

March 6, 1981

Mr. Don Bishoff
Associate Editor
Eugene Register-Guard
Corner Tenth and High Streets
P.O. Box 10188
Eugene, Oregon 97440

Daniel C. Bllis, Chairman
Employment Relations Board
Old Garfield School Building
528 Cottage Street N.E., Suite 400
Salem, Oregon 97310

Re: Letter Request for Number of Signatures Provided in Support of Showing of Interest in Representation Petitions in University of Oregon Faculty Case (Case No. C-265-80) and Oregon State Police Case (Case No. C-232-80)

Gentlemen:

This letter will serve as an Order for Review by the Attorney General under the provisions of ORS 192.450.

It appears from the petition filed by Mr. Bishoff that proper demand was made upon the Employment Relations Board to furnish the following data from the public records listed in the above subject matter:

- (1) In the University of Oregon faculty file, the number of signatures on the original petition and the number that were determined to be valid.
- (2) In the Oregon State Police Case, the number of signatures on the petitions from each of the three unions seeking to represent the police, and the number that were determined to be valid.

The Employment Relations Board responded to the request from Don Bishoff (Eugene Register-Guard) in a letter, dated February 6, 1981, setting forth reasons for denial. This latter is being treated as the response by ERB for not disclosing the data. As both cases involve the same principle, this Order will apply to the two cases.

The Employment Relations Board contends that public records requested are exempt from disclosure pursuant to ORS 192.500(1)(g) which provides in part that the following public records are exempt:

“The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.”

It is our understanding that the information sought by the Eugene Register-Guard is available and is on the documents. Although the precise documents may contain part of the information which would be exempt from disclosure, the numbers requested are not so exempt. ORS 192.500(1)(g) is very specific in what is exempt from disclosure. There is no mentions made of numbers. A state agency is not required to compile data which would unreasonably interfere with their work and add to the costs of the agency. However, where the data has already been compiled and is not specifically exempt from disclosure, a person requesting such information is entitled to the same.

The Employment Relations Board further contends that not to disclose this information is in line with the practices originally adhered to by the National Labor Relations Board. ORS 192.500(1)(g) exempts from disclosure any public records which are prohibited by federal law or regulations. A policy or practice of a federal agency does not meet the standard of federal law or regulation.

The attorney General therefore grants the petition of Don Bishoff (Eugene Register-Guard) and orders that the Employment Relations Board release the data as requested in both cases.

In granting this order, it is understood that the order applies only to these two cases. We can visualize a situation in which a small number of petitioners may sign authorization cards for the purpose of requesting representation or decertification and that a disclosure would, in effect, reveal the names of those who may or may not have signed a petition. The Attorney General reserves ruling in such a situation.

Yours very truly,

Clarence R. Kruger
Assistant Attorney General
and Counsel

CRK:nl