

PERB Says Hospital May Lay Off Employees on the Basis of Sex

The Public Employe Relations Board has ruled that the Oregon State Hospital may lay off employees on the basis of sex.

Last summer the institution laid off a number of female psychiatric aides to reduce its staff. Many of them had more service credits than a number of male aides who were not laid off.

Two of the women asked OSEA to appeal the action to the PERB. Staff attorney John S. Irvin represented them.

Just prior to the lay offs, the hospital completed a reorganization in which it established 15 psychiatric wards. It claimed requirements for male patient care could only be provided by a minimum of one male aide per ward per shift. A lay off of male aides would leave the hospital short of that minimum, it said.

The lay off was necessary, according to the hospital, because its budget had been reduced, patient population is declining and the average

stay by patients is shorter.

A state attorney for the hospital said female aides were laid off because they could not "provide a quiet show of force to assaultive patients." In addition, he argued that female aides could not "provide intimate personal care" nor could they serve as "male role models" for male patients.

Irvin challenged the male-care requirements as not bona fide in light of past care of male patients at the hospital by female aides.

He also contended the hospital failed to prove that reorganization required 15 psychiatric wards rather than a lesser number, and that the male-care requirements could only be provided by one male aide per ward per shift.

The board sustained the hospital's action, however, as being in good faith and as a proper implementation of its duty to provide patient care and treatment.

Guard Fired For Writing Leaflet

The accused author of a leaflet announcing a "big gala celebration" to mark more than 100 escapes from the Oregon State Penitentiary during 1971 has been fired.

Bruce Harbaugh, a correctional officer, was dismissed by Amos Reed, administrator of the Corrections Division, for misconduct, insubordination and malfeasance.

He is accused of authoring a hand-lettered mimeographed leaflet which said, "100, big gala celebration, free beer. In recognition of over 100 escapes during 1971 from Oregon State Penitentiary. Come one, come all and bring a work release inmate. Celebration at OSP residence No. 1. Merry Christmas and Happy New Year. We

shall have a bigger year in 1972." It was signed, "Committee: The Grunts."

OSP residence No. 1 is the home of Superintendent Hoyt C. Cupp.

Reed charged that Harbaugh "prepared" the leaflet and "anonymously caused it to be widely distributed to the public, the press, institutional employes and institutional inmates."

Members of OSEA's Prison Chapter 56 wrote a letter to Cupp expressing their "disapproval" of the leaflet. "We recognize that we cannot control the actions of individuals. However, as a group we want to assure you the chapter does not condone this type of action," the letter said.

Harbaugh has asked OSEA to represent him in an appeal of the dismissal to the Public Employe Relations Board.

Employee Retirement Accounts Valued

Editor's Note: To keep OSEA members informed of the value of their accounts in the Public Employes' Retirement System, the OSEA News will publish the following table each month. Both the "variable annuity" portion of the account (which is invested in common stocks and short term notes) and the "fixed" portion of the account (which is invested in long term bonds and mortgages) are listed. The table shows the value of each \$100 invested in either the "variable annuity" account or the "fixed" account on the date listed.

| | VARIABLE ACCOUNT | FIXED ACCOUNT |
|--------------------|------------------|---------------|
| January 31, 1971 | \$102.67 | \$100.42 |
| February 28, 1971 | \$103.51 | \$100.85 |
| March 31, 1971 | \$108.71 | \$101.27 |
| April 30, 1971 | \$112.52 | \$101.70 |
| May 31, 1971 | \$107.61 | \$102.12 |
| June 30, 1971 | \$106.98 | \$102.54 |
| July 31, 1971 | \$104.55 | \$102.96 |
| August 31, 1971 | \$107.50 | \$103.39 |
| September 30, 1971 | \$106.11 | \$103.82 |
| October 31, 1971 | \$100.60 | \$104.24 |
| November 30, 1971 | \$ 99.53 | \$104.67 |

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