



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

February 12, 2008

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Large Conference Room, Public Employment Relations Commission, 112 Henry Street NE, Suite 300, Olympia, 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:

Leslie Liddle, Public School Employees of Washington
Ann Mitchell, OFM Labor Relations Office
Herb Harris, Washington Public Employees Association
Jessica Bradley, Public Employment Relations Commission
Charity Atchison, Public Employment Relations Commission

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on January 15, 2008, were approved as amended.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that intake has increased and held at a fairly steady rate with 50+ cases filed in each of the past few months. As shown in the monthly statistics, mediation filings outnumber unfair labor practice filings: 19 to 8.

Regarding pending cases, mediation cases outpace unfair labor practice cases, 140 to 88. The highest volume of cases are filed by our Chapter 41.56 RCW clientele. The breakdown of APA and non-APA cases shows that we have 193 APA cases pending and 164 non-APA cases pending.

Page three of the monthly statistics reflects what we accomplished during the month of January, with 45 cases closed.

2. The Red List and Yellow List remain. There are two Western Washington University cases on the Red List that are the Executive Director's responsibility. These decisions are in the final draft stage and should issue shortly.

Timeliness remains the challenge, and thanks to Business Manager Jim Lohr we are now measuring and evaluating our performance in ways never done before. The management team and Ms. Callahan are doubling their efforts to increase timeliness.

3. The agency continues to address state-mandated training that was long neglected. Next week the entire staff will receive sexual harassment awareness and prevention training. Ms. Callahan emphasized that the agency will continue to catch up on mandated training and will weave in case handling training as well.
4. The work to develop and implement a Performance Development Plan continues. We intend to have a plan in place for all staff by July 1. This will be the first time PERC has ever had any consistent performance review process.
5. A list of bills being followed before the Legislature was reviewed. Although this is a short session, it has been incredibly busy. Executive Director Callahan thanked Dario de la Rosa, Ken Latsch, and Jim Lohr for their hard work and long hours throughout the session. Bills have been analyzed, hearings attended, and countless fiscal notes have been prepared. The highlights of the bills that impact the agency include:

- HB 2963/SB 6737 authorizes academic employees (RAs and TAs) collective bargaining rights at Washington State University. This is similar to the earlier legislation that granted such rights to the UW academic employees.
- HB 3145 implements a new specialized foster parent classification for foster parents who care for special needs children. A last minute amendment granted these employees collective bargaining rights. Ken Latsch and Dario de la Rosa took the lead on helping smooth out the legislation to make it operable for PERC.

- HB 2449/SB 6522 provides collective bargaining for child care center directors and workers in an unstated number of units throughout the state. Executive Director Callahan took the lead and testified in both houses on this bill. Under this legislation, the union will bargain with the Governor to increase subsidies to day-care centers throughout the state. We believe this bill presents numerous federal preemption issues: employees are private sector employees who have rights under the NLRA. Contrary to the NLRA, private sector employers will be forced into multi-employer bargaining units, and representation fees will be paid by the state, not by employees.
- SB 6589 would allow for an extension of the October 1 deadline for Chapter 41.80 RCW for higher education if the parties have engaged in mediation and factfinding.

Chairperson Sayan thanked Ms. Callahan and the staff for their work on the legislation.

6. The Labor and Employment Relations Conference (LERA) will be held April 10 and 11 at the Convention Center in Seattle. Ms. Callahan will be contacting the Commission regarding possible program ideas.
7. Outreach:
 - Ms. Callahan will be attending a conference of the Northeast Washington Association of School Administrators on February 21st in Spokane.
8. The Commission was informed that Mitchell Nelson was promoted to IT Specialist II in December. He provides excellent customer service to staff.
9. The Commission reviewed an email message Ms. Callahan wrote based upon a telephone message from Julie Keebler, complimenting Katrina Boedecker on her efforts in mediation with the parties at Olympic Medical Center.
10. The state employee survey results were reviewed. The 2007 results were better overall than those in 2006. The results show that PERC employees are more satisfied than other state employees. Chairperson Sayan noted that there have been major shifts within the past year and some issues are notably improved. Ms. Callahan offered that we are making progress in the right direction.
11. Ms. Callahan asked if the Commissioners were ready to sign the 2006 Annual Report. Chairperson Sayan requested one adjustment. The transmittal letter was signed and the report will be published as revised.

12. Rules adoption was postponed until March following an additional meeting with clientele. A clientele committee is working on the campaign rule language. Staff and clientele are also working on rule language to permit stranded employees the opportunity to vote on whether they want to be included in an existing bargaining unit. Mr. de la Rosa will send the revised language to the Commission and staff.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reviewed the Compliance Docket and reported the following:

Snohomish County, Case 19549-U-05-4959. Mr. Gedrose reported that the parties are still in the process of negotiations and asked that the matter be held over until the March meeting.

King County, Case 18957-U-04-4823. Mr. Gedrose reviewed the case and said the period for posting of the notice was completed in January. Having heard no objection from the union, he recommended acceptance of compliance in the matter. The Commission unanimously agreed and the case will now be closed.

Ms. Callahan, Mr. de la Rosa, and Mr. Gedrose discussed a policy matter with the Commission regarding requests of a party or parties to close a case where compliance issues have yet to be fully resolved. The Commission instructed staff to proceed with compliance on a case-by-case basis and to keep the Commission informed of matters as they arise.

COURT DOCKET

Snohomish County PUD, Case 15092-U-00-3809. Mr. de la Rosa reported that the Court of Appeals upheld the decision of the Snohomish County Superior Court. The case is now closed. We have not seen an appeal or a motion to publish.

COMMISSION DOCKET

Western Washington University, Case 18898-U-04-4804. Eric Nordlof attended the meeting and asked if the Commission would be making a decision on the university's Motion for Reconsideration. The Commission indicated they will discuss the matter in Executive Session and issue their response by fax and mail later today.

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

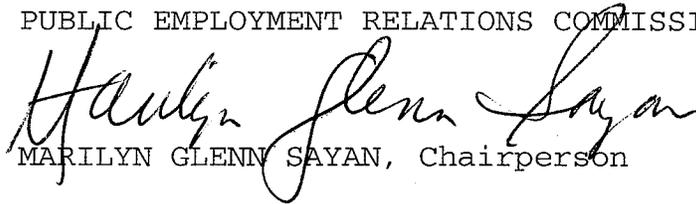
OTHER BUSINESS

Chairperson Sayan and Commissioner Bradburn requested approval to attend a meeting of the Association of Labor Relations Agencies (ALRA) in Phoenix. Their request was approved.

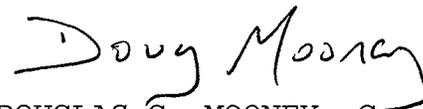
ADJOURNMENT

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