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PERB Rules Employment Division Should Pay Employee Travel Costs

The Public Employee Relations Board has ruled the Employment Division should reimburse a group of employees who were forced to move because their jobs were abolished.

The problem began a year ago when the Employment Division, because of a shortage of funds, abolished a number of positions in various classifications in its field offices located throughout the state.

Employees were notified they would be transferred to different locations around the state, but the agency said it would not pay their moving costs.

OSEA objected to the refusal. Its collective bargaining contract with the Employment Division 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."

After the Association made its objection known, the agency rescinded the notices of transfer and told employees their positions were being abolished and that they would be laid off. Employees were told they could choose from a list of vacant positions in their classification or elect to be demoted in lieu of layoff. Reimbursement for moving expenses was again denied.

OSEA argued that employees could not be laid off because of their service credit ranking, and protested the notice as improper. Some employees were transferred anyway, and the agency would not pay their moving costs.

OSEA staff attorney John S. Irvin filed a complaint with the PERB charging the Employment Division with failure to comply with the Association's contract.

The matter was heard in May by hearing officer James Daniels. He issued a proposed ruling which said the evidence showed the agency would not benefit from the transfers and held there was no violation of the contract. The matter then went to the full board.

Irvin argued before both Daniels and the board that when an employee's position is abolished and he has too many service credits to permit him to be laid off, it is the agency's obligation to transfer him to another position.

Fulfillment of that obligation, he contended, was a "benefit" to the agency, and offering the employee his choice from a list of vacant positions could not avoid the obligation nor nullify the benefit.

The board agreed. It said the "record supports the fact an employer loses both experience and training when a career employee leaves and a new employee must be recruited. Accordingly, we must conclude that the Employment Division benefitted by the retention of these employees."

It rejected Daniels' proposed ruling and said the employees should be reimbursed for their moving expenses.

Court Rules PERB Has Little Authority in Bargaining Cases

The Public Employee Relations Board does not have authority to order a state agency to stop violating a bargaining contract, nor does it have the power to stop practices which constitute a refusal to bargain in good faith.

That was the ruling of Marion County Circuit Judge Duane Ertsgaard in a recent case involving the University of Oregon Medical School and a local of the American Federation of State, County and Municipal Employees Union.

After hearing the case, the PERB found the Medical School to be in bad faith and ordered it to bargain in good faith. The agency contended the decision was arbitrary, erroneous and beyond the board's authority and appealed it to the Marion County Circuit Court.

Judge Ertsgaard agreed with the Medical School by ruling the board had no authority to issue an order directing a public employer to bargain in good faith. He said the law only gives the board authority to "make findings and publish them."

That weakness in the law is corrected by the

Lubersky Gets New PERB Appointment

Gov. Tom McCall has reappointed William Lubersky to a three-year term on Oregon's Public Employee Relations Board.

Lubersky, a Portland attorney and former president of that city's chamber of commerce, was first appointed to the PERB in 1970.

The other two members of the board are J. W. Forrester, Jr., editor and publisher of the Pendleton East Oregonian, and Paul Bailey, also a Portland attorney.

McCall Opens Bond Drive

Gov. Tom McCall opened the annual U. S. Savings Bond Payroll Savings Campaign for Oregon's state employees last week.

"Each of us is aware of the importance of providing for a future rainy day, for our children's education, or for a new home or retirement. Yet, in these times of increasing demands upon our incomes, many of us find it extremely difficult to set aside even a small portion of our pay checks on a systematic basis," McCall said.

"I'm convinced that one of the best -- and least painful -- investments any of us can make for our future is in the form of U. S. Savings Bonds through the payroll savings plan," he said.

McCall appointed Gil Bellamy, administrator of the Oregon Traffic Safety Commission, as general chairman of the campaign.

collective bargaining bill -- HB 2263 -- passed by the 1973 legislature. The measure currently is being challenged by a referendum drive, however, and it is not known when, if ever, the bill will become law.

Refusal to bargain in good faith and violation of a bargaining contract are two items on a list of designated "unfair labor practices" in HB 2263.

The bill says the PERB may not only investigate and make findings on complaints of unfair labor practices, but may also order the party at fault to "cease and desist from the unfair labor practice."

CASE Will Attend OSEA's Convention

Citizen Action by State Employees -- OSEA's political action arm -- will have a "membership table" at the Association's General Council in Portland this fall.

That was one of the decisions made by the CASE Administrative Committee which met at OSEA's headquarters building in Salem recently.

Howard R. Walp, chairman of the committee, said Judy Copeland will be in charge of the effort to sell CASE memberships at the three-day convention. She is a member of Motor Vehicle Chapter 86 in Salem.

In addition, the committee agreed to offer two-year as well as one-year CASE memberships. Walp said that will allow full tax credit if paid in an election year. One-year memberships sell for \$10.

The committee also voted to repay the final \$250 of its loan from the Association. OSEA loaned CASE the money to get the organization started. The loan has been paid in full.

CASE presently has 58 members and a bank balance of \$1,050.

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