



# Oregon

Tina Kotek, Governor

## Employment Relations Board

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<http://www.oregon.gov/ERB>

## EMPLOYMENT RELATIONS BOARD Public Meeting Notice

The Employment Relations Board will hold a public meeting to review, deliberate, and potentially vote on recommendations from the agency's Rules Advisory Committee that the Board formally propose rule amendments to Divisions 10 and 35 of the agency's rules (OAR Chapter 115). If the Board votes to do so, that will begin the next step of the rulemaking process, including subsequent public notice and comment. The attached proposed rule amendments are also published to the agency's website.

### DATE AND TIME

**APRIL 16, 2025**

**10:00 A.M.**

### LOCATION:

**1225 FERRY ST. S.E, SALEM, OREGON, EAST MT MAZAMA (RM #3).  
INDIVIDUALS MAY ALSO VIEW AND PARTICIPATE BY  
VIDEOCONFERENCE USING THE TEAMS PLATFORM.**

**To register to participate in this public meeting,  
please email [EmpRel.Board@ERB.oregon.gov](mailto:EmpRel.Board@ERB.oregon.gov) and indicate whether you  
intend to participate in person or by videoconference.**

*This meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to April Bathurst, 503-378-3807.*

**115-010-0075**

**Conduct at Hearing**

(1) All parties to hearings, their counsel, and spectators shall conduct themselves in a respectful manner.

(2) The Board or Board Agent shall record the proceeding. No other recording or transmission of any portion of the proceeding shall be permitted, except that, upon request by a party's representative and notice at the hearing, the Board will permit parties to the proceeding to audio record the proceeding or portions thereof.

(3) Failure to comply with the Board or Board Agent's effort to retain order and decorum or to comply with this rule is grounds for removal from the hearing.

## 115-010-0100

### Petitions for Reconsideration or Rehearing

(1) A party has 14 days from the date of service of a ~~Board order~~Final Order to petition for reconsideration or rehearing. Any petition for reconsideration or rehearing must specifically state the ground(s) for the petition. A party has 7 days from the date of service of the petition for reconsideration or rehearing to file a response to the petition and/or to file a cross-petition for reconsideration or rehearing.

(2) Petition for Rehearing.

(a) A petition for rehearing asks the Board to return the matter to the ALJ for the purpose of submitting additional evidence.

(b) A petition for rehearing shall be granted only if the petitioner establishes that the petitioner would be unduly prejudiced if the petition was denied. If the basis for the petition is based on previously unavailable evidence, the petitioner must establish that the evidence could not reasonably have been discovered and produced at the hearing.

(3) Petition for Reconsideration.

(a) A petition for reconsideration asks the Board to reconsider a ruling, finding of fact, or conclusion of law in a Final Order.

(b) In a case where a Final Order is issued without a Recommended Order, the Board shall generally grant a party's request for reconsideration and grant oral argument.

(c) In a case where a Final Order is issued following a Recommended Order, a petition for reconsideration should be limited to:

(A) A claim of factual error;

(B) A claim that there has been a change in the statutes or case law since the issuance of the Final Order that affects the case; or

(C) A claim that the Board erred in construing or applying the law. A claim addressing legal and factual issues already argued and addressed in the Final Order is disfavored.

Attorney Fees For Appeals

Pursuant to ORS 243.676(2)(e), the Board ~~shall will designate the amount of and~~ award attorney fees to the prevailing party on an appeal of a Board Order, ~~in the amount of \$5,000. The Board may award an amount in excess of \$5,000~~ subject to all of the following:

(1) ~~An award of attorney fees on appeal shall not exceed \$5,000, unless a civil penalty is awarded in the Board proceeding and not reversed by the court.~~

(2) Petitions for attorney fees must be filed with the Board within 21 days of the date of the appellate judgment. The petition shall include a statement of the amount of the costs requested, along with a description of the actual amount of the fees incurred by the petitioner or, where no fees were charged, the basies for the greater amount of costs requested.

(~~23~~) Any objection to the petition shall be filed within 14 days of the date of service of the petition. A party objecting to costs based on excessive time spent must submit a supporting statement describing the amount of time spent on the case by the objecting party. A party objecting to costs based on an excessive hourly rate must submit a supporting statement identifying the hourly rate and total costs incurred by the objecting party.

(~~34~~) The prevailing party is the party designated as such in the appellate judgment issued by the Court of Appeals or the Supreme Court following the ultimate appellate decision regarding a particular case.

~~(4) An award of attorney fees on appeal shall not exceed \$5,000, unless a civil penalty is awarded in the Board proceeding and not reversed by the court.~~