



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, Executive Director

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MINUTES

June 12, 2007

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Hearing Room at the Commission's Kirkland office, 9757 Juanita Drive NE, Suite 201, Kirkland, Washington. Those present and participating were:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Douglas G. Mooney, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, General Counsel
David I. Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Public Employees Association
Anna A. Jancewicz, Teamsters Local 117

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on May 8, 2007, were approved as submitted.

REPORT OF THE EXECUTIVE DIRECTOR

1. The traditional statistics were reviewed. There were 46 cases opened during the month of May, which was low compared to the previous year. Fifty-three cases closed during the month. There were 465 pending cases at the end of May. We are still trying to streamline processes, and backups are in place for everybody, including docketing and case assignment.
2. Field Services Managers are spending less time in the field and more time monitoring cases. The editing process continues to be time consuming.



3. The Executive Director noted that the management team is meeting every two weeks. The team is identifying problem areas and addressing them.
4. The Red List (cases ready for decision more than 90 days) and Yellow List (cases ready for decision 45 to 89 days) were reviewed. Progress is being made. Several Red List cases will be issued soon. The Executive Director informed the Commission that several Red List cases involve multiple, complicated issues.
5. On a positive note, Ms. Callahan said that when she arrived there was a huge backlog of cases that needed to be dismissed as part of the preliminary ruling process. Deficiency notices had been issued and responses were received, but a backlog developed. When David Gedrose was promoted to Unfair Labor Practice Manager, he and Mark Downing were asked to put special emphasis on these dismissals. On May 1, there were 36 cases awaiting dismissal. There are now two cases remaining, and they will be dismissed this week. The Executive Director extended special thanks to Mr. Gedrose for his efforts and to Mr. Downing for helping during the transition.
6. Ms. Callahan reported that Business Manager Jim Lohr is creating statistical models so we can measure our success in increasing timeliness at various points along the case pipeline. For example, the model will allow us to see whether our efforts to timely docket cases are paying off and where they were. Mr. Lohr's models are going to be valuable tools to help us measure our success in a number of areas.
7. Outreach:

On May 10, 2007, Cathleen Callahan and Dario de la Rosa attended the Pacific Coast Labor Law Conference in Seattle. Ms. Callahan's presentation was titled "What's up at PERC."

On May 17, 2007, Ms. Callahan and Ken Latsch attended an Association of Washington Cities Labor Relations Institute meeting in Yakima.

On May 30, 2007, Ms. Callahan, Mr. de la Rosa, and Mr. Latsch met with Senate Labor Committee staff members regarding agency procedures, policy and practice.

Ms. Callahan discussed the possibility of holding a conference for state clientele. She will call clientele to ask for their ideas. Herb Harris attended this meeting and agreed that this is a good idea.
8. Training:

On May 4, 2007, ethics training (AM) and disability separation training (PM) were provided for staff. We anticipate receiv-

ing disability separation cases during the 2007-2009 collective bargaining agreement. Steve McLain from the State Labor Relations Office participated in the afternoon training. He mentioned that a significant number of grievance mediation cases may be filed.

Walter Stuteville is setting up training with Susan McCloskey. Ms. McCloskey spoke at a past Association of Labor Relations Agencies (ALRA) conference and we envision a one day refresher course for all, and some special attention for those needing/requesting it.

9. Robin Romeo, Carlos Carrion-Crespo, Sally Carpenter, Cathleen Callahan, Pamela Bradburn and Marilyn Glenn Sayan are the delegates to this year's ALRA Conference in Toronto. The Commission moved, seconded, and approved a motion to pay the expenditures of agency delegates to the conference.
10. Chairperson Sayan thanked Majel Boudia for her assistance in distributing conference and ALRAcademy information to all ALRA member agencies.
11. The recruitment period for the Labor Relations Adjudicator/Mediator positions has closed. Thirty-four applications were received. Of those, 17 will take a written test. Interviews will follow. Up to three positions may be filled. The selection committee is: Ken Latsch, Mark Downing, Christy Yoshitomi, and Cathy Callahan. The committee is very pleased with the number and quality of applicants for the positions.
12. Ken Latsch received an e-mail message from Dorene Novotny at Tacoma Community College, thanking him for his assistance conducting a hearing in a difficult situation.
13. A transcribed telephone message was reviewed from Jeff Julius thanking Joel Greene for his assistance in mediation with Snohomish County and the Snohomish County Deputy Sheriff's Association.
14. Dario de la Rosa recommended that the Commission begin preliminary review of a potential rule for adult family home providers. He suggested that formal rule adoption proceedings begin in September. The months of July and August will be used as the informal comment period for input for the Commission and stakeholders. Commissioner Bradburn suggested that all proposals be posted on the website. A full day will be scheduled for testimony in September. Washington Public Employees Association representative Herb Harris said he was pleased to hear that the rules review process will begin soon.
15. Executive Director Callahan announced that the new website format should be completed by the end of June. Recent decisions issued by the Commission, the Executive Director,

Examiners, and Preliminary Dismissals are now listed on the website. Herb Harris complimented the agency for adding links to those decisions on the website.

16. Carlos Carrión-Crespo reported on his participation in an American Bar Association (ABA) project fellowship. At the 2005 ALRA Conference, he noticed a letter sponsoring an ABA scholarship for a neutral attorney to attend state and local government meetings. Mr. Carrión-Crespo applied for the fellowship in 2006. He noted that his PhD thesis pertained to development of the identity of state employees in Puerto Rico. Participation in the ABA project required that he issue a paper and conduct outreach to students. To do this, he attended a meeting in January 2007 in Mexico where he presented his paper. He shared his report with the Commissioners, and a copy was provided for each agency office. The topic of the report was the scope of bargaining in six jurisdictions, including the State of Washington, and their most intriguing tendencies. It was noted that it is difficult to distinguish between the obligation to bargain regarding a decision and the obligation to bargain regarding the impact of a decision. Chairperson Sayan commented that this experience was no easy task. Carlos shared that he enjoyed the work, although it was far more work than he expected. The Commission thanked Carlos for his report and his efforts. His report will be available to clientele as well.

COMPLIANCE DOCKET

Mr. Gedrose reviewed the Compliance Docket and reported the following:

University of Washington, Cases 17946-U-03-4627 and 18021-U-03-4633. Compliance has been tendered and the union has indicated that the employer is in compliance with the notice. Mr. Gedrose recommended acceptance of compliance in the matter. The Commission unanimously accepted compliance and the cases will now close.

State - Corrections, Case 20033-U-05-5085. The employer has tendered compliance and the parties are in agreement. Mr. Gedrose recommended acceptance of compliance in the matter. The Commission unanimously accepted compliance and the case will now close.

The Commission asked that their thanks be conveyed to former Compliance Officer Mark Downing for following the above cases through compliance and closure.

City of Anacortes, Cases 17453-U-03-4524 and 17454-U-03-4525. Mr. Gedrose asked that these cases be held over until the July meeting.

Snohomish County, Case 20177-U-06-5145. Mr. Gedrose asked that the case be held over until the July meeting.

COURT DOCKET

City of Yakima, Case 19741-U-05-4998. Mr. de la Rosa reported this case has been appealed into Thurston County Superior Court.

Snohomish County PUD, Case 15092-U-00-3809. It was reported that Senior Assistant Attorney General Spencer Daniels has informed the Court that the agency will file a limited brief regarding the Equal Access to Justice Act claim.

Asotin County, Case 19810-U-05-5021. Spencer Daniels has noted that the Commission may file an amicus brief if the case is accepted.

COMMISSION DOCKET

The Commission docket was reviewed in detail, and the status of each case was discussed.

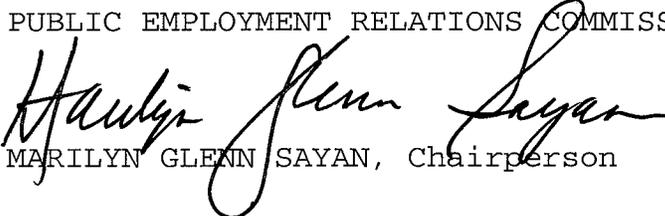
OTHER BUSINESS

There was no other business to report to the Commission.

ADJOURNMENT

There being nothing further to come before the Commission, the meeting was then adjourned.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


DOUGLAS G. MOONEY, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director