

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-022-10

(AMENDMENT OF CERTIFICATION OR RECOGNITION)

LAKE OSWEGO MUNICIPAL EMPLOYEES)
ASSOCIATION/AFSCME COUNCIL 75,)

Petitioners,)

v.)

CITY OF LAKE OSWEGO,)

Respondent.)

ORDER AMENDING
CERTIFICATION OF
EXCLUSIVE BARGAINING
REPRESENTATIVE

The Lake Oswego Municipal Employees Association (Association) is the certified representative for a bargaining unit of classified employees of the City of Lake Oswego (City).¹ On November 22, 2010,² AFSCME Council 75 (AFSCME) petitioned under OAR 115-025-0008 to amend the Association's certification to reflect its affiliation with AFSCME. The bargaining unit consists of:

"All regular employees of the City of Lake Oswego employed in a position budgeted by the City, excluding all classifications represented by other bargaining units, supervisory or confidential employees, interns and persons employed as temporary, on-call or contract employees."

¹AFSCME asserts the Association was certified in 1982. This Board has no record of the 1982 certification. However, on November 4, 1986, in *Nichols and Employes of City of Lake Oswego v. Lake Oswego Municipal Employees Association*, Case No. DC-59-86, the Elections Coordinator certified the Association as exclusive representative. Later, in *Lake Oswego Municipal Employees' Association v. City of Lake Oswego*, Case No. UC-32-94, the Elections Coordinator issued a certification clarifying the bargaining unit.

²All dates are 2010 unless stated otherwise.

This Board may amend a certification to reflect a change in affiliation of the exclusive bargaining representative so long as no question of representation exists. OAR 115-025-0008. No question of representation exists if the petitioner proves that "the affiliation election was conducted in accordance with at least minimal due process." *Id.*; *Willamette Education Service District Employees Association and Oregon School Employees Association, Chapter 95 v. Willamette Education Service District*, Case No. UC-31-03, 20 PECBR 466 (2003).

Documents and other information attached to AFSCME's petition outline the Association's affiliation process. Prior to the affiliation process described below, the Association was an unaffiliated labor organization.

The Association holds at least two regular general membership meetings a year. It also holds additional meetings as requested by the officers or membership. In the Spring of 2010, the Association officers began discussing a possible affiliation with AFSCME. On May 17, the Association executive board met with three AFSCME representatives to obtain information about affiliation. The proposed affiliation was discussed at a general membership meeting in August 2010, and again at meetings on September 29, October 27 and October 28. At the September 29 and October 27 meetings, three AFSCME representatives explained the key points of affiliation and answered any questions. One AFSCME representative attended the October 28 meeting.

The Association routinely sends meeting notices to bargaining unit members via e-mail, and it posts the information on its website. In this case, the Association sent an e-mail to its members about the October 28 meeting and the November 10 secret ballot election on affiliation, and on October 12, it mailed a notice to the entire membership through the U.S. Postal Service. The petition included copies of various notices the Association sent to its members regarding the meetings, a notice titled "Affiliation Information" that the Association mailed to its members, and a copy of the ballot.

The election was conducted on November 10. The bargaining unit consists of approximately 165 employees. The results of the election were 67 votes in favor of affiliation with AFSCME and 50 votes against. The Association posted the results of the election on its website.

Under AFSCME's operating policies, the Association will continue to exist with its own set of officers and its own local finances, and the Association will continue to be primarily responsible for contract bargaining and contract maintenance.

The Elections Coordinator served the Petition on the City on November 23, 2010. On November 29 and 30, the City posted notices of the pending petition in 13 locations around the City. Objections were due by December 14. None were filed.

We conclude that AFSCME and the Association are labor organizations; that the affiliation election was conducted in compliance with at least minimum due process requirements; and that a majority of votes cast by the Association's bargaining unit members supported affiliation with AFSCME.

Based on the foregoing, we conclude that affiliation is appropriate, and accordingly, we will grant the Petition.

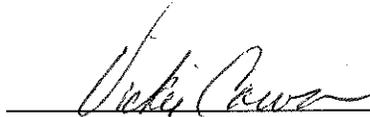
ORDER

The Lake Oswego Municipal Employees Association's certification is amended to reflect the Association's affiliation with AFSCME Council 75.

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.