EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-2-05

(UNFAIR LABOR PRACTICE)

UNION-BAKER ESD ASSOCIATION, Complainant, v. UNION-BAKER EDUCATION SERVICE DISTRICT, Respondent.	)	FINDINGS AND ORDER ON COMPLAINANT'S PETITION FOR REPRESENTATION COSTS

On March 16, 2006, this Board issued an Order which held that the Union-Baker Education Service District (District) violated ORS 243.672(1)(e) when it refused to provide certain information to the Union-Baker ESD Association (Association). 21 PECBR 286 (2006). On March 24, 2006, the Association petitioned for representation costs. The District did not object to the petition.

Pursuant to ORS 243.676(2)(d) and OAR 115-035-0055, this Board finds:

1. The Association filed a timely petition for representation costs and the District did not object to the petition.

2. The Association is the prevailing party.

3. The Association requests an award of $3,202.50 in representation costs. According to the affidavit of counsel, this represents 23.7 hours billed variously at $135 and $140 per hour.

The parties submitted this matter on stipulated facts in lieu of a hearing. The average time spent on stipulated fact cases of similar complexity is approximately

16-25 hours. *AFSCME Local 189 v. City of Portland,* Case No. UP-1-05, 21 PECBR 527 (2006) (Rep. Cost Order). The Association's request is within that range.

The hourly rate is reasonable. *E.g., Lebanon Association of Classified Employees v. Lebanon Community School District,* Case No. UP-33-04, 21 PECBR 557 (2006) (Rep. Cost Order) (hourly rate of $135-$140 is reasonable); *Enterprise Education Association v. Enterprise School District No. 21,* Case No. UP-16-04, 21 PECBR 413 (2006) (Rep. Cost Order) (same).

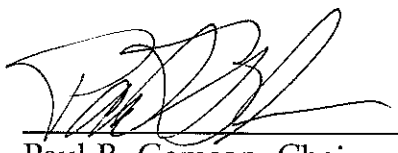
4. The complaint alleged the District violated ORS 243.672(1)(e) when it refused to give the Association certain information it requested. We concluded that the information was potentially relevant to grievances the Association was considering, and we ordered the District to provide the information. We typically make an average award in refusal to provide information cases. *Oregon AFSCME Local 3581 v. State of Oregon, Real Estate Agency,* Case No. UP-42-03, 21 PECBR 411 (2006) (Rep. Cost Order). An average award is roughly one-third of the representation costs reasonably incurred. *Lincoln County Education Association v. Lincoln County School District,* Case No. UP-14-04, 21 PECBR 189 (2005) (Rep. Cost Order).

Having considered the purposes and policies of the Public Employee Collective Bargaining Act, our awards in prior cases, and the reasonable cost of services rendered, this Board awards the Association representation costs in the amount of $1,050.

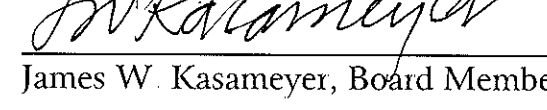
ORDER

Respondent will remit $1,050 to Complainant within 30 days of the date of this Order.

DATED this 17th day of April 2007.



Paul B. Gamson, Chair



James W. Kasameyer, Board Member

This Order may be appealed pursuant to ORS 183.482.