



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

May 13, 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, 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:

Eric Nordlof, Public School Employees of Washington
Pam Trudeau, Public School Employees of Washington
John Ochs, member of the public

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on April 23, 2008, were approved as submitted.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that case intake has been relatively steady, with 56 cases filed during the month of April. Intake increased last fall and the numbers have stayed about the same. There have been no noticeable trends in the cases that have been filed. Dario de la Rosa noted that the numbers for RCW 41.56 and RCW 41.80 clientele filings have been about the same. There has been an increase in grievance arbitration filings for RCW 41.80 clientele. State bargaining sessions are beginning and we may see mediation and unfair labor practice filings. Supplemental bargaining may be allowed this year under the PSRA by individual agencies. This will be where the caseload projected in 2008 would come from.
2. There were 392 cases pending at the end of April.



3. There were 46 cases closed during the month of April.
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. Ms. Callahan expressed how proud she is of the staff. The Yellow List has disappeared and the Red List has two cases which were consolidated for hearing, but required additional information following the hearing. This decision should issue soon. The Commission acknowledged this accomplishment as "amazing." The Executive Director noted that quality work can be produced in a timely manner. The Commission thanked the staff for their efforts in eliminating the Red and Yellow lists.
5. Executive Director Callahan reported that the agency has completed the diversity training for all staff. We are nearing the end of the state mandated list of required training.
6. Steve Sussman provided PDP training for staff following the diversity training on May 1st. The PDP Design Team includes Terry Wilson and Claire Nickleberry, as well as most members of the management team, and they are rewriting the staff job descriptions.
7. Ms. Callahan announced two staff assignments that were effective May 1, 2008. Diane Tucker has been appointed as the Human Resources Manager. Diane will also supervise the support staff. Ken Latsch has been appointed as Special Projects Manager. Ken will manage the WSQA, the PDP, and other projects as they arise and act as hearing officer for difficult representation hearings. Both positions will report to the Executive Director. The Commission congratulated Diane and Ken on their new responsibilities.
8. Ms. Callahan announced that she will be out of the office for two weeks in June while she undergoes and recovers from knee surgery.
9. Two staff members will represent Ms. Callahan while she is on leave: Robin Romeo will speak to the Association of Community and Technical College Administrators, and Walter Stuteville will be speak to the Washington Association of Prosecuting Attorneys.
10. The agency management team will meet on Thursday, May 15. Ms. Callahan will discuss the sharing of her duties on a week-by-week basis while she is out of the office. The agency has many talented people she can rely upon.
11. The Director's Corner has been updated on the agency website. Ms. Callahan added that things are going well and there is much to do. The Commission's decision in the *City of Mabton* has resulted in significant case processing changes, but the

staff is responding positively and clientele is being informed of the change.

COMPLIANCE DOCKET

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

Snohomish County, Case 20074-U-06-5105. Mr. Gedrose reported he has spoken to counsel for the employer who indicated the judicial appeal is only the remedy in this case. The employer intends to read and post the notice. Mr. Gedrose will follow up with the parties.

State - Social and Health Services, Case 20172-U-06-5140. Mr. Gedrose reviewed the case. The employer has asked how they should read the notice, because there is no board or council. Following discussion, the Commission agreed that such issues should be handled on a case-by-case basis. Ms. Callahan suggested, and the Commission agreed, that an email posting would be appropriate in cases where posting in the workplace is not possible, however, in this case the issue was where the notice would be read. Mr. Gedrose was directed to call the employer's counsel and ask if the employer would read the notice at a management meeting and respond by letter.

Western Washington University, Case 18898-U-04-4805. Mr. Gedrose reported Assistant Attorney General Morgan Damerow filed a letter indicating the notice would be posted and read. The Compliance Officer received the notice on May 8, which was signed on March 27. In Mr. Damerow's absence, Assistant Attorney General Kari Hansen will check on the reading and posting of the notice. A court hearing is scheduled for May 16. If the motion for a stay is denied, the parties will begin interest arbitration proceedings. Training, pursuant to the Commission's order, is scheduled for May 27 with approximately 12 individuals participating. Mr. Nordlof indicated the notice has been read and posted. Mr. Gedrose will contact the employer about formal notice of compliance.

Mr. Nordlof informed the Commission that Public School Employees of Washington tendered a demand to bargain at the parties' last meeting. The union proposed the name of an interest arbitrator, but has not received a response from the OFM Labor Relations Office, on behalf of the employer. Mr. Nordlof expressed his concern that the employer is out of compliance and causing distress to the employees. The Commission adjourned into Executive Session to discuss the issue. The Commission returned to the Compliance Docket and noted they do not condone such behavior, but they are constrained by this week's court hearing. The Commissioners directed Ms. Callahan to send a modified interest arbitration

letter to the parties, if the judge does not rule on the stay. Mr. Nordlof also indicated that the case may be moved to the Court of Appeals on Friday. The Commission noted they would like to see this case come to a conclusion.

City of Pasco, Case 18431-U-04-4696. Mr. Gedrose asked that this case be held over until the June meeting.

Colfax School District, Cases 20914-U-07-5331 and 20720-U-06-5280. Mr. Gedrose asked that these cases be held over until the June meeting.

Mason General Hospital District 1, Case 21035-U-07-5367. Mr. Gedrose asked that this case be held over until the June meeting.

COURT DOCKET

Mr. de la Rosa reported that there was nothing to report besides the *Western Washington University* hearing scheduled for Friday, May 16. He also indicated that *Mason General Hospital District 1*, Case 21035-U-07-5367 may be appealed to court.

COMMISSION DOCKET

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

OTHER BUSINESS

Mr. Nordlof introduced Pamela Trudeau, his assistant of 23 years, 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

ATTEST:


CATHLEEN CALLAHAN
Executive Director