EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-42-03

(UNFAIR LABOR PRACTICE)

OREGON AFSCME LOCAL 3581,	)	
	)	
Complainant,	)	
	)	FINDINGS AND ORDER
v.	)	ON COMPLAINANT'S
	)	PETITION FOR
STATE OF OREGON,	)	REPRESENTATION COSTS
REAL ESTATE AGENCY,	)	
	)	
Respondent.	)	
	)	

On October 31, 2005, this Board, with one member dissenting, issued a final Order which held that Respondent violated ORS 243.672(1)(e) when it refused to provide information to Complainant. 21 PECBR 129 (2005). On November 21, 2005, Complainant filed this petition for representation costs. Respondent did not file objections to the petition.

Pursuant to OAR 115-035-055, this Board finds as follows:

1. Complainant filed a timely petition for representation costs. Respondent did not file objections.

2. Complainant prevailed.

3. Complainant seeks an award of $8448. According to the affidavit of counsel, this represents 49.8 hours valued at $160 per hour, plus 6 hours of travel time valued at $80 per hour.

4. The hearing lasted one full day and part of a second day. It required a post-hearing brief as well as a brief and oral argument to this Board. The number of hours

claimed is reasonable. *See, e.g., Service Employees International Union Local 503 v. State of Oregon, Judicial Department,* Case No. UP-3-04, 21 PECBR 179 (2005) (Rep. Cost Order) (cases take an average of 45-50 hours per day of hearing). The hourly rate is somewhat higher than average, a factor we will consider in making our award.

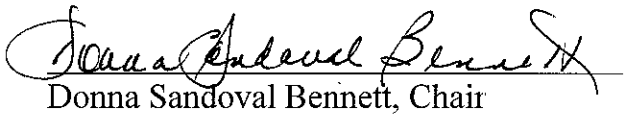
5. The complaint alleged that Respondent violated ORS 243.672(1)(e) when it refused to provide certain information to Complainant. We agreed and ordered Respondent to provide the information. One member dissented. In these circumstances, the purposes and policies of the Public Employee Collective Bargaining Act (PECBA) would be best effectuated by an average cost award. *See AFSCME Local 328 v. OHSU*, Case No. UP-47-99 (Rep. Cost Order, December 2002) (making an average award in a refusal to provide information case); *Lincoln City Police Employees' Association v. City of Lincoln City*, Case No. UP-32-98 (Rep. Cost Order, November 1999) (same).

Having considered the purposes and policies of the PECBA, our prior awards in similar cases, and the reasonable cost of services rendered, this Board awards Complainant representation costs in the amount of $2,400.

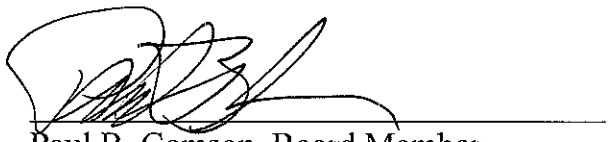
ORDER

Respondent will remit $2,400 to Complainant within 30 days of the date of this Order.

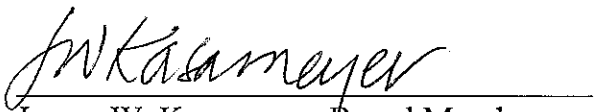
DATED this 2nd day of May, 2006.



Donna Sandoval Bennett, Chair



Paul B. Gamson, Board Member



James W. Kasameyer, Board Member

This Order may be appealed pursuant to ORS 183.482.