

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-24-06

(UNFAIR LABOR PRACTICE)

BENTON COUNTY DEPUTY)	
SHERIFF'S ASSOCIATION,)	
)	
Complainant,)	FINDINGS AND ORDER
)	ON COMPLAINANT'S
v.)	PETITION FOR
)	REPRESENTATION COSTS
BENTON COUNTY,)	
)	
Respondent.)	
_____)	

On May 14, 2007, this Board issued an Order which held that Benton County (County) violated ORS 243.672(1)(e) when it refused to provide certain information to the Benton County Deputy Sheriff's Association (Association). 21 PECBR 822 (2007). On June 1, 2007, the Association petitioned for representation costs. On June 21, 2007, the County objected 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 County filed timely objections to the petition.
2. The Association is the prevailing party.
3. The Association requests an award of \$3,230 in representation costs. According to the affidavit of counsel, this represents 16.15 hours billed at \$200 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 at the low end of that range.

The Association's requested hourly rate exceeds the average in similar cases. 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). We will take this factor into account in determining the Association's reasonable representation costs.

4. The complaint alleged the District violated ORS 243.672(1)(e) when it refused to give the Association certain information it requested. Specifically, the County refused to give the Association the name of the person who made a complaint against a bargaining unit member which resulted in a County investigation and an Association grievance concerning the matter. We concluded that the information was potentially relevant to the Association's grievance, and we ordered the County 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 \$750.

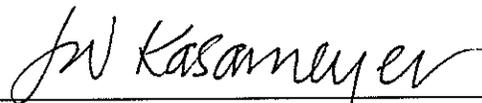
ORDER

Respondent will remit \$750 to Complainant within 30 days of the date of this Order.

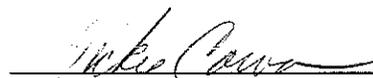
DATED this 10 day of September 2007.



Paul B. Gamson, Chair



James W. Kasameyer, Board Member



Vickie Cowan, Board Member

This Order may be appealed pursuant to ORS 183.482.