



# Employment Relations Board

## Presentation to the House Interim Committee on Labor and Workforce Development

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Board Chair

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# Agency Historical Context and Statutory Responsibilities

- ERB is statutorily charged with administering 3 statutory schemes, over which it has exclusive jurisdiction:
  - 1. Public Employee Collective Bargaining Act (PECBA), enacted in 1973\*
  - 2. State Personnel Relations Law (SPRL)\*
  - 3. Private Sector Labor-Management

\*These two statutes represent almost all the agency's work.



# Agency Historical Context and Statutory Responsibilities

- Dispute resolution agency for all public sector employers, employees, and labor organizations that represent those employees.
  - State agencies
  - Local governments (Cities, counties, school districts, etc.)
- Implement the laws that protect the rights of public employees to organize and negotiate collectively with their employers
- Determine all representation matters regarding public sector employers, employees, and labor organizations
- Resolve appeals from State employees regarding certain types of personnel actions



# Major Changes in Public Sector Collective Bargaining in Last 10 Years

- 2018 US Supreme Court decision in *Janus v. AFSCME*.
- 2019 HB 2016 enacted to amend PECBA in response to *Janus* decision, including dues deduction dispute resolution process and union access provisions



# Statutory Changes 2023-2026

- 2023 (HB 2573)—directed ERB to develop procedures for using electronic signatures and an electronic record for a showing of interest
- 2024 (HB 4115)—modified definition of supervisor to exclude police officer sergeants who do not hire, fire, or impose economic discipline
- 2025 (HB 2944) –provided civil penalties for violations of ORS 243.804 (4) or 243.806 (7)

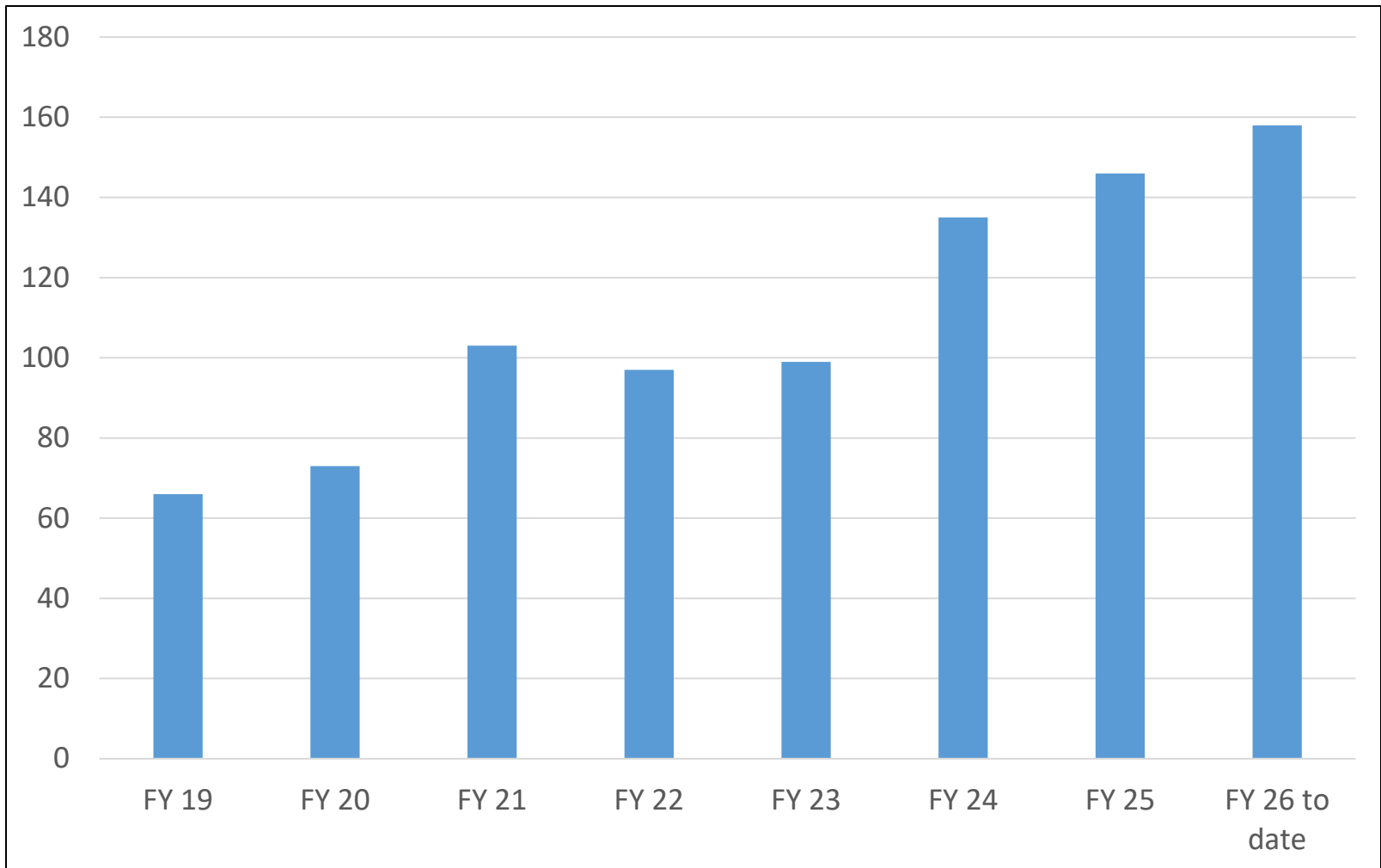


# Current Environment

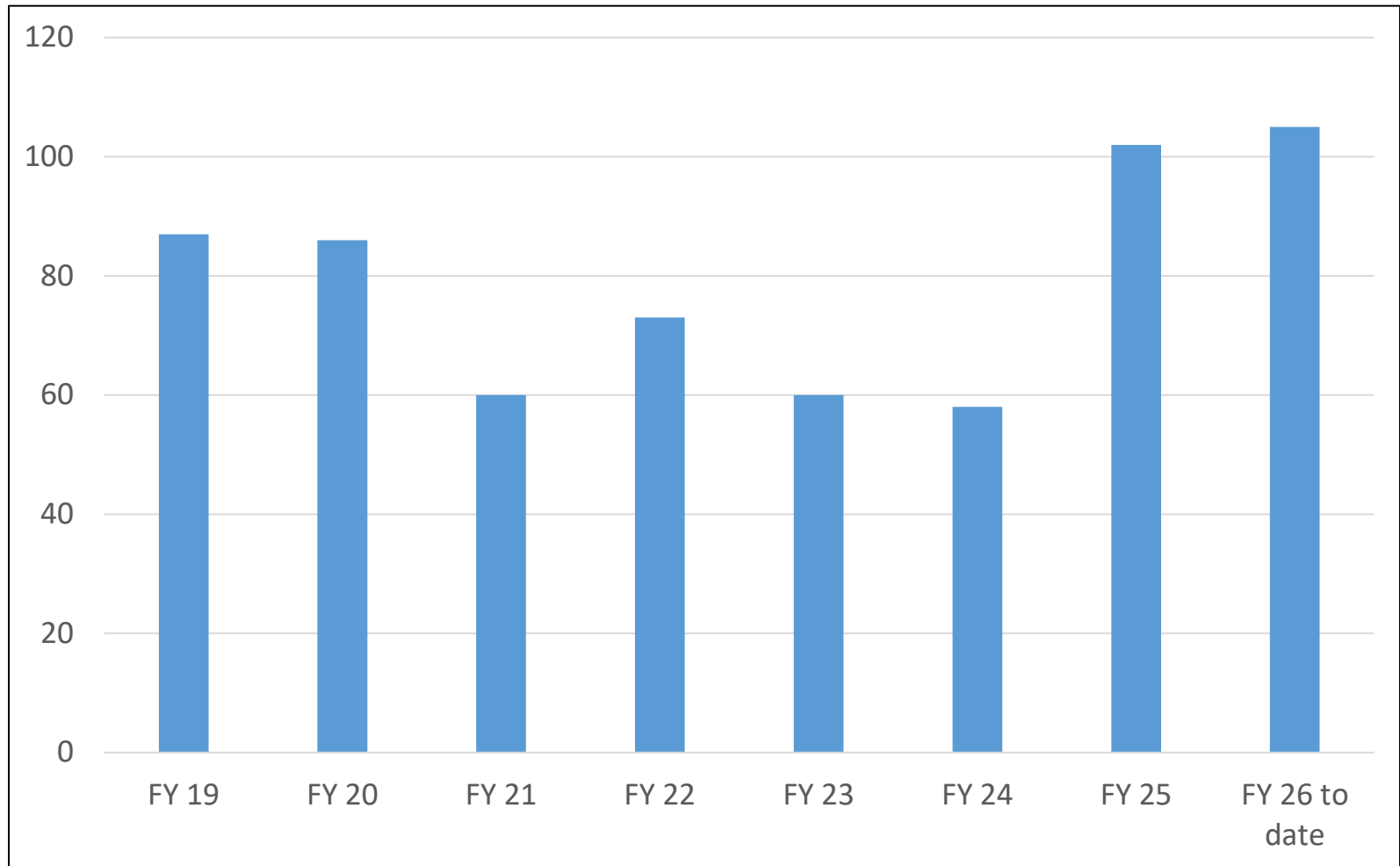
- Historically, workload is variable depending on multiple factors, including the economy, legislation, and other external factors.
- Significant Hearings and Elections caseload increase starting in FY 21
- For Conciliation Services, significant increase in high-conflict disputes, including declarations of impasse, starting in FY 22, and significant caseload increase in FY 25 and FY 26



# Hearings and Elections Case Filings



# Mediation Case Filings



# Key Performance Measures

| KPM# | 25-27 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. [Target 60 days – FY 25: 35 days (goal met)]                                                                                                                                                                                                                                                       |
| 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. [Target 100 days – FY 25: 97 days (goal met)]                                                                                                                                                                                                                                 |
| 3    | Final Board orders – Average number of days from submission of a case to the Board until issuance of a final order. [Target 50 days – FY 25: 26 days (goal met)]                                                                                                                                                                                                                                                                               |
| 4    | Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-permitted employees. [Target 95% - FY 25: 89% (not within -5% of target)]                                                                                                                                                                                                                                                      |
| 5    | Appeals – Percentage of Board Orders that are reversed on appeal. [Target is 5%: FY 2025 is 0% (goal met)]                                                                                                                                                                                                                                                                                                                                     |
| 6    | Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-prohibited employees. [Target 85% - FY 25: 95% (goal met)]                                                                                                                                                                                                                                                                     |
| 7    | Customer Satisfaction Survey – Percentage of customers who responded to survey rating the agency's customer service as "good" or "excellent" in the following categories overall, timeliness, accuracy, helpfulness, expertise, availability of information. [Target is 95% - 2026 data is 95 % for Overall, 97% for Timeliness; 97% for Accuracy, 95% for Helpfulness, 95% for Expertise, and 95% for Availability of Information (goal met)] |



# 2025-27 Fee Schedule

| Type of Fee                                           | Amount of Fee                                                                                                                                                                                                             | Statutes/Rules                                      |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Unfair Labor Practice                                 | Complaint - \$300<br>Answer - \$300<br>Intervener - \$300                                                                                                                                                                 | ORS 243.672(3);<br>115-070-0000;<br>115-070-0035    |
| Arbitrator Panel                                      | Application - \$100<br>Annual - \$150                                                                                                                                                                                     | ORS 662.445(2);<br>OAR 115-040-0030(4)              |
| Local Public Employer Collective Bargaining Mediation | \$1,000 for the first two sessions<br>\$625 for the third session<br>\$625 for the fourth session<br>\$1,000 for each additional session                                                                                  | ORS 240.610(2);<br>OAR 115-040-0005(1)              |
| Local Public Employer Grievance Mediation             | \$500 per session – each party pays \$250                                                                                                                                                                                 | OAR 115-040-0005(2);<br>ORS 662.425<br>ORS 240.610  |
| Local Public Employer Unfair Labor Practice Mediation | \$500 per session – each party pays \$250                                                                                                                                                                                 | OAR 115-040-0005(3);<br>ORS 662.425;<br>ORS 240.610 |
| Local Public Employer Training                        | Two-day training - \$2,500<br>One-day training - \$1,500<br>Half-day program - \$700                                                                                                                                      | ORS 240.610<br>OAR 115-040-0005(4)                  |
| Local Public Employer Facilitation                    | \$60 per hour including travel time                                                                                                                                                                                       | OAR 115-040-0005(4)                                 |
| Public Records                                        | Certified true copies of transcripts and/or documents - \$1.50 per page<br>Other Copies and public records - \$.25 per page<br>Copy of the recording of a hearing - \$15.00 for the first CD; \$10 for each subsequent CD | 115-010-0032(5)                                     |



# Questions?

