

**EMPLOYMENT RELATIONS BOARD
OF THE STATE OF OREGON**

Case No. UP-028-11

SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 503, OREGON PUBLIC
EMPLOYEES UNION,

Complainant,

v.

STATE OF OREGON, DEPARTMENT OF
HUMAN RESOURCES,

Respondent.

CONSENT ORDER

I. STATEMENT OF THE CASE

On May 4, 2011, Complainant Service Employees International Union Local 503, Oregon Public Employees Union ("Union") filed an unfair labor practice against Respondent State of Oregon ("State"), Department of Human Resources ("DHS") alleging violations of ORS 243.672(1)(a). The allegations arose out of an investigation involving a former DHS employee. During the course of the investigation, a witness was informed not to talk about the investigation with the Union.

The parties have agreed to settle this matter by entry of this consent order, subject to Board approval. They also agree to waive all further proceedings in this matter, including the filing of an answer, a hearing before the Board, and judicial review of the consent order. Finally, the signatories warrant they are authorized by their respective principals to sign the stipulation, waive reading of the Administrative Procedure Act rights (ORS 183.413), and represent that the statements in the stipulation of fact are accurate and constitute all of the evidence that either party wished to present to the Board.

II. STIPULATED FACTS

1. Service Employees International Union Local 503, Oregon Public Employees Union is a labor organization as defined by ORS 243.650(13).

2. State of Oregon, Department of Human Services is a public employer as defined by ORS 243.650(20).
3. DHS investigated a former employee for theft of a plant. During the course of the investigation, DHS management told another represented employee not to discuss the investigation with anyone other than her manager and Human Resources, and specifically told her not to discuss the matter with her union steward.

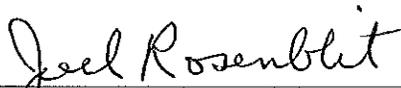
III. STIPULATED CONCLUSIONS OF LAW

1. The Board has jurisdiction over these parties and this subject matter.
2. DHS violated ORS 243.672(1)(a).

IV. STIPULATED ORDER

1. DHS shall cease and desist from informing employees under investigation not to discuss the investigation with the Union or with other employees. DHS may restrict such discussions to non-working hours, except where such restriction is limited by Article 10, Section 10, of the collective bargaining agreement.
2. DHS Director of Human Resources will send a letter to the DHS stewards Ashley Nicole Browning and Leela Coleman informing them that they can talk with employees during the course of an investigation.
3. An email will be sent statewide to HR professionals reminding them that informing employees not to talk with the Union or other employees during investigations is an unfair labor practice. A copy of the email will be sent to Union counsel.
4. The parties will pay their own representation costs.

FOR THE UNION



Joel Rosenblit
Legal Counsel
SEIU Local 503, OPEU
Date: August 2, 2011

FOR THE STATE

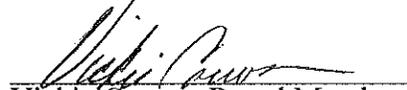


Art McCurdy
Labor Relations Manager
Date: Aug. 1, 2011

This Consent Order is hereby approved and adopted this 16 day of August 2011.
FOR THE EMPLOYMENT RELATIONS BOARD



Paul Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member