

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No UC-17-08

(UNIT CLARIFICATION)

CITY OF MILWAUKIE,)	
)	
Petitioner,)	
)	
v.)	ORDER CLARIFYING
)	BARGAINING UNIT
AFSCME,)	
)	
Respondent.)	
_____)	

On August 8, 2008, the City of Milwaukie (City) filed this unit clarification petition under OAR 115-025-0005(2). The petition seeks a determination that the newly revised and renamed payroll specialist classification (formerly accounting technician) is a confidential position. The classification of accounting technician is currently in a bargaining unit of City employees represented by AFSCME.

On August 12, the petition was served on AFSCME by certified mail. The City certified that it posted notices of the pending unit clarification petition on August 14. AFSCME filed no timely objection to the petition.

DISCUSSION

OAR 115-025-0045 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 files a facially appropriate unit clarification petition and the employer does not object, we generally grant the petition.¹ The same approach is appropriate when an employer files a petition and the labor organization does not file (or files and then withdraws) an objection.²

The petition on its face proposes an appropriate clarification of the bargaining unit. Because there are no objections to the petition, a hearing is not necessary. We will grant the requested clarification.

ORDER

The bargaining unit is clarified to exclude the classification of payroll specialist.

DATED this 4th day of September 2008.



Paul B. Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member

This Order may be appealed pursuant to ORS 183.482.

¹See *Teamsters Local Union No. 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).

²See *Marion County v. Marion County Employees Association Local 294, SEIU Local 503*, Case No. UC-12-02, 19 PECBR 781 (2002); *Rainier Rural Fire Protection District v International Association of Fire Fighters, Local 3651*, Case No. UC-41-96, 16 PECBR 773 (1996).