

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-18-99

JEFFERSON COUNTY,)
)
Complainant,)
v)
OREGON PUBLIC EMPLOYEES)
UNION,)
Respondent.)

FINDINGS AND ORDER ON
RESPONDENT'S PETITION
FOR REPRESENTATION COSTS

This Board issued an Order in this matter on December 16, 1999. Respondent filed a petition for representation costs on January 6, 2000. Complainant filed objections to the petition on January 28, 2000. Complainant also filed a petition for judicial review. The Court of Appeals issued a decision on May 2, 2001, reversing the Order and remanding the case back to this Board. An appellate judgment was issued on June 29, 2001. On March 5, 2003, this Board issued an Order on Remand, dismissing the complaint as moot.

We find that there is no timely petition for representation costs before us. Board Rule 115-35-055(2) provides in part that “[a] prevailing party must file a petition for representation costs within 21 days of the date of the issuance of the Board Order in the case *for which costs are requested.*” (Emphasis added.)

Respondent’s petition for representation costs was based on our original Order dismissing the complaint because Complainant did not have standing. That determination was reversed by the Court of Appeals. On remand, given a variety of changed circumstances, we concluded that the complaint was moot.

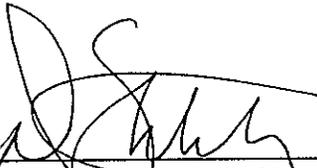
Respondent was the prevailing party in the Order on Remand and could have filed a petition for representation costs based on that order. It did not.

Respondent's original petition for representation costs is not timely with respect to the Order on Remand, nor does it apply to that order. The petition will be dismissed.

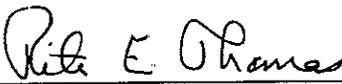
ORDER

The petition is dismissed.

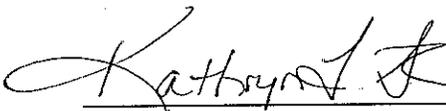
DATED this 19th day of May 2003.



David W. Stiteler, Chair



Rita E. Thomas, Board Member



Kathryn T. Whalen, Board Member

This Order may be appealed pursuant to ORS 183.482.