

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. RC-006-18

(REPRESENTATION)

UNITED ACADEMICS OF OREGON )  
STATE UNIVERSITY, AAUP/AFT, AFL-CIO,) )  
 )  
Petitioner, )  
 )  
v. )  
 )  
OREGON STATE UNIVERSITY, )  
 )  
Respondent. )  
\_\_\_\_\_ )

ORDER CERTIFYING  
EXCLUSIVE REPRESENTATIVE

On June 5, 2018, United Academics of Oregon State University, AAUP/AFT, AFL-CIO filed a petition under ORS 243.682(2)(a) to certify (without an election) a new bargaining unit of faculty employees (described below) of Oregon State University. A majority of eligible employees in the proposed bargaining unit signed valid authorization cards requesting that United Academics of Oregon State University, AAUP/AFT, AFL-CIO represent the designated bargaining unit.

On June 8, 2018, the Board’s Election Coordinator caused a notice of the petition to be posted by June 11, 2018. OAR 115-025-0030(3); OAR 115-025-0065. Pursuant to the terms of the notice posting, OAR 115-025-0030(3)(d), OAR 115-025-0065(7), and OAR 115-025-0075(1), objections to the proposed bargaining unit or a request for an election were due within 14 days of the date of the notice posting (*i.e.*, by June 25, 2018). Respondent Oregon State University did not object to the petition.<sup>1</sup> On June 25, 2018, the Board received a petition for an election under ORS 243.682(3)(a) and OAR 115-025-0075; however, that petition was not supported by the 30-percent showing of interest required by ORS 243.682(3)(b) and OAR 115-025-0075(1).<sup>2</sup>

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<sup>1</sup>The Board did receive a timely filed and properly served objection from an Oregon State University faculty member. That filing, however, objected generally to a “faculty union at Oregon State University” and to the inclusion of “tenured/tenure-track faculty” in the bargaining unit. The Public Employee Collective Bargaining Act expressly authorizes faculty bargaining units (tenured and otherwise) at public universities. *See, e.g.*, ORS 243.650(16), (23), ORS 243.682(1), and ORS 243.778. The objection does not set forth any other legal basis for not certifying the bargaining unit. Therefore, the objection does not present an issue of fact or law that warrants a hearing.

<sup>2</sup>The showing of interest provided with the petition purported to be “signatures [that] were collected electronically (via Qualtrics software).” Our rules do not authorize a showing of interest to be provided in this format. In any event, even if we were to accept the showing of interest submitted, the number of signatures did not meet the statutory requirement necessary for this Board to conduct an election.

Accordingly, it is certified that:

UNITED ACADEMICS OF OREGON STATE UNIVERSITY, AAUP/AFT, AFL-CIO

is the exclusive representative of the following bargaining unit for the purpose of collective bargaining:

“All faculty employed by Oregon State University with rank (including those on Academic Wage Appointments), as well as PostDoctoral Scholars and PostDoctoral Fellows, but excluding: (1) confidential employees; (2) faculty employed as a president, vice president, provost, vice provost, dean, associate dean, assistant dean, head or equivalent position; (3) faculty employed in an administrative position without a reasonable expectation of teaching, research or other scholarly accomplishments; (4) unclassified employees with No Rank; (5) faculty who are not considered supervisory under ORS 243.650(23)(c)(C), but supervise other faculty with rank (including those on Academic Wage Appointments), PostDoctoral Scholars, and/or PostDoctoral Fellows.”

DATED: June 27, 2018.



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Adam L. Rhynard, Chair



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Lisa M. Umscheid, Member



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Jennifer Sung, Member

This Order may be appealed pursuant to ORS 183.482.