



Employment Relations Board

Presentation to the Joint Committee On Ways and Means Subcommittee On General Government

Kathryn Logan
Board Chair

April 2, 2015



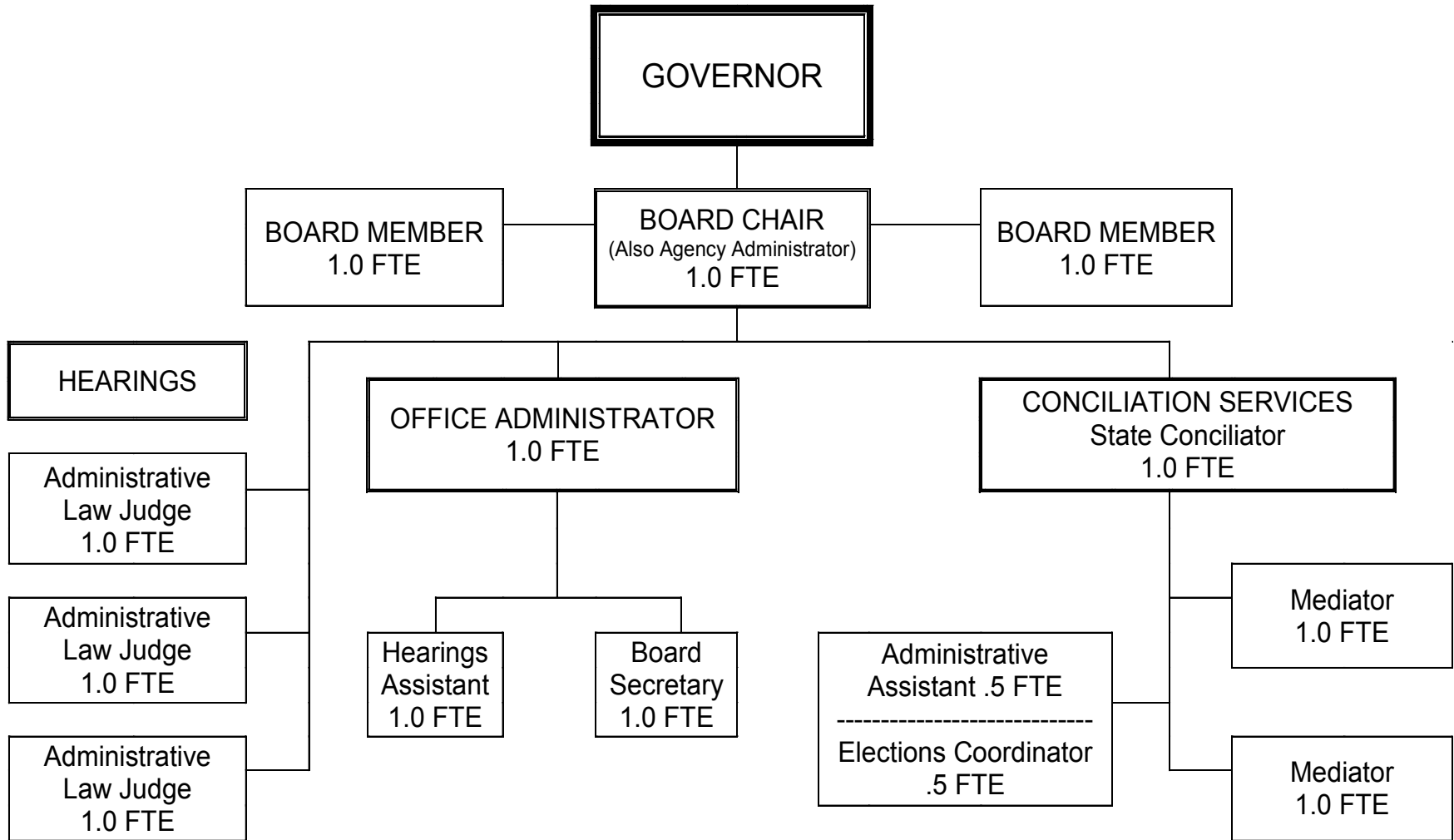
Agency Mission

Resolve disputes concerning employment relations for approximately 3,000 employers and 250,000 employees in the public and private sector under our jurisdiction.



Employment Relations Board

2013-2015 Organization Structure



Long-term Goals

- Assist in development of harmonious & cooperative relationships between public employers and their employees
- Implement the laws that protect the rights of public employees to organize and negotiate collectively with their employers
- Forestall interruption of public services due to labor disputes



Short-term Goals

- Maintain agency timeliness in responding to mediation requests and issuing recommended and final orders
- Continue stakeholder involvement in agency operations
- Address challenges raised by inefficient paper-based internal systems
- Adopt revised Key Performance Measures



The Past - 2012

Budget Note Direction

- Review administrative processes and procedures and make changes to improve the timely disposition of hearing and mediation cases
- Propose to the 2013 Legislature an expedited hearings process as well as statutory changes that improved the timely disposition of hearing and mediation cases
- Conduct a review of recent opinions issued by the Board and the administrative law judges to evaluate the quality of opinions issued and how to improve them
- Report on the number of frivolous claims received and recommendations for reducing such claims



The Past - 2013

Budget Note Actions

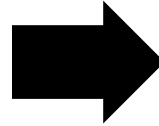
- Established timelines for issuing recommended and final orders
- Identified specific types of contested cases for expedited processing
- Involved stakeholders in a review of processes/procedures
- Established a general rules advisory group to review contested case rules
- Completed independent review of recent final and recommended orders
- Involved stakeholders in a discussion of actions filed by parties that lacked legal merit



The Present

Agency Action

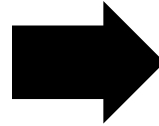
Eliminated backlog of cases



Result

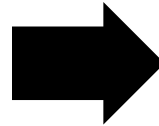
All pending cases timely

Reduced timelines for processing cases



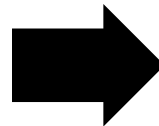
Since 2012: Average time for issuing orders reduced by 63%; Average time for issuing recommended orders reduced by 53%

Revised contested case rules with stakeholder assistance



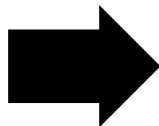
Clarified issues and enhanced communication with advocates who appear before us

Established on-going Rules Advisory Committee



Maintain communication and clarify issues

Revised Key Performance Measures



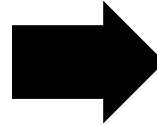
Worked with LFO to target performance areas over which the agency has control



The Present

Agency Action

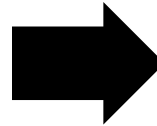
Reviewed internal processes to streamline tasks



Result

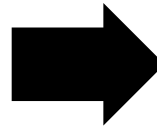
Greater internal efficiency. Highlighted need for electronic case management system.

Increased outreach to constituents/stakeholders



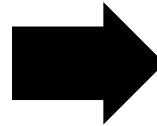
Greater communication with stakeholders

Reviewed state assessment covered employees



Added 1000 more covered state employees

Revised funding splits for personal services



Budget more transparent and easier to administer

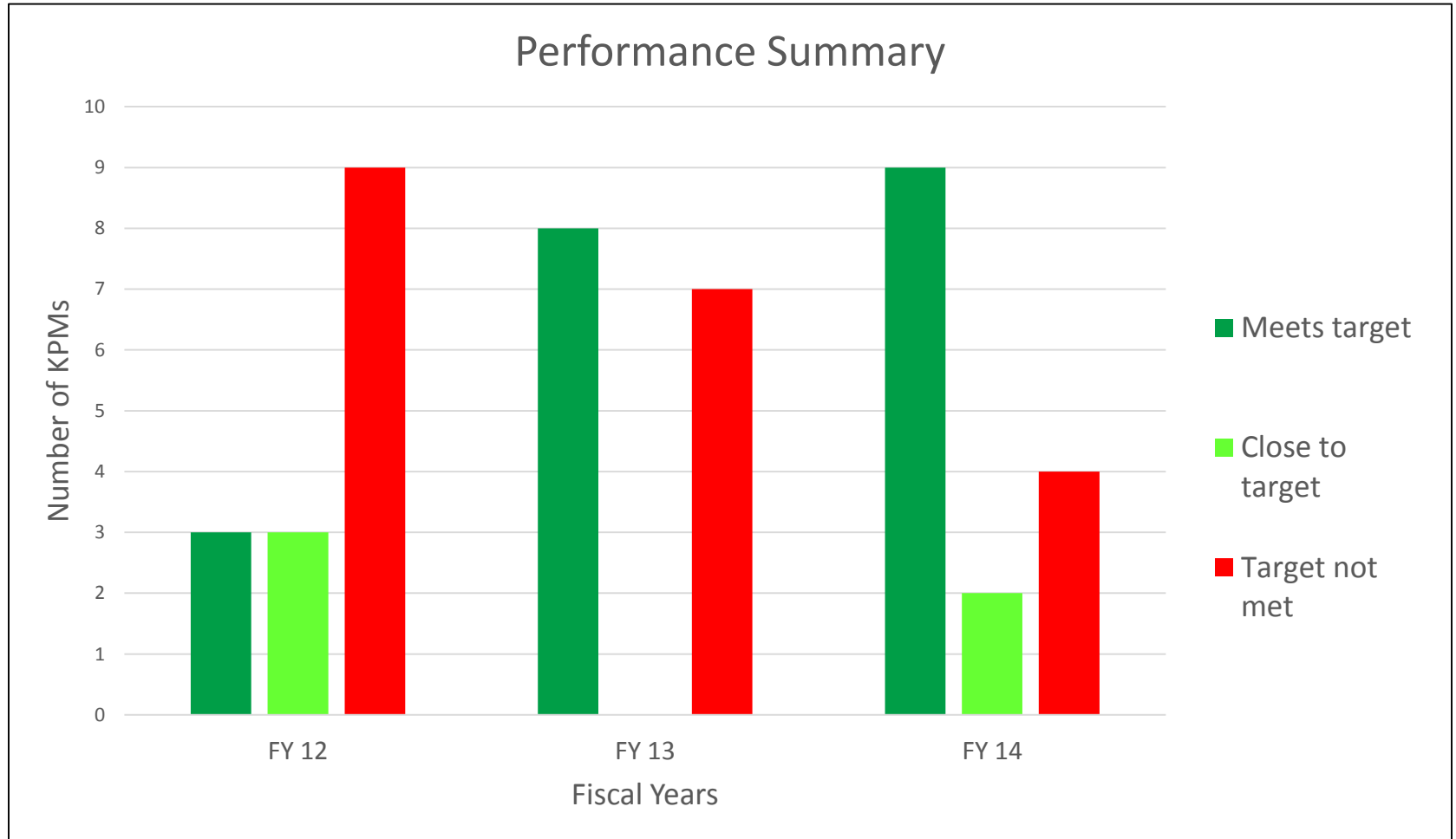


Current Key Performance Measures

KPM #	2013-2015 Key Performance Measures (KPMs)
1a	Union representation – Average number of days to resolve a petition for union representation when a contested case hearing is required.
1b	Union representation – Average number of days to resolve a petition for union representation when a contested case hearing is not required.
2a	Administrative Law Judge (ALJ) hearings – Average number of days from the date of filing of a contested case to the first date an ALJ is available to hear the case.
2b	Administrative Law Judge (ALJ) hearings – Average number of days from the date of filing of a contested case to the actual date of the hearing.
3	Settling cases – Percentage of cases assigned to an ALJ that are settled or withdrawn prior to hearing.
4	Recommended orders – Average number of days for an Administrative Law Judge to issue a recommended order after the record in a contested case hearing is closed.
5	Final Board orders – Average number of days from submission of a case to the Board until issuance of a final order.
6	Process complaints in a timely manner – Average number of days to process a case that involves a hearing, from the date of filing to the date of the final order.
7a	Appeals – Percentage of Board Orders which are appealed.
7b	Appeals – Percentage of Board Orders which are reversed on appeal.
8a	Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-permitted employees.
8b	Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-prohibited employees.
9a	Mediator availability – Average number of days following a request for mediation assistance in contract negotiations to the date a mediator is available to meet with the parties.
9b	Mediator availability – Average number of days following a request for mediation assistance in contract negotiations to the date the first mediation session occurs.
10	Customer Satisfaction – Percentage of customers rating their overall satisfaction with the agency’s customer service as “good” or “excellent:” overall, timeliness, accuracy, helpfulness, expertise, availability of information.



Key Performance Measures



Proposed Key Performance Measures

KPM #	15-17 Key Performance Measures
1	Union representation – Average number of days to resolve a petition for union representation when a contested case hearing is not required.
2	Recommended orders – Average number of days for an Administrative Law Judge to issue a recommended order after the record in a contested case hearing is closed.
3	Final Board orders – Average number of days from submission of a case to the Board until issuance of a final order.
4	Appeals – Percentage of Board Orders that are reversed on appeal.
5	Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-permitted employees.
6	Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-prohibited employees.
7	Mediator availability – Average number of days following a request for mediation assistance in contract negotiations to the date a mediator is available to meet with the parties.
8	Customer Satisfaction – Percentage of customers rating their overall satisfaction with the agency’s customer service as “good” or “excellent:” overall, timeliness, accuracy, helpfulness, expertise, availability of information.

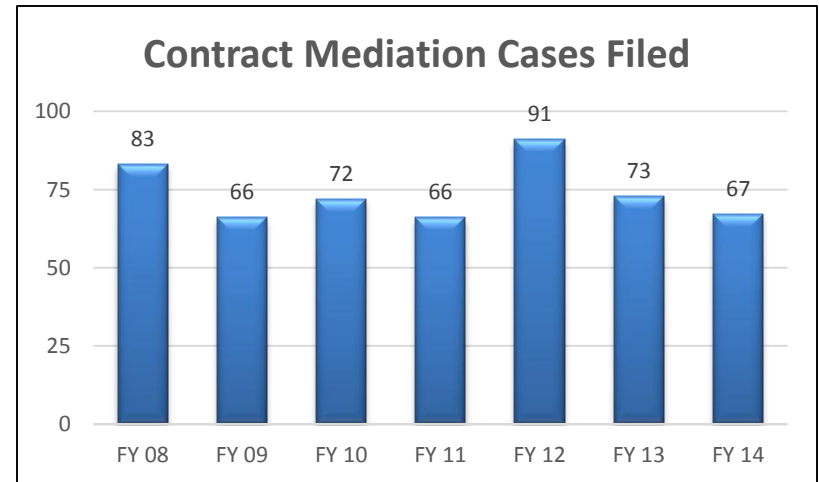
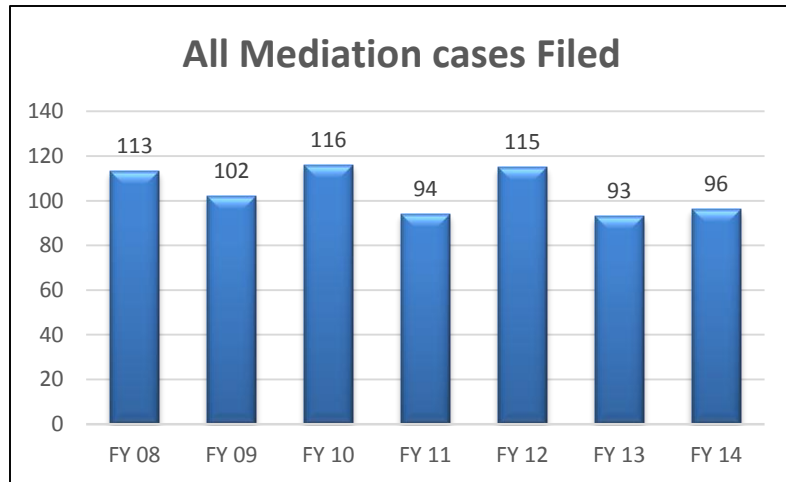
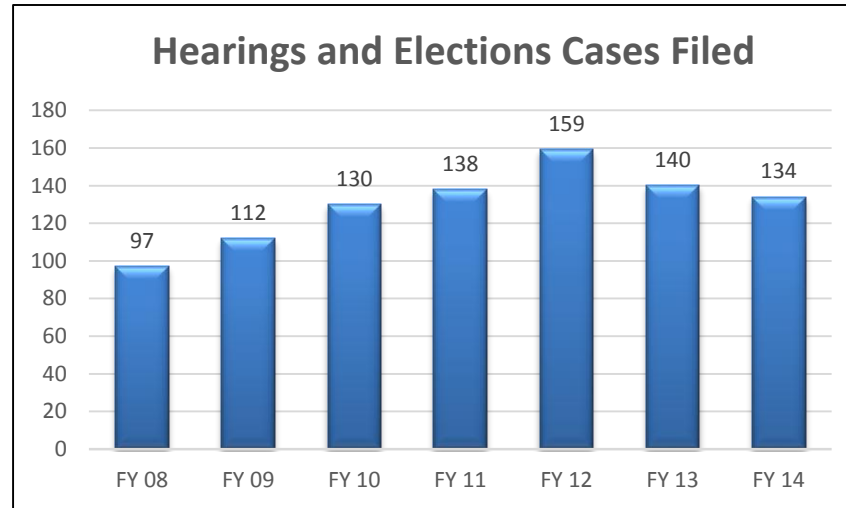


Workload drives budget

- 13 people to do the work
- State contract negotiations cyclical
- Other contract negotiations highly variable
- Hearings – 44 pending cases
- Mediation – 17 pending cases
- Legislation may affect workload
 - Ex., HB 2544



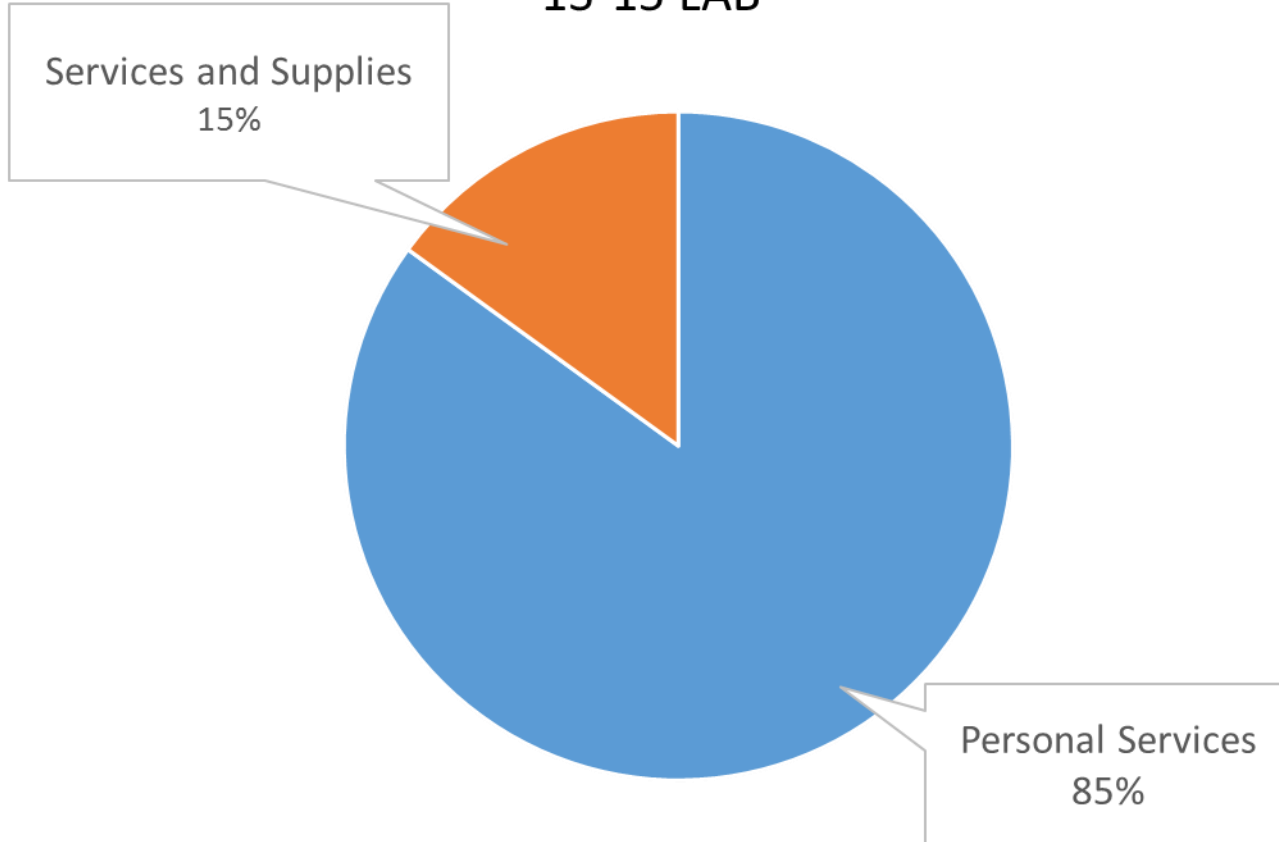
Workload Charts



Budget Drivers

Expenditures

13-15 LAB



Summary of Revenue

13-15 LAB

- **General Fund (54% of Budget)**
 - Historically funds the majority of agency's work
- **Other Fund Fee Revenue (7% of Budget)**
 - Three types of fees comprise this fund source
 - Fees for conciliation services
 - Fees for filing unfair labor practice complaints and answers
 - Miscellaneous Revenues (copies and faxes)
- **Other Funds State Assessment (39% of Budget)**
 - Per capita assessment on state agencies that helps fund the agency's work performed on behalf of the state and its employees



Proposed Changes in Revenue

- No Fee Revenue changes - statutory
- State assessment lost due to SB 270
 - U of O, PSU and OSU stopped payment on 7/1/14
 - Remaining universities will stop payment on 7/1/15
- Universities will pay fees instead
- Proposed state assessment rate - \$1.84



Proposed Changes in Revenue

- Increase in GF due to loss of state assessment and 050 package (\$226,391)
 - Make ERB more transparent
 - All employees handle state and local cases
 - Standardize salary splits to reflect workload (60/40)



Policy Option Packages

- 101 – Case Management System
 - Software project with NIC USA through DAS
 - Reduce reliance on paper-heavy manual systems
 - Necessary step to e-filing
- 103 – Upgrade current Office Administrator position
 - Budget duties currently match higher level position



Questions?



Employment Relations Board

Appendices for the
Presentation to the Joint Committee on Ways and Means
Subcommittee on General Government

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Appendix A

Policy Option Package 101

- Electronic Filing/Case Management System
 - Store data efficiently
 - Eliminate redundant manual tasks
 - Provide increased access to case materials
 - Reduce use of paper, printing and photocopying
 - Precursor to on-line filing

Services and Supplies			
Description	GF	OF	All Funds
IT Expendable Property	\$25,379	\$19,941	\$45,320
TOTAL Services and Supplies	\$25,379	\$19,941	\$45,320

The \$45,320 will be an on-going annual cost.

Appendix B

Policy Option Package 103

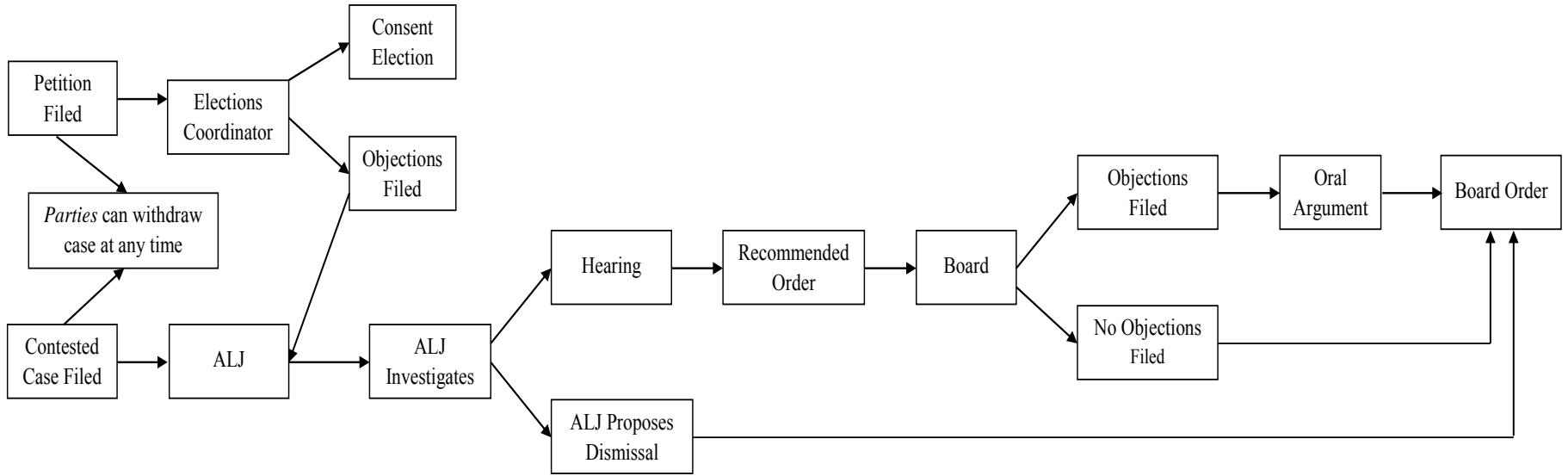
- Upgrade Office Administrator to Business Manager
 - Budget work is major focus of position
 - Restructure agency workload to maintain effectiveness

Class #	Class Name	# of Pos.	FTE	SR	Avg. Step	Avg. Salary	Avg. OPE	GF	OF	All Funds	
MESN Z7006 AA	PEM D	1	1.00	31	2	\$5,128	\$2,451	\$7,961	\$25,380	\$33,341	
								Salaries	\$0	\$0	\$0
								Overtime	\$0	\$0	\$0
								Non-PICS OPE	\$0	\$0	\$0
Total Personal Services								\$7,961	\$25,380	\$33,341	

Appendix C

Case Processing Flow Chart

Hearings and Elections

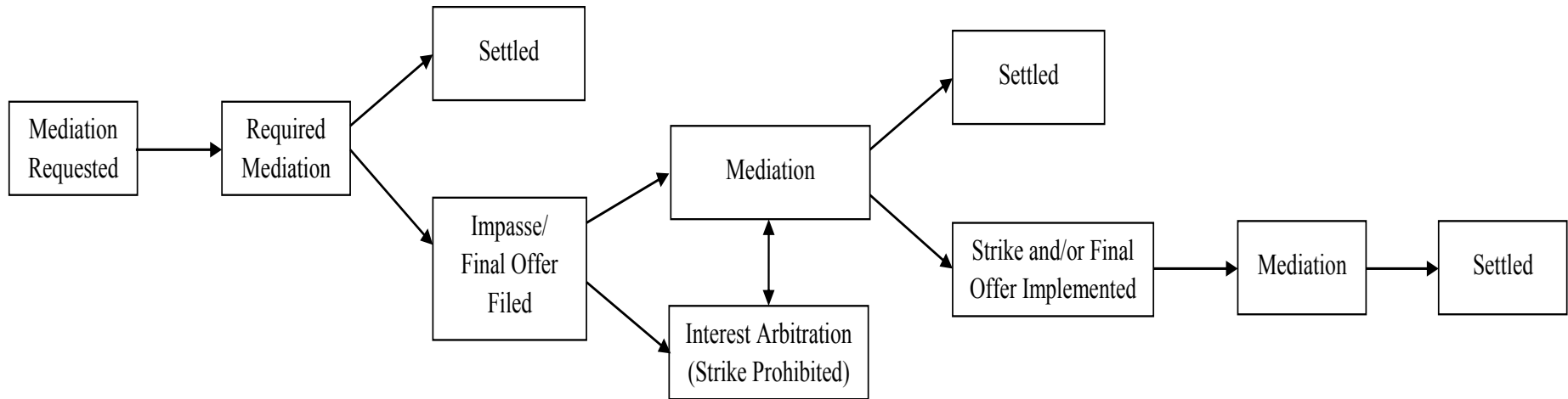


Cases can be withdrawn by parties prior to issuance of a Board Order

Appendix D

Case processing Flow Chart

Mediation



Appendix E

New Hires 13-15

Classification	Salary Range	Step	Justification
Legal Secretary	17	6	This employee came from the private sector. The employee was placed at an appropriate step to allow for a slight increase from previous position.
Administrative Law Judge	37	4	This is a former employee that returned. The employee was hired at the same step as when he left the agency.
Administrative Law Judge	37	4	This employee came from a Federal Agency. The employee was placed at an appropriate step to allow for a slight increase from previous position.
Administrative Law Judge	37	2	
PEM B (Office Manager)	26x	1	

Appendix F

ERB Fee Schedule

Unfair Labor Practice Filing Fees:

*ORS 243.672(3) for public sector, ORS 663.180 for private sector:

Complaint:	\$300
Answer:	\$300
Intervener:	\$300

*OAR 115-035-0035 (answer not filed until fee is received in public sector case);
 115-070-0000 and 0035 (answer in private sector case not filed until fee is received)

Arbitrator Panel Fees:

*OAR 115-040-0030(4); ORS 662.445(2)-private sector fee:

Application Fee:	\$50
Annual Fee:	\$100

Mediation Fees:

*OAR 115-080-0010(2) (fees for private sector contract mediation);
 *OAR 115-040-0005(1) (fees for public sector contract mediation).

Collective Bargaining Mediation:	\$1,000 for first two sessions
*ORS 240.610(2)	\$500 for third session
	\$750 for fourth session
	\$1,000 for each additional session

Grievance Mediation (OAR 115-040-0005(2)):	\$500 (\$250 for each party)
ULP Mediation (OAR 115-040-0005(3)):	\$500 (\$250 for each party)

Training:

*ORS 240.610 grants the Board authority to establish fees for training in interest-based problems solving.

*OAR 115-040-005(4)	Two-day training	\$2,500
	One-day training	\$1,500
	Half-day program	\$700

Facilitation:

*OAR 115-040-005(4)	\$60 per hour (includes travel time)
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Public Records Request Fees:

*OAR 115-010-0032(5)

Copies of transcript or document of public record certified as a true copy	\$1.50 per page
Other copies and public records Actual costs may include the cost to locate, compile, prepare, and deliver copies or to make available documents for inspection	\$.25 per page + actual costs
Copy of recording of a hearing	\$15.00 for the first CD \$10.00 for each subsequent CD
Subscription for copies of Board Orders	\$150.00 per calendar year

Note: As set forth by OAR 115-010-0032(5)(f), no fees will be charged to state agencies for providing copies of Board transcripts, tapes, orders, or any document or exhibit included in a case record which is not exempt from disclosure under ORS 192.410 to 192.505.

Fax Filing Fees:

*OAR 115-010-0115(2)(c) \$25

Appendix G

Reduction Options

Activity or Program	Describe Reduction	Amount and Fund Type	Rank and Justification
<i>Which program or activity will not be undertaken</i>	<i>Describe the effects of this reduction</i>	<i>GF (General Fund) OF (Other Funds)</i>	
<p>5% reduction</p> <p>1. Board & Administration: Three Board Members reduced to .9 FTE each for the Biennium</p> <p>2. All Programs: Reduce S&S</p>	<p>1. Reduction of Board hours would affect timeliness in case processing and create backlog to accrue</p> <p>2. Eliminate funding for Human Resources and Procurement services. Reduce funding for transcripts as well as Dues and Subscriptions. This will restrict ability to do business</p>	<p>Personal Services GF: \$74,523 <u>OF: \$58,553</u> \$133,076</p> <p>Services and Supplies GF: \$51,322 <u>OF: \$34,215</u> \$85,537</p> <p>Total Reduction GF: \$125,845 <u>OF: \$92,768</u> \$21613</p>	<p>This option will have the least impact. However it will restrict the Board's ability to issue final orders timely.</p>
<p>10% reduction</p> <p>1. Board & Administration: Three Board Members reduced to .8 FTE each for the Biennium</p> <p>2. Hearings: Reduce one Administrative Law Judge (ALJ) to .6 FTE</p> <p>3. All Programs: Reduce S&S</p>	<p>1. Reduction of hours would effect timeliness in case processing and create backlog to accrue</p> <p>2. Reduction of ALJ hours would affect timeliness in case processing and create backlog to accrue</p> <p>3. Eliminate funding for Human Resources and Procurement services. Reduce funding for transcripts as well as Dues and Subscriptions. This will restrict ability to do business</p>	<p>Personal Services GF: \$197,122 <u>OF: \$154,883</u> \$352,005</p> <p>Services & Supplies GF: \$51,132 <u>OF: \$34,088</u> \$85,220</p> <p>Total Reduction GF: \$248,254 <u>OF: \$188,971</u> \$437,225</p>	<p>This option will have severe impact. The length of time to process cases will increase.</p>