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OSEA Charges Welfare With Using Secret Forms to Damage Employees

OSEA has charged the Public Welfare Division with using a secret personnel form to "obstruct or prevent" the promotion of its employees.

The charge is contained in a petition for review filed with the Public Employee Relations Board by John S. Irvin, OSEA's staff attorney. It was filed on behalf of Lawrence E. Wilson, a caseworker employed in PWD's Albany office.

The Association has learned that the form was developed at the direction of Leo T. Hegstrom, an assistant administrator of the agency. It is used by him and his subordinates to rate the promotional potential of the employees under their authority.

The forms are kept secret from the employees who are rated, however. Neither employees nor their legal representative are permitted to examine or inspect them.

In its petition, OSEA charged that Donald Lady, a PWD district manager in Albany, wrote a "strongly emphatic recommendation" on one of the secret forms against the promotion of Wilson because of his alleged activities in connection with the Association.

The petition charges that Lady discriminated against Wilson's "promotional prospects" because of his "activities in attempting to recruit OSEA members," and because of Lady's "unfounded belief that Wilson viewed himself as a shop steward or OSEA representative."

In numerous other instances, OSEA alleges in its petition, PWD supervisors, branch managers and district managers—acting under orders from Hegstrom—have furnished information about employees to Hegstrom "secretly and without giving notice to the employees to whom the information pertained, for the purpose of damaging the prospects of the employees for employment in

higher classifications in the Public Welfare Division."

OSEA also alleges that the forms are being used arbitrarily to penalize employees for acts not known to be true, that forms are being used to discriminate against employees for their Association activities, and that they are being used in violation of the constitutional provision of due process.

Before filing its petition with the PERB, OSEA asked Hegstrom and later PWD Administrator Andrew F. Juras to either abolish the secret forms and prohibit their use or to permit employees and their legal representative to inspect the forms. After both men refused the request, the Association asked the Personnel Division to review the matter. That request was never answered.

OSEA's petition alleges the secret forms violate Oregon's merit system law which prohibits furnishing "to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service."

Any person who willfully violates that provision of the law is guilty of a misdemeanor that is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment in the county jail for a term not exceeding one year, or both. In addition, any person convicted of a misdemeanor under the merit system law is ineligible for employment in the state service for a period of five years.

OSEA has asked the PERB to declare the use of such secret forms to be arbitrary, contrary to law and rule, and prohibit their use by the Public Welfare Division.

OSEA Wants Employment Division To Pay Employee Travel Expenses

OSEA has charged the Employment Division with refusal to comply with a provision of its collective bargaining contract in a complaint filed with the Public Employee Relations Board.

The contract provision in dispute deals with reimbursing employees for moving expenses.

The present contract between OSEA and the Employment Division contains a provision which requires the agency to reimburse its employees for travel, subsistence and moving expenses that result from transfers made "at the request of or for the benefit of the employer."

Last August and September the Employment Division, because of a shortage of funds, abolished some 25 to 30 positions in various classifications in its offices located throughout the state. In most of the cases, the agency allowed affected employees to choose transfer to a position elsewhere in the same class. However, the division refused to reimburse employees for travel, subsistence or moving costs incurred by the transfers.

OSEA contends such refusal is a violation of its bargaining contract because the transfers are, in

reality, for the "benefit" of the Employment Division. In most instances, each affected employee was first ordered by the agency to transfer. That order was then cancelled. Finally, the employees were offered a choice of possible locations to which to transfer.

"We do not feel," OSEA staff attorney John S. Irvin said, "that an agency can defeat its obligation to pay for moving expenses by offering alternatives of transfer to an employee it already has the duty to transfer. And we feel that is what occurred."

"A shortage of funds, as drastic as occurred in the Employment Division, causes much anxiety, we know. But compliance with bargaining contracts is as much a duty of an agency as compliance with statutes and rules in such situations. It is our belief that the Employment Division has tried to avoid the contract," he said.

The agency has filed a demurrer to the complaint. The PERB has not yet set the matter for hearing.

Decision to Stop Testing In Klamath Falls Draws Criticism

The Personnel Division's decision to discontinue giving job examinations for state employment in Klamath Falls after February 3 has drawn criticism from OSEA.

PD Administrator William G. Hughes said applicants in and around Klamath Falls would have to go to Medford or Bend to take the tests.

OSEA Executive Secretary Thomas C. Enright called the drive over the mountains from Klamath Falls to Medford in the winter "nerve racking."

"Even in the safer months, the loss of time and the expense of travel for such a trip impose an undue burden upon the potential state employee, or the state employee who is seeking to qualify for advanced status," he said.

"We are advised that the person who gives the tests in Klamath Falls on a part-time basis is paid about \$300 annually by the state. Because there are a number of state offices available for the testing without cost, we cannot envision such savings to the state as to justify the termination of this important public service on an economy basis," Enright declared.

"Both state administrators and employees in the Klamath Falls area have advised us that they feel ready accessibility to tests is important to recruiting and retaining an effective work force," Enright told Hughes.

"We urge you to reconsider your decision and restore testing in Klamath Falls."

Portland Attorney Named to PERB

Portland attorney Paul T. Bailey has been appointed by Gov. Tom McCall to the Public Employee Relations Board.

He replaces Medford attorney James Redden, Oregon's newly elected state treasurer, who resigned after becoming a candidate for the office.

The other two members of the board are J. W. Forrester Jr., publisher of the Pendleton East Oregonian, and William Lubersky, a Portland attorney.