

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-27-05

(AMENDMENT OF RECOGNITION)

UMATILLA-MORROW COUNTY)	
ESD EDUCATION ASSOCIATION)	
AND OREGON EDUCATION)	
ASSOCIATION/NEA,)	
)	
Petitioners,)	ORDER AMENDING
)	RECOGNITION OF EXCLUSIVE
v.)	BARGAINING REPRESENTATIVE
)	
UMATILLA-MORROW EDUCATION)	
SERVICE DISTRICT,)	
)	
Respondent.)	
_____)	

On July 8, 2005, Umatilla-Morrow County ESD Education Association (Association) and Oregon Education Association/NEA (OEA) filed a petition under OAR 115-25-008 seeking to amend the recognition of the Association to reflect its affiliation with OEA. The Association is the recognized representative of a bargaining unit of licensed employees who work for Umatilla-Morrow Education Service District (Respondent). The recognition clause of the current contract is:

“* * * [E]mployees contracted for employment 20 or more hours per week, with the exception of supervisory and confidential, per diem (personal service agreement) and substitute personnel. * * *”

A letter accompanying the petition sets out the affiliation procedures followed by the Association and OEA. Attachments to the petition support the information contained in the letter.

The Association began to consider the question of affiliation with OEA during the 2003-04 school year. In April 2004, the Association conducted a vote-by-mail ballot to

determine whether the bargaining unit was interested in affiliation. The result was more than two to one in favor of affiliation; however, the election was not conducted by secret ballot.

The outcome of the vote was discussed at monthly membership meetings on June 2 and August 24, 2004. The Association had tried to arrange for an OEA representative to attend the August meeting, but was unable to do so. An OEA representative did attend the next regular membership meeting on October 4. He discussed the benefits of OEA membership and explained his understanding of the affiliation process.

On November 12, the Association president sent a letter to the membership in which she discussed her understanding of the affiliation process. She also reported on her conversation with the Superintendent in which she had explained the reasons that affiliation with OEA was being considered. Additionally, the president noted in her letter that 40 new teachers had come to work for the ESD as a result of regional contracts being awarded to Respondent. The regional contracts had previously been serviced by employees of Union-Baker ESD. These new employees were transferred from Union-Baker ESD and are represented by OEA.

On November 17, 2004, the Association filed a Petition for Amendment of Certification or Recognition (*Oregon Education Association and Umatilla-Morrow County ESD Education Association v. Umatilla-Morrow County ESD*, Case No. UC-53-04). On December 27, the petition was withdrawn by the Association because it was unclear whether appropriate procedural steps had been completed.

The affiliation with OEA was again discussed at a regular Association meeting on March 15, 2005. The OEA representative attended the meeting and again discussed what affiliation would mean for the Association. A decision was made to conduct a secret ballot election on the question of affiliation with OEA. A special meeting was held on March 30 to work out the details of the election process and prepare ballots for mailing to bargaining unit members.

At the time of the balloting, the Association was unsure whether employees who had transferred from Union-Baker ESD to Respondent were eligible to vote on the affiliation because they were hired on temporary contracts. For that reason, the Association prepared two different colored ballots in order to separately count the ballots from each subgroup. Ballots were mailed out to all 84 bargaining unit members shortly after the March 30 meeting with a deadline of April 30 for return.

On May 9, the ballots were counted by an election committee of four people. The results were: 53 votes in favor of affiliation; 10 votes against affiliation; and 1 abstention. A majority of each subgroup also voted in favor of affiliation.

The results of the election were announced the May 12 membership meeting. The Association has been accepted by OEA as an affiliate.

On July 12, the elections coordinator served the petition by certified mail on Respondent. On July 14, Respondent certified that "Notice[s of] Unit Amendment Requested" were posted. Respondent filed no objections to this petition.

We conclude that the affiliation vote was conducted in compliance with at least minimum due process requirements and that a majority of votes cast by the bargaining unit members were for affiliation with OEA.

Based on the foregoing, this Board issues the following order:

ORDER

Umatilla-Morrow Education Service District's recognition of the Umatilla-Morrow ESD Education Association is amended to reflect affiliation with Oregon Education Association/NEA.

DATED this 8th day of August 2005.



Paul B. Gamson, Chair



Rita E. Thomas, Board Member



James W. Kasameyer, Board Member

This Order may be appealed pursuant to ORS 183.482.

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