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## STATUTORY MINOR CORRECTION

### ERB 1-2024

CHAPTER 115

EMPLOYMENT RELATIONS BOARD

**FILED**

05/16/2024 11:17 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Correcting statutory or rule references to reflect the passage the electronic signature bill

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

AMEND: 115-025-0065

RULE SUMMARY: Correcting statutory or rule references to reflect the passage the electronic signature bill (OAR 115-025-0065(2)(a) refers to ORS 243.682(2)(b)-should be (F)

CHANGES TO RULE:

115-025-0065  
Hearings Process ¶¶

(1) Disputes regarding representation issues will be resolved through one of three possible procedures, depending on the nature of the dispute:¶¶

(a) Administrative Review by Board. The Board may resolve certain disputes administratively without the need for a hearing where the Board is acting in an administrative capacity. For example, the Board may dismiss filings for failure to comply with the Board's procedural rules, including but not limited to requirements relating to the information that must be submitted in a petition, the adequacy of any required showing of interest, and timeliness of petitions or other filings.¶¶

(b) Standard Hearing Process. The hearing process under OAR 115-010-0050 through OAR 115-010-0110 will apply to cases under this Division that do not require expedited resolution.¶¶

(c) Expedited Hearing Process. When a party has filed a petition to create a new bargaining unit or to add unrepresented employees to an existing unit, and the Board must conduct a hearing to resolve a dispute regarding whether the petitioned-for bargaining unit is appropriate, the Board shall use the expedited hearing process set forth below, in OAR 115-025-0065(2), unless all of the parties agree to use the standard hearing process. In any other type of representation matter that requires a hearing, any party may ask the Board to expedite all or part of the hearing process by filing a motion (pursuant to the Board's rule regarding motions, OAR 115-010-0045).¶¶

(2) In expedited representation matters, the following rules apply:¶¶

(a) When scheduling the hearing and related deadlines, and when deciding whether a party has shown that there is good cause for a continuance, extension, or other delay, the Board shall consider the statutory mandate to expedite representation matters, as set forth in ORS 243.682(2)(b)(E).¶¶

(b) The Board order in an expedited representation matter generally shall be issued within 120 days of the filing of the petition.¶¶

(c) The Board or a Board Agent may require the parties to produce or exchange information (including documents and position statements) to identify or narrow the legal and factual issues in dispute.¶¶

(d) The parties may submit pre-hearing briefs.¶¶

(e) The Board or a Board Agent may conduct the hearing. Regardless of who conducts the hearing, the Board generally shall issue a final order without a recommended order.¶

(f) At the conclusion of the hearing, the parties may submit oral closing argument or elect to submit post-hearing briefs. If the parties elect to submit post-hearing briefs, they must submit the briefs within seven (7) days of the last day of the hearing. A motion to extend the deadline for submitting briefs will be granted only if all parties involved agree, or if the movant establishes that there is good cause for the requested extension based on unforeseeable circumstances.¶

(g) If the Board issues the final order without a recommended order, the Board generally shall grant a party's request for reconsideration and grant oral argument, consistent with OAR 115-010-0100. However, in expedited representation matters, the Board generally shall schedule oral argument on the request for reconsideration within fourteen (14) days of the request filing date.¶

(3) Notice of Hearings, Conduct of Hearings, and Post-Hearing Procedures. Unless the context requires otherwise, OAR 115-010-0050 through OAR 115-010-0110 apply to cases under this Division.¶

(4) Evidence at Hearing. As provided in OAR 115-010-0070(5)(a), representation hearings are investigatory and there is no burden of proof on any party. Nevertheless, in disputes concerning whether employees are "public employees," there must be sufficient evidence establishing that a statutory exclusion applies

Statutory/Other Authority: ORS 240.086(3), 243.766(7)

Statutes/Other Implemented: ORS 243