



Oregon

Kate Brown, Governor

Employment Relations Board
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EMPLOYMENT RELATIONS BOARD Public Meeting Notice

The Employment Relations Board will hold a public meeting via Zoom to deliberate and potentially vote on whether to formally propose rule amendments to Division 10 & 20 recommended by the agency's Rules Advisory Committee. If the Board votes to do so, that would begin the next step of the rulemaking process, including subsequent public notice and comment. The proposed rule amendments will be posted to the ERB website by end of business Monday, August 23, 2021.

DATE AND TIME

SEPTEMBER 20, 2021

10:00 A.M.

LOCATION:

**THE PUBLIC MEETING WILL BE CONDUCTED OVER THE
VIDEOCONFERENCE PLATFORM ZOOM.**

**To register to participate in this public meeting,
please email EmpRel.Board@oregon.gov and
April Bathurst will forward the calendar invite with passcode.**

This meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to April Bathurst, 503-378-3807.

Chapter 115 Employment Relations Board

115-010-0010

Definition of Terms

As used in these rules, unless the context requires otherwise:

- (1) "Appeal" means any request for review of a personnel action under ORS ch 240.
- (2) "Appellant" means a person who requests review of a personnel action under ORS ch 240.
- (3) "Appointing Authority" is defined in ORS 240.015.
- (4) "Board" means the Employment Relations Board.
- (5) "Board Agent" means any employee designated by the Board to act on its behalf.
- (6) "Business day" means Monday through Friday, but does not include any holiday as defined by ORS 187.010 and ORS 189.020, or any day that the Board is closed.
- (7) "Class" or "Classification" is defined in ORS 240.015(4).
- (8) "Complainant" means a party who has filed an unfair labor practice complaint or a complaint alleging a violation of ORS 240.309.
- (9) "Conciliator" means the head of the State Conciliation Service.
- (10) "Date of Filing" means the date received by the Board. Documents filed by email or fax or through the Board's online case management system may be received up to 11:59 p.m. Pacific Time on any business day. A physical document received after 5 p.m. Pacific Time is considered to be filed on the following business day.
- (11) "Date of Service" means the date sent to another party or the date of personal service.
- (12) "Day" means calendar day unless otherwise specified.
- (13) "Demotion," for purposes of action brought under ORS ch 240, means the voluntary or involuntary movement of an employee from a position in one classification to a position in another classification having a lower salary range number.
- (14) "Management Service" is defined in ORS 240.212.
- (15) "Party" is any person, labor organization or employer filing a petition, complaint, charge or State Personnel Relations Law appeal with the Board; any person, labor organization or employer named as a party in a petition, complaint, charge or State Personnel Relations System appeal, or any other person, labor organization or employer whose timely motion to intervene has been granted. Where applicable, "party" also is a person, labor organization or employer under Division 40 of these rules.
- (16) "Personnel Action," for purposes of appeals brought under ORS ch 240, means any action taken with reference to an applicant, employee or position.
- (17) "Petitioner" means a party who files a petition with the Board.
- (18) "Recommended Order" means the Order of an Administrative Law Judge or Board Agent consisting of proposed rulings on motions and evidentiary matters, findings of fact, conclusions of law, and a recommended order.
- (19) "Regular Employee" means an employee who has been appointed to a position in the state service in accordance with state law after successfully completing a trial service period or who has been otherwise granted regular status through specific provisions of law.
- (20) "Respondent" means a party who is required to respond to a complaint, petition, charge, or appeal.
- (21) "Showing of interest" means the evidence of support that a petitioner must show in a proposed bargaining unit before its petition will be acted on. The showing may be made by original authorization cards or petitions, both of which must include a statement of a desire by affected employees to be represented by the petitioner for purposes of collective bargaining and that must be signed and dated by employees in the proposed unit during the 180 days preceding the filing of the petition; by dues records or payroll deduction records showing the employees to be current members of a petitioning organization; or, by an existing or the most recently expired bargaining agreement applicable to the bargaining unit, to which the petitioning organization was a party. A showing of interest in support of objections to a petition for certification without an election shall comply with

OAR 115-025-0075.

Statutory/Other Authority: ORS 240.086(3) & 243.766(7)

Statutes/Other Implemented: ORS 240 & 243

History:

ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

ERB 3-1995, f. 11-30-95, cert. ef. 12-1-95

ERB 4-1985, f. 10-29-85, ef. 10-31-85

ERB 1-1980, f. & ef. 1-9-80

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115-010-0033

Filings and Service of Documents

(1)(a) Any document required or allowed to be filed with the Board or served on a party may be filed or served by mail, email, facsimile (fax), ~~or in person~~, or through the Board's online case management system. Email filings should be sent to ERB.Filings@Oregon.gov unless the Board or Board Agent agrees to a different email address. The Board shall post on its website the street address for personal delivery, the mailing address for filing by mail, the telephone number for filing by fax, and the email address (or other method) to be used for electronic filing.

(b) A complaint or answer will not be considered filed until the filing fees required by ORS 243.672(3) have been paid.

(c) The Board will charge \$25 for each facsimile filing.

(d) Documents filed by email or fax or through the Board's online case management system may be received up to 11:59 p.m. Pacific Time on any business day. Physical documents received after 5 p.m. Pacific Time shall be deemed filed with the Board the next business day.

(e) Fax filing and service is considered complete upon receipt of the entire fax transmission by the recipient and receipt by the sending party of confirmation of receipt of the fax transmission.

(f) Electronic filing is considered complete upon receipt of the entire electronic transmission by the Board. The metadata created by the successful transmission of the email or other electronic filing constitutes the time of service.

(2)(a) Unless otherwise stated in these rules or directed by the Board or Board Agent, all documents filed with the Board shall be served on the named parties or a representative of record and shall include proof of service.

(b) If a party to a case is not using the Board's online case management system, service shall not be effectuated through the case management system in that case, and the party shall be served by some other means.

(c) When a post-hearing brief or memorandum in aid of oral argument is filed through the Board's online case management system, the filing party is not responsible for service of the filing. Instead, the Board will serve a copy of the post-hearing brief or memorandum in aid of oral argument on the opposing party through its case management system after the filing deadline has passed. The Board or Board Agent may designate additional documents for filing and service under this provision.

Statutory/Other Authority: ORS 240.086(3) & 243.766(7)

Statutes/Other Implemented: ORS 240 & 243

History:

ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

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115-020-0000

Method of Review

(1) A determination under ORS 243.772 of whether local charters and ordinances conflict with the rights and duties established in ORS 243.650 through 243.~~782~~806 will be made by the Board only after reviewing and hearing comments on such charters and ordinances at a public meeting. At least ten days public notice of such a meeting shall be given, setting forth the date, time and place of the meeting and the purpose for which it is called.

(2) Anyone may petition the Board for a determination under section (1) of this rule. The petition shall state the name of the local government, the full text of the provision in the local charter or ordinance, and the date that the charter or ordinance was adopted. Upon receipt of such a valid petition, the Board shall conduct a public meeting in accordance with section (1) of this rule.

Statutory/Other Authority: 240.086(3) & 243.766(7)

Statutes/Other Implemented: ORS 183.341, 240 & 243

History:

ERB 3-2016, f. 11-9-16, cert. ef. 2-1-17

ERB 1-1980, f. & ef. 1-9-80