

# Memorandum

PREPARED FOR: Senate Committee on Rules  
DATE: September 15, 2023  
BY: Leslie Porter, Analyst  
RE: Legislative Review of Executive Appointments



## EMPLOYMENT RELATIONS BOARD

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The Governor has appointed the following individual to the Employment Relations Board subject to Senate confirmation.<sup>1</sup>

### Reappointee

Adam Rhynard of West Linn

### Term

October 1, 2023 – September 30, 2027

### Appointment/Confirmation Authority

[ORS 240.060 to 240.065 \(2021\)](#)

### Statement of Economic Interest<sup>2</sup>

Required.

### Composition<sup>3</sup>

The board consists of three Oregon residents (KHOSRAVI, O'GLASSER, **RHYNARD**) who must be:

- sympathetic with the application of merit principles to public employment;
- interested in public administration and in the development of efficient methods of selecting and administering personnel; and
- trained or experienced in labor-management relations and labor law or the administration of the collective bargaining process.<sup>4</sup>

When selecting members, the Governor must consider the interests of labor, management, and the public. No member of the board may hold, or be a candidate for, any public office. Members may have specified financial interests but must be on leave status or act outside of normal work hours when pursuing certain activities.

Members are paid a salary, with the chair receiving a higher salary than the other members.<sup>5</sup> Members serve four-year terms and may be removed by the Governor for

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<sup>1</sup> [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2019\)](#), [ORS 171.565 \(2021\)](#).

<sup>2</sup> [ORS 244.050 \(2021\)](#).

<sup>3</sup> [ORS 182.100 \(2021\)](#) for affirmative action policy and [ORS 236.115 \(2021\)](#) for diversity criteria.

<sup>4</sup> [ORS 240.060 to 240.065 \(2021\)](#).

<sup>5</sup> [ORS 240.071 \(2021\)](#).

cause.<sup>6</sup> The Governor appoints one of the members as chair to serve as the chief administrator of the board.<sup>7</sup> A majority of the members of the board constitutes a quorum.

## **Duties<sup>8</sup>**

The Employment Relations Board resolves disputes concerning labor relations for over 3,000 different employers and 250,000 employees in the public and private sectors under its jurisdiction. The board administers:

- the Public Employee Collective Bargaining Act, which governs collective bargaining in state and local government;
- the State Personnel Relations Law, which creates appeal rights for certain unrepresented state employees regarding some disciplinary and workplace actions; and
- the Private Employee Collective Bargaining Act, which governs collective bargaining for certain private-sector employees who are subject to the jurisdiction of the National Labor Relations Board.

The board must:

- establish procedures for, investigate, and resolve any disputes concerning the designation of an appropriate bargaining unit;
- establish procedures for, resolve disputes with respect to, and supervise the conduct of elections for the determination of employee representation;
- conduct proceedings on complaints of unfair labor practices by employers, employees, and labor organizations, and take such actions with respect thereto as it deems necessary and proper;
- adopt rules relative to the exercise of its powers and authority and to govern the proceedings before it;
- review any personnel action affecting an employee, who is not in a certified or recognized appropriate collective bargaining unit, that is alleged to be arbitrary or contrary to law or rule, or taken for political reason, and set aside such action if it finds these allegations to be correct;
- review and enforce arbitration awards involving employees in certified or recognized appropriate collective bargaining units;
- adopt such rules or hold such hearings as it finds necessary to perform the duties, functions and powers imposed on or vested in it by law;

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<sup>6</sup> [ORS 240.065 and 240.075 \(2021\)](#).

<sup>7</sup> [ORS 240.080 \(2021\)](#).

<sup>8</sup> [ORS 243.650 to 243.766 \(2021\)](#), [ORS 240.086 to 240.570 \(2021\)](#), [662.425 to 662.455 \(2021\)](#), [663.020 to 663.295 \(2021\)](#).



- employ such personnel as it considers necessary for the efficient administration of its vested duties;
- designate a member of the Oregon State Bar as counsel to assist it in the performance of its functions and duties;
- set standards for the assessment of administrative expenses and costs to the various divisions of the service in state government;
- receive, investigate, and adjudicate or otherwise resolve appeals, petitions, and complaints;
- through the chairperson, appoint a conciliator to head the State Conciliation Service;
- at the request of the Governor, instruct a conciliator to investigate any existing or imminent labor dispute or controversy in the public sector and report the facts of the dispute and the matters at issue to the Governor; and
- decide in each case whether the unit appropriate for the purposes of collective bargaining is the employer unit, craft unit, plant unit, or subdivision thereof.

The board may also:

- petition the appropriate circuit court for enforcement of any order issued by the board;
- hold such hearings and make such inquiries as it deems necessary to properly carry out its functions and powers;
- assess civil penalties for specified violations;
- administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by law;
- maintain such action or proceeding at law or in equity as it considers necessary or appropriate to secure compliance with the laws administered by the board;
- charge a fee for mediation services provided by the board;
- prevent any person from engaging in an unfair labor practice;
- on issuance of a complaint charging that any person has engaged in or is engaging in an unfair labor practice, petition the Court of Appeals for appropriate temporary relief or restraining order; and
- at all reasonable times have access to, for the purpose of examination, and the right to copy, any evidence of a person being investigated or proceeded against that relates to any matter under investigation or in question.



## Employment Relations Board

Agency: **Employment Department, Oregon**

Authorization: **ORS 240.060, .065 & .080**

Min Members: **3** Max Members: **3**

Term Length: **4** Term Limit: **None**

Senate Confirmation Required?: **Yes**

Policy Area: **Legal**

Board Admin: **Juril Stover**

Address:

**528 Cottage St NE, #400**

**Salem, OR 97301-3807**

**503-378-8610**

**juril.v.stover@oregon.gov**

## Current Appointments

**Ms Khosravi, Shirin A**

Term(s): **2/21/2022 - 6/30/2024**

Position Number: **1**

**O'Glasser, Benjamin**

Term(s): **4/26/2023 - 6/30/2025**

Management

Position Number: **2**

**Mr. Rhynard, Adam L**

Term(s): **10/1/2023 - 9/30/2027**

Public Member

**10/1/2019 - 9/30/2023**

Position Number: **3**

**10/1/2015 - 9/30/2019**

**3/15/2013 - 9/30/2015**

## Vacant Positions