EMPLOYMENT RELATIONS BOARD

OF THE STATE OF OREGON

Case No. UP-032-11

OREGON AFSCME LOCAL 2376, Complainant, v. OREGON DEPARTMENT OF CORRECTIONS, EASTERN OREGON CORRECTIONAL INSTITUTION, Respondent.	CONSENT ORDER

I. STATEMENT OF THE CASE

On June 3, 2011, Complainant Oregon AFSCME Local 2376 ("AFSCME") filed an unfair labor practice against Respondent Oregon Department of Corrections ("ODOC"), Eastern Oregon Correctional Institution ("EOCI") alleging violations of ORS 243.672(1)(a) and (c). 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. Oregon AFSCME Local 2376 is a labor organization as defined by ORS 243.650(13).
2. Oregon Department of Corrections is a public employer as defined by ORS 243.650(20).

3. The allegations arose out of an investigation and discipline involving a correctional counselor at EOCI. The counselor, who was a union president at the time, was dismissed on December 29, 2010. One of the facts used by ODOC to support its action was the following:

> The e-mail forwarded to management that triggered the investigation leading to this action contained a purposeful negative misrepresentation of EOCI management to all of the EOCI Security Plus staff. As a result, at least one Security Plus staff thought of management as "big brother," with which you laughingly concurred.

The email referred to in this supporting fact was sent by the counselor to other AFSCME- represented employees in his role as local union president.

III. STIPULATED CONCLUSIONS OF LAW

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

IV. STIPULATED ORDER

1. ODOC shall cease and desist from interfering with, restraining, or coercing bargaining unit members in or because of the exercise of rights protected under ORS 243.662 in violation of ORS 243.672(1)(a).
2. The parties will pay their own representation costs.

FOR THE UNION

Jason Weyand
Legal Counsel
Oregon AFSCME Local 2376

Date: 2/3/12

FOR THE STATE

Craig Cowan
Labor Relations Manager

Date: 02-03-12

This Consent Order is hereby approved and adopted this 8 day of February 2012.

FOR THE EMPLOYMENT RELATIONS BOARD

Susan Rossiter, Chair

Paul Gamson, Board Member