

Announcement

Governor Kitzhaber seeks applicants for appointment to the Employment Relations Board.

This is a full time, paid position which is quasi-judicial in nature. ERB members are appointed by the Governor subject to confirmation by the Oregon State Senate. The term of office for ERB members is four years. ERB offices are located in Salem, Oregon.

This position will be subject to Senate approval in May 2012, with a start date of July 1, 2012.

Process: Applications will be accepted through April 17, 2012.

Application for Executive Appointments can be found here:

<http://governor.oregon.gov/Gov/pdf/forms/Interestformdown.pdf>

ERB Applicants must also submit a supplemental interest form, located on the executive appointments website.

Applicants should expect to participate in interviews with a panel made up of labor, management, and the Governor's office.

While statute does not require that ERB positions be appointed with strict designations for individuals (i.e. one management, one labor, and one neutral) the Governor intends to maintain the traditional balance of appointees on the Board. Therefore applicants for the current posting should have experience or background consistent with representation of the interests of workers, employees, and/or labor organizations.

Employment Relations Board Overview

The Employment Relations Board (ERB) resolves disputes concerning labor relations for an estimated 3,000 different employers and 250,000 employees in public and private sector under its jurisdiction. The Board administers the collective bargaining law that covers public employees of the State of Oregon and its cities, counties, school districts, and other local governments; hears and decides appeals from state employees concerning personnel actions; and administers the collective bargaining law that regulates private employers who are not covered by the National Labor Relations Act.

Mission Statement & Statutory Authority

The mission of the Employment Relations Board is to resolve disputes concerning employment relations for approximately 3,000 employers and 250,000 employees in the public and private sector under its jurisdiction.

The agency administers three separate statutory schemes. The Public Employee Collective

Bargaining Act (ORS 243.650 through 243.766) covers collective bargaining in state and local government; the State Personnel Relations Law (ORS Chapter 240) creates appeal rights for non-union state employees who believe they were treated unfairly in the workplace; and the private sector labor-management relations law (ORS 662.405 through 662.455, and 663.005 through 663.295) concerns collective bargaining for private sector employees who are not covered by federal law. The agency's administrative rules are in OAR Chapter 115.

The agency provides three main services to public employers and labor organizations: conducting representation elections, providing mediation services, and conducting contested case hearings.

The public policy underlying these laws is to promote stability in the workplace and to reduce workplace disputes and the accompanying costs and disruption of services to the public. All Oregonians benefit from the agency's services. Collective bargaining establishes a process for resolving disputes over public employee wages, hours, and other conditions of employment. Similarly, the State Personnel Relations Law resolves workplace disputes involving non-union state employees. Resolution of workplace disputes insures the public that it will continue to receive public services without impairment or interruption; it creates a more stable and productive workforce and reduces the costs of recruitment and training; and it is faster, more efficient, and less expensive than resolving these disputes through court proceedings. These outcomes support the state's goal of economic growth. Companies that are looking to relocate in Oregon, as well as those deciding whether to stay, will inevitably consider whether there are stable and efficient public services to support their business.

Agency Description

The Employment Relations Board:

1. Administers the collective bargaining law that covers public employees of the State of Oregon and its cities, counties, school districts, and other local governments;
2. Hears and decides appeals from state employees concerning personnel actions; and
3. Administers the collective bargaining law that regulates private employers who are not covered by the National Labor Relations Act.

The Board is a quasi-judicial body whose members are appointed by the Governor and confirmed by the Senate. The statute requires the Governor to consider the interests of labor, management, and the public in selecting Board members. One member is designated by the Governor as the Board chair and serves as the agency administrator. Board members apply the law in a neutral and objective manner without regard to their background. The Board is supported by a staff of nine, including administrative law judges, mediators, an elections coordinator, and support personnel. The four agency programs are:

- Conciliation (Mediation) Services: The program provides mediation and conciliation services to resolve collective bargaining disputes, contract grievances, unfair labor practices, and representation matters; maintains a list of qualified labor arbitrators and provides names from the list upon request of the parties to a labor dispute; and provides

training in methods of alternative dispute resolution, labor/management cooperation, problem solving, and other similar programs designed for the specific needs of the parties.

- Hearings: Administrative law judges process all unfair labor practice complaints, all state personnel appeals, and those representation matters referred from the elections division because they require a contested case hearing. The judges conduct contested case hearings and issue recommended decisions.
- Elections: Elections processes all petitions involving questions of union representation or composition of the bargaining unit; conducts elections when necessary; and certifies election results.
- Board: The Board is the "labor court" that resolves disputes between state and local governments and their employees. The Board issues final agency orders in declaratory rulings, contested case adjudications of unfair labor practice complaints, representation matters, appeals from state personnel actions, and related matters. The Board also administers state labor laws that cover private sector employees that are exempt from the National Labor Relations Act.

Key Oregon Statutes Related to the duties of the Employment Relations Board

243.656 Policy statement. The Legislative Assembly finds and declares that:

(1) The people of this state have a fundamental interest in the development of harmonious and cooperative relationships between government and its employees;

(2) Recognition by public employers of the right of public employees to organize and full acceptance of the principle and procedure of collective negotiation between public employers and public employee organizations can alleviate various forms of strife and unrest. Experience in the private and public sectors of our economy has proved that unresolved disputes in the public service are injurious to the public, the governmental agencies, and public employees;

(3) Experience in private and public employment has also proved that protection by law of the right of employees to organize and negotiate collectively safeguards employees and the public from injury, impairment and interruptions of necessary services, and removes certain recognized sources of strife and unrest, by encouraging practices fundamental to the peaceful adjustment of disputes arising out of differences as to wages, hours, terms and other working conditions, and by establishing greater equality of bargaining power between public employers and public employees;

(4) The state has a basic obligation to protect the public by attempting to assure the orderly and uninterrupted operations and functions of government; and

(5) It is the purpose of ORS 243.650 to 243.782 to obligate public employers, public employees and their representatives to enter into collective negotiations with willingness to resolve grievances and disputes relating to employment relations and to enter into written and signed contracts evidencing agreements resulting from such negotiations. It is also the purpose of ORS 243.650 to 243.782 to promote the improvement of employer-employee relations within the

various public employers by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice, and to be represented by such organizations in their employment relations with public employers. [1973 c.536 §2]

240.060 Employment Relations Board; qualification of members; outside activities.

Each member of the board shall be a citizen of the state known to be in sympathy with the application of merit principles to public employment and shall be of recognized standing and known interest in public administration and in the development of efficient methods of selecting and administering personnel. In the selection of the members of the Employment Relations Board, the Governor shall give due consideration to the interests of labor, management and the public. Each member of the board shall be trained or experienced in labor-management relations and labor law or the administration of the collective bargaining process. No member of the board shall hold, or be a candidate for, any public office.

(2) Except as provided in subsection (3) of this section, a member of the board shall not hold any other office or position of profit, pursue any other business or vocation, or serve on or under any committee of any political party, but shall devote the member's entire time to the duties of the office of the member.

(3) A member of the board may:

(a) Serve as an arbitrator, fact finder or mediator for parties located outside of the State of Oregon;

(b) Teach academic or professional classes for entities that are not subject to the board's jurisdiction;

(c) Have a financial interest but an inactive role in a business unrelated to the duties of the board; and

(d) Publish, and receive compensation or royalties for, books or other publications that are unrelated to the member's duties, provided that activity does not interfere with the performance of the member's duties.

(4) A member of the board shall be on leave status or act outside of normal work hours when pursuing any activity described in subsection (3)(a) and (b) of this section. [Amended by 1969 c.80 §32; 1973 c.536 §26; 1975 c.147 §10; 1977 c.808 §1; 1999 c.248 §1]

240.065 Appointment; terms; vacancies. (1) The members of the Employment Relations Board shall be appointed by the Governor for a term of four years.

(2) Each member shall be appointed for a term ending four years from the date of the expiration of the term for which the predecessor of the member was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of such term shall be

appointed for the remainder of the term. Appointments to the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. [Amended by 1969 c.80 §34; 1973 c.536 §27; 1973 c.792 §6a; 1977 c.808 §2; 1991 c.67 §59]

240.086 Duties of board; rules. The duties of the Employment Relations Board shall be to:

(1) Review any personnel action affecting an employee, who is not in a certified or recognized appropriate collective bargaining unit, that is alleged to be arbitrary or contrary to law or rule, or taken for political reason, and set aside such action if it finds these allegations to be correct.

(2) Review and enforce arbitration awards involving employees in certified or recognized appropriate collective bargaining units. The awards shall be enforced unless the party against whom the award is made files written exceptions thereto for any of the following causes:

(a) The award was procured by corruption, fraud or undue means.

(b) There was evident partiality or corruption on the part of the arbitrator.

(c) The arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party were prejudiced.

(d) The arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final and definite award upon the subject matter submitted was not made.

(e) There was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the award.

(f) The arbitrators awarded upon a matter not submitted to them, unless it was a matter not affecting the merits of the decision upon the matters submitted.

(g) The award is in violation of law.

(3) Adopt such rules or hold such hearings as it finds necessary to perform the duties, functions and powers imposed on or vested in it by law. [1969 c.80 §35a (enacted in lieu of 240.085); 1971 c.575 §5; 1975 c.605 §14; 1979 c.468 §5]