



STATE OF WASHINGTON

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

April 23, 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:

John Dryer, OFM Labor Relations Office  
Gladys Burbank, Washington Federation of State Employees  
Edward Younglove, Washington Federation of State Employees  
Joan Kalhorn, Washington Federation of State Employees  
Eric Nordlof, Public School Employees of Washington  
Leslie Liddle, Public School Employees of Washington  
Lisa Hilligoss, Office of the Attorney General  
Dolly Garcia, Department of Revenue  
Dorothy Hibbard, Department of Revenue  
Martha Barron, Service Employees International Union Local 925  
Ken Lang, United Autoworkers  
Jessica Bradley, Public Employment Relations Commission  
Jamie Siegel, Public Employment Relations Commission  
Jim Lohr, Public Employment Relations Commission

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on March 11, 2008, were approved as submitted.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that intake appears to be about the same, with 64 cases filed during the month of March. Commissioner Bradburn noted that there appear to be more cases



- involving community colleges and there are numerous mediation cases involving RCW 41.56 clientele.
2. There are 387 cases pending, 171 are non-APA cases and 216 are APA cases.
  3. There were 55 cases closed during the month of March.
  4. The Red List (cases ready for decision more than 90 days) was reviewed. One of the three cases is about to issue. The other two cases are awaiting a decision from the Executive Director, although they went back to the parties for more information after the close of the hearing. The Yellow List (cases ready for decision 45 to 89 days) was reviewed. There are two cases on this list. Both decisions should issue soon.
  5. Ms. Callahan reported that Pat Thompson recently made a special point of telling her what a fabulous job Joel Greene did in resolving an unfair labor practice in the Northshore Utility District.

#### RULES

As a continuation of the rules adoption process which began in January of this year, the Commission reviewed the following five proposed changes: Changes to WAC 391-25-430 and 391-25-436 were completed in January, although two typographical errors occurred: First, WAC 391-25-396, which is a special provision for state regarding cross-check procedures, was adopted as WAC 391-25-397 at that time. The proposed correction required adoption of the substance language and a repeal of WAC 391-25-397. The Commission unanimously adopted both changes without comment from the audience. Second, WAC 391-55-071, which pertains to interest arbitration for the Washington State Patrol, was inadvertently not submitted to the Code Reviser's Office. The Commission unanimously adopted those amendments as written without comment from the audience.

The third item of interest was a WAC 391-35-080, a rule proposed by the Executive Director, providing a mechanism to amend a certification where there is an organization or employer name change, providing no question concerning representation exists. The Commission unanimously adopted this proposal.

The fourth item reviewed was the Executive Director's proposal to simplify WAC 391-25-440 to allow a union to petition for an election to fold in a straggler group of employees into an existing unit. A discussion was held, and the rule was held over for further discussion at a future meeting.

The fifth rule relates to WAC 391-25-436, a special rule for state civil service employees regarding campaigning on the employer's premises. Chapter 41.80 RCW requires this agency to adopt rules

on this subject. This is a special rule and not for general adoption. There are multiple proposals for this rule. A lengthy discussion was held, and the Commission adjourned to caucus. The Commission unanimously adopted the amended version of the proposed rule drafted by Commissioner Mooney.

COMPLIANCE DOCKET

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

*Skagit County*, Case 18259-U-04-4657. Mr. Gedrose reported that he has received confirmation of compliance from the union. Mr. Gedrose recommended accepting compliance in the matter and closing the case. The Commission unanimously agreed.

*City of Pasco*, Case 18431-U-04-4696. Mr. Gedrose will follow up on the matter and will report to the Commission at the May meeting.

*Western Washington University*, Case 18898-U-04-4805. A tender of compliance has been received from the employer, but the union has not received that information. An appeal has been filed in Whatcom County Superior Court and may be moved to the Court of Appeals. The administrative record will be filed with the Court as soon as possible.

*Snohomish County*, Case 19549-U-05-4959. Mr. Gedrose asked that this case be held over to the May meeting.

*Shoreline School District*, Case 19822-U-05-5026. The Compliance Officer has received responses from both parties and he recommended acceptance of compliance in the matter. The Commission unanimously accepted compliance and the case will now be closed.

*Seattle School District*, 20309-U-06-5173. Mr. Gedrose reported that the union is satisfied that the compliance measures have been met, and he recommended compliance be accepted. The Commission unanimously accepted compliance and the case will now be closed.

*Colfax School District*, Cases 20914-U-07-5331 and 20720-U-06-5280. Mr. Gedrose asked that these cases be held over until the May meeting so that he can follow up with both parties.

*Mason General Hospital District 1*, Case 21035-U-07-5367. Mr. Gedrose reported that the employer has filed its signed Notice regarding compliance, but that its attorney has filed an appeal in the case. This matter will be held in abeyance until the appeal has been processed.

The Commission thanked Mr. Gedrose for reviewing the cases in compliance.

COURT DOCKET

Mr. de la Rosa reported that petitions for judicial review in *Western Washington University*, Case 19017-U-04-4843 and *Community College District 19 (Columbia Basin College)*, Cases 18916-U-04-4912 and 18917-U-04-4913 have been withdrawn. These cases will now be placed on the Compliance Docket.

COMMISSION DOCKET

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

OTHER BUSINESS

Leslie Liddle thanked the Commission for the agency's involvement in this year's LERA Conference.

Ms. Callahan reported that Claire Nickleberry, Emily Martin, Karyl Elinski, and Starr Knutson will be attending the Federal Mediation and Conciliation Services training in Washington, DC this spring.

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