estate sales; and federal and state laws regarding relocation of businesses and individuals.

102. The Real Property Officer 1 performs the technical and professional duties of average difficulty in the acquisition of real property; reads maps, legal descriptions, profiles, and other technical data related to property or construction; performs mathematical and statistical calculations; operates office equipment, including calculators and computers; maintains accurate and complete records; collects, interprets, and evaluates data; maintains effective working relationships with those contacted in the course of work; and communicates clearly and concisely.

103. In addition to performing the above tasks, the Real Property Officer 2 performs technical and professional duties of above-average difficulty in the acquisition of real property; coordinates the activities of a program or a work unit; performs complex or difficult appraisals using various approaches; analyzes economic or market conditions affecting property value; and delivers presentations to city, county, state government, and the public.

104. The Real Property Officer 1 and 2 positions require training or experience equivalent to a bachelor's degree from an accredited college or university with major course work in business administration or a related field; one (or two, for the 2 position) years of responsible property appraisal or real estate experience; or an equivalent combination of experience and training. The position also requires the ability to obtain an Oregon Notary Public Commission. The Real Property Officer 2 position also requires a Senior Member (SR/WA) designation from the International Right-of-Way Association and employees filling this position are also encouraged to obtain a license to appraise Oregon real estate.

#### Senior Real Property Officer

105. The Senior Real Property Officer (annual salary \$45,510-\$63,066) performs highly responsible technical and professional duties involving the appraisal, acquisition, and management of real property for rights-of-way and other County properties; coordinates real property acquisition activities with other Engineering Division sections; and provides staff support to the Real Property Superintendent and the County Engineer.

106. This is the advanced journey level position in the Real Property Officer series. The position is distinguished from Real Property Officer 2 by the level of responsibility assumed and the complexity of duties. Employees perform the most difficult and responsible types of duties within this series, which include managing the negotiation process for acquisition of right-of-way for Public Works and other County projects and coordinating acquisition activities with other sections of the Engineering

Division of Public Works. Employees at this level must be fully knowledgeable in all procedures related to their area of responsibility and in Department and County policies and procedures. The position receives general direction from the Real Property Superintendent, and exercises supervision over professional and clerical staff.

107. The Senior Real Property Officer performs the following tasks: (1) recommends and assists in the implementation of goals and objectives; establishes schedules and methods for real property acquisition and appraisal; implements policies and procedures; prepares the most complex appraisals of real property, including both land and improvements, using a variety of appraisal techniques; (2) conducts difficult negotiations with property owners and their representatives for the acquisition of real property; acts as the County's representative in eminent domain matters; acts as a team leader in the development of the real property acquisition work plan; assigns appraisal and acquisition work to other real property officers; reviews appraisals prepared by County staff and outside appraisers to evaluate compliance with federal and state standards; manages the negotiation process, including recommending negotiated settlements for acquisition of rights-of-way, recommending just compensation to be paid to owners, and referring acquisitions to legal counsel for filing of eminent domain actions; assists in the preparation of right-of-way cost estimates for capital improvement projects; answers questions related to right-of-way acquisition and provides information to the public, property owners, and other interested persons; plans and schedules right-of-way acquisition activities to correspond with project construction time lines developed through the capital improvement program; assists and advises legal counsel in matters pertaining to trial preparation in eminent domain proceedings and coordinates with legal counsel or expert witnesses in planning of case presentation; (3) provides and directs other personnel in the provision of relocation assistance for displaced persons under the Uniform Relocation Assistance and Real Property Acquisition Policies Act; prepares contracts for fee appraiser consultant services; assists in preparation of annual budget relating to acquisition, appraisal, and property management activities; testifies in courts of law in condemnation proceedings; and (4) participates in training of other real property officers; and participates in the hiring and evaluation of other real property officers and other staff.

108. The minimum qualifications for the position include knowledge of the following subjects: principles of real property appraisal; principles of real estate and right-of-way acquisition; principles of relocation assistance for public projects; local, state, and federal regulations pertaining to property appraisal, disposition, and right-of-way acquisition; office procedures, methods, and computer equipment; real estate law; federal and state laws relating to relocation of businesses and individuals; and principles of employee supervision, training, and performance management.

109. The position requires the ability to: coordinate the activities of a work unit; perform complex or difficult appraisals using various approaches; communicate clearly and concisely; maintain effective working relationships; read and interpret engineering plans and specifications; analyze situations, develop alternative solutions, present sound recommendations; deliver presentations to city, county, and state government and the public; and plan, assign, and review the work of others.

110. Experience and training required for the position are: a bachelor's degree from an accredited college or university with major course work in business administration or a related field; three years of responsible property appraisal or real estate experience, including one year of experience as a team leader or project manager for property acquisition or appraisal; or an equivalent combination of experience and training. The position also requires a Notary Public Commission; SR/WA designation from the International Right-of-Way Association; and a license as a Certified General Real Property Appraiser, Certified Residential Appraiser, or Licensed Appraiser.

#### Road Maintenance Supervisor

111. The Road Maintenance Supervisor (annual salary \$41,226-\$57,158) plans, organizes, and supervises road maintenance and repair operations. The position receives direction from the Road Maintenance Manager and exercises direct supervision over maintenance and supervisory personnel.

112. The Road Maintenance Supervisor performs the following tasks: (1) recommends and assists in the implementation of goals and objectives; establishes schedules and methods for road maintenance and repair; implements policies and procedures; plans, prioritizes, assigns, supervises, and reviews the work of staff involved in road maintenance and repair; evaluates operations and activities of assigned responsibilities; recommends improvements and modifications; prepares various reports on operations and activities; (2) participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justifications for equipment, tools, and personnel; monitors and controls expenditures; participates in the selection of staff; and provides or coordinates staff training; (3) works with employees to correct deficiencies; implements discipline procedures; answers questions and provides information to the public; investigates complaints and recommends corrective action as necessary to resolve complaints; and (4) patrols and inspects County roads checking for repair and gravel needs, culverts, drainage, slides, fallen trees, vegetation problems, washouts, and complaints, and makes arrangements for necessary repairs and maintenance ; supervises the maintenance of County roads in assigned area; requisitions supplies and equipment needed on road construction and maintenance projects; supervises the oiling of roads County-wide; supervises the roadside vegetation program County-wide; investigates emergencies such as ice and bleeding oil; and prepares a list of roads to be either oiled or resurfaced.



113. The minimum qualifications for the position include knowledge of the following subjects: principles of road construction repair and maintenance; principles of vegetation management; equipment, tools, and materials used in road construction, maintenance, and repair; principles of supervision, training, and performance evaluation; principles of budget monitoring; principles of safety management; and pertinent local, state, and federal laws, ordinances, and rules.

114. The position requires the ability to: organize, implement, and direct road construction, maintenance, and repair operations; interpret and explain pertinent County and Department policies and procedures; recommend and monitor a budget; develop and recommend policies and procedures related to operations; maintain effective working relationships with those contacted in the course of work; communicate clearly and concisely; and supervise, train, and evaluate staff.

115. Experience and training required for the position are: completion of the twelfth grade and four years of increasingly responsible experience in road construction and repair, including one year of lead responsibility, or an equivalent combination of experience and training. The employee must also possess a valid Oregon Class A Commercial Driver's License (CDL) and medical card and additional required endorsements. Some positions may require an Oregon Spray license.

#### Safety Coordinator

116. The Safety Coordinator (annual salary \$39,250-\$54,413) manages, directs, and coordinates the activities of the Public Works Safety Program; investigates accidents; maintains safety standards; conducts safety training and maintains records; coordinates safety activities with other divisions and departments; and provides highly complex staff assistance to the Public Works Director. The position receives general direction from a Senior Administrative Analyst.

117. The Safety Coordinator performs the following tasks: (1) recommends goals and objectives; assists in the development and implementation of policies and procedures; manages, directs, and organizes safety program activities including safety inspections, safety meetings, and training, maintains safety standards and records; and directs, oversees, and participates in the development of the Safety Program work plan; (2) investigates or coordinates investigation of all accidents and submits findings and recommendations; recommends safety measures to prevent recurrence of accidents; maintains records for all job-related injuries and accidents; prepares statistical and narrative reports; (3) inspects job sites, equipment, and structures for existing or potential hazards and recommends corrective action; develops or revises departmental

safety policies and procedures; chairs or staffs Safety Committee and conducts informal safety meetings; advises and assists managers and supervisors in safety matters; recommends procurement, use, and installation of safety gear or hazard control equipment; and (4) assists in the development and implementation of a return-to-work program for injured workers; counsels injured workers regarding benefits and available work; plans or coordinates other job-related training courses for departmental staff; develops safety education material; and plans or conducts training in safety, loss control, and first aid.

118. Minimum qualifications for the position include knowledge of the following subjects: safety principles, practices, and techniques; federal, state, and local rules, regulations, and codes related to safety; principles of design and construction of mechanical equipment and varied structures; dangers inherent in various occupations; first aid; Workers' Compensation insurance; procedures of investigation; and principles of management and training.

The position requires the ability to: implement a comprehensive safety program; design and evaluate safety programs in conformance with state and federal law; recognize hazardous or unsafe conditions, work methods, or equipment, and implement or recommend corrective action; maintain and analyze data and prepare reports; develop and conduct training sessions; establish and maintain effective working relationships; and communicate clearly and concisely, both orally and in writing.

119. Experience and training required for the position are: a bachelor's degree from an accredited college or university with major course work in personnel, business, or public administration or a related field; four years of increasingly responsible experience in safety administration or risk management; or an equivalent combination of experience and training.

### Shop Supervisor

120. The Shop Supervisor (annual salary \$41,266-\$57,158) plans, organizes, and supervises mechanical operations within the Motor Pool Shop, and performs a variety of technical tasks. The position receives direction from the Fleet Services Supervisor, and exercises supervision over maintenance, technical, and support personnel.

121. The Shop Supervisor performs the following tasks: (1) recommends and assists in the implementation of goals and objectives; establishes schedules and methods for mechanical work; implements policies and procedures; plans, prioritizes, assigns, supervises, and reviews the work of staff involved in motor pool repair and maintenance; evaluates operations and activities of assigned responsibilities; recommends improvements and modifications; prepares various reports on operations and activities;

participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justification for equipment, tools, and personnel; monitors and controls expenditures; and (2) participates in the selection of staff; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline procedures; answers questions and provides information to the public; investigates complaints and recommends corrective action as necessary to resolve complaints; prepares periodic reports on the condition of the motor pool equipment; makes recommendations regarding its distribution; and maintains the equipment maintenance file.

122. Minimum qualifications for the position include knowledge of the following subjects: principles of motor pool operations and mechanical trades; equipment, tools, and materials used in skilled mechanical trades; principles of supervision, training, and performance evaluation; principles of budget monitoring; principles of safety management; pertinent local, state, and federal laws, ordinances, and rules.

123. The position requires the ability to: organize, implement, and direct motor pool maintenance and repair operations; interpret and explain pertinent County and Department policies and procedures; recommend and monitor a budget; develop and recommend policies and procedures related to operations; maintain effective working relationships with those contacted in the course of work; communicate clearly and concisely; and supervise, train, and evaluate staff.

124. Experience and training required for the position are: completion of the twelfth grade, supplemented by training in mechanics or a related field; five years of automotive and heavy construction equipment experience including two years of lead responsibility; or an equivalent combination of experience and training. The position also requires possession of a Class A CDL, medical card, and appropriate endorsements.

### Sign Shop Supervisor

125. The Sign Shop Supervisor (annual salary \$41,226-\$57,158) plans, organizes, and supervises sign maintenance and construction operations. The position receives direction from the Traffic Engineer, and exercises direct supervision over maintenance personnel.

126. The Sign Shop Supervisor performs the following tasks: (1) supervises the construction and erection of a variety of signs in accordance with the State Manual of Uniform Traffic Control Devices; plans, prioritizes, assigns, supervises, and reviews the work of staff involved in sign maintenance and construction; evaluates operations and activities of assigned responsibilities; recommends improvements and modifications; prepares various reports on operations and activities; estimates materials needed and orders necessary amounts; supervises storing and inventory control over stocks; prepares

specifications for equipment as needed; and (2) conducts road surveys and house and pedestrian counts on County roads and streets for sign requirements; plans and implements a road striping program annually; confers with other sections and outside agencies regarding activities of the sign shop; maintains records of completed work and material used; maintains records related to personnel; recommends the selection of staff; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline procedures; answers questions and provides information to the public; investigates complaints and recommends corrective action as necessary to resolve complaints; and participates in meetings regarding staff and operations.

127. Minimum qualifications for the position include knowledge of the following subjects: principles of sign maintenance, construction application and location; equipment, tools, and materials used in sign maintenance and construction; the Manual on Uniform Traffic Control; principles of preparing wood, glass, metal, and other surfaces for lettering; principles of striping; principles of training and supervision; and principles of safety precaution.

128. The position requires the ability to: organize, implement, and monitor a sign shop; perform the most complex sign construction work; interpret and explain specifications and layouts; maintain accurate records; maintain effective working relationships with those contacted in the course of work; communicate clearly and concisely; and supervise, train, and evaluate staff.

129. Experience and training required for the position are: completion of the twelfth grade and three years of increasingly responsible experience in sign construction or sign painting, including one year of lead responsibility providing quality control and correct application of code, or an equivalent combination of experience and training. The employee must also possess a Class A CDL, medical card, and appropriate endorsements.

#### Solid Waste Supervisor

130. Evidence regarding the position of the Solid Waste Supervisor is not contained in the record, except for annual salary (\$41,226-\$57,158).

#### Associate Surveyor

131. The record does not contain evidence regarding the Associate Surveyor position except for annual salary (\$42,266-\$58,594).

#### Senior Surveyor

132. The Senior Surveyor (annual salary \$47,819-\$66,331) plans, organizes, and supervises surveying activities of the County, including Public Land Survey System

(PLSS) in the restoration and referencing of corner monuments; performs advanced level boundary, cadastral, construction, and geodetic surveying work; performs research, calculations, evaluation, and prepares documentation necessary to the PLSS corner restoration process; plans, organizes, and supervises surveys for legalization of County roads; and performs related duties as assigned. This is the advanced journey level in the professional surveying series, and requires registration as a Professional Land Surveyor. Positions at this level are distinguished from the Associate Surveyor by the high level of surveying program management responsibility assumed, and high complexity of duties and independent decision-making. Employees perform the most difficult and responsible types of duties in surveying which include leading, directing, and facilitating team solutions to project assignments. Employees at this level must be fully knowledgeable in all procedures related to area of responsibility and in Department and County policies and procedures. Employees at this level may exercise the County Surveyor's legal responsibilities in the County Surveyor's absence. The position receives direction from the County Surveyor or Field Engineering Superintendent, and may exercise direct supervision over technical personnel.

133. The Senior Surveyor performs the following tasks: recommends and assists in the implementation of goals and objectives; establishes schedules and methods for completion of surveys; implements policies and procedures; evaluates operations and activities of responsibilities; recommends improvements and modifications; prepares various reports on operations and activities; assists the County Surveyor or Field Engineering Superintendent in planning survey work schedules and determining project assignments; resolves work problems and interprets administrative policies to subordinates, other departments, consultants, contractors, developers, and the public; oversees the re-marking of PLSS corners as mandated by state law; assists in the interpretation of state laws for survey projects; reviews records and surveys for accuracy; reviews projects for compliance with state laws and local regulations; oversees re-marking of County road rights-of-way and supervises preparation of related survey plats for filing; oversees preliminary, location, and construction surveying for County road projects; advises other departments and the public on technical aspects of land surveying; supervises surveys performed for other County departments; participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justifications for requests; monitors and controls expenditures; works with private and government entities as a liaison for funding, technical surveying matters, and other program activities; completes required reports; answers questions and provides information to the public; investigates complaints and recommends corrective action as necessary to resolve complaints; participates in the selection of staff and works with employees to correct deficiencies; and plans, establishes overall priorities, and assigns, supervises, and reviews the work of staff involved in surveying and GPS data collection.

134. The minimum qualifications for the position include knowledge of the following subjects: principles, practices, and procedures of boundary, cadastral, construction, and geodetic surveying; pertinent local, state, and federal rules, regulations, and laws pertaining to land survey methods and standards; drafting and computer-aided drafting methods; methods and techniques of land surveying; recent developments, current literature, and sources of information regarding land surveying; office procedures, methods, and computer equipment; principles and procedures of financial record keeping and reporting; and principles of training, supervision, and performance evaluation.

135. The position requires the ability to: use manual and electronic survey equipment and GPS data collection equipment; supervise and implement surveying programs; supervise the activities of large, varied, and complex surveying projects, including supervising staff and consultants; understand and interpret engineering construction plans, specifications, and other contract documents; perform technical research and solve surveying problems; prepare contracts, conduct studies, prepare reports, and make recommendations; interpret and apply pertinent laws, rules, and regulations; perform mathematical computations through trigonometry; supervise, train, and evaluate survey personnel; assist in preparing and administering a budget, and maintain accurate records; communicate effectively both orally and in writing; and maintain cooperative working relationships.

136. Experience and training required for the position are: a bachelor's degree from an accredited college or university with major course work in civil engineering or surveying; four years of increasingly responsible experience in surveying, including one year of lead responsibility; or an equivalent combination of experience and training. The position also requires registration as a Professional Land Surveyor by the State of Oregon.

#### Vegetation Management Coordinator

137. The Vegetation Management Coordinator (annual salary \$45,510-\$63,066) plans, coordinates, and monitors the activities of the vegetation management program, including project planning, development, and administration; coordinates vegetation management activities with other divisions, departments, and local, state, and federal agencies and private partnerships; and provides highly complex staff assistance to the Senior Engineering Associate. The position receives general direction from the Road Maintenance Manager and Senior Engineering Associate, and may also exercise direct supervision over personnel.

138. The Vegetation Management Coordinator performs the following tasks: recommends goals and objectives in program areas; assists in the development and

implementation of policies and procedures; plans, organizes, and monitors vegetation management program activities including project planning, development, and administration; oversees and participates in the development of the vegetation management work plan and record-keeping system including vegetation inventory; standards, projects, and programs; monitors work flow; reviews and evaluates work products, methods, and procedures; prepares the vegetation management budget; assists in budget implementation; participates in the forecast of additional funds needed for staffing, equipment, materials, and supplies; researches and provides lists of available vegetation management training; develops a graphical geographic information system to improve vegetation monitoring work with GIS staff; provides vegetation management consultation, education, and training; develops and monitors a pesticide spill response plan and hazard communication rules; acts in a liaison capacity for vegetation management activities with other governmental or private agencies as needed; provides information to the public, media, and other groups or agencies regarding vegetation control programs; responds to inquiries or complaints; and prepares and presents written and oral reports to the Board of County Commissioners, advisory committees, and citizen groups.

139. The minimum qualifications for the position include knowledge of the following subjects: principles of integrated vegetation management; current methods of mechanical, manual, botanical, biological, and chemical roadside vegetation control; principles of budget preparation and implementation; and pertinent local, state, and federal rules, laws, and regulations.

140. The position requires the ability to: coordinate, plan, and implement a comprehensive vegetation management program; research, recommend, and assess alternative treatments and improved equipment to increase overall program; become quickly knowledgeable in the principles of road maintenance and traffic safety; prepare a program budget; analyze problems, identify solutions, project consequences of proposed actions, and implement recommendations in support of goals; direct experiments with new materials and techniques and evaluate their effects under roadside conditions; interpret and apply pertinent policies, procedures, rules, and regulations; gain cooperation through discussion and persuasion; maintain effective working relationships with those contacted in the course of work; and communicate clearly and concisely.

141. Experience and training required for the position are: a bachelor's degree from an accredited college or university with major course work in botanical sciences, horticulture, biological sciences, ecology, or a related field, and four years of increasingly responsible experience in an integrated vegetation management program, including experience in overall planning and direction of IVM programs, or an equivalent combination of experience and training. The employee must also possess a valid pesticide applicator's license.

## Waste Management Technical Specialist

142. The Waste Management Technical Specialist (annual salary \$43,326-\$60,070) provides highly complex technical support to the Waste Management Manager regarding waste reduction, refuse transfer, and landfills; collects, organizes, analyzes, and interprets data; prepares detailed research, studies, reports, and recommendations; and performs related duties. The position is supervised by the Waste Management Manager, and may provide technical and functional supervision to staff on special projects.

143. The Waste Management Technical Specialist performs the following tasks: gathers, studies, and interprets federal, state, and local regulations related to waste management operations; evaluates waste management rules, regulations, laws, and procedures to determine regulatory compliance; investigates, analyzes, and prepares reports and recommendations on various waste management programs; conducts statistical analysis of data and develops data displays including graphs, charts, and tabulation of data records; prepares and presents reports, both oral and written, on program development and status; assists in the preparation and monitoring of division budget; assists in preparation of cost estimates and fiscal monitoring of waste management programs; and performs a variety of duties related to special assignments and projects.

144. The minimum qualifications for the position include knowledge of the following subjects: principles, practices, and methods of administrative and management analysis; basic knowledge of principles of waste management; physical and biological sciences; federal, state, and local rules and regulations pertaining to waste management operations; statistical analysis and report writing; basic principles of public financing, budgeting, and accounting functions; and computers and computer applications. The position requires the ability to interpret and apply complex local, state, and federal laws, rules, and regulations relating to waste management operations; comprehend complex technical literature; analyze data and prepare reports; communicate clearly and concisely; maintain effective working relationships with those contacted in the course of work; prepare and monitor a budget; and develop and maintain effective records and data management systems.

145. Experience and training required for the position are: a bachelor's degree from an accredited college or university with major course work in environmental or physical science, waste management engineering, one of the natural sciences, public or business administration, or a related field, and three years of progressively responsible administrative staff support and analytical experience, or an equivalent combination of experience and training. Experience working in a waste management environment is desirable.

## Waste Reduction Specialist

146. The Waste Reduction Specialist (annual salary \$38,293-\$53,082) assists the Waste Management Manager in planning and coordination of recycling and waste reduction programs. The position receives direction from the Waste Management Manager, and may provide technical and functional supervision to other positions for special projects.

147. The Waste Reduction Specialist performs the following tasks: coordinates development of program goals, objectives, policies, and procedures with Waste Management Manager; performs a wide variety of duties related to special assignments and projects; collects, organizes, and assembles data and provides reports on Lane County's and other agencies' waste reduction programs; conducts surveys of practices in other jurisdictions; makes presentations to a wide variety of public groups regarding waste reduction and recycling programs; develops written promotional and educational materials; coordinates with the Waste Management Superintendent on the functioning of the recycling field operations, including recycling at disposal sites, yard debris composting, recycling promotion, and other related recycling programs that impact or are impacted by waste management field operations; makes recommendations and assists in the preparation of the program budget; assists in budget implementation; forecasts funding needed for the Waste Reduction Program; and administers approved budget.

148. The Waste Reduction Specialist also performs the following tasks: assists in the design of recycling facilities; prepares conceptual drawings, including operational feasibility and traffic flow coordination, with the Waste Management Superintendent; participates on a variety of community and professional committees and associations; provides technical advice and support; ensures compliance with all waste reduction mandates and site permit recycling requirements; works toward development of markets and facilitates the transportation of recycled materials; works with industry groups to enhance local recycling operations; develops and administers contracts for recycling services not provided by in-house staff; represents the Division and its waste reduction programs to print and electronic media as necessary; coordinates with other jurisdictions and citizen groups within the County to develop and enhance waste reduction programs in local communities; prepares analysis of waste reduction issues and makes presentations to the Board of Commissioners as necessary; and may coordinate the work of interns and volunteers.

149. The minimum qualifications for the position include knowledge of the following subjects: principles of waste prevention and recycling; principles of research and report writing; computer statistical applications; principles of public relations and marketing; processes and technology utilized in waste prevention, materials recovery facilities, composting, and recycling; budgeting procedures and techniques; and legislative recycling requirements and pending legislative issues.

150. The position requires the ability to: initiate research studies and reports, including collection, organization, and analysis; work with computerized data systems, entering, maintaining, configuring, and analyzing data; prepare and administer a budget; promote the program to selected groups, media, and the public; prepare and write reports and written communications; communicate clearly both orally and in writing; and maintain effective working relationships.

151. Training and experience required for the position are: a bachelor's degree from an accredited college or university with major course work in physical science, engineering, public or business administration, or a related field; two years of experience in waste prevention, recycling, or a related field; or an equivalent combination of experience and training.

#### Lead Worker

152. The Lead Worker (\$38,293-\$53,082) directs and performs public works maintenance operations and related duties. The position receives direction from supervisors and exercises technical and functional supervision over technical and maintenance personnel.

153. The Lead Worker performs the following tasks: (1) supervises and participates in a wide variety of duties related to an area of responsibility including road and bridge maintenance and repair, solid waste transfer and disposal, community service work in parks, or equipment maintenance; (2) inspects repair work and maintenance work during and upon completion of projects; arranges for and schedules appropriate equipment and materials necessary for assigned projects; and identifies maintenance and repair needs and recommends corrective action; (3) responds to complaints and inquiries; (4) maintains daily records of equipment, personnel, and materials or parts used for each project; prepares job cost estimates and submits reports; obtains quotes for equipment, materials, or parts and contracted services; prepares requisitions and approves field purchase orders; (5) participates in emergency situations; coordinates emergency and special assignments with other County departments and divisions and outside agencies and organizations; and (6) provides technical staff assistance on special projects and assignments as necessary; participates in the selection of staff; and helps provide and coordinate staff training. The position performs the most complex duties in the area of responsibility.

154. The minimum qualifications for the position include knowledge of the following subjects: materials, methods, equipment, and tools used in assigned area of responsibility; methods of estimating time, cost, and equipment necessary to perform assigned work; occupational hazards and standard safety precautions necessary in the

work; purchasing procedures, forms, and techniques; principles and practices of supervision, training, and performance evaluation; and the operation or maintenance of a variety of maintenance and construction equipment.

155. The position requires the ability to: read and interpret blueprints, diagrams, and construction drawings or equipment maintenance manuals and diagrams; maintain accurate records; respond courteously and tactfully to public inquiries and complaints; operate or maintain a variety of field maintenance equipment in a safe and efficient manner; inspect work in progress and upon completion, identify areas needing improvement; communicate clearly and concisely; train and schedule assigned personnel; and establish and maintain effective working relationships.

156. Experience and training required for the position are: completion of the twelfth grade; three years of responsible road or bridge construction or maintenance, waste management or park maintenance, or equipment maintenance experience; or an equivalent combination of experience and training. The position also requires possession of a valid Class A Oregon CDL, medical card, and required CDL endorsements.

#### Lead Worker - Parks

157. The Lead Worker - Parks (annual salary \$39,250-\$54,413) directs and performs public works parks maintenance operations. The position receives direction from supervisory personnel, and exercises technical and functional supervision over technical and maintenance personnel.

158. The Lead Worker - Parks performs the following tasks: (1) enforces County Code and park rules within the County, and issues citations for violations; supervises and participates in a wide variety of duties related to the area of responsibility, including parks maintenance and repair, community service work in parks, or equipment maintenance; (2) inspects repair work and maintenance work during and upon completion of projects; arranges for and schedules appropriate equipment and materials necessary for projects; identifies maintenance and repair needs and recommends corrective action; responds to complaints and inquiries regarding operations; maintains daily records of equipment, personnel, and materials or parts used for each project; prepares job cost estimates and submits reports; obtains quotes for equipment, materials or parts, and contracted services; prepares requisitions and approves field purchase orders; (3) participates in emergency situations; coordinates emergency and special assignments with other County departments and divisions and outside agencies and organizations; and (4) provides technical staff assistance on special projects and assignments as necessary; performs the most complex duties in area of responsibility; participates in the selection of staff; and helps provide and coordinate staff training.

159. The minimum qualifications for the position include knowledge of the following subjects: materials, methods, equipment, and tools; methods of estimating time, cost, and equipment necessary to perform work; occupational hazards and standard safety precautions necessary in the work; purchasing procedures, forms, and techniques; principles of supervision, training, and performance evaluation; and operation or maintenance of a variety of maintenance and construction equipment.

160. The position requires the ability to: interpret blueprints, diagrams, and construction drawings or equipment maintenance manuals and diagrams; maintain accurate records; respond courteously and tactfully to public inquiries and complaints; operate and maintain a variety of field maintenance equipment in a safe and efficient manner; inspect work in progress and upon completion; identify areas needing improvement; communicate clearly and concisely; train and schedule personnel; and maintain effective working relationships.

161. Experience and training required for the position are: completion of the twelfth grade; three years of responsible park maintenance; or an equivalent combination of experience and training. The position also requires the possession of a valid Class A Oregon CDL, medical card, and required CDL endorsements.

#### Information Services (IS) Department: General Facts

162. The Petition proposes to add 69 positions in ten classifications in the County IS Department to the Association unit. The County IS Department provides computer services to all County departments. Most of these employees work in the Public Service Building in downtown Eugene. Eight IS Department employees are stationed at the Delta Complex. IS employees share no common supervision with the Department of Public Works except above the Department level. All of the IS employees at issue are strike-permitted.

163. There are six subsections of the IS department: the Area Information Records System (AIRS) section, with four current AFSCME bargaining unit positions that the Association seeks to represent; the Regional Information Services (RIS) section, with three such positions; the Administrative Services section, with four such positions; the Applications section, with two such positions; the Technical Services section, with four such positions; and the Project Management section, with three such positions. Each position reports to a manager who in turn reports to the Department head.

164. The IS Department also includes AFSCME bargaining unit employees in the positions of Accounting Analyst, Senior Accounting Clerk, Office Assistant, Senior Office Assistant, and Records Officer. These positions are not included in the Petition.

165. Some IS employees at issue, such as Senior Information Services Analyst Brad Carpenter, work exclusively in the IS Department's offices, where other AFSCME bargaining unit members provide clerical and administrative support. Other IS employees at issue routinely interact with other AFSCME bargaining unit employees, and employees in other units, in conjunction with the repair or maintenance of the computers at their workstations. All IS employees work indoors in office settings. One IS employee works at the Lane Workforce Partnership; the Association has not included that employee in its Petition.

166. All of the positions at issue in the IS Department are unique to that Department. There is no evidence that any employees in the positions at issue in the IS Department have ever transferred into or out of that Department.

167. Seven of the ten positions in the IS Department, and 68.5 of the 69 employees at issue in this petition, are exempt from paid overtime: Database Administrator (three positions); Information Services Analyst (nine positions); Senior Information Services Analyst (ten positions); Programmer Analyst 2 (one position); Senior Programmer and Systems Analyst (35.5 positions); System Network Analyst 1 and 2 (no positions); and Senior System Network Analyst (ten positions).

#### Information Services (IS) Department Positions

##### Database Administrator

168. The Database Administrator (annual salary \$53,768-\$74,464) 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 professional personnel, and may provide technical and functional supervision to staff.

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

170. Employees must have the ability to: perform advanced data analysis; 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 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.

171. 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 the Law Enforcement Data System (LEDS). The Database Administrator works in a secure location in the Public Services Building separate from the other Information Services employees.

### Information Services Technician

172. The Information Services Technician (annual salary \$38,064-\$52,728) 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 management personnel, with functional and technical supervision from professional personnel.

173. The position requires knowledge of the following subjects: 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.

174. Employees must have the ability to: communicate effectively, both verbally and in writing; 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 work to meet those goals and objectives.

175. 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 the 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).

176. 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 LEDS.

### Information Services Analyst

177. The Information Services Analyst (annual salary \$46,363-\$64,210) 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 management personnel, and functional and technical supervision from professional personnel.

178. Employees must have knowledge of the following subjects: 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; 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 work to meet those goals and objectives; troubleshoot computer system problems; improve technical skills; and develop scripts and batch files.

179. In addition, Infrastructure track employees must have knowledge of these subjects: 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.

180. 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 LEDS.

### Programmer Analyst 1

181. The Programmer Analyst 1 (annual salary \$35,339-\$48,922) 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 management, and functional and technical supervision from professional staff.

182. The position requires knowledge of the following subjects: 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 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.

183. 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 LEDS.

### Programmer Analyst 2

184. The Programmer Analyst 2 (annual salary \$46,363-\$64,210) 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 management personnel, and functional and technical supervision from professional personnel.

185. The position requires knowledge of the following subjects: 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; 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; personal computers, personal computer concepts, and the operation of personal computers. Employees must have the ability to 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.

186. 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 LEDS.

#### Senior Information Services Analyst

187. The Senior Information Services Analyst (annual salary \$53,768-\$74,464) 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. Employees in these positions who work 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 position in the IS series and employees are often assigned responsibility for project coordination. The position receives direction from management personnel, and functional and technical supervision from professional personnel. The position may provide functional and technical supervision to staff. At least one such position, held by Brad Carpenter, works a portion of the time in a secure area in the IS Department.

188. The minimum qualifications for the position include knowledge of the following subjects: 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; 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.

189. In addition, employees in the Infrastructure track must have knowledge of these subjects: 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.

190. Employees in the Client Support track must also have knowledge of these subjects: 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; and design, implement, and support techniques for remote accessibility of workstations.

191. 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 a client support environment, or an equivalent combination of experience and training that demonstrates the required knowledge and abilities. The position may also require a criminal background check and a security clearance to have and be able to maintain access to AIRS and LEDS.

#### Senior Programmer and Systems Analyst

192. The Senior Programmer and Systems Analyst (annual salary \$53,768-\$74,464) performs 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 position in the Programmer Analyst series, and these employees are often assigned responsibility for project coordination, and may be responsible for more than one project area. The position receives direction from management, may receive functional and technical supervision from professional staff, and may provide functional and technical supervision to staff.

193. The position requires knowledge of the following subjects: 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; 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 work to meet those goals and objectives; troubleshoot complex software system problems; and coordinate complex projects.

194. 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 LEDS.

#### System Network Analyst I

195. The System Network Analyst I (annual salary \$36,213-\$50,190) assists with analysis, design, implementation, and system management duties, in one or more

tracks or areas of work, for complex computer and network configurations; assists with acquisition and customization of electronic equipment and software as necessary to implement systems and support regional use of information technology; and assists with ongoing support of existing systems. Employees in this position work in LAN Systems Support, Mainframe Support, and Network Support. This is an entry-level position in the Network Analyst (SNA) series. These employees receive direction from management personnel and functional and technical supervision from professional personnel.

196. The System Network Analyst I performs the following tasks: assists with planning of computer, system, and network configurations, upgrades, and replacements; assists with acquisition of products and services; installs, upgrades, replaces, and customizes equipment and software following standard procedures; assists with administration of computer, system, and network facilities including establishment of proper access control functions; assists with diagnosis and resolution of computer, system, and network problems; performs necessary support activities outside scheduled work hours as needed to minimize computer, system, and network outages during critical periods; shares on-call duties with other staff members and responds in a timely manner 24 hours per day when problems arise; prepares technical documentation; serves on project teams; maintains and improves technical knowledge and customer support skills; and shares knowledge and information with management, customers, and co-workers via written and verbal reports, presentations, training, and informal communication.

197. The minimum qualifications for the position include knowledge of the following subjects: customer service practices; structure and capabilities of computer operating systems, network protocols, data access control, and database management systems; purposes and internal functioning of computer and network equipment and software components; data communications and distributed computing concepts; data integrity and access control considerations; data storage concepts and management; software development and customization methods; change control and quality assurance processes; and principles of project management. The position requires the ability to develop and maintain effective working relationships with customers, co-workers, managers, vendors, and suppliers; participate harmoniously on teams formed to accomplish projects and provide ongoing support; convey technical information simply and clearly, both in speech and in writing; quickly understand complex technical matters and apply technical knowledge in the development of general solutions; acquire new skills and continually update existing skills; maintain awareness of current technology and future technological trends; coordinate a workload that includes multiple assigned tasks; use common personal software products including e-mail, word processing, and spreadsheets; develop command language scripts and small programs to automate and customize system processes; and assist with diagnosis and resolution of technical problems.

198. Experience and training required for the position are: the equivalent of a bachelor's degree from an accredited college or university with major course work in computer science or a related field, or an equivalent combination of experience and training. The positions require a criminal background investigation and may require security clearance for access to AIRS or LEADS.

### System Network Analyst 2

199. The System Network Analyst 2 (annual salary \$44,138-\$61,090) performs analysis, design, implementation, and system management duties, in one or more of the series tracks, for complex computer and network configurations; acquires and customizes electronic equipment and software as necessary to implement systems and support regional use of information technology; assumes responsibility for ongoing support of existing systems; and performs related duties as required. The tracks for this classification series are LAN Systems Support, Mainframe Support, and Network Support, and employees assigned to work in those tracks provide enhancement and ongoing technical support of their assigned system. This is the intermediate-level position in the SNA series. Positions at this level differ from other SNA positions by the level of responsibility assumed and the level of knowledge and experience expected. These positions may be assigned to coordinate small projects. The positions receive direction from management personnel and receive functional and technical supervision from professional personnel.

200. The System Network Analyst 2 performs the following tasks: plans basic computer, system, and network configurations, upgrades, and replacements; researches products and services, prepares procurement specifications, and evaluates vendor proposals; installs, upgrades, replaces, and customizes equipment and software following general guidelines; administers basic computer, system, and network facilities including establishment of proper access control functions; diagnoses and resolves routine computer, system, and network problems; performs necessary support activities outside scheduled work hours as needed to minimize computer, system, and network outages during critical periods; shares on-call duties with other staff members and responds in a timely manner 24 hours per day when problems arise; plans, develops, and documents operational procedures; coordinates small projects; maintains and improves technical knowledge and customer support skills; shares knowledge and information with management, customers, and co-workers via written and verbal reports, presentations, training, and informal communication.

201. The minimum qualifications for the position include knowledge of the following subjects: customer service practices; structure and capabilities of computer operating systems, network protocols, data access control, and database management systems; purposes and internal functioning of computer and network equipment and

software components; data communications and distributed computing concepts; data integrity and access control considerations; data storage concepts and management; software development and customization methods; change control and quality assurance processes; and principles of project management.

202. The positions require the ability to: develop and maintain effective working relationships with customers, co-workers, managers, vendors, and suppliers; participate harmoniously on teams formed to accomplish projects and provide ongoing support; convey technical information simply and clearly, both in speech and in writing; quickly understand complex technical matters and apply technical knowledge in the development of general solutions; acquire new skills and continually update existing skills; maintain awareness of current technology and future technological trends; coordinate a workload that includes multiple assigned tasks; use common personal software products including e-mail, word processing, and spreadsheets; develop command language scripts and small programs to automate and customize system processes; diagnose and resolve routine technical problems; and plan and coordinate small projects.

203. Employees assigned to the various tracks must also be familiar with matters such as the relevant hardware and software; utilities and diagnostic techniques; hardware and software installation and customization; and procedures for maintaining the function of the tracks.

204. Experience and training required for the position are: 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 increasingly responsible system network analyst experience, or an equivalent combination of experience and training.

#### Senior System Network Analyst

205. The Senior System Network Analyst (annual salary \$53,768-\$74,464) performs advanced analysis, design, implementation, and system management duties, in one or more of the series tracks, for complex computer and network configurations; acquires and customizes electronic equipment and software as necessary to implement systems and support regional use of information technology; assumes responsibility for ongoing support of existing systems; and coordinates projects. The position is assigned to one of three tracks: LAN Systems Support; Mainframe Support; or Network Support. This is the advanced-level class in the SNA series, and differs from the other SNA positions by the level of responsibility assumed and the level of knowledge and experience expected. Positions in this class are often assigned responsibility for project coordination. The position receives direction from management personnel and receives functional and technical supervision from professional personnel; the position provides functional and technical supervision to assigned staff.

206. The Senior System Network Analyst performs the following tasks: plans advanced computer, system, and network configurations, upgrades, and replacements; researches complex products and services, prepares procurement specifications and evaluates vendor proposals; installs, upgrades, replaces, and customizes unique equipment and software configurations; administers complex computer, system, and network utilities including establishment of proper access control functions; diagnoses and resolves difficult computer, system, and network problems; performs necessary support activities outside scheduled work hours as needed to minimize computer, system, and network outages during critical periods; shares on-call duties with other staff members and responds in a timely manner 24 hours per day when problems arise; plans, develops, and documents complex operational procedures; coordinates large important projects; maintains and improves technical knowledge and customer support skills; tracks technology trends and recommends future directions and standards; shares knowledge and information with management, customers, and co-workers via written and verbal reports, presentations, training, and informal communication; and may schedule, assign, coordinate, monitor, and review the work of assigned staff.

207. The minimum qualifications for the position include knowledge of the following subjects: customer service practices; structure and capabilities of computer operating systems, network protocols, data access control, and database management systems; purposes and internal functioning of computer and network equipment and software components; data communications and distributed computing concepts; data integrity and access control considerations; data storage concepts and management; software development and customization methods; change control and quality assurance processes; principles of project management; techniques for facilitating group processes including meetings and electronic collaboration; and principles of functional and technical supervision.

208. The position requires the ability to: develop and maintain effective working relationships with customers, co-workers, managers, vendors, and suppliers; participate harmoniously on teams formed to accomplish projects and provide ongoing support; convey technical information simply and clearly, both in speech and in writing; quickly understand complex technical matters and apply technical knowledge in the development of general solutions; acquire new skills and continually update existing skills; maintain awareness of current technology and future technological trends; coordinate a workload that includes multiple assigned tasks; use common personal software products including e-mail, word processing, and spreadsheets; develop command language scripts and small programs to automate and customize system processes; diagnose and resolve complex technical problems; plan and coordinate large, complex projects; and plan, coordinate, and document regional information technology architectures.

209. Employees assigned to the various tracks must also be familiar with matters such as the relevant hardware and software, utilities and diagnostic techniques, hardware and software installation and customization, security functions, and procedures for maintaining the function of the tracks.

210. Experience and training required for the position are: a bachelor's degree from an accredited college or university with major course work in computer science or a related field, four years of increasingly responsible system network analyst experience, or an equivalent combination of experience and training. The positions require a criminal background investigation and may require security clearance for access to AIRS or LEDS.

#### AFSCME Non-IS Bargaining Unit Positions<sup>6</sup>

211. The 700 AFSCME bargaining unit employees are located in all County departments, including positions in the IS Department and Public Works Departments that are not included in this petition. The largest number of AFSCME-represented employees work in the County Public Service Building. Some AFSCME unit employees work elsewhere, including in the Public Works Department at the Delta Complex building. All AFSCME bargaining unit employees are strike-permitted.

212. The AFSCME bargaining unit includes these professional, paraprofessional, and technical positions with the specified annual salaries: Accountant (\$41,995-\$58,178),<sup>7</sup> Accounting Analyst (\$39,000-\$54,080), Administrative Analyst (\$36,213-\$50,190), Associate Planner (\$43,056-\$59,634), Cartographer/GIS Specialist (\$37,128-\$51,459), Compliance Officer (\$39,978-\$55,390), Developmental Disability Specialist (\$37,128-\$51,549), Developmental Disability Specialist - Bil (\$39,000-\$54,080), Electrical Inspector (\$41,995-\$58,178), Employment Specialist 2 (\$39,000-\$54,080), Environmental Health Specialist 2 (\$39,978-\$55,390), Environmental Health Specialist 2-Bil (\$41,995-\$58,178), Family Mediator (\$38,064-\$52,728), Juvenile Counselor 1 (\$38,064-\$52,728), Juvenile Counselor 2 (\$40,976-\$56,742), Medical Assistant 2 (\$32,011-\$44,346), Medical Lab Technologist (\$36,213-\$50,190), Mental Health Associate (\$35,339-\$48,922), Mental Health Care Coordinator Specialist (\$41,995-\$58,178), Mental Health Specialist 1

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<sup>6</sup>The County provided an exhibit containing some details of AFSCME bargaining unit positions that it called a "Random Selection of 25 (out of 125) Current AFSCME Classifications." We summarize the information about the 23 non-IS positions in that exhibit here.

<sup>7</sup>Prior to the IT AFSCME unit employee five percent raise, their wages were closer to the other unit professionals.

(\$37,128-\$51,549), Nutritionist/Dietician (\$37,128-\$51,549), Paralegal (\$33,634-\$46,571), Payroll Specialist (\$36,213-\$50,190), Planner (\$39,000-\$54,080), Property Appraiser 3 (\$39,978-\$55,390), Property Appraiser 4 (\$44,138-\$61,090), Senior Administrative Analyst (\$39,000-\$54,080), Senior Animal Welfare Officer (\$38,064-\$52,728), Senior Building Inspector (\$39,978-\$55,390), Senior Juvenile Counselor (\$46,363-\$64,250), Senior Mental Health Specialist (\$39,978-\$55,390), Senior Planner (\$46,363-\$64,210), Senior Program Services Coordinator (\$44,138-\$61,090), Public Health Educator (\$38,064-\$52,728), Special Waste Specialist (\$39,000-\$54,080), and Youth Advocacy Coordinator (\$39,000-\$54,080). The number of positions and the educational and training requirements for most of these positions do not appear in the record.

213. The AFSCME bargaining unit includes these positions with the specified annual salaries: Accounting Clerk 1 and Office Assistant 1 (\$24,398-\$33,821); Clerical Assistant, Custodian, and Kennel Attendant (\$22,090-\$30,597); Document Resource Center Specialist, Data Entry Operator, Mail Clerk, Office Assistant 2, Secretary 1 (\$27,602-\$38,210); Justice Court Clerk, Property Appraiser 1 (\$29,744-\$41,226); Legal Secretary 1 (\$28,288-\$39,187); Maintenance Specialist 1 (\$26,270-\$36,421); Medical Assistant 1 (\$28,995-\$40,123); Stores Clerk (\$26,936-\$37,274); and Waste Management Fee Collector (\$23,795-\$32,947). The number of these positions and the educational and training requirements for most of these positions do not appear in the record.

214. Thirty-seven of the 113 positions in the AFSCME unit are exempt from paid overtime, including Accountant, Accounting Analyst, Administrative Analyst, Developmental Disability Specialist, Employment Specialist, Environmental Health Specialist, Family Mediator, Juvenile Counselor, MHO Care Coordinator Specialist, Medical Lab Technologist, Mental Health Specialist, Planner, Program Services Coordinator, Special Waste Specialist, Lead System Programmer, and Youth Advocacy Coordinator. The number of these positions and the educational and training requirements for most of these positions do not appear in the record.

215. Both the AFSCME/County (2008 - 2011) and Association/County (2006 - 2009) collective bargaining agreements provide for a dispute resolution process ending in binding arbitration, promotional preference for unit employees, and transfers within classifications (although only the AFSCME agreement provides that employees be notified prior to the County's use of the transfer or recall list). Both agreements provide for bargaining unit employee seniority and bumping rights in the event of layoffs. Both agreements require just cause for bargaining unit employee discipline.

216. There is no evidence that any non-IS AFSCME bargaining unit positions duplicate any positions at issue in the IS or Public Works departments. There is no evidence that any non-IS AFSCME-represented employees have transferred into an IS or Public Works position at issue.

217. The Senior Administrative Analyst position (annual salary \$39,000-\$54,090) receives direction from management personnel, and may exercise direct supervision over clerical, technical, and professional personnel. The position requires 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 three years of responsible administrative staff support and analytical experience, or an equivalent combination of experience and training.

218. The Building Inspector 1 (annual salary \$34,466-\$47,757) is supervised by the Building Official and the Senior Plans Examiner, who provides technical and functional supervision. The position requires the equivalent of completion of the twelfth grade. Additional specialized training in the building trades or a related field and one year of building construction experience is desirable. The individual must be able to obtain a C level certification in one area of inspection.

219. The Building Inspector 2 (annual salary \$38,064-\$52,728) is supervised by the Building Official and the Senior Plans Examiner, who provides technical and functional supervision. The position requires the equivalent of completion of the twelfth grade and two years of responsible building inspection experience. Additional specialized training in the building trades or a related field is desirable. The individual must be able to obtain a B level certification in one area of inspection.

220. The Senior Building Inspector (annual salary \$39,978-\$55,390) position receives direction from the Building Program Manager and exercises functional and technical supervision over clerical and technical personnel. The position requires education equivalent to the completion of the twelfth grade, and three years of responsible building and structural inspection experience, or an equivalent combination of experience and training. Additional specialized training in the building trades or a related field is desirable. The individual must be able to obtain A and C level certifications in two or more areas of inspection.

221. The Cartographer/GIS Technician (annual salary \$32,011-\$44,346) is supervised by a Department supervisor or manager and may also be supervised by a Cartographer/GIS Specialist, who provides technical and functional supervision. The position requires an Associate's degree with major course work in computer science, geography, surveying, engineering, or a related field, and two years of experience working with survey mapping or geographic information systems, or an equivalent combination of experience and training.

222. The Compliance Officer (annual salary \$39,978-\$55,390) receives direction from the Land Management Manager, Public Works Director, or designee, and may exercise functional and technical supervision over clerical and technical personnel. The position requires education equivalent to the completion of the twelfth grade, and four years of increasingly responsible experience in planning, building, or community development.

223. The Custodian-Detention (annual salary \$25,002-\$34,653) is supervised by assigned supervisory or management personnel. The position requires formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance, and two years of responsible janitorial or custodial experience, or an equivalent combination of experience and training.

224. The Document Resource Center Specialist (annual salary \$27,602-\$38,210) is supervised by the Document Resource Center Supervisor. The position requires education equivalent to the completion of the twelfth grade, and two years of responsible word processing, document production or typing, and clerical experience with software applications on a microcomputer, or an equivalent combination of experience and training. Additional specialized training in secretarial sciences, data processing, document production, graphics, or a related field is desirable.

225. The Senior Document Resource Center Specialist (annual salary \$31,221-\$43,243) is supervised by the Management Services Supervisor, and exercises technical and functional supervision over Center personnel. The position requires education equivalent to completion of the twelfth grade, and at least two years of responsible word processing, document production, and experience with software applications, including graphics, on a microcomputer, or an equivalent amount of experience and training. Additional specialized training in secretarial sciences, data processing, document production, graphics, or a related field is desirable.

226. The Employment Specialist 1 (annual salary \$35,339-\$48,922) is supervised by designated management and lead staff, who provide technical and functional supervision. The position requires the equivalent of a bachelor's degree from an accredited college or university with major course work in social services, business, public administration, or a related field. The employee must be fluent in English and Spanish. One year of responsible professional employment training experience is desirable.

227. The Senior Justice Court Clerk (annual salary \$34,466-\$47,757) is supervised by the Justice of the Peace, and exercises functional and technical supervision over the Justice Court Clerk. The position requires education equivalent to the completion of the twelfth grade, and three years of responsible legal processing and

assistance experience, or an equivalent amount of experience and training. Additional specialized training in legal terminology or a related field is desirable. The employee may be required to obtain LEADS certification.

228. The Juvenile Counselor 1 (annual salary \$38,064-\$52,728) is supervised by assigned staff. The position requires a bachelor's degree from an accredited college or university with major course work in social work or a related field, and six months of social work experience involving work with juvenile offenders and the Juvenile Court system, or an equivalent combination of experience and training.

229. The Mental Health Specialist 1 (annual salary \$37,128-\$51,459) is supervised by supervisory or management personnel who provide technical and functional supervision. The position requires a master's degree from an accredited college or university with major course work in a mental health field, psychology, counseling, social work, or a related field, or an equivalent combination of experience and training. One year of experience working directly with mentally or emotionally disturbed clients in the provision of behavioral health services is highly desirable. Some positions may require QMHP designation.<sup>8</sup>

230. The Mental Health Specialist 2 (annual salary \$38,064-\$52,728) is supervised by management personnel, and may exercise technical and functional supervision over other staff. The position requires a master's degree from an accredited college or university with major course work in a mental health field, psychology, counseling, social work, or a related field, and two years of responsible professional mental health experience, including one year of experience specific to the program or area of assignment. Some positions may require special certification or QMHP designation.

231. The Senior Mental Health Specialist (annual salary \$41,995-\$58,178) is supervised by supervisory or management personnel. The position requires a master's degree from an accredited college or university with major course work in a mental health field, psychology, sociology, counseling, or a related field, and three years of responsible professional mental health or professional mental health crisis experience, or an equivalent combination of experience and training. Some positions may require special certification.

232. The MHO [Mental Health Organization] Care Coordination Specialist (annual salary \$41,995-\$58,178) receives direction from assigned supervisory or management personnel. The position requires a master's degree from an accredited

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<sup>8</sup>The definition of QMHP does not appear in the record. An online acronym dictionary defines the term as "Qualified Mental Health Professional" <http://www.acronymfinder.com/Qualified-Mental-Health-Professional-%28QMHP%29.html>.

college or university with major course work in a mental health field, psychology, sociology, counseling, or a related field, and three years of responsible professional mental health experience, including experience with managed care, demonstrating a comprehensive understanding of the system. The individual must also be able to be credentialed as a QMHP.

233. The Planner (annual salary \$39,000-\$54,080) is supervised by the Planning Program Manager and the Associate Planner, who exercises technical and functional supervision. The position requires a bachelor's degree from an accredited college or university with major course work in planning or a related field, or an equivalent combination of experience and training.

234. The Program Services Coordinator I (annual salary \$38,064-\$52,728) receives direction from assigned management personnel. The position requires a bachelor's degree from an accredited college or university with major course work in public administration, community services, business administration, or a related field, and two years of increasingly responsible experience in community and human services planning, development, and evaluation.

235. The Senior Sales Data Analyst (annual salary \$45,240-\$62,629) position receives direction from the Appraisal Manager, and exercises functional and technical supervision over assigned personnel. The position requires the equivalent to a bachelor's degree from an accredited college or university with major course work in statistics, economics, business administration, or a related field, and four years of responsible residential, rural, and commercial property appraisal experience, appraisal data analysis, and computer applications experience, or an equivalent combination of experience and training. The position may require designation as a Certified Appraiser under provisions of ORS 308.010.

236. The Secretary I (annual salary \$27,602-\$38,210) is supervised by a departmental supervisor or manager. The position requires education equivalent to the completion of the twelfth grade. Additional specialized training in secretarial sciences, office management, or a related field, and one year of responsible secretarial and clerical experience is desirable.

237. The Special Waste Specialist (annual salary \$39,000-\$54,080) receives direction from the Waste Management Manager, and may provide technical and functional support to other positions for special projects. The position requires the equivalent of a bachelor's degree from an accredited college or university with major course work in environmental, chemical or physical science, one of the natural sciences, engineering, or a closely related field, and three years of progressively responsible

experience in environmental compliance, solid or hazardous waste management, or public health. Experience in solid waste management working with hazardous and special waste and environmental compliance issues for landfill operations is desirable. The individual must also be able to acquire the OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) and Bloodborne Pathogen Certifications.

238. The Assistant Veteran Services Coordinator (annual salary \$33,634-\$46,571) position receives direction from the Veteran Services Coordinator, exercises direct supervision over program volunteers and interns, and may exercise technical and function supervision over support staff. The position requires education equivalent to the completion of two years of college, two years of responsible experience in community service providing direct client assistance requiring public contact, interviewing, and data evaluation. A minimum of six months' experience dealing with government benefit regulations and/or veteran programs and course work or a degree in business or the social sciences is desirable.

#### Additional Facts Regarding Information Services Employees and AFSCME

239. A provision in the International AFSCME constitution provides that union members who engage in activities such as aiding a competing labor organization in removing positions from an AFSCME unit (popularly known as a "raid") are ineligible to hold local or national office for four years.

240. AFSCME is governed by an elected Executive Board made up of a President (Lori Greene), First Vice President and Chief Steward (Paula Medaglia), Secretary/Recorder, and other officers, as well as representatives from each department with members in the Local. Other members of the Executive Board include James Dotson and Jim Dyer.<sup>9</sup> IS Department employees are entitled to a representative on the Local Executive Board, and this seat was held from January 2008 until July 2009 by Robyn Repsher, a Senior Programmer and Systems Analyst.

241. A bargaining team composed of bargaining unit members and a service representative from the statewide AFSCME Council 75 (Jim Steiner) represent the Local in collective bargaining with the County.

242. Kirk Mauser, an IS employee, was an officer with AFSCME from 1996 until April 2009, when he left employment with the County. Mauser was also one of five AFSCME bargaining unit members on its most recent bargaining team.

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<sup>9</sup>The record does not indicate Dotson and Dyer's positions on the Executive Board.

243. Over the course of its representation of the IS employees, AFSCME has represented one or more of them in the disciplinary and grievance process, including a grievance which overturned a termination. IS employees have no apparent quarrel with AFSCME's representation in that regard.

244. Prior to December 2007, AFSCME changed from a flat rate dues structure to a progressive rate structure, in which lower-paid employees paid less and higher-paid employees paid more. The change in dues structure was unpopular with the IS employees.

245. In 2007, IS employees concluded that their wages were significantly below the market for similar positions and that this caused turnover, unfilled IS Department vacancies, and extra work for the remaining employees. They began a campaign to raise their wages.<sup>10</sup>

246. In December 2007, IS employees approached AFSCME officials and urged them to ask the County to increase IS employee wages. Later that month, AFSCME Council Representative Steiner and AFSCME Executive Board member Dyer met with some IS employees. IS employee Baldwin told Steiner that he believed the County would provide an immediate increase in IS employee wages if requested. In fact, the County wished to conduct a compensation study first.

247. The existing AFSCME-County contract expired on June, 30, 2008. The contract provided for a Joint Labor/Management Classification Committee (JLMCC), giving AFSCME the opportunity to provide input to the County regarding the classification of employees with regard to "seniority, layoff and recall and internal equity." Through the JLMCC, AFSCME could also request up to six "formal classification review[s]" in each fiscal year. It is not clear from the record whether this process would necessarily address disparities between market salaries and contractual salaries.

248. 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.

249. In early 2008, AFSCME representative Steiner talked with County Labor Relations Program Supervisor Roland Hoskins about IS employee wages. Hoskins

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<sup>10</sup>The IS Department had 18 unfilled positions in the fall of 2007. The number of unfilled positions dropped after the contract was agreed to in February 2009, dropped more when the economy began to worsen, and dropped further when the contract was ratified. At the time of hearing, the IS Department had 12 unfilled vacancies.

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 four positions. AFSCME declined, preferring to raise the matter through a full compensation study (to include job market issues) and conventional bargaining.<sup>11</sup> Meanwhile, IS employee activists continued to press the County and AFSCME for an immediate wage increase.

250. Following this discussion, AFSCME decided that it would perform a full market study on the compensation of IS Department staff itself, but decided to wait until it had hired and trained a research analyst to perform the analysis in-house. That compensation study was completed in May 2008, and AFSCME presented its results to the County at that time.

251. IS employee activists believed that the County and AFSCME were providing conflicting explanations for the failure to grant IS employees an immediate wage increase. The IS activists therefore contacted AFSCME representatives and pressed them to hold a meeting with the County and IS activists together, or allow the IS activists to negotiate with the County separately. At some point during these discussions, Steiner told Baldwin that AFSCME would not consent to IS employees conducting a separate negotiation with the County, and that if they did so, they would commit an unfair labor practice. Baldwin was offended because he believed that Steiner had threatened to sue Baldwin if he negotiated separately with the County.<sup>12</sup>

252. In January 2008, AFSCME notified the County that it wished to engage in bargaining for a successor collective bargaining agreement. After some difficulty starting the bargaining process, which caused AFSCME to file a grievance, the parties started bargaining in May 2008.

253. As part of its bargaining representation, AFSCME sent out a survey to bargaining unit members regarding their priorities in bargaining. IS Executive Board and

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<sup>11</sup>At the hearing in RC-10-08, AFSCME witness Steiner suggested that only three classification review slots, to be paid by the County, remained available under the contract for that period. At the same hearing, County Labor Relations Manager Hoskins and County Human Resources Director Greta Utecht testified that the County had nevertheless offered to pay for six studies of IS positions. There is no evidence, however, that Steiner knew that the County planned to waive this provision of the collective bargaining agreement.

<sup>12</sup>Baldwin testified that Steiner told him that AFSCME would sue Baldwin personally if he engaged in direct negotiations with the County. Steiner denied making a threat to sue Baldwin personally; resolution of this factual dispute is not necessary to resolve this Petition. Of course, had the County negotiated a wage increase with the IS employees without AFSCME's permission, it would have committed an unfair labor practice. *Lane Unified Bargaining Council v. McKenzie School District #68*, Case No. UP-14-85, 8 PECBR 8160, 8196-8202 (1985).

negotiating team member Mauser oversaw the survey. The majority of bargaining unit members identified maintaining current levels of health insurance benefits as the first priority, and increasing wages as the second priority. The IS workers identified raising their wages from below market levels as their first priority.

254. On April 30, 2008, acting upon IS employees' unhappiness with AFSCME and desire for other representation, the Association filed a petition for representation to transfer the IS positions and several County Building Department positions from the AFSCME bargaining unit into the existing Association bargaining unit. (RC-10-08.) After being informed that the petition was untimely, the Association amended it on May 7, 2008, to a representation petition which ultimately sought to include the following positions in the Association bargaining unit: Compliance Officer, Compliance Specialist, 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 and Systems Analyst, System Network Analyst 1, System Network Analyst 2, Senior System Network Analyst, Database Administrator, Management Analyst, 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.

255. The hearing in RC-10-08 was held on July 7, 2008. IS employees Baldwin, Carpenter, and Rhett Karr, among others, testified in favor of the petition, and against AFSCME. Their testimony included discussion of how they believed AFSCME had failed to properly represent them in connection with their desired pay increase and how the interests of the IS employees did not parallel those of the rest of the AFSCME unit. The IS employees testified in part that their work was professional, technical, and well-compensated, and that they, therefore, lacked a community of interest or common interests with the rest of the AFSCME unit and should be moved to the proposed unit.

256. At one point during bargaining, the County proposed that the IS employees be granted a five percent wage increase. However, the County became concerned that the proposal might be considered an undue influence on IS employees given the pending representation petition, and withdrew the proposal, with AFSCME's agreement, until the petition was resolved. The County renewed the proposal when it believed that the petition was resolved.<sup>13</sup>

257. Some AFSCME unit members took a dim view of the IS employees' attempt to create a separate unit and a delay in bargaining caused by that attempt. Some

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<sup>13</sup>There is no evidence that IS employees objected to the tabling of IS employee wage issues during the litigation of RC-10-08.

AFSCME members believed that the IS employees' attempt to create another unit delayed bargaining for six months, by which time the local and national economic downturn had created a poor bargaining climate.

258. AFSCME-County bargaining continued through the end of 2008. During February 2009, the key issue in bargaining was whether the unit's health insurance benefits would be maintained. AFSCME wanted the same benefits, while the County sought to move all bargaining unit employees to another plan which would have increased employee cost, particularly for prescriptions. AFSCME leadership believed that the increase in costs to employees resulting from this change would be especially difficult for its lowest-paid members.<sup>14</sup>

259. At one point during bargaining, the AFSCME bargaining team proposed delaying the proposed five percent wage increase for IS employees to the second year of the contract in order to retain the *status quo* regarding medical benefits; the AFSCME proposal did not delay a proposed three percent cost of living increase (COLA) for all unit members. At the time the proposal was made, IS AFSCME bargaining team member Kirk Mauser was on vacation, but there is no evidence that this had any bearing upon the AFSCME proposal or its timing. Mauser had been consulted regarding the AFSCME bargaining strategy.<sup>15</sup>

260. At least some IS employees were incensed by this AFSCME proposal, charging that AFSCME had taken their salary increase "off the table" when their representative was absent. When the responsive County proposal retained the first year IS wage increase but reduced medical benefits, IS employees began demanding that AFSCME accept the County's proposal. They lobbied AFSCME leaders through e-mails and conversations. Other AFSCME unit members were aware of the IS employees' lobbying efforts.

261. A number of IS employees sent several e-mails to AFSCME leadership, pressing them to secure the IS wage increase or explain their failure to do so. These employees were not satisfied with the responses they received from AFSCME officials. AFSCME leaders told at least one IS activist that the IS employee concerns were not AFSCME's primary concern, and that "the tail can't wag the dog." IS employee activists were offended by this remark.

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<sup>14</sup>The record does not contain evidence of the actual costs to employees of the employer's proposal.

<sup>15</sup>County negotiators believed that AFSCME was trying to use the County's interest in increasing the salaries of IS employees to leverage additional benefits for the rest of the AFSCME unit.

262. Lise Stuart was a Senior Administrative Analyst for the County Human Services Commission and an AFSCME steward. She had previously agreed with AFSCME's goals of obtaining wage increases for the IS employees, wage increases for all employees, and preserving current medical benefits. She was also a member of the AFSCME bargaining team through February 2009. After the parties deadlocked, she changed her mind and demanded that AFSCME accept the County's last proposal. AFSCME officials responded that she had a duty to represent all unit employees, not just the IS employees. Stuart continued to vigorously press for the acceptance of the County offer.

263. AFSCME local president Lori Greene met with IS employees twice during bargaining to discuss their concerns. She offered to meet with them a third time but the IS employees declined.

264. As bargaining continued, the County adhered to its proposals granting the IS employee five percent wage increase and reducing medical benefits, while AFSCME adhered to its proposals to provide the IS employee wage increase and retain the previous medical benefits.

265. In response to bargaining unit members' inquiries about the IS employees' demands that AFSCME accept the County's last offer, Steiner stated that the IS employees received wages at the higher end of the AFSCME unit employee wage scale. IS employee activists believed that it was unfair for Steiner to disclose this truthful information, and that doing so reflected bias against IS employee goals and promoted negative feelings towards IS employees from other AFSCME unit members.

266. In response to the deadlock in bargaining with the County, AFSCME leadership began discussions with bargaining unit members about striking if their efforts failed at the negotiating table. When the IS employee activists heard talk of a strike, they were outraged and immediately assured the County through a joint letter that they would not strike and would not honor any AFSCME picket line. They offered to work from home if necessary, and asked that the County begin planning for that contingency.

267. When the parties' negotiations moved to the mediation phase, Stuart and an IS employee knocked on the door of the room where the AFSCME bargaining team was working, and gave the bargaining team a letter or petition urging that the team accept the County's last offer.

#### February 2009 AFSCME Meetings

268. In February 2009, AFSCME held two general membership informational meetings. They were attended by approximately 250 bargaining unit members. The members were closely divided over whether AFSCME should accept the County's last

offer granting pay increases but reduce medical benefits, and whether AFSCME should prepare for a strike. The meetings were contentious.

269. Kyle Sullens, a Senior Programmer in the IS Department, attended at least one of the February membership meetings. He had been active in efforts to push AFSCME to promptly address IS employee concerns, and had sent numerous e-mails to AFSCME president Greene and Executive Board members Dotson and Medaglia. Sullens was not satisfied with the responses he had received to his e-mails.

270. During one of the February meetings, Sullens rose to speak and was recognized by AFSCME President Greene. Sullens asked if he could make a motion that AFSCME accept the latest offer by the County. His question prompted AFSCME leadership to consult with each other.<sup>16</sup> After they consulted, the chair recognized another person. Sullens tried to be recognized again, without success, and eventually sat down. Sullens believed this was another example of AFSCME ignoring the concerns of IS employees.

271. Before the start of one of the February meetings, some non-IS AFSCME bargaining unit employees moved away from seats adjacent to some IS employees, stating that they did not want to sit with the IS employees. IS employees also heard other employees make comments characterizing the IS employees as "spoiled brats" and as having an "elitist attitude."<sup>17</sup> IS employee activists believed these expressions demonstrated an unfair bias on the part of other bargaining unit members against the IS employees.

272. During this time period, some IS employees who visited the workstations of other AFSCME-represented employees perceived that some non-IS employees were cool to the IS employees.

273. While some non-IS AFSCME bargaining unit members expressed displeasure with some IS employees during this time period, there was no evidence that those expressions were widespread or that they extended to all IS employees.

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<sup>16</sup>The meeting had been advertised as an informational meeting, and the AFSCME Executive Board had not distributed information normally sent out prior to a ratification vote.

<sup>17</sup>The IS activists who testified at hearing appeared to be genuinely surprised and offended that their persistent efforts to persuade AFSCME to accept a settlement that increased IS employees' wages and decreased medical benefits for all bargaining unit members caused some bargaining unit members to express displeasure with them.

274. This Board issued its decision dismissing the Association's petition in RC-10-08 on February 26, 2009.

275. At the end of February 2009, AFSCME and the County reached a tentative agreement over a new collective bargaining agreement. The agreement included a 3.9 percent cost of living increase for all bargaining unit employees, an additional five percent increase in the salaries of IS employees; in addition, all bargaining unit employees retained their past level of medical benefits.<sup>18</sup> The contract was signed in May 2009, with the pay increases the IS employees and COLA provided retroactive to July 2008.<sup>19</sup> IS employee activists were not mollified by this outcome. At the time of hearing, they remained steadfast in their view that had AFSCME appropriately represented the IS employees, AFSCME would have accepted the County's proposal for their five percent wage increase at the time it was presented.

#### AFSCME Executive Board Vacancy

276. During January 2009, the AFSCME Secretary-Recorder Executive Board position became vacant. Rhett Karr, an IS Database Administrator, submitted his name for the position. Karr had testified in favor of the IS employees joining a separate bargaining unit at the hearing in RC-10-08, had joined the IS employees who announced their intention not to support a strike, and had supported the IS activist position that AFSCME should have accepted the County pay increase to them without holding out for maintenance of medical benefits. No other unit members requested to run for the position by the filing deadline. Karr therefore expected to be appointed to the position at the next general membership meeting.

277. After learning of Karr's interest, Executive Board member Dotson objected to Karr as ineligible for the position, based on the anti-raid provision of the AFSCME International Constitution. Dotson apparently intended to raise the issue at the membership meeting, if necessary. In order to avoid a personal and presumably divisive public debate, the AFSCME Executive Board decided to recruit additional candidates for the position and select one through an interview process. The Executive Board ultimately interviewed two or three candidates for the position, including Karr. Karr was not asked to address the organizational disloyalty issues during his interview.

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<sup>18</sup>The wages of some other groups of County employees were also below market, including Electricians, Land Management employees, and some Public Works employees. None of these groups of employees received a special pay increase like the IS employees.

<sup>19</sup>During approximately the same time period, the County and the Association reached agreement on a new collective bargaining agreement, which provided for a 2.5 percent COLA for Association bargaining unit members.

278. Some members of the Executive Board supported Karr, and the Board members discussed Karr's participation in the hearing in RC-10-08. During the discussion, Steiner told the board that Karr had testified in support of a competing labor organization at the hearing, and suggested that Board members who were curious about Karr's testimony could listen to the tape recording of the hearing. Karr, who learned of this statement later, viewed this statement as another example of AFSCMEs bias against him and other IS employees. The AFSCME Executive Board ultimately selected another person for the position because of Dotson's objection. When Karr learned of his rejection, and the reasons for it, he was outraged. Karr characterized the situation as his having been "blackballed" from holding AFSCME office.

#### Stuart, Baldwin, and Repsher

279. As noted above, AFSCME steward Stuart had been an aggressive advocate for acceptance of the early County wage increase offer. On April 1, 2009, AFSCME Chief Steward Paula Medaglia notified Stuart that she was removing her from her steward position. Medaglia believed that Stuart's behavior on the bargaining team was volatile and emotional, that some of her e-mails were abusive, and that Stuart was pursuing the interests of the IS employees to the detriment of others. Medaglia's e-mail stated, in part:

**"Subject: Your Position as Union Steward**

"Lise - In the last two years, I have tried to accommodate your schedule so that you can attend Stewards' meetings, but you did not respond to emails about attending those meetings nor did you communicate your unavailability. Based on your lack of attendance and the scarcity of communication from you, it is apparent that you are not interested in being a steward. In addition, although you have done good work as a Union Steward in past years, your behavior on the bargaining team in the last few months of bargaining demonstrated that you were not able to represent the interests of the majority of members - only a few, it seemed.

"According to Local 2831's Constitution, the Chief Steward shall be responsible for the appointment and dismissal of stewards. In my capacity as Chief Steward, I have decided to remove you as a Union steward, effective today, April 1, 2009."

280. Also in April 2009, Baldwin exchanged letters with Allison Hassler, counsel for AFSCME, urging the Local to consent to the IS employees' departure from the

AFSCME unit. The letter was copied, as was Hassler's, to Steiner, Medaglia, and Dotson, among others. Baldwin quoted portions of Hassler's letter, and then responded. For clarity, we italicize the Hassler quotations.

*"The purpose of this email is to ensure AFSCME cannot claim ignorance to the issues when I start emailing news organizations highlighting this injustice and politicians to ask for legislative reforms giving union members more rights to leave incumbent unions in a [sic] easier more democratic fashion.*

*"I would like to extend to AFSCME one last opportunity to stop fighting our democratic and American rights to vote, withdraw your objection to our petition, and try instead to win the vote!*

*"Dear John,*

*"You may remember me as the attorney who litigated the RC filed by your group last year. I have been asked by Jim Steiner and Ken Allen, Executive Director of Oregon AFSCME, Council 75 to respond to your email. Council 75 and Local 2831 are in agreement as to how to respond.*

*"Should Admin Pro file a unit clarification petition, Local 2831 will file objections. While you refer in you email to a "David Goliath" fight, UCs are non-adversarial hearings. It's a simple matter of presenting the facts to the ERB and allowing them to decide, based on the law, who has the greater community of interest. This is not an emotional issue for us. No battle lines are being drawn.*

*"I agree, it is not an emotional decision for you and the people you work for at AFSCME [sic], it's a business decision. They are going to continue collecting our dues which will cover your costs while we fight this battle so they are out nothing for fighting us, and if they win they can continue ignoring us and make a nice profit in the long run.*

*"This is personal for us because while you have fought us and continue to fight us in our efforts to choose our representation in a democratic process as American workers, we still have yet to see sincere or earnest effort (in over two years) to address the concerns that LCIS has articulated. The result is that AFSCME becomes nothing more than a body of corporate greed which is contradictory to the 'grassroots, worker-driven' organization AFSCME claims to be and what all unions are supposed to protect workers from.*

*"Without ever trying to understand much less resolve the underlying issues, and we gave you countless chances to do so, you chose to reduce this to an argument of law instead of allowing us to vote.*

*"While RCs and UCs are two different types of actions, I am still confident that ERB will find that your group has a greater community of interest with the larger wall to wall unit than it does with Admin Pro. ERB prefers larger, all inclusive bargaining units. But who you have a greater community of interest with is for the ERB to decide. No one is battling anyone else. The ERB will make a decision based on the law.*

"I'm sure you have read the ALJs recommendation following the last RC, The LCIS group was acknowledged as a community of interest if not for the addition of the other classifications. When there is a clearly distinct community of interest, employee desire is given full weight. We will establish both.

"You're still only arguing on the merits of law, and continue to avoid democratic freedoms you are seeking to deprive us of. We have had to fight two years for what should have been a given, our right to vote. The bigger issue is that message you are sending to your members nationwide and the American public when you choose these tactics without regard for what is right, and what unions stand for. You will fight us and ignore us, but you have and still refuse to represent us.

"We are asking you to stop hiding behind legal statutes and simply do the right thing, let us vote!

*"We will file objections for the greater good of all members of Local 2831. The larger a unit, the stronger it is in bargaining, in grievances and in day to day dealings with management. Even the ERB has ruled that larger bargaining units advance several important policies identified by the legislature. One is to establish equality of bargaining power between public employers and public employees. Larger units tend to better equalize bargaining power. If your group leaves Local 2831, the entire Local will be weakened. You will gain no strength by moving to a smaller Local.*

"In a smaller local we will gain a voice, our issues will be heard, we will be nearly 50% of that bargaining unit instead of a leveraged minority in Local 2831.

*"I understand that a majority of your group would like to leave Local 2831. However, the ERB has made it clear that the preference of the employee does not overrule its preference for larger units. It has stated the desire of employees in a particular unit, standing alone is insufficient to overcome the preference for larger units. As with the RC you filed, your desire to leave will not be a significant factor in a UC hearing.*

"You obviously have not been communicating with or just don't care about the issues in the Local 2831 and you certainly do not care about us. The last session of bargaining was completely undermined by conflicting interests between Local 2831 general membership and the LCIS group. The ERB rules in favor of larger bargaining units where it makes sense to do so.

"A larger bargaining unit collectively bargaining for all members may experience issues where some member's interests will be traded off against the interests of other members. This is a limitation to the optimum size of a large bargaining unit. Upon reaching this size, the bargaining unit begins losing cohesion. This can result in losing the relatedness and the willingness to act in harmony.

"The difference in interests between the IS department and the larger AFSCME bargaining unit have become so contentious and counterproductive that the bargaining unit has lost cohesion and the willingness to act in harmony. The local AFSCME leadership has been openly hostile and on several occasions actively acted against the rights of IS employees, but you're not aware of this because you have never tried to resolve or understand these issues. We only see you and your bosses when you intend to challenge our freedom of choice as American workers. The preference ERB has for larger unions will not supersede the rights of employees with a distinct community of interests.

"We deserve the right to choose our representation, not a lawyer, board or governing body ...IN A TRUE UNION THE ULTIMATE DECISION MAKER IS THE WORKER. This is not about a union boss' pay check it is about fairness and a workers' choice that any American has, that being the ability to choose their destiny with the right to vote.

*"I understand that you feel Local 2831 has not been responsive enough to your needs, despite the fact that you received an additional 5% pay raise over the generous (for the current times) COLAs received by the rest of the unit. Additionally, a compensation study will be performed and an even greater increase in pay may result.*

"Again you argue points which have a history of issues you haven't even tried to understand which is indicative of your lack of caring until your dues are at risk. When minority groups (in a statistical or sociological sense) are fighting for recognition, dignity and equality of rights (meaning, in most cases, reasonable accommodation without undue hardship) the bargaining unit to which it belongs cannot claim proper representation. With such ease you fall back upon the end result and say, 'look what we did for you!', your insinuation that AFSCME delivered these things is

quite frankly an insulting notion. LCIS, LCIS Management and County HR have all recognized since late 2007 the overwhelming need for compensation changes in LCIS if it is to continue functioning as a department, AFSCME is the ONLY group who has tried to delay or give away the LCIS departments [sic] needed compensation!

*"I suggest that if you want more attention, get involved with the Local. Go to meetings, run for office, get on the bargaining team and make yourself heard. If you believe the Local is flawed, you can only fix it by getting involved."*

"You have no idea what you're saying. We will show a persistent effort on the part of the LCIS group to become 'involved' and an overwhelming counter force to ignore, undermine, or outright sabotage our efforts by the majority membership and their leadership. We will also show Council 75s [sic] complacency on the issues which seems redundant with the fact that you don't even know the issues as they exist today.

*"You have every right to talk to the Lane County Commissioners, to the press, to 'apply political/social pressure at the state and hopefully the national level'. We won't interfere with your right to do so, even though it may temporarily disrupt Lane County employees. In the end, it will be ERB that will make the decision. They will not be persuaded by such tactic [sic]."*

"My email to you is not about ERB, it's about AFSCME and what it stands for as well as the unchecked power unions have over American workers who simply want the right to vote for representation. What the American public may not realize is the overwhelming challenge they will face if they want to leave an incumbent union, and the fact that AFSCME in this case is abusing its members for nothing more than dues. It is your responsibility to be accountable and actually represent your membership, and more importantly recognize when you're taking part in oppressing a minority work force which goes against the very reasons for your existence.

"You should be willing to let us have our vote and try to win the vote through the services you claim to provide, but instead you fight to avoid any vote in the first place.

*"I hope that I have responded to all the points you made in your email. I hope that I have made the Council's and the Local's position clear."*

"Again, the purpose of this email is to ensure AFSCME cannot claim ignorance to the issues when I start emailing news organizations

highlighting this injustice and politicians to ask for legislative reforms giving union members more rights to leave incumbent unions in a [*sic*] easier more democratic fashion.

“This has been an expensive and grueling ordeal for all of us in our department. It should not have been so hard and taken two years for us to exercise the basic freedoms America was founded upon. I would like to extend to AFSCME one last opportunity to do the right thing and stop fighting our democratic and American rights to vote, withdraw your objection to our petition, and try instead to win the vote!” (Underlining and capitalization in original, italics added.)

281. In June 2009, in defending against the discipline of an employee for allegedly excessive personal use of the County e-mail system, AFSCME’s counsel sought production of Baldwin’s e-mails for a period of time that included the representation petition.<sup>20</sup> AFSCME officials believed, based on their own experience with Baldwin’s e-mail practices, that Baldwin’s use of e-mail had been extensive without objection from the County, and that this possible disparate treatment could bolster AFSCME’s defense of the disciplined employee. Baldwin viewed this as an attempt to seek information about his communications regarding the two petitions, and another example of AFSCME’s hostility to IS employees.

282. In July 2009, IS Senior Programmer and Systems Analyst Robyn Repsher resigned from the AFSCME Executive Board. In her notice of resignation, Repsher stated, in part:

“\* \* \* I am officially resigning my e-board position for Information Services effective immediately. I am resigning for several reasons:

- “• My work and family commitments are getting in the way of me meeting my obligations to the position
- “• I can no longer try to mediate the impasse between IS Employees and our issue of adequate representation from AFSCME
- “• While I absolutely support the work unions do for employees, I feel that the IS Employees are very different from the other AFSCME membership, and that the fracture between us and them cannot be resolved.
- “• Other reasons not appropriate to put in an email

“I want to thank you all for your professionalism and kindness to me over the last year and half – I know it wasn’t always easy with the contention

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<sup>20</sup>The attorney also requested e-mail for three or four other County employees.

between IS and AFSCME. I learned a lot about how unions work and I appreciate the time and energy you all put forth on behalf of the employees.

“Third - I will be testifying on behalf of the IS Employees at the upcoming ERB hearing on July 13th. I am doing this because I believe it is in the best interests of the IS employees.

“I hope there are no hard feelings because of this. I have the utmost respect for each of you and the hard work you do. I’m happy to meet and talk with any of you if you wish.

“Thank you for the opportunity you gave me on the AFSCME Executive Board.”

283. No IS employee has volunteered to replace Repsher on the AFSCME Executive Board.

284. At the hearing in this case, IS employees expressed their belief that their interests would be better served by the Association bargaining unit because (1) the IS employees would be a larger percentage of the Association unit,<sup>21</sup> and would therefore have greater influence over the decisions of the union; (2) the IS employees are more comfortable with what they perceive to be the Association’s more cooperative and low-key bargaining approach with the County; (3) the IS employees believe that they have more in common with the members of the Association bargaining unit, which they characterize as being comprised mostly of professionals like themselves, than with the diverse AFSCME unit; and (4) AFSCME provides them with “no representation.” The IS employees who appeared at the hearing in this case and RC-10-08 believe that they are aggrieved by AFSCME, and Baldwin testified that 65 of the 69 IS employees at issue responded to a survey stating that they wished to leave the AFSCME unit.

285. Ronald Hoskins, the County Personnel Analyst assigned to the IS Department, believes that the AFSCME-IS employee relationship has affected the workplace and that the IS employees feel disenfranchised.

### CONCLUSIONS OF LAW

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

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<sup>21</sup>The IS employees represent approximately ten percent of the AFSCME unit. If the petition were granted, the IS employees would constitute 42 percent of the Association unit.

2. The positions at issue are not more appropriately included in the Association bargaining unit and the Petition is dismissed.

### Standards for Decision

The Association seeks to transfer 69 employees in ten positions in the IS Department from the approximately 700 employee, 123 position, AFSCME collector bargaining unit to the 96 employee, 33 position, Association bargaining unit. Therefore, we must evaluate the two bargaining units and determine which is more appropriate. OAR 115-025-0005(6); *Association of Oregon Corrections Employees v. State of Oregon, Department of Corrections, and AFSCME, Council 75*, Case No. UC-25-99, 18 PECBR 576, 584 (2000).

To determine the more appropriate unit, we consider the community of interest, wages, hours and other working conditions of the employees involved, the history of collective bargaining, and the desires of the employees. ORS 243.682(1)(a). Community of interest factors include "similarity of duties, skills, benefits, interchange or transfer of employees, promotional ladders," and common supervision among departments. OAR 115-025-0050(2).

This Board has discretion to determine how much weight to give each factor. *OPEU v. Dept. Of Admin. Services*, 173 Or App 432, 436, 22 P3d 251 (2001). Although the desires of employees is one of the factors this Board uses to determine appropriate bargaining units, it is rarely, if ever, the only determining factor. When there are no clearly distinct community of interest factors favoring a particular proposed unit, this Board does not give controlling weight to employees' preferences. *Oregon AFSCME Council 75 v. City of Ontario*, Case No. RC-1-07, 22 PECBR 260, 275 (2008); *Teamsters Local Union No. 223 v. Yamhill County and Yamhill County Employees' Association*, Case No. RC-14-07, 22 PECBR 459, 473 (2008). We also consider the policies and preferences developed by this Board in determining the more appropriate bargaining unit. *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 (2007).

We apply these principles to the facts at hand.

### Overview

The primary function of the IS Department is to provide computer services to all County departments. The IS positions at issue are all of the non-clerical, non-supervisory positions in the IS Department, namely, Database Administrator, Information Services Analyst, Senior Information Services Analyst, Information Services Technician, Programmer Analyst 1, Programmer Analyst 2, Senior Programmer and Systems Analyst,

System Network Analyst 1, System Network Analyst 2, and Senior System Network Analyst. These positions, along with five IS accounting and support staff positions, are currently in the AFSCME bargaining unit.

The primary function of the Department of Public Works is to build and maintain County roads, paths, bridges, parks, and related infrastructure and equipment. The positions represented by the Association include: Engineers; Lead Workers; Surveyors; and Park, Shop, and Bridge Supervisors. The Department also includes mechanics and road workers in the Road Maintenance and Fleet Divisions represented by the Lane County Public Works Association Local 626, and approximately 100 planning, waste specialist, and other technical and support staff employees (in the Engineering and Construction Services, Land Management, and Waste Management Divisions) represented by the Association.

The rest of the AFSCME bargaining unit positions are distributed throughout most of the remaining County departments, excluding those employees represented by: (1) the AFSCME nurses' local; (2) Lane County Peace Officers Association (strike-prohibited deputy and correction sheriffs and juvenile detention workers); (3) Federation of Parole and Probation Officers (strike-prohibited parole and probation officers); and (4) the Prosecuting Attorney's Association (deputy district attorneys).

### Community of Interest and Similarity of Duties and Skills

#### Public Works Department Employees

The duties of the Public Works employees include surveying for, designing, engineering, installing, and maintaining the County infrastructure (from lights and water service to bridge parts and pavement); maintaining the equipment needed for those functions; clearing brush and moving equipment to aid in these functions; and securing ownership or easement rights to real property to be used for, or in support of, that infrastructure. At least 21 of the 33 Association positions involve a significant amount of work outdoors in the field. The duty and skill level of the positions range from the more physical or entry-level work of Lead Worker - Parks and Engineering Aide, to the more technical and highly specialized work of Senior Engineering Associate and Senior Surveyor, with many of the positions requiring a high level of specialized expertise and independence in performing work.

#### IS Employees

The duties of the IS employees at issue include maintaining, upgrading, diagnosing, and repairing computer equipment and software; and designing, building, and maintaining computer networks, programs, and databases. Most of the IS employees

provide computer services, directly or indirectly, to all County departments. The duties and skills range from those necessary to perform the relatively uncomplicated computer hardware and software tasks of the entry-level Programmer Analyst to the creation of complex computer systems and writing sophisticated software of the Senior Programmer and Systems Analyst. Many of the positions require a high level of specialized expertise and independence in performing work. Many of these employees travel to County offices outside of the IS Department to perform computer related work.

### AFSCME Non-IS Employees

Because AFSCME represents a collector bargaining unit,<sup>22</sup> the duties and skills of the rest of the AFSCME unit employees vary widely. They work throughout other County departments and offices, including the Department of Public Works and the IS Department. AFSCME-represented positions include Secretaries and Planners, Custodians and Mental Health Specialists. The duties range from relatively simple physical work to sophisticated and individualized work in specialized fields such as accounting, mental health, building inspection, and nutrition. Many AFSCME positions require a high level of specialized expertise and independence in performing work. However, the percentage of employees working at the higher levels of specialization, expertise, and independence is significantly less than either the employees in the Association unit or the IS employees at issue.

The Association argues:

“The \* \* \* IS positions at issue are ‘focused on the same areas of work’ as the [Public Works] Administrative Professionals: engineering, technology, and advance data management. They all involve system and process analysis, and a system approach to development and problem-solving. They are all considered ‘professional level’; all require specialized education, training and/or expertise associated directly or indirectly with data technology; and the employee is generally required to exercise a substantial degree of professional independence.”

It is correct that the IS employees at issue, and many of the current Association bargaining unit employees, specialize in a technical field. Contrary to the Association’s assertion, however, the work of many of the Association-represented employees is not fairly described as “engineering, technology, and advance data management.” The work

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<sup>22</sup>A collector bargaining unit is one which contains all employees of a single employer who are not members of other bargaining units. Members of a collector bargaining unit typically have diverse duties, working conditions and salaries. *Oregon Public Employees Union, SEIU, Local 503 v. Executive Department State of Oregon*, Case No. UC-59-87, 10 PECBR 456 (1988).

of the Public Works Lead Mechanic, Lead Electrician, Nuisance Abatement Specialist, Park Planner, Parks Supervisor, Road Maintenance Supervisor, Safety Coordinator, Shop Supervisor, Sign Shop Supervisor, and Lead Worker – Parks do not fall within that description. Nor is the Association correct in stating that the work of all Association-represented employees involves “system and process analysis, and a system approach to development and problem-solving.” In addition, the Association is incorrect in claiming that Association bargaining unit positions “all require specialized education, training and/or expertise associated directly or indirectly with data technology.” The record does show that the IS positions the Association proposes to add to its bargaining unit perform highly specialized work and exercise at least a moderate degree of independence in prioritizing and resolving the tasks required by their positions.

### Education, Overtime Exemption, and Certification

Of the 33 positions in the current Association bargaining unit, 13 require a minimum educational background consisting of completion of the twelfth grade or its equivalent, and 14 require a minimum of a bachelor’s degree.<sup>23</sup> Twenty-two positions are exempt from paid overtime. Many positions require a CDL and related endorsements; ten positions require other certification or licensing such as an Engineer’s License, Electricians License, or Spray License.

Of the ten IS positions at issue, three require a minimum of an associate’s degree or an equivalent amount of experience and training; seven require a bachelor’s degree, or an equivalent amount of experience and training. Seven positions are exempt from paid overtime. None of these IS positions require advanced degrees or state licensing or certifications except that nine of the ten must be able to pass a background check to use LEDES. However, these IS employees routinely obtain various certifications from software companies such as Microsoft.

Examining 22 County-selected ‘random’ non-IS AFSCME positions, we note that nine require a minimum educational background consisting of completion of the twelfth grade or its equivalent; two require an associate’s degree; seven require a bachelor’s degree; and four require at least a master’s degree. Thirty-seven of the 113 non-IS AFSCME positions are exempt from paid overtime. Eleven of the positions require some sort of state licensing or certification, in addition to access to LEDES, and the ability to be deputized.

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<sup>23</sup>The educational and licensing requirements for the six remaining Department of Public Works positions at issue do not appear in the record.

As noted above, the proposed bargaining unit would contain positions with a wide range of education and experience requirements. Some positions require only the completion of the twelfth grade; some an associate's degree or two years of college courses, while others require a bachelor's degree and further specialized education and training. The proposed new bargaining unit would also include both overtime-exempt and overtime-eligible employees. The positions also vary widely in whether and what certifications are required. The Association is not correct in asserting that "all require specialized education, training and/or expertise associated directly or indirectly with data technology."

The IS employees at issue and the employees in the present Association bargaining unit do not work in positions with related skills. Instead, they are divided into different specialties of both highly specialized skills, such as computer technology, engineering, surveying, and mechanics, and far less specialized skills such as those required for the Lead Worker position. They perform different job duties and possess skills unique to their type of work. Employees in the proposed unit do not work in a separate, self-integrated work unit or department. In these respects, the petitioned-for positions are no different than many positions that would remain in the AFSCME unit, such as Accountant, Cadastral/GIS Technician, Mental Health Specialist, Planner, or Special Waste Specialist.

#### Benefits

The parties have identified no relevant material differences in the benefits provided to the respective bargaining units.

#### Employee Interchange or Transfers

Occupational mobility for the IS and Public Works Association employees in the proposed bargaining unit is generally limited by their specialties. There is no evidence that technical positions in the IS or Public Works Departments are filled by transfers from other departments, nor do these employees transfer to other County positions. This pattern of occupational mobility is no different from those highly specialized or technical positions which would remain in the AFSCME unit.

#### Promotions and Common Supervision

The promotion path for each position is within its department, specialty, or division. The IS and Public Works Departments have no overlapping promotion path

or supervision except above the Department level.<sup>24</sup> The Land Management and Transportation Planning and 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. Because there are already some non-IS AFSCME-represented employees working at the Public Works Department, as well as employees represented by the Association and the Lane County Public Works Association, some Public Works sections have a single supervisor who may oversee the work of employees represented by more than one union. If the petition is granted, an IS Department supervisor would also oversee employees represented by more than one union.

### Wages, Hours, and Other Working Conditions

#### Wages

Salaries vary widely among the Association's Public Works employees, the IS positions at issue, and the rest of the AFSCME bargaining unit members. The IS positions at issue are at the high end of the salary schedules for both the AFSCME and Association bargaining units. With the recent IS employee pay increase, the seven highest paid positions in the AFSCME unit are IS positions. Were we to grant the petition, the five highest paid positions, and seven of the eight highest paid positions in the new bargaining unit would be IS positions.

The annual salaries for the IS Department employees at issue range from \$35,399-\$48,922 (Programmer Analyst 1) and \$36,213-\$50,110 (System Network Analyst 1) to \$53,768-\$74,464 (Database Administrator, Senior Information Services Analyst, Senior Programmer and Systems Analyst, and Senior Systems Network Analyst).

The annual salaries for the Public Works Department employees in the current Association unit range from \$20,664-\$58,593 (Engineering Aide), \$27,102-\$37,585 (Engineering Assistant), and \$30,659-\$42,473 (Engineering Technician 1), to \$47,819-\$66,331 (Senior Surveyor) \$45,510-\$63,066 (Senior Real Property Officer and Senior Engineering Associate), \$43,326-\$60,070 (Waste Management Tech Specialist), and \$42,266-\$58,594 (Associate Surveyor and Parks Superintendent).

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<sup>24</sup>While eight IS employees are stationed at the Delta Center, they are not listed on the Public Works organization charts and there is no evidence that they have a different reporting relationship than other IS employees.

As AFSCME notes, 34 AFSCME non-IS unit employees earn more than \$50,000 per year, while nine of the 96 employees in the current Association unit earn less than \$50,000 per year. While the petitioned-for employees are at the upper end of AFSCME's bargaining unit wage scale, the proposed unit would not include all highly paid positions in the AFSCME unit. A significant number of highly paid professional, 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).

The Association argues that the concentration of IS employees at the top of the AFSCME wage scale demonstrates their lack of a community of interest with the AFSCME unit. We find this argument unpersuasive. If this Petition were granted, the IS employees would be concentrated at the top of the wage scale of the new unit as well.

### Hours

Association employees, IS employees at issue, and non-IS AFSCME employees include those who work from 8:00 a.m. to 5:00 p.m., five days per week and others who work four, ten-hour shifts. All three groups also include employees who are on call outside of work hours. We conclude that any differences in the working hours of employees are not material to resolution of this Petition.

### Other Working Conditions

The Association bargaining unit employees work at offices and shop settings in the Delta Complex; most of them also do extensive work in the field, sometimes in inclement weather. Many perform significant physical work such as clearing brush or moving and operating survey equipment and some vehicles or machinery. They are exposed to the hazards of working outdoors, working alongside heavy mechanical equipment, working with pesticides, and working around vehicle traffic. Many, if not most, of the current Association employees spend a significant amount of time at current or future construction sites. Others, such as the Sign Shop Supervisor, work in a shop setting. Communication with the public is a required skill of many Public Works positions. There is no evidence that any Association bargaining unit employees have access to secure information of the importance of LEADS or other law enforcement records, or similarly sensitive records or data.

IS employees work exclusively in office settings. Most of the petitioned-for IS employees work in offices with other AFSCME-represented employees sometimes at the

desks of other AFSCME unit bargaining members, or in a secure office setting where they maintain computer software and hardware. Some visit the offices of non-IS employees to install, maintain, or repair computer equipment. Most IS employees have access to secure, sensitive, and confidential material such as police records which require them to pass background checks and maintain LEADS certification.

There are a wide variety of positions in the non-IS portion of the AFSCME unit. There is no evidence that any of these employees work in the field, and most job titles suggest that their work is performed in office settings. It appears from the job titles that some AFSCME unit employees have access to confidential information, including positions such as Accountant, Justice Court Clerk, Mental Health Specialist, and Juvenile Counselor.

### History of Collective Bargaining

IS employees have been a part of the AFSCME unit for many years. The Association unit was created under a prior labor organization in 1983. *Teamsters Local 57 v. Lane County Department of Public Works and AFSCME Local 2831*, Case No. C-199-82; 7 PECBR 5763 (1983). Aside from the recent history between the IS employees and AFSCME addressed below, nothing in the history of collective bargaining suggests that the Association unit is a more appropriate unit for the IS employees at issue than the AFSCME unit.

### Analysis

The IS employees have a greater community of interest with the employees in the AFSCME bargaining unit than with those in the Association bargaining unit.

Because the Association seeks to transfer the IS employees from an existing unit to another existing unit, this Petition raises no initial concerns regarding unit fragmentation. *Chemeketa Community College Education Association v. Chemeketa Community College and Chemeketa Community College Classified Employees Association*, Case No. UC-9-99, 18 PECBR 493, 507-8 (2000). However, the Association cites no precedent from this Board in which a similar transfer of employees took place, and we can find none. In *Chemeketa Community College*, this Board transferred a unique gallery curator position from the classified unit to the faculty unit where the faculty positions were similarly independent of supervision, reported to the same supervisor, was located next to some faculty classrooms, and the position's work was less like the instructional support provided by the other positions in the classified unit and more like the work of faculty. In *Oregon Nurses Association v. Multnomah County and AFSCME Council 75, Local 88*, Case No. UC-66-94, 16 PECBR 6 (1995), this Board denied a petition to move

nutritionists from a general county bargaining unit to the nurses' bargaining unit. We noted that although the nutritionists and nurses did the same work in the same location with the same line of supervision, and had similar licensing and education requirements, they did not share a functional relationship any stronger than the one the nutritionists shared with the other employees with whom they worked.

Nor is it appropriate to place the positions at issue in the Association unit on the grounds that the unit is a specialized one. We have explained that:

"[a]s a general rule, we will clarify a position as being more appropriate in a specialized unit rather than a general unit when: (1) the classification exists only in that portion of the employer's operation which is represented by the specialized unit, and (2) the position has a significant functional relationship with the positions already in the specialized unit." *Association of Engineering Employes of Oregon v. Department of Transportation Highway Division, State of Oregon and Oregon Public Employes Union, Local 502, SEIU*, 7 PECBR 6108, 6116 (1983), *aff'd* 72 Or App 371, 695 P2d 961 (1985). (Emphasis in original.)

Accordingly, in *Hillcrest-McLaren Education Association/OEA/NEA v. Hillcrest and McLaren Schools and Oregon Public Employees Union*, Case No. UC-38-89, 12 PECBR 1 (1990), this Board held it was not appropriate to transfer some non-teaching employees from a collector unit to a teachers' bargaining unit.

We have previously considered a situation somewhat similar to the one presented here. In *Portland Association of Teachers v. Portland School District No. 1 Multnomah County and Portland Federation of Teachers and Classified Employees, AFT Local 111, AFL-CIO*, Case Nos. UC-2,3,8 and 9-86, 9 PECBR 8976 (1986), this Board transferred overtime-exempt high-salaried specialists to a teachers' bargaining unit. Before the transfer, the specialists were part of a bargaining unit in which the rest of the positions were lower paid, hourly, overtime eligible, blue collar in nature, and had different lines of supervision. In addition, unlike the rest of the members of the bargaining unit, specialists worked a school year schedule with teachers, and were required to demonstrate educational achievement and maintain credentials and accreditation in their professions.

The facts of this case are readily distinguishable from those in *Portland School District*. Here, both the present Association unit, the AFSCME unit, and the proposed unit all include (or would include) a mix of highly paid and educated, professional, overtime exempt, credentialed, and certified professionals and paraprofessionals along with lower paid and educated, overtime eligible, uncredentialed employees.

The employees in the proposed bargaining unit do not have a community of interest sufficiently distinct from the AFSCME bargaining unit employees to render the proposed unit more appropriate than the AFSCME bargaining unit. The Association argues, however, that the desires of the employees, and their treatment by AFSCME, nevertheless warrant their transfer to a new bargaining unit. We turn to that issue.

#### Employee Desires and AFSCME Representation of IS Employees

IS employee activist Baldwin testified without dispute that a survey of the IS employees at issue indicated that 65 of the 69 respondents wished to be represented by the Association, and a significant number of the petitioned-for employees signed cards indicating their desire to be represented by the Association. Most of the IS employees who testified at hearing dislike AFSCME and are angry at the quality and nature of the representation AFSCME has provided them. The Association argues that the petitioned-for employees should be placed in a different bargaining unit in part because they believe AFSCME did not respond appropriately to their demands for a substantial wage increase. According to the Association, this constitutes a compelling reason for IS employees to be placed in a different bargaining unit.

We have often considered and rejected employees' dissatisfaction with the incumbent union's representation as the single, decisive factor in forming a bargaining unit, even when the dissatisfaction arises from a union's alleged failure to properly represent the disgruntled employees. *See 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); *Association of Public Utility Professional Employees v. Public Utility Commissioner and Oregon Public Employees Union*, Case No. C-138-81, 6 PECBR 5153 (1982); *Association of Public Employees v. Oregon State System of Higher Education and Oregon Public Employees Union, Local 503, SEIU*, Case No. RC-113-87, 10 PECBR 883, 892 (1988); *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, 889 (2007); *Association of State Professional Employees v. Department of Revenue and Oregon Public Employees Union*, Case No. RC-55-95, 16 PECBR 615, 624 (1996).<sup>25</sup>

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<sup>25</sup>In the prior case involving these parties, RC-10-08, this Board reviewed the IS employees' desire for a different bargaining unit based in part upon AFSCME's lack of responsiveness to their wage demands. Because the proposed bargaining unit employees did not have a community of interest sufficiently distinct from the AFSCME bargaining unit employees, we refused to give this factor controlling weight. 23 PECBR at 31.

In *Teamsters Local Union No. 223 v. Yamhill County and Yamhill County Employees' Association*, Case No. RC-14-07, 22 PECBR 459, 473 (2008), we explained:

“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.”

For this reason, we have never given controlling weight to employees' desires absent distinct community of interest factors.

According to many IS employees, however, AFSCME has provided them not just with ineffective representation, but with “no representation.” In particular, IS employees assert that AFSCME did not act promptly or properly to secure an adequate wage increase for them. We disagree.

AFSCME chose to pursue IS employees' wage increase in bargaining for a successor contract rather than in a separate salary reclassification proceeding. AFSCME's decision to do so was consistent with its need to represent all bargaining unit members. AFSCME considered the effect on the entire bargaining unit of an IS-employee only wage increase, and reasonably chose to take a different position on that wage increase to preserve medical benefits for all bargaining unit members.

IS employees ultimately benefitted from these decisions. Had AFSCME settled the contract under the terms demanded by the IS employees, IS employees might have obtained less—higher wages but decreased medical benefits. Even if AFSCME's bargaining strategy resulted in a smaller wage increase for IS employees than they wanted (or deserved), AFSCME's conduct does not provide a compelling reason, absent other community of interest factors, to put the IS employees in the Association bargaining unit.

The Association also alleges that the actions of AFSCME's leaders denied IS employees a voice in AFSCME's decisions. In particular, the Association asserts that AFSCME unfairly rejected Karr's candidacy for the Executive Board, removed Stuart as a steward, and refused to allow a motion by IS employee Sullen to vote on a County bargaining offer. In addition, the Association asserts that other AFSCME bargaining unit employees spoke disparagingly about IS employees, creating an atmosphere of hostility.

As noted above, the dissatisfaction IS employees feel is an unfortunate but common occurrence in large organizations where the minority often feels that the majority ignores its interests. There is no guarantee that placing IS employees in the

Association bargaining unit would resolve these problems. IS employees would share virtually no community of interest factors with Association bargaining unit members. Under these conditions, conflicts could arise between the interests of the IS employees and those of the other bargaining unit members. Accordingly, we are not persuaded that transferring the IS employees to the Association bargaining unit will address their concerns about adequate representation.

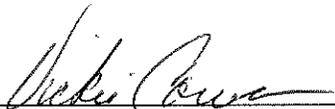
### CONCLUSION

The Association failed to demonstrate that any statutory factors, other than the desires of the employees at issue, support transferring the IS employees to the Association bargaining unit. We conclude that this reason alone is insufficient to justify such an action. We will dismiss the Petition.

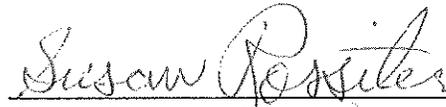
DATED this 12 day of January 2011.



Paul B. Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member

This Order may be appealed pursuant to ORS 183.482.