

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-024-09

(UNIT CLARIFICATION)

CITY OF OREGON CITY,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER CLARIFYING
	)	BARGAINING UNIT
AFSCME LOCAL 350-02,	)	
	)	
Respondent.	)	
_____	)	

On October 9, 2009, the City of Oregon City (City) filed this unit clarification petition under OAR 115-025-0005(2).<sup>1</sup> The petition, as amended on October 13, seeks a determination of whether the newly created position of Assistant to the City Manager is a confidential position which should be excluded from the AFSCME Local 350-02 (AFSCME) bargaining unit.

The City's petition asserts that the new position is confidential because it will be directly involved in labor negotiations and costing bargaining proposals. The description for the new position, which was attached to the petition, states that the Assistant to the City Manager, "[g]athers, interprets and prepares data for collective bargaining agreement negotiations, grievance processing, studies, reports and recommendations, presents information and recommendations to the City Manager, City Commission and management staff, coordinates activities with other departments and agencies."

On October 14, the Elections Coordinator served the revised petition on AFSCME by certified mail. On October 16, the City certified that it posted notices of the pending unit clarification petition in the workplace on that day. No objections were filed.

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<sup>1</sup>Unless otherwise noted, all dates are in 2009.

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 \* \* \*.”

There were no objections to the petition. When a labor organization proposes a facially appropriate unit clarification petition and the employer does not object, we generally grant the petition.<sup>2</sup> We follow the same approach when an employer submits a petition and the labor organization does not file (or files and then withdraws) an objection.<sup>3</sup>

The petition here is facially appropriate. It asserts that the position of Assistant to the City Manager is confidential. The position description attached to the petition indicates that the position is confidential under ORS 243.650(6). Because there are no objections to the petition, a hearing is not necessary. We will grant the requested clarification.

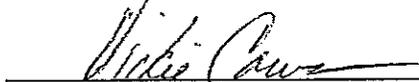
ORDER

The bargaining unit is clarified to exclude the classification of Assistant to the City Manager.

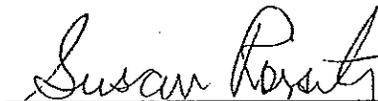
DATED this 17<sup>th</sup> day of November, 2009.



Paul B. Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member

This Order may be appealed pursuant to ORS 183.482.

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<sup>2</sup>See *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).

<sup>3</sup>See *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).