

OSEA awaits decision on four legal actions

OSEA and its executive director currently are involved in four legal actions: the NLRB charge; the mail fraud investigation; the fair share class action suit, and the civil rights division complaint.

THE NLRB CHARGE -- The National Labor Relations Board (NLRB) investigates unfair labor practice complaints, conducts bargaining unit elections and generally administers federal labor relations law nationwide in much the same manner as the Employment Relations Board (ERB) does in the public sector here in Oregon.

Three former staff members, Angelo Stephenson, Bud Bailey and Rod Brown, filed with the NLRB office in Portland a complaint alleging that their dismissals in March and April of 1978 were the result of their union activities on behalf of staff members -- an unfair labor practice.

Testimony was taken in the late summer before an administrative law judge employed by the NLRB. His decision is expected, literally, any day.

THE MAIL FRAUD INVESTIGATION -- In October 1978, Angelo Stephenson, a former staff member, went to the U.S. Attorney in Portland, asked for and received federal immunity, and then alleged that he and OSEA's executive director had committed mail fraud in connection with the election to ratify the current central agreement. Fair share also was voted on in that election and passed, under law at the time, in 19 of the 40-some state agencies covered by the contract.

As recently as Jan. 16, the U.S. Attorney completed taking testimony for those he wanted to speak with. Throughout this investigation, from the time in October when federal agents showed at OSEA headquarters with warrants for the ballots until now and in the future, OSEA has and will cooperate completely with the authorities.

After studying the record, the U.S. Attorney will decide whether there is a case to take to the grand jury.

While OSEA leaders are anxious that the investigations reach some sort of resolution, the U.S. Attorney's decision may be years away at this time. He may wait until the outcome of the fair share suit.

THE FAIR SHARE SUIT -- Two fair share payers in the Motor Vehicle Division have been solicited to file a class action suit. Jurisdiction in that suit has been accepted by the Multnomah County Circuit Court.

This, presently, is the most active legal action going. On Dec. 7, 1978, the suit was filed. OSEA attorneys have taken sworn depositions from several of the people involved in the suit. On Jan. 29 the court will decide whether to continue to withhold fair share monies from OSEA until the outcome of this case has been decided. On Feb. 16 the court will decide whether the two Motor Vehicles employees in fact represent the class they claim to and on April 16 the trial will begin.

The sole basis of this suit appears to be the affidavit mentioned above that Angelo Stephenson gave to the U.S. Attorney.

THE CIVIL RIGHT COMPLAINT -- This is a charge brought against our executive director and OSEA by a recently-retired staff member.

This action is the most difficult to write about because of the danger of jeopardizing either our case or the former staff member's rights. Ironically, it

also has been the subject of the most injurious coverage in the commercial media.

This charge does have an interesting history within the

civil rights division of the Bureau of Labor which we have become aware of. The former staff member filed the charge on April 6. On April 11 mention of the filing of the complaint was reported in the commercial press. On April 15 the complaint was included among the charges brought by a group of members and delivered at a regular Board meeting by two outside attorneys. Finally, on April 17 official notification of the complaint reached the Association headquarters in Salem.

The next step of the procedure was an investigation by an employee of the civil rights division. When this was completed, sources within the Bureau of Labor tell us, the investigation report went directly to the office of Bill Stevenson, the Commissioner of Labor who just left office. Several sources presently working within the Bureau tell us that the investigation report was completely rewritten in the direction of Stevenson. On Dec. 7, the rewritten investigation report was made public in the press. Again, it was not until several days later that official notification of the rewritten investigation was received by OSEA.

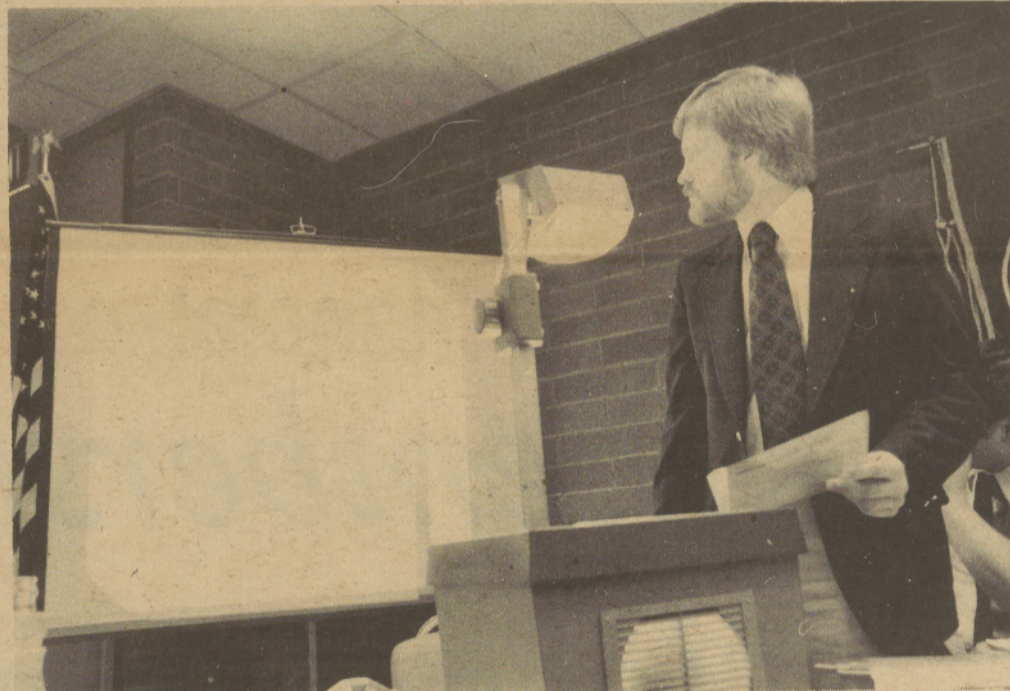
The very day that the results of the rewritten investigation first appeared in the Portland media -- Dec. 7 -- state employees working in the Bureau of Labor first called to tell us about the irregularities in the handling of this particular matter.

Also, on Dec. 29 OSEA received a letter from the Bureau of Labor stating that the Bureau was going to forward the file of the case to the Justice Department unless we OSEA advised them by the 29th that we were ready to begin the conciliation process. Dec. 29 was Bill Stevenson's last day in office.

Investigations, conciliation, public hearing, etc. on matters like these in the Bureau of Labor commonly take years to complete. This matter was not handled in the usual fashion.



Vern Smith, Barbara Baxter and Dori Beeks in gallery.



Johnson had graphs of membership loss.

Membership accountability invoked by MR chairman

All districts in OSEA except for District 9 started the New Year below their 1978 high. Some districts have dropped precipitously.

At the Jan. 13 regular meeting of the Board of Directors, the Membership Relations Committee chairman noted that according to the Association by-laws (Article 10, Section 6, f and g), the assistant district directors are the district public

relations and membership chairmen. In that capacity, they are to make a report on membership in their district at each Board meeting. The Membership Relations Committee chairman said that he was invoking that provision and will start requiring those reports.

The drop in membership is one of the biggest causes of the

Association's current financial problem.

The membership loss, and the internal problems which have been going on for a year, also weaken OSEA's position at the bargaining table. Just as this issue was going to press, negotiators for OSEA and for the Executive Department were sitting down for their first meeting in the current round of central agreement negotiations.