Employment board rules County treated employees unlawfully

Marion County Courthouse

Photo courtesy of Marion County

By JOEY CAPPELLETTI
For the Keizertimes

The State of Oregon's Employment Relations Board ruled on Oct. 29 that Marion County committed an unfair labor practice earlier this year when it forced county employees to return to in-person work and refused to bargain with the employee's union over the change.

The ruling sided with the Marion County Employees Association, the union that represents about 1,000 county employees, and requires that the county bargain with the employee's union and find a solution within 30 days. If both sides are unable to reach an agreement, the Employment Relations Board will decide the final resolution.

"This is a big win for workers in Marion County who have struggled to have their concerns heard and addressed, and have felt everything but protected since the pandemic began," wrote SEIU Local 503, the union that represents 72,000 workers across Oregon, in a statement on Nov. 1.

The complaint, filed by the union on Sept. 3, came after the county revoked a temporary telework policy that had been in place since April 2020 and required all county employees to return to in-person work within six weeks.

"As vaccinations rates continue to rise, we anticipate the Oregon state of emergency will conclude in the coming weeks," Chief Human Resources Officer Michelle Shelton wrote to all county employees on June 10. The county gave all employees until July 19 to return to in-person work.

In the Sept. 3 complaint, the union claimed that the county refused to bargain with them over the forced return to in-person work, which they said was in violation of Oregon's public employee rights. The complaint said that the county's "sudden return to in-person work posed a substantial risk to (employee's) health and safety" and the union wanted more flexibility for some employees to work from home.

Under Oregon law, public employers are required to bargain with employee representatives "before making a change in the status quo concerning a subject that is mandatory for bargaining." The county contended, however, that the return to in-person was simply a return to the status quo, not a departure from it, which wouldn't require them to bargain with the union.

In their ruling on Oct. 29, the state Employment Relations Board agreed with the union that the county's decision to revoke the teleworking policy, which had been in place for 15 months, was in fact a change in the status quo.

"Although there is no bright line on when a temporary emergency-related change becomes the status quo, 15 months is more than sufficient to establish that the Temporary Telework Policy here became the status quo, such that the County was required to bargain a change to that policy," the Employment Relations Board wrote in their ruling.

Additionally, Oregon law requires bargaining for safety issues that have a direct and substantial effect on the on-the-job safety of public employees, which the board ruled the county also violated.

The board's ruling states that the county must bargain with the union and both sides have 30 days to reach an agreement to remedy the situation. If they are unable to reach an agreement within the 30-day bargaining period, each party shall submit a proposed remedy to the employment board and they will make a ruling.

The ruling also requires the county to transmit a notice to all employees that they committed an unfair labor practice and that they must now bargain with the union.

"Employees haven't felt heard or respected by the county. This gives them hope that their union is fighting for them and trying to hold the county accountable. It's our job to make sure those rules are followed," said Trish Shaw, president of the Marion County Employees Association.

Questions or concerns? Contact the reporter via email: editor@keizertimes.com