



Oregon

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EMPLOYMENT RELATIONS BOARD Notice of Invitation to Submit Amicus Briefs

The Board is inviting amicus briefs in ERB Case UP-039-21, captioned *Klamath Falls Association of Classified Employees v. Klamath Falls City Schools*. Specifically, the Board is inviting amicus briefs on the claim regarding an email sent by a union officer that recommended certain candidates for a school board election and that spoke out against other candidates in that election. This is a case of first impression for the Board interpreting ORS 243.804(5), which provides:

“(5) An exclusive representative shall have the right to use the electronic mail systems or other similar communication systems of a public employer to communicate with

the employees in the bargaining unit regarding:

- (a) Collective bargaining, including the administration of collective bargaining agreements;
- (b) The investigation of grievances or other disputes relating to employment relations; and
- (c) Matters involving the governance or business of the labor organization.”

The Board is inviting amicus briefs on whether the email in this case falls within the meaning of ORS 243.804(5)(c). Amicus briefs may address any aspect of the email or ORS 243.804(5)(c) that the submitter believes will assist the Board on that issue.

Any amicus brief must conform with OAR 115-010-0103 and be filed by **September 1, 2023** (emailed briefs must be submitted to ERB.filings@erb.oregon.gov).