

Employment Relations Board 25-27 Reference Document

This reference document is in support of the 25-27 Governor's Budget presentation of the Employment Relations Board. The Governor's Budget is posted on our website here:

https://www.oregon.gov/erb/Documents/25-27_ERB-GRB.pdf

The mission of the Employment Relations Board (ERB) is to resolve labor relations disputes and determine union representation matters primarily for public employers, public employees, and labor organizations. ERB provides four main services to help employers, employees, and labor organizations resolve their disputes: labor mediation; contested case hearings; State personnel appeal cases; and union representation certifications. ERB also maintains a panel of arbitrators from which the parties may select an arbitrator in an arbitration proceeding (ERB also appoints an arbitrator from the panel in arbitration proceedings regarding alleged misconduct by a law enforcement officer).

The agency is responsible for administering three specific portions of Oregon law: 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 non-union state employees regarding certain personnel actions; and the private sector labor-management relations law, which addresses collective bargaining for private sector employers that are not covered by federal law. The Board for ERB acts as the state's "labor appeal court" for labor and management disputes within state and local government.

The bulk of the agency's work is administering the Public Employee Collective Bargaining Act (PECBA), which was enacted in 1973. Public sector caseloads for ERB vary by fiscal year and are influenced by the negotiation of multi-year labor contracts. The timely disposition of cases has many influences, including the volume of cases, case complexity, budget reductions (i.e., furloughs), employee turnover or vacancies, and new employee training, among others. The caseload for state government can be more complicated and time consuming than local government cases because they may involve single individuals seeking remedies under the state personnel law. In these cases, individual appellants typically are not represented by an attorney, which often requires more involved case management by the agency.

There are no Secretary of State audits to report. The supervisory span of control report is not applicable to this agency. There are no significant changes to agency budget/management flexibility to report, nor are there workforce challenges related to additional costs incurred. The biggest challenges to the agency are continued high caseloads and an unprecedented number of high-conflict collective bargaining disputes that have resulted in protracted contract negotiations and mediations. We have therefore seen an increase in declarations of impasse and an extraordinarily high level of strike activity in Oregon's public sector. That, in turn, has affected the agency's ability to continue to offer prompt mediation dates and to provide important collective bargaining training services that are designed to encourage practices fundamental to the peaceful adjustment of labor disputes. The Governor's Budget includes funding for the agency to add an additional mediator to assist the agency in overcoming these challenges.

LINKS TO OTHER AGENCY RESOURCES:

State Personnel Relations Law User Guide https://www.oregon.gov/erb/Documents/Q-A_SPRLGuide.pdf

PECBA Unfair Labor Practice Guide: https://www.oregon.gov/erb/Documents/2023-Q-A_ULPGuide.pdf

Declaratory Ruling Petitions: <https://www.oregon.gov/erb/Documents/How%20to%20file%20a%20Declaratory%20Ruling%20Petition%20before%20ERB.pdf>

Advanced Search for Board Orders: <https://cdm17027.contentdm.oclc.org/digital/collection/p17027coll9>

PROGRAM PRIORITIZATION FOR 2025-27

Agency Name: EMPLOYMENT RELATIONS BOARD																					
2025-27 Biennium															Agency Number: 11500						
Program 1																					
Program/Division Priorities for 2025-27 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request	
1	1	ERB	B&A	The Board is a statutorily empowered neutral quasi-judicial body that functions as the "labor court" to resolve disputes between state and local governments and their employees. The Board issues final orders in declaratory rulings, contested case adjudications of unfair labor practice complaints, representation matters, appeals from state personnel actions, and related matters. The Board also administers state labor laws that cover private sector employees exempt from the National Labor Relations Act.	3,5,7	4	1,923,207		1,512,214			\$ 3,435,421	5	5.00	N	Y	S	ORS 243.650 thru 243.795; Chapter 240; 662.010 thr 662.455; Chapter 663	N/A	There were no significant changes for this program.	
2	2	ERB	MED	Provides mediation and conciliation services to resolve collective bargaining disputes, contract grievances, unfair labor practices, and representation matters; maintains a list of qualified labor arbitrators; and provides training in methods of alternative dispute resolution, labor/management cooperation, problem solving, and other similar programs designed for the specific needs of the parties.	4, 6, 7	4	1,112,153		872,241			\$ 1,984,394	5	4.50	N	N	S	ORS 243.696 thru 243.722;240.610 thru 240.705; 662.405 thru 662.455	N/A	One permanent Mediator position, 1.0 FTE, was added to expand the agency's ability to provide training, facilitation, and mediation services.	
3	3	ERB	HRGS	Administrative Law Judges (ALJs) process all unfair labor practice complaints, all state personnel appeals, and those representation matters referred from the Elections Office because they require a contested case hearing. The ALJs conduct contested case hearings and issue recommended decisions. The Elections Office processes all petitions involving union representation and composition of the bargaining unit, conducts elections when necessary, and certifies elections results.	1, 2, 7	4	1,091,743		874,579			\$ 1,966,322	5	4.50	N	N	S	ORS 243.650 thru 243.795; Chapter 240; 662.010 thr 662.455; 243.682 thru 243.692; 663.005 thru 663.045; 663.125(a)(b); 663.150(1); Chapter 663	N/A	There were no significant changes for this program.	
							4,127,103	-	3,259,034	-	-	\$ 7,386,137	15	14.00							

7. Primary Purpose Program/Activity Exists
 1 Civil Justice
 2 Community Development
 3 Consumer Protection

19. Legal Requirement Code
 C Constitutional
 D Debt Service
 FM Federal - Mandatory

- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development
- 7 Education & Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

FO Federal - Optional (once you choose to participate, certain requirements exist)
S Statutory

Within each Program/Division area, prioritize each Budget Program Unit (Activities)
by detail budget level in ORBITS

Document criteria used to prioritize activities:

The programs of the Agency are interconnected and none can stand alone. However, the following criteria was used to prioritize this list:

1. Constitutional and statutory requirements.
2. Programs that promote stability in public sector labor.
3. Programs that serve small populations, sometimes without measureable results, or that could be performed by entities other than state government, *i.e.*, local or federal government, although there would be a deterioration in service to those served.

Employment Relations Board

2025-27 Biennium

Detail of Reductions to 2025-27 Current Service Level Budget

Priority (ranked most to least preferred)		Agency	SCR or Activity Initials	Program Unit/Activity Description	GF	OF	TOTAL FUNDS	Pos.	FTE	Used in Gov. Budget Yes / No	Impact of Reduction on Services and Outcomes
Dept	Prgm/Div										
Board Admin		115	115-030	Reduce Dues and Subscriptions by 42%.	11,507	5,969	\$ 17,476			No	This would limit the agency's ability to participate in membership organizations that have proven valuable to the agency and staff.
Board Admin		115	115-030	Reduce Office Expenses by 41%.	5,245	2,210	\$ 7,455			No	This would limit our ability to purchase needed office supplies.
Board Admin		115	115-030	Reduce IT Expendable Property by 55%.	4,096	4,259	\$ 8,355			No	This would limit our ability to purchase needed IT equipment, including laptops, some of which are due to be upgraded in the near future.
Board Admin		115	115-030	Reduce Employee Training by 49%.	5,490	3,967	\$ 9,457			No	This would heavily affect our ability to give employees needed training and severely limit the agency's opportunities to learn about best practices.
Board Admin		115	115-030	Reduce Agency Travel by 70%.	42,669	20,931	\$ 63,600			No	This would greatly impact our ability to deliver in-person services requested by our constituents, particularly with respect to mediation.
Board Admin		115	115-030	Two Board Members and Board Chair reduced to 0.95 FTE (38 hours per week), each for the biennium.	39,877	50,752	\$ 90,629	3	0.15	No	Reducing hours for Board members will make it more difficult to issue final orders in a timely manner.
Hearing		115	115-050	Reduce 1 FTE Administrative Law Judge.	279,396	219,525	\$ 498,921	1	1.00	No	Eliminating an ALJ position would have a severe impact on the agency's ability to provide necessary services to our constituents, from investigating complaints, to conducting prompt hearings and issuing timely orders.

Agency Name ERB

2025-27 Biennium

Long-term vacancies as of December 31, 2024

Agency	SCR	DCR	Pos No	Position Class Comp	Position Title	Pos Type	GF Fund Split	LF Fund Split	OF Fund Split	FF Fund Split	FTE	2025-27 GF PS Total	2025-27 LF PS Total	2025-27 OF PS Total	2025-27 FF PS Total	2025-27 Total Bien PS BUDGET	Vacant Date	Position eliminated in GRB? Y/N	Reason for vacancy
11500					NO QUALIFYING POSITIONS						-					-			

Employment Relations Board

2025-27 Biennium

Contact Person (Name & Phone #): Alicia Michelson, 971-374-1957

Updated Other Funds Ending Balances for the 2023-25 and 2025-27 Bienna

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
Other Fund Type	Program Area (SCR)	Treasury Fund #/Name	Category/Description	Constitutional and/or statutory reference	2023-25 Ending Balance		2025-27 Ending Balance		Comments
					In LAB	Revised	In CSL	Revised	
Limited	11500-30 Administration, 11500-40 Mediation, 11500-50 Hearings,	1150001248 - ERB Admin Acct	Operations - State Assessment	ORS 240.167,240.131	298,934	440,492	584,526	617,052	State Assessment Revenue
Limited	11500-30 Administration, 11500-40 Mediation, and 11500-50 Hearings	1150001248 - ERB Admin Acct	Operations - Fee Revenue	ORS 240.610; ORS 243.672; ORS 662.425, ORS 662.445, ORS 663.180	322,274	188,088	260,266	187,695	Other Fee Revenue
Combined				Total	621,208	628,580	844,792	187,695	

**EMPLOYMENT RELATIONS BOARD
STATE ASSESSMENT FAQ FOR 2025-27 BIENNIUM**

Why is the Employment Relations Board supported by an assessment?

The 1969 Legislative Assembly created the state assessment to share the cost of operating the agency with other state agencies. (See ORS 240.167)

What does the assessment support?

The assessment supports the agency’s operating costs and administrative expenses for the services that the agency provides to the state and its employees.

Who is assessed?

Each state agency pays an assessment based on the number of covered employees. Covered employees are those who have a right to protections under the State Personnel Relations Law (SPRL) or the right to organize under the Public Employment Collective Bargaining Act. Exempt employees such as elected officials and persons appointed to serve on boards and commissions are not subject to the assessment.

What services are provided to agencies in return for their assessment payment?

The state assessment represents approximately 40 percent of the agency’s budget (the remaining budget is comprised of General Fund and other fee revenue). The services provided in return for the assessment include: processing, mediating, and deciding appeals filed by state employees; processing, mediating, and resolving contract disputes and unfair labor practice complaints between state agencies and labor organizations; processing, mediating, and resolving petitions involving state employees and union representation; labor-relations training for state agencies.

How many staff provide these services?

13.0 FTE (3 mediators and a .5 support staff; 3 administrative law judges and 1 support staff; a .5 election coordinator; an office administrator; and 3 Board members with 1 support staff).

How much has the agency assessed in recent biennia?

	Biennium	Budgeted	Actual/ Projected Revenue	Amount per Covered Employee	Estimated Number of Employees
Proposed	2025-27	2,880,000	2,880,000	\$3.00	40,000
	2023-25	2,102,400	2,344,322	\$2.19	40,000
	2021-23	2,188,800	2,386,263	\$2.40	38,000
	2019-21	2,077,920	2,256,851	\$2.34	37,000
	2017-19	1,900,320	1,930,536	\$2.14	37,000
	2015-17	1,658,880	1,701,701	\$1.92	36,000*
	2013-15	1,504,800	1,453,961	\$1.65	38,000
	2011-13	1,535,400	1,596,419	\$1.70	38,000
	2009-11	1,554,000	1,667,118	\$1.75	37,000
	2007-09	1,332,000	1,391,619	\$1.50	37,000

How much is the assessment proposed for the 2025-27 biennium?

The estimated proposed rate (\$3.00) was calculated in March 2024 based on then-projected personal services, one policy option package, and standard inflation.

*Oregon University System no longer included