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PERB Ruling Says Public Welfare Failed to Bargain in Good Faith

OSEA's complaint charging the Public Welfare Division with failure to bargain in good faith has been upheld by the Public Employee Relations Board.

The complaint was filed last December after negotiations between OSEA and PWD broke down mid-way through a proposed contract because the agency refused to continue bargaining talks until the Association agreed to its proposed list of excluded positions.

Under PERB rules governing collective bargaining in state government, certain positions may be excluded from each bargaining unit. Such positions are those filled by "management, supervisory and confidential employees."

The Association said in its complaint that at the beginning of negotiations both parties agreed to go through each article and section of the proposed contract. If agreement could not be reached on an individual article or section, it would be deferred until discussion and attempted agreement had

taken place on each of the remaining articles and sections.

Half-way through negotiations on the proposed contract, however, the Public Welfare Division refused to proceed with negotiations on the second part of the document until agreement was reached on its list of excluded positions. Because of that action, the Association charged the agency with failure to bargain in good faith.

Bargaining on the excluded list "was and is permissive, and not a mandatory subject," the PERB said in its findings and order. The Public Welfare Division "erred in refusing to bargain on mandatory topics until the excluded list, a discretionary topic, had been bargained."

The Public Welfare Division, "having been determined to have failed to bargain in good faith, should return to the bargaining table," the board said.

OSEA offered to resume negotiations following the PERB hearing on its complaint, but no answer has ever been received from the agency.

New OSEA Membership Contest Pits District Against District

OSEA's Membership Committee has devised and the Board of Directors has approved a new, six-month membership contest among the Association's nine districts.

According to Beth Mason, director of membership, here's how it will work:

The contest will be divided into three time periods: April and May, June and July, August and September. The objective of the contest is to determine which district can achieve the highest percentage gross gain of new members during that six month period of time.

Net gains and losses will not be used, she said, because chapters have no control over terminations, retirements and cancellations.

"For fairness in establishing the opposing districts, the Membership Committee at its last meeting drew the district numbers from a hat," she explained. "Because of the odd number of districts, Districts Seven and Eight were teamed together as a single unit for purposes of the contest."

Opposing districts for April and May will be: District Four vs. District Two, District Nine vs. Districts Seven and Eight, District Six vs. District One, and District Five vs. District Three.

Taking figures from the monthly membership report, she said the average of the gross membership total of each district for the first two month period will be divided into the total number of members gained in each district. That will establish the percentage gain. The same procedure will be repeated for each of the two remaining time periods.

At the end of the first two month period, the four winning districts will be paired against each other for the next two month period, she explained. The four losing districts also will be paired against one another to continue the competition for the next two months.

At the end of four months in July, the two win-

ning districts will compete for the final two months to determine the champion district for the six month contest. In addition, the two winning districts of the previous losing teams will be paired for the final competition, she said.

CASE Will Get Play Proceeds

Citizen Action by State Employees—OSEA's political action arm—will get the proceeds from one night's performance of a play produced by a little theater group in Salem.

The event is the brainchild of District Nine Director Walter Schmidt, who works at Fairview Hospital and Training Center in Salem.

The play is "The Andersonville Trial," a drama about a Civil War prison camp. Schmidt said CASE will receive the proceeds, less expenses, from the May 7th performance. That's a Monday. It starts at 8:15 p.m. in the Pentacle Theater.

Schmidt said tickets cost \$2 and are available at Stevens and Sons Jewelers and from District Nine chapter officers. "We have plenty of tickets left," he said.

"All of us in District Nine have been trying for some time to think of some way to raise money for CASE. This seemed like a good idea. For only \$2, OSEA members can see an excellent little theater group in a fine play and at the same time help their political action organization," Schmidt said.

"In addition to that," he said, "District Nine will serve free refreshments at intermission. How can you lose on a deal like that?"

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