

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-13-02

SEIU LOCAL 503, OPEU,)	
)	
Complainant,)	
)	FINDINGS AND ORDER ON
v.)	RESPONDENT'S PETITION FOR
)	REPRESENTATION COSTS
STATE OF OREGON, OREGON)	
STATE HOSPITAL,)	
)	
Respondent.)	
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This Board issued an Order in this matter on February 25, 2003. Respondent filed this petition for representation costs on March 12, 2003. Complainant did not file objections. Pursuant to Board Rule 115-35-055, this Board makes the following findings:

1. Respondent is the prevailing party.
2. Respondent's petition for representation costs is timely.
3. Respondent seeks an award of \$3,500, the maximum allowed under most circumstances. That amount is based on 142.9 hours of legal services billed variously at \$97, \$69, and \$46 an hour. The total fees billed were \$12,906.80.
4. This case required one day of hearing, post-hearing briefs, and oral argument before this Board. The number of hours claimed is approximately three times the number typically claimed for a one-day hearing. The hourly rate, however, is less than the more typical \$130 an hour.
5. Complainant charged Respondent with unilaterally changing its policy on the use of certain restraints without completing the bargaining process. We examined the admitted change in policy under our precedent for determining whether

a subject is mandatory for bargaining, and concluded that Complainant failed to establish that bargaining was required. The case presented no factors that mitigate in favor of a greater or lesser than average award.

Having considered our awards in similar cases, the appropriate fees for services rendered, and the policies and purposes of the Public Employee Collective Bargaining Act, this Board awards Respondent representation costs of \$2,200.

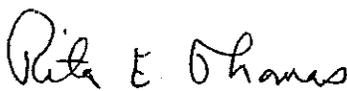
ORDER

Complainant shall remit \$2,200 to Respondent within 30 days of the date of this Order.

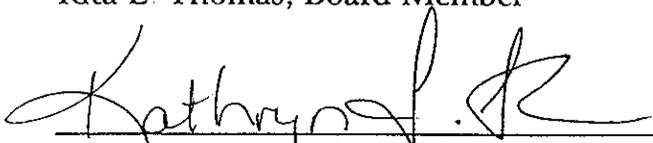
DATED this 6th day of May 2003.



David W. Stiteler, Chair



Rita E. Thomas, Board Member



Kathryn T. Whalen, Board Member

This Order may be appealed pursuant to ORS 183.482.