

1 **ARTICLE 2--RECOGNITION**

2 **Section 1.** The Employer recognizes the Union as the exclusive bargaining  
3 representative for all classified and unclassified employees in positions  
4 represented by the Union in the Agencies listed in Section 2 below. The Union is  
5 also the exclusive bargaining representative for temporary state employees in the  
6 classified or unclassified service as direct hire temporary employees of the State  
7 of Oregon excluding student workers who are in student worker classifications;  
8 student law clerks; independent contractors; any temporary employees who are  
9 represented by another labor organization; retired state employees; casual labor  
10 temporary Agency employees (e.g., Kelly, Manpower, Goodwill Industries, St.  
11 Vincent de Paul) not directly employed by DAS; temporary employees in the  
12 exempt service as defined in ORS 240.200; school-to-work experience  
13 employees; persons hired under exchange programs with the State; prisoners;  
14 interns from bona fide educational programs who are fulfilling academic  
15 requirements of that program and are completing their degree; and JOBS Plus  
16 program participants. Temporary employees represented by the Union are in the  
17 Agencies listed in Section 2 below. This recognition does not apply to exempt,  
18 CETA, supervisory, managerial and confidential employees as defined by law or  
19 as determined by the Employment Relations Board. The Department of  
20 Administrative Services agrees to provide the Union with no less than twenty (20)  
21 days notice of its intent to exclude a filled bargaining unit position based on  
22 supervisory, managerial or confidential status. The effective date of the  
23 exclusion remains unchanged.

24 (See Letter of Agreement **02.00-99-01** in Appendix A.)

25 **Section 2.**

26 (a) The Employer and the Union have established a single bargaining unit of  
27 employees represented by the Union and employed by the Oregon Youth  
28 Authority\*, Oregon State Hospital, Blue Mountain Recovery Center,  
29 Pendleton State- Delivered Secure Residential Treatment Facility,  
30 Department of Forestry, who are guards, firefighters, and police officers as

1 identified by the Employment Relations Board or as agreed upon by the  
2 Parties. The bargaining unit has been modified by the Employment Relations  
3 Board to include temporary employees as defined in Section 1.

4 (b) The Employer and the Union have established a single bargaining unit which  
5 is not prohibited from striking. The bargaining unit has been modified by the  
6 Employment Relations Board to include temporary employees as defined in  
7 Section 1. This unit is made up of employees located at the following  
8 Agencies: Department of Agriculture, Oregon Health Authority, Commission  
9 for the Blind, Oregon Youth Authority\*, Department of Human Services Non-  
10 Institutions, Department of Human Services Institutions (Blue Mountain  
11 Recovery Center, Oregon State Hospital, Pendleton State-Delivered Secure  
12 Residential Treatment Facility), Department of Education (including School  
13 for the Deaf), Employment Department, Employment Appeals Board,  
14 Department of Administrative Services (State Controllers Division, former  
15 DGS Divisions, State Data Center, and Oregon Health Plan Administrator's  
16 Office), Oregon State Fair and Exposition Center, Department of Forestry,  
17 Oregon Health Licensing Agency, Department of Justice, Bureau of Labor  
18 and Industries, Department of Community Colleges & Workforce  
19 Development, Oregon State Library, Oregon Student Assistance  
20 Commission, Parks and Recreation Department, Public Employees  
21 Retirement System, Department of Revenue, Department of Transportation,  
22 State Treasury Department, Department of Veterans' Affairs, Department of  
23 Water Resources, Department of Consumer & Business Services (including  
24 Workers' Compensation Board), Board of Nursing, Oregon Medical Board,  
25 Board of Dentistry, Board of Pharmacy, Mortuary and Cemetery Board, Board  
26 of Psychologist Examiners, Board of Radiologic Technology, Board of  
27 Massage Therapists, Occupational Therapy Licensing Board, Board of  
28 Examiners for Speech Pathology and Audiology, Board of Naturopathic  
29 Medicine, Oregon Department of Aviation, Oregon Watershed Enhancement  
30 Board, Oregon Housing & Community Services, and Oregon Department of

1 Fish & Wildlife.

2 \*Oregon Youth Authority includes all employees except employees in positions  
3 classified as Juvenile Parole and Probation Officer and Correction Counselor 1  
4 with a title of Parole Assistant or successor classification. Union-represented  
5 employees of this Agency are included in the Union's strike-permitted bargaining  
6 unit, except for employees in the classifications of Group Life Coordinator 1, 2, 3  
7 and Youth Corrections Unit Coordinator, or successor classifications, who are  
8 included in the Union's strike-prohibited bargaining unit.

9 **Section 3.** When there has been a determination of the Employment Relations  
10 Board to modify one (1) of the bargaining units listed in Section 2 or when the  
11 Parties reach mutual agreement to modify, negotiations will be entered into as  
12 needed or as required by law.

13 **Section 4. Temporary Employees.**

14 (a) The Employer agrees to utilize temporary employees in accordance with ORS  
15 240.309. Grievances alleging violations of ORS 240.309 may be submitted  
16 only by the Union, directly to the Department of Administrative Services level  
17 for full and final review.

18 (b) Temporary employees will have the same rights as other bargaining unit  
19 employees as enumerated below:

20 (1) Same base rate of pay for the appropriate classification for regular  
21 status employees. Effective upon signing of this Agreement, rates of pay will  
22 be within the ranges, minimum and maximum, according to the  
23 Compensation Plan, per Article 27 and salary appendices.

24 (c) The following Articles apply to temporary employees: Articles 1, 2, 3, 4, 5, 6,  
25 7, 8, 9, 10, 10.1C, 10.1M, 10.2, 10.2A, 10.2K, 10.3, 10.3A,B,E, 10.3C, 10.5,  
26 10.5A-V, X, 10.5O, 10.5W, 11, 12, 14, 15, 17.5, 19T, 19.1M, 19.2K, 21, 22T,  
27 23T, 26, 27, 29T, 30, 32T, 33.3A, 33.3C, 36T, 36.2K, 36.1M, 37, 48, 58T,  
28 60T, 90T, 101T, 113.5B,X, 121T, 123, 130.

29 (d) The following Letters of Agreement apply to temporary workers: LOA 21.00-  
30 99-06 Expedited Arbitration Procedure; LOA 21.00-99-07 Employment; LOA  
31 00.00-01-70 CDL Drug Testing.

SEIU/DAS  
UNION INITIAL PROPOSAL  
CENTRAL TABLE  
January 24, 2011

1 (See Letters of Agreement in Appendix A.)