



STATE OF WASHINGTON  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919  
(360) 570-7300 • Fax: (360) 570-7334 • E-mail filings: [filing@perc.wa.gov](mailto:filing@perc.wa.gov) • Website: [www.perc.wa.gov](http://www.perc.wa.gov)

MINUTES

July 15, 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  
Thomas W. McLane, Commissioner  
Cathleen Callahan, Executive Director  
Majel C. Boudia, Confidential Secretary  
Dario de la Rosa, General Counsel

Also present and participating:

Russ Keefer, Kennewick General Hospital Health System  
Michael Gawley, Washington Education Association  
Gladys Burbank, Washington Federation of State Employees  
Ed Younglove, Washington Federation of State Employees  
Geoff D. Miller, SEIU 1199NW  
Joe Ruiz, Liquor Control Board  
Dolly Garcia, Department of Revenue  
Dorothy Hibbard, Department of Revenue  
Leslie Liddle, Public School Employees of Washington

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on June 3, 2008, were approved as submitted.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that case intake has been consistent with that of the previous year. There were 61 cases filed in the month of June, 42 cases involve Chapter 41.56 RCW (PECB) clientele and 14 involve Chapter 41.80 RCW (PSRA) clientele. Unfair labor practice and mediation case filings are about equal.



2. The number of cases closed during the months of May and June were quite high, which gave us a good closing record to end the Fiscal Year.
3. There were 337 cases pending at the end of June. This is a bit lower than prior years but relatively consistent with the prior 12 month period.
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. Timeliness continues to be much better than in the past. The three cases on the Red List will issue prior to the Executive Director's departure for the Association of Labor Relations Association conference or soon after her return.
5. Ms. Callahan reported that the Performance and Development Plan is in the final stages waiting to be implemented. We are working out differences with the Department of Personnel. When our forms are finalized, the supervisors and the staff will meet to develop the first performance plans. The Executive Director is proud of the work that the staff has done. The design team has included all supervisors and managers, plus Claire Nickleberry, Terry Wilson, and Diane Tucker, before her promotion. There have been numerous meetings with the entire staff and with small groups. Everyone has had input into the process, the process has been transparent, and our goal is to have a plan that is meaningful and reflects mutuality on the part of staff and supervisors.
6. While Ms. Callahan was out of the office following her knee surgery, Walter Stuteville took her place at a conference of prosecuting attorneys. He spoke on what is happening at PERC. Robin Romeo spoke on dispute resolution and PERC services to a group of community and technical college administrators. Ms. Callahan extended her thanks to both Walter and Robin.
7. The Executive Director was pleased to announce that the staff had its final mandatory state training on June 26<sup>th</sup>. The topic was domestic and workplace violence. Over the next year we will focus more on training related to case handling.
8. Executive Director Callahan announced that Business Manager Jim Lohr and IT Specialist Mitch Nelson are working on three IT projects which will occur during the next year: Migration to WORD, Outlook, and Exchange.
9. Ms. Callahan was pleased to provide the Commission with copies of the 2007 Annual Report. The 32<sup>nd</sup> Annual Report includes the changes the Commission recommended on final edit. The

Executive Director is very proud of Jim Lohr and Pam Cooke for their work on the report. It is vastly different from prior reports in that it is more attractive and easier to read.

#### RULE-MAKING PETITION

General Counsel Dario de la Rosa reviewed the proposed rule, filed by Russ Keefer, to amend WAC 391-25-130. The proposed amendment would protect the privacy of employees during the processing of representation case proceedings. Following review and comments from the audience, and a short caucus, the Commission moved, seconded, and denied the petition. A formal Order Denying the Petition will be issued.

#### COMPLIANCE DOCKET

Executive Director Callahan reviewed the cases pending on the compliance docket on behalf of Compliance Officer David Gedrose who was on vacation.

*Snohomish County*, Case 19549-U-05-4959. The parties have reached agreement on all outstanding issues. Ms. Callahan and Mr. Gedrose recommended that the case be closed. The Commission unanimously agreed and the case will now be closed.

*Colfax School District*, Cases 20720-U-06-5280 and 20914-U-07-5331. There has been no response to Mr. Gedrose's letter dated June 16, 2008, requesting comments by July 1, 2008, or the cases will be closed. Ms. Callahan recommended closure of the case. The Commission unanimously agreed and the cases will now be closed.

*Seattle School District*, Case 21232-U-07-5416. Mr. Gedrose has heard nothing from the parties since his letter dated July 2, 2008. Mr. Gedrose indicated to the parties that he would recommend closure of the case if no comments were received. He has received no response(s). The Commission unanimously accepted compliance and the case will now be closed.

*Community College District 22 - Edmonds*, Case 20823-U-06-5307. Ms. Callahan recommended closure of the case since there has been no response to Mr. Gedrose's letter dated July 2, 2008. The Commission unanimously agreed and the case will now be closed.

*City of Pasco*, Case 18431-U-04-4696. Ms. Callahan reviewed the case and recommended that a compliance hearing be held. The parties have agreed to a hearing.

COURT DOCKET

Mr. de la Rosa reported on the Court Docket:

*Western Washington University*, Case 18898-U-04-4804. Mr. de la Rosa reviewed the case. On May 16, 2008, Whatcom County Superior Court denied the employer's motion to stay the interest arbitration remedy, and granted the union's motion to transfer the case to the Court of Appeals. On June 19, 2008, the employer withdrew the petition for judicial review. The Commission's decision, including the interest arbitration remedy, appears to stand.

*City of Mukilteo*, Case 19391-U-05-4923. Mr. de la Rosa reported that a petition for review has been filed in King County Superior Court. The trial date has been set for December 22, 2008.

*Snohomish County*, Case 20074-U-06-5105. Mr. de la Rosa reviewed the case. The employer filed a petition for judicial review in Thurston County Superior Court challenging only the interest arbitration remedy. Although the employer filed for review, it remained committed to satisfying the imposed remedial order, including possibly going to interest arbitration. Although the parties did not reach an agreement within the allotted time, and were prepared to commence arbitration, the union and employer eventually reached agreement on a new CBA that expires at the end of 2010. On July 14, 2008, our Assistant Attorney General received word from the employer's counsel that the petition for judicial review was being withdrawn. Mr. de la Rosa will report back to the Commissioners when the final confirmation is received.

*City of Yakima*, Case 19741-U-05-4998. Mr. de la Rosa reviewed the case. Thurston County Superior Court affirmed the agency decision. The union filed an appeal to the Court of Appeals on June 19, 2008.

COMMISSION DOCKET

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

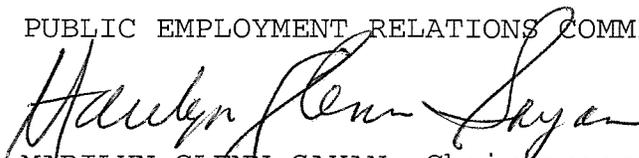
OTHER BUSINESS

A motion was made, seconded, and carried, to approve Commission and staff attendance and travel for the Association of Labor Relations Agencies Conference in Burlington, Vermont, in July of this year.

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

  
THOMAS W. McLANE, Commissioner

ATTEST:

  
CATHLEEN CALLAHAN  
Executive Director