

BEFORE THE EMPLOYMENT RELATIONS BOARD
OF THE STATE OF OREGON

| | | |
|-------------------|---|---------------|
| AFSCME LOCAL 2831 |) | |
| |) | |
| Complainant |) | |
| |) | CONSENT ORDER |
| v. |) | |
| |) | UP – 013-09 |
| LANE COUNTY |) | |
| |) | |
| Respondent |) | |
| _____ |) | |

I STATEMENT OF THE CASE

On March 3, 2009, Complainant AFSCME Local 2831 (Union) filed an unfair labor practice complaint against Lane County alleging violation of ORS 243 672(1)(e) and (g). The allegations arose out of bargaining a successor agreement between the parties. The Union made two claims: (1) the County violated ORS 243 672(1)(g) by violating the ground rules between the parties; (2) the County violated ORS 243 672(1)(e) by not providing notice to the Union that the County intended to unilaterally implement part of its final offer.

The County denied the allegations and the matter was set for hearing. Prior to a hearing being held, the parties agreed to settle the case by entering into a consent order.

Following discussions between Allison Hassler, counsel of the Union and Pierre Robert, counsel for the County, the parties agreed to 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.

II 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.

III STIPULATED FACTS

1. AFSCME Local 2831 is a labor organization under ORS 243 650(13).
2. Lane County (County) is a public employer under ORS 243 650(20)
3. The parties began bargaining for a successor agreement May, 2008. On July 1, 2008 the parties reached an agreement on ground rules. Item 11 of their ground rules states: "**News Releases:** The parties agree to give prior notice to the other party before distributing news releases. Each party retains the right to provide news releases."
4. The parties entered mediation October 15, 2008. The Union declared impasse January 6, 2009
5. The parties held four mediation sessions after impasse was declared. The last mediation session was held February 19, 2009
6. On February 20, 2009 Lane County held a press conference concerning bargaining between the parties and the County's intent to implement part of its final offer
8. At no time was the Union notified that the County had issued a press release calling for a press conference.

IV. STIPULATED CONCLUSIONS OF LAW

1. The Board has jurisdiction over these parties and this subject matter.
2. The County violated ORS 243 672(1)(g) by calling a news conference without notifying the Union in violation of the ground rules between the parties.

CONSENT ORDER

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V. STIPULATED ORDER

1. The County is declared to have violated ORS 243.672(1)(g) by calling a news conference without notifying the Union in violation of the ground rules between the parties.
2. The Union's complaint of violating ORS 243.672(1)(e) is dismissed
3. The County shall cease and desist from violating written agreements
4. The County shall pay the Union \$250 for its filing fee and \$500 for representation costs

FOR THE UNION

FOR THE COUNTY

Alicia Hasler

Ronald Hoskins
RONALD HOSKINS

DATE: August 5, 2009

DATE: Aug 13, 2009

This Consent Order is hereby approved and adopted

DATED this 27th day of August, 2009

Paul B. Gamson
Paul B. Gamson, Chair

Vickie Cowan
Vickie Cowan, Board Member

Susan Rossiter
Susan Rossiter, Board Member