

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-018-06

(UNIT CLARIFICATION)

LANE COUNTY,)	
)	
Petitioner,)	
)	
v.)	
)	ORDER CLARIFYING
ADMINISTRATIVE PROFESSIONAL)	BARGAINING UNIT
ASSOCIATION OF LANE COUNTY)	
PUBLIC WORKS,)	
)	
Respondent.)	
_____)	

On May 22, 2006, Lane County (County) filed this unit clarification petition under OAR 115-25-005(2). The petition seeks to remove the Parks Superintendent, a supervisory position, and the Public Works Analyst, a confidential position, from the existing bargaining unit of County employees represented by the Administrative Professional Association of Lane County Public Works (Association).

On May 23, 2006, the petition was served on the Association by certified mail. The Association filed no 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 * * *.”

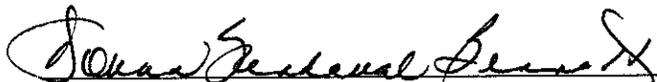
When a labor organization proposes a facially appropriate unit clarification petition and the employer does not file an objection, the petition is generally granted.¹ The same approach is appropriate when an employer files a petition and the labor organization does not file (or files and then withdraws) an objection.²

Because there are no objections to the petition, a hearing is not necessary. We find that, as alleged, neither the position of Parks Superintendent nor the position of Public Works Analyst is a "public employee" under OAR 115-25-005(2). We shall grant the requested clarification.

ORDER

The bargaining unit is clarified to exclude the Parks Superintendent and Public Works Analyst.

DATED this 26th day of June, 2006.



Donna Sandoval Bennett, Chair



Paul B. Gamson, Board Member



James W. Kasameyer, Board Member

This Order may be appealed pursuant to ORS 183.482

¹Compare *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).

²Compare *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. IAFF Local 3651*, Case No. UC-41-96, 16 PECBR 773 (1996).