

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-15-04

(UNIT CLARIFICATION)

OREGON AFSCME COUNCIL 75,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER CLARIFYING
	)	BARGAINING UNIT
CITY OF JUNCTION CITY,	)	
	)	
Respondent.	)	
_____	)	

On January 27, 2004,<sup>1</sup> Oregon AFSCME Council 75 (Petitioner) was certified as the exclusive representative of a bargaining unit of the City of Junction City (Respondent) employees described as:

“All regular full and part-time employees for the City of Junction City, *excluding* managers, supervisors, and confidential employees and employees in the Police bargaining unit.”

On March 9, 2004, Petitioner filed this OAR 115-25-005(3) unit clarification petition seeking a determination of whether the positions of City Librarian and Recreation Supervisor/Coordinator are included in Petitioner’s bargaining unit, based upon the terms of the certification language. Petitioner states in the petition that the two positions were challenged during the elections process.

On March 11, this Board served the petition on Respondent by certified mail. Respondent certified, on a certificate of posting signed March 16, that notices of

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<sup>1</sup>The year of certification was incorrect on the original certification. To correct this error, an Amended Certification of Representative was issued April 2, 2004.

the pending unit clarification petition were posted that day. Respondent filed no timely objection to the petition.

DISCUSSION

OAR 115-25-045 provides that a hearing will be conducted "[w]hen a valid petition has been filed and objections \* \* \* have been timely filed \* \* \*."

When a labor organization proposes a facially appropriate unit clarification petition and the employer does not file an objection, the petition is generally granted.<sup>2</sup>

Because there are no objections to the petition, a hearing is not necessary, and we shall grant the requested clarification.

ORDER

The bargaining unit is clarified to include the City Librarian and Recreation Supervisor/Coordinator.

DATED this 16<sup>th</sup> day of April 2004.



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Rita E. Thomas, Chair



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Paul B. Gamson, Board Member



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Luella E. Nelson, Board Member

This Order may be appealed pursuant to ORS 183 482.

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<sup>2</sup>*Compare Teamsters Local 223 v City of Gold Hill*, Case No. RC-75-92, 14 PECBR 290 (1993) (election ordered where no valid objections filed); *Teamsters Local 57 v. City of Bandon*, Case No. UC-47-91, 13 PECBR 225 (1991) (subject to results of self-determination election, clarification ordered where employer's objections were untimely).