

Pursuant to OAR 115-35-055, this Board makes the following findings:

1. Complainant filed a timely petition for representation costs. Respondent filed timely objections to the petition.
2. Complainant is the prevailing party.
3. Complainant requests an award of \$3,500, the maximum amount allowed under our rules. According to the affidavit of counsel, the reasonable value of representation services incurred in this matter is \$9,590, based on 54.8 hours at \$175 per hour.

This matter required a one-day hearing. The number of hours claimed is slightly higher than the average in similar cases, and the hourly rate is considerably higher than average. We take these factors into account and will reduce the request accordingly.

4. This dispute arose when Respondent changed the minimum qualifications for promotion to sergeant without first notifying Complainant and bargaining over the impacts of the change. The parties agreed that the qualifications for a position concerns a permissive subject for bargaining. We found, however, that the change had an impact on mandatory subjects and that Respondent was therefore required to notify Complainant and bargain over those impacts. We concluded that Respondent's failure to do so violated ORS 243.672(1)(e).

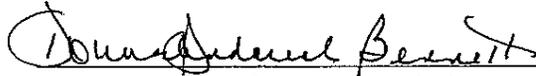
We typically make an average award (approximately one-third of the adjusted representation costs) in unilateral change cases. *Hillsboro Education Association v. Hillsboro School District*, Case No. UP-7-02, 20 PECBR 655 (2004) (Rep. Cost Order). No other factors favor an award that is either above average or below average.

Having considered the purposes and policies of the Public Employee Collective Bargaining Act (PECBA), our awards in prior cases, and the reasonable cost of services rendered, this Board awards Complainant representation costs in the amount of \$2,000.

ORDER

Respondent will remit \$2,000 to Complainant within 30 days of the date of this Order.

DATED this 22nd day of November 2005.



Donna Sandoval Bennett, Chair



Paul B. Gamson, Board Member



James W. Kasameyer, Board Member

This Order may be appealed pursuant to ORS 183.482.

