

PERB Refuses to Dismiss OSEA Complaint Against Lee Johnson

The Public Employee Relations Board has denied a motion to dismiss OSEA's complaint against Attorney General Lee Johnson for failure to bargain in good faith.

However, it granted a motion to dismiss the Association's unfair labor practice charge against Johnson and ordered the words "Department of Justice" to be submitted for Johnson's name as a respondent to OSEA's complaint.

The PERB held that it does not have jurisdiction to hear unfair labor practice charges. It ordered Johnson's name stricken as a respondent because the law specifies the employer is "the state or any of its agencies or institutions," and apparently does not put responsibility on any particular person as the employer.

The rulings are the latest actions in a case which began over two months ago when OSEA charged Johnson with an unfair labor practice and with failure to bargain in good faith.

OSEA filed its charges shortly after the PERB received an unsigned letter containing a "purported" petition for decertification of OSEA as the collective bargaining representative for Department of Justice employees.

OSEA has alleged that the petition was "inspired and influenced" by the Department of Justice.

The board set October 26 as the date for hearing OSEA's allegation that the "purported" decertification petition is not valid.

OSEA contends that the petition does not meet the requirement of PERB rules. "The petition, mailed to the board by some anonymous person with an unsigned transmittal letter, does not state—as required by the rules and as claimed by

the respondents when they broke off negotiations—that its signers no longer wish to be represented by their present representative," Executive Secretary Thomas C. Enright said in arguments before the board.

He said the petition is "the sort of thing" that could be signed by any employee, even a strong supporter of OSEA. "We have, in fact, the statements of employees who signed the petition when it was handed to them by a supervisor who said its purpose was 'to find out why we don't have a collective bargaining contract,'" Enright said.

"If the attorney general's representatives had nothing to do with preparing the petition, they should have no reason to attempt to sustain its validity," he said.

"They should be as interested as we are in seeing that the rules are complied with. We must suspect that the attorney general's objection to the board considering the sufficiency of the petition at this time is another stalling tactic," Enright declared.

If the board will order a hearing on OSEA's complaint of failure to bargain in good faith, Enright said, "we believe we can show a course of bad faith conduct on the part of the representatives of the attorney general and the Executive Department that is unprecedented in the state service."

If, after its hearing, the board finds the decertification petition is invalid, a hearing on the charge of failure to bargain in good faith will not be necessary because the Department of Justice has refused to bargain only on the basis of the pending decertification petition.

Supreme Court Says No to OSEA Review

Oregon's Supreme Court has turned thumbs down on an OSEA petition asking it to review a Court of Appeals decision which upheld a Personnel Division rule increasing from 6 to 12 months the time an employee who is promoted or reclassified must wait before being eligible for a merit pay raise.

When the rule was put into effect in September, 1971, the Personnel Division applied it retroactive six months—back to March. OSEA successfully appealed that action to the Public Employee Relations Board. The Court of Appeals, however, overturned the board's ruling and upheld the Personnel Division's action.

Request For Dental School Unit Denied

The Public Employee Relations Board has denied a petition filed by an AFL-CIO affiliated union requesting that a collective bargaining unit composed of 11 custodians be carved out of the existing unit at the University of Oregon Dental School in Portland.

The petition was filed by Local 1723 of the American Federation of State, County and Municipal, Employees Union.

OSEA has represented employees in the unit since it was established in 1966. There are 96 employees in the unit.

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