

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. RC-001-21

(REPRESENTATION)

IBEW LOCAL 89,)	
)	
Petitioner,)	
)	
v.)	ORDER CERTIFYING
)	EXCLUSIVE REPRESENTATIVE
OREGON LEGISLATIVE ASSEMBLY,)	(ELECTION RESULTS)
)	
Respondent.)	
)	

On January 13, 2021, Petitioner IBEW Local 89 filed a petition under ORS 243.682(2) and *current* OAR 115-025-0031(1)¹ to request an election for a bargaining unit comprised of the following classifications:

“Legislative Assistant I, Legislative Assistant II, Legislative Assistant III, and Legislative Assistant IV supporting elected officials in the Oregon Legislative Assembly, excluding supervisory, managerial, confidential, and caucus employees.”

On February 4, 2021, Respondent Oregon Legislative Assembly filed objections to the petition on multiple grounds. A hearing was conducted by Administrative Law Judge Jennifer Kaufman, and the matter was transferred to the Board. On April 6, 2021, the Board determined that Respondent’s objections were not valid and issued an Interim Order Directing an Election. That interim order is incorporated into and appended to this final order.

On May 6, 2021, the Board’s Election Coordinator sent ballots to eligible voters. One hundred and thirty-six valid ballots were returned by the deadline of May 27, 2021, which constitutes the date of the election.² OAR 115-025-0072(1)(b)(A). A tally of ballots was held on May 28, 2021. Before the tally, Respondent challenged 30 ballots on the basis that the employees

¹Effective January 7, 2021, the Board’s Division 25 rules were modified.

²Two ballots were deemed invalid and voided because they lacked the required signature on the ballot envelope.

who cast those ballots are supervisory employees under ORS 243.650(23)(a) or managerial employees under ORS 243.650(16), or both, and therefore were ineligible to vote. Pursuant to OAR 115-025-0073(2)(b), those ballots were impounded. The remaining 106 ballots were counted, with 75 ballots cast for IBEW Local 89 and 31 ballots cast for no representation. Because “the number of challenges will not affect the outcome of the election,” the Respondent’s challenges “will not be resolved,” pursuant to OAR 115-025-0073(2)(c).

On the same date as the ballot tally (May 28, 2021), the Election Coordinator provided the parties with the tally of ballots. OAR 115-025-0073(1). Objections to the conduct of the election (or conduct affecting the results of the election) were due within ten days of furnishing the ballot tally to the parties (*i.e.*, by June 7, 2021). OAR 115-025-0075(1)(a). No objections were filed. Accordingly, it is certified that

IBEW LOCAL 89


is the exclusive representative of a bargaining unit comprised of the following classifications:

“Legislative Assistant I, Legislative Assistant II, Legislative Assistant III, and Legislative Assistant IV supporting elected officials in the Oregon Legislative Assembly, excluding supervisory, managerial, confidential, and caucus employees.”

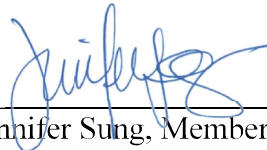
DATED: June 8, 2021.



Adam L. Rhynard, Chair



Lisa M. Umscheid, Member



Jennifer Sung, Member

This Order may be appealed pursuant to ORS 183.482.