

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UC-40-04

(AMENDMENT OF RECOGNITION)

| | | |
|--------------------------|---|---------------------------|
| THREE RIVERS EDUCATION |) | |
| ASSOCIATION AND SOUTHERN |) | |
| OREGON BARGAINING |) | |
| COUNCIL/OEA/NEA, |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| v. |) | ORDER AMENDING |
| |) | RECOGNITION OF EXCLUSIVE |
| THREE RIVERS/JOSEPHINE |) | BARGAINING REPRESENTATIVE |
| COUNTY SCHOOL DISTRICT, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

On May 14, 2004, Three Rivers Education Association (Association) and Southern Oregon Bargaining Council/OEA/NEA (SOBC) filed a petition under OAR 115-25-008 seeking to amend the recognition of the Association to reflect its affiliation with SOBC. The Association currently represents a bargaining unit of employees of Three Rivers/ Josephine County School District (Respondent). The recognition clause of the current contract is:

“* * * [A]ll certificated teachers whether under written contract or on leave employed by the [Respondent]. Such representation shall cover all teachers assigned to newly created certificated positions unless the parties agree in advance that such positions are principally supervisory and administrative. Further, it is recognized that all other employees of the [Respondent], including, but not limited to, administrators, supervisors, confidential employees and substitute teachers, except temporary teachers employed sixty (60) or more consecutive days in one school year, are specifically excluded from the bargaining unit * * *.”

A letter accompanying the petition set out the affiliation procedures followed by the Association and SOBC. The Association was originally recognized approximately 30 years ago under the name "Josephine County Education Association" at a time when Respondent was named "Josephine County School District." Respondent's name was changed in 1994 following a school district consolidation; the Association changed its name soon after to reflect the new District's name.

SOBC is an Oregon Education Association (OEA) affiliate that is a coalition of local associations in Southern Oregon, primarily in Josephine and Jackson counties. SOBC acts as the collective bargaining representative for its member associations, although the local associations continue to perform the functions of contract administration in their respective districts.

In November 2003, the Association began exploring the possibility of affiliation with SOBC. On November 12, an OEA consultant attended a meeting of Association representatives (including officers and building representatives) and explained what affiliation with SOBC would mean for the Association and outlined the affiliation process. At a December 10 meeting, the Association representatives discussed the pros and cons of affiliation with SOBC. The group voted in favor of affiliation, a decision which was then referred to the membership for a vote. A copy of the minutes of the meeting was provided as an appendix to the petition.

On January 7, 2004, the Association executive committee reviewed the proposed affiliation process, decided on voting procedures, and put together a timeline for an election. The committee decided to conduct a secret ballot election at each of 16 buildings in order to facilitate the participation of all bargaining unit members. A copy of the minutes of the meeting was provided as an appendix to the petition.

On January 12, the Association president attended a SOBC meeting to make an official request for the Association to affiliate with SOBC. SOBC voted at the meeting to accept the Association as an affiliate. A copy of the minutes of the meeting were provided as an appendix to the petition.

In February, the Association provided each building representative with materials for the purpose of conducting a building meeting on the affiliation issue. These materials included a written explanation of the affiliation process, a script for leading a discussion, a list of bargaining unit members at the site, and a sufficient number of ballots for the unit members in the building. A copy of the script and ballot were provided as appendices to the petition. Each representative scheduled a building meeting to occur later in February using the standard notification procedure (hand-distributed flyers or e-mail messages). During the last two weeks of February, each representative conducted an on-site meeting for all bargaining unit members and explained what SOBC was and what affiliation would mean. Members in attendance had an opportunity to ask questions and discuss the

issue. Paper ballots were distributed and cast at all of the meetings, except at the high school. Ballots were collected by the representative in a single envelope and turned over to the Association president. The high school voting was postponed because questions arose at the meeting which the representative could not answer. After answers were provided, the vote took place in late March.

Once all ballots were received, they were counted by the Association president, then recounted by staff at the OEA office in Medford. There were 282 eligible voters; 247 cast ballots. The result of the election was 242 votes in favor of the affiliation and 5 votes against. The building-by-building results were provided as an appendix to the petition.

On May 14, the elections coordinator served the petition by certified mail on Respondent. On May 19, Respondent certified that it posted "Notices Unit Amendment Requested." 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 bargaining unit members favored affiliation with SOBC.

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

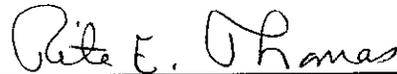
ORDER

Three Rivers/Josephine County School District's recognition of the Three Rivers Education Association is amended to reflect affiliation with the Southern Oregon Bargaining Council/OEA/NEA.

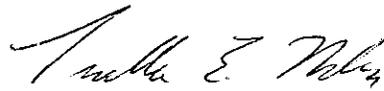
DATED this 14th day of June 2004.



Paul B. Gamson, Chair



Rita E. Thomas, Board Member



Luella E. Nelson, Board Member

This Order may be appealed pursuant to ORS 183 482.