

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No UP-64-01

(UNIT CLARIFICATION)

PORTLAND POLICE ASSOCIATION,)
)
 Complainant,)
)
 v.)
)
 CITY OF PORTLAND,)
)
 Respondent.)
 _____)

FINDINGS AND ORDER ON
RESPONDENT'S PETITION
FOR REPRESENTATION COSTS

This Board issued an Order on May 20, 2003. Respondent filed a petition for representation costs on June 10, 2003, and Complainant filed objections to the petition on June 27, 2003. Complainant appealed the Order to the Court of Appeals on July 18, 2003, but later moved to withdraw the appeal on grounds that the matter had been settled. The Court of Appeals dismissed the appeal on June 16, 2004. Pursuant to Board Rule 115-35-055, this Board makes the following findings:

1. Respondent is the prevailing party
2. Respondent's cost petition and Complainant's objections were both timely
3. Respondent requests representation costs of \$3,500, the maximum allowed under Board rules in most circumstances. The request is based on 97.17 hours of legal services valued at \$97.49 an hour. Respondent asserts that it incurred legal costs of \$9,524.77 in defending against the complaint.
4. The case required two days of hearing, post-hearing briefs, and oral argument before this Board. The hourly rate is well below the average. The number of hours is reasonable for a two-day hearing.

5. Complainant charged that Respondent violated ORS 243 672(1)(e) by agreeing to a "parity" clause with another of the labor organizations representing Respondent's employees. The issue presented by the complaint had not previously been squarely addressed by this Board. It is our practice not to award substantial representation costs in cases presenting issues of first impression.

Having considered the appropriate charges for services rendered, our awards in similar cases, and the purposes and policies of the Public Employee Collective Bargaining Act, this Board awards Respondent representation costs of \$1,900.

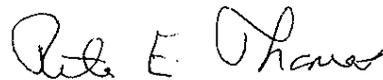
ORDER

Complainant shall remit \$1,900 to Respondent within 30 days of the date of this Order

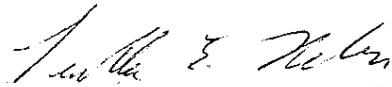
DATED this 22nd day of June 2004.



Paul B. Gamson, Chair



Rita E. Thomas, Board Member



Luella E. Nelson, Board Member

This Order may be appealed pursuant to ORS 183.482