

BEFORE THE EMPLOYMENT RELATIONS BOARD
OF THE STATE OF OREGON

CENTRAL LINN EDUCATION)
ASSOCIATION,)
)
Petitioner,)
)
v.)
)
CENTRAL LINN SCHOOL DISTRICT,)
)
Respondent.)

ERB Case No. UC-024-06

CONSENT ORDER

R E C E I V E D
MAR 22 2007
EMPLOYMENT
RELATIONS BOARD

STATEMENT OF THE CASE

On November 16, 2006, Petitioner Central Linn Education Association filed a unit clarification petition under OAR 115-25-005(3). The petition seeks a determination as to whether certain positions are included in the Association's bargaining unit based on the express language of the recognition clause. The District filed objections to the petition. Prior to a hearing being held, the parties agreed to settle the case by entering into a consent order.

Following discussions between Monica A. Smith, counsel for Petitioner, and Bruce A. Zagar, counsel for the Respondent, the parties agreed to the entry of this Consent Order, subject to Board approval. They also agreed to waive all further hearing on the merits before the Board as well as the right to judicial review of the order.

SETTLEMENT AGREEMENT

In lieu of a hearing on the issues raised by the petition, the parties agree and stipulate to the entry of the facts and conclusions set forth below.

STIPULATED FACTS

1. Petitioner Central Linn Education Association ("Association") is a labor organization within the meaning of ORS 243.650 (13).

2. Respondent Central Linn School District (“District”) is a public employer within the meaning of ORS 243.650(20)

3. The current collective bargaining agreement between the Association and the District is effective for the period July 1, 2006 through June 30, 2009.

4. The recognition clause in the current agreement describes the bargaining unit as including the following employees:

“All licensed teachers. . . The term ‘teachers’ shall mean all licensed personnel except the superintendent, principals, vice-principals, Education Service District (ESD) and community college contracted teachers, temporary teachers hired for two (2) trimesters or less, substitute teachers, or *teachers less than half-time, and assistants.”
[*Definition of half-time omitted]

5. The District hired Kimberly Stecher (aka Kimberly Stecher-Reed) as a school psychologist for the 2005-06 school year. Stecher remains employed in 2006-07.

6. The District hired Dannette Puhek as a child development specialist (“CDS”) for the 2005-06 school year. Puhek is no longer employed; the position of CDS is vacant in 2006-07.

7. The positions of school psychologist and child development specialist are licensed positions.

8. The District treated the psychologist and CDS positions as excluded from the Association’s bargaining unit.

9. The District hired Hilary Ness as a speech pathologist for the 2006-07 school year.

10. The District hired Jan Bottjer as a 0.50 FTE Counselor for the 2006-07 school year

11. The positions of speech pathologist and counselor are licensed positions.
12. The District treated the speech pathologist and counselor positions as excluded from the Association's bargaining unit.
13. On November 16, the Association filed the unit clarification petition in this matter.
14. Effective November 30, 2005, the District eliminated the 0.5 FTE counselor position and created a .49 counselor position.
15. Effective December 5, 2006, Jon Bottjer was reduced from .50 FTE to .49 FTE.
16. By letter dated February 26, 2007, from Bruce Zagar, the District agreed that the positions of school psychologist (currently held by Kim Stecher-Reed), speech pathologist (currently held by Hilary Ness), child development specialist (currently vacant), and counselor are included in the bargaining unit under the express language of the recognition clause.
17. Jan Bottjer, who is currently employed as a counselor at .49 FTE is excluded from the bargaining unit under the exclusion of less than half-time personnel.

STIPULATED CONCLUSIONS OF LAW

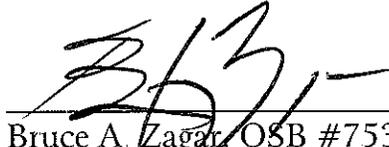
1. The Board has jurisdiction over these parties and this subject matter.
2. The positions of school psychologist, child development specialist, speech pathologist and counselor are included in the Association bargaining unit under the express terms of the recognition clause.

3. An individual working less than half-time in an otherwise-covered position is not included in the Association bargaining unit under the express terms of the recognition clause.

STIPULATED ORDER

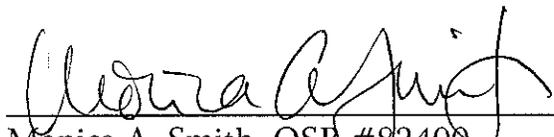
The Association bargaining unit is clarified to include the positions of school psychologist, child development specialist, speech pathologist and counselor.

FOR CENTRAL LINN SCHOOL DISTRICT



Bruce A. Zagat, OSB #75397 3/21/07
Attorney for Respondent Date

FOR CENTRAL LINN EDUCATION ASSOCIATION



Monica A. Smith, OSB #82400 3/20/07
Attorney for Petitioner Date

This Consent Order is hereby approved and adopted.

DATED this 28th day of March, 2007.



Paul B. Gamson, Chair



James Kasameyer, Board Member