

PECBA Fundamentals and More—Negotiations and Unfair Labor Practice Complaints

Employer Unfair Labor Practices under ORS 243.672(1):

- (a) Interfere with, restrain or coerce employees in/because of exercise of rights under ORS 243.662.
- (b) Dominate, interfere with or assist in formation or administration of employee organization.
- (c) Discriminate in regard to hiring, tenure or terms or condition of employment for purpose of encouraging or discouraging membership in an employee organization.
- (d) Discharge or otherwise discriminate against an employee because employee has signed or filed an affidavit, petition or complaint or has given information or testimony under ORS 243.650 to 243.782.
- (e) Refuse to bargain collectively in good faith with the exclusive representative.
- (f) Refuse or fail to comply with any provision of ORS 243.650 to 243.782.
- (g) Violate the provisions of any written contract with respect to employment relations including an agreement to arbitrate or to accept the terms of an arbitration award, where previously the parties have agreed to accept arbitration awards as final and binding upon them.
- (h) Refuse to reduce an agreement reached during bargaining to writing and sign resulting contract.

Union Unfair Labor Practices under ORS 243.672(2):

- (a) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under ORS 243.650 to 243.782.
- (b) Refuse to bargain collectively in good faith with the public employer.
- (c) Refuse or fail to comply with any provision of ORS 243.650 to 243.782.
- (d) Violate the provisions of any written contract with respect to employment relations, including an agreement to arbitrate or to accept the terms of an arbitration award, where previously the parties have agreed to accept arbitration awards as final and binding upon them.
- (e) Refuse to reduce an agreement to writing and sign the resulting contract.
- (f) To engage in unconventional strike activity not protected for private sector employees including sitdown, slowdown, rolling, intermittent or on-and-off again strikes.
- (g) To picket or cause, induce, or encourage to be picketed, or threaten to engage in such activity, at the residence or business premises of any individual who is a member of the governing body of a public employer, with respect to a dispute over a collective bargaining agreement or negotiations over employment relations, if an objective or effect of such picketing is to induce another person to cease doing business with the governing body member's business or to cease handling, transporting or dealing in goods or services produced at the governing body's business.

ERB Procedures for Unfair Labor Practice Complaints:

- Complaint must be filed with ERB not later than 180 days following the occurrence of an unfair labor practice.
- \$250 filing fee.
- ALJ conducts informal investigation.
- ALJ either recommends dismissal of complaint or issues formal notice of hearing and service of complaint.
- Respondent has 14 days from service to file an answer.
- Respondent must pay \$250 fee to answer an unfair labor practice complaint.
- If Respondent fails to file a timely answer, it will be prohibited from presenting evidence at the hearing (absent a showing of good cause).