



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, Executive Director

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MINUTES

January 13, 2009

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:

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, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

John Dryer, OFM Labor Relations Office
Glenn Frye, OFM Labor Relations Office
Leslie Liddle, Public School Employees of Washington
Patty Moneyhun, Service Employees International Union
Herb Harris, Washington Federation of State Employees
Gladys Burbank, Washington Federation of State Employees
Peggy Pulse, Department of Social and Health Services
James E. Lohr, Public Employment Relations Commission

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on November 18, 2008, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that December was an interesting month. Weather conditions suspended office operations for one day, and resulted in early closure on



two days, and late opening on one day. The agency has a new emergency call-in telephone number (announcement only) which allows Ms. Callahan to leave a message for staff if operations are affected by weather or other emergency. It worked very well during the weather crisis.

2. Case intake was down in December, with only 34 cases filed. The majority of the filings were under Chapter 41.56 RCW jurisdiction. Six representation cases were filed, of which four were filed under the new self-determination rule, WAC 391-25-440. Seven unfair labor practice cases were filed, all for Chapter 41.80 RCW clientele. There were 56 cases closed during December. There have been 31 cases filed in the first seven days of January 2009.
3. The Red List (cases ready for decision more than 90 days) was reviewed. There are two cases on the list. One will issue today or tomorrow and the other will issue soon. There are six cases on the Yellow List (cases ready for decision 45 to 89 days).
4. There have been many requests for Outreach:
 - Ms. Callahan has been invited to speak to the Washington Public Employees Association on January 21, 2009. She and Representation Coordinator Sally Iverson will review representation case procedures and WAC 391-25-440, the new self-determination rule. Recent related decisions will also be reviewed.
 - On Thursday, January 15, at their request, Ms. Callahan will present a collective bargaining primer to the Washington State Senate Labor, Commerce and Consumer Protection Committee. Although initially scheduled as a meeting with Commissioner McLane, the Senate decided to proceed with Mr. McLane's confirmation hearing following the work session.
 - Joel Greene, Robin Romeo, and Claire Nickleberry will join Cathy Callahan in presenting clientele workshops throughout the state. Topics will include:
 - Services and case update - Cathy
 - How to prepare for a PERC hearing - Joel
 - Unilateral change cases - Robin
 - Mediation - Claire

The tentative dates for these workshops are:

- March 13 - Vancouver
- May 28 - Tacoma
- June 25 - Bellingham
- July 23 - Spokane
- July 24 - Pasco

Ms. Callahan emphasized that these workshops will not replace the Labor and Employment Relations Association (LERA) Conference scheduled for April 16 and 17; rather, they will augment it. Labor Relations Adjudicator/Mediators Christy Yoshitomi, Guy Coss, and Lisa Hartrich are serving on the LERA Conference Committee this year. Commissioner Bradburn asked if the committee included a panel on interest arbitration awards this year. Executive Director Callahan indicated she was not aware of such a panel, but that she would talk to the committee.

5. The Executive Director reviewed the following letters complimenting staff members:

- Mike Boyer, a Washington Education Association business representative, commended Jamie Siegel for her assistance in settling an unfair labor practice in the Republic School District.
- Bob Braun thanked Katrina Boedecker for her assistance in mediation between Jefferson County and United Food and Commercial Workers, Local 21.
- Kirsten Barron, counsel for the Grays Harbor County Juvenile Department, thanked Joel Greene and Claire Nickleberry for their work with the parties during interest-based bargaining training.
- Ms. Callahan added that she also learned indirectly that our settlement program is working extremely well. One of our clientele has reported that in the past two years settlement cases were actively pursued, they have not had a single case go to hearing.

6. The Legislature is now in session. We are currently monitoring the symphony bill. This bill was introduced last session by Senator Kohl-Welles. It proposes collective bargaining rights for employees of private

symphonies, operas, and performing arts centers that do not meet the jurisdictional standards of the National Labor Relations Board. If passed, we will need to do some rule-making, but it should be minimal.

Other legislation is anticipated. Ms. Callahan noted we will make ourselves available, upon request, to the Legislature or parties to provide assistance.

7. Chairperson Sayan announced that Pamela Bradburn has been reappointed as Commissioner with her term continuing until September 8, 2013.

COMPLIANCE DOCKET

Compliance Officer David I. Gedrose reported that two cases on the agenda will be held over to the February meeting.

The following cases were reviewed:

King County, Cases 18752-U-04-4765, 19045-U-04-4847, and 19151-U-05-4866. Compliance documents were tendered by the employer on October 2 and December 26, 2008. Mr. Gedrose contacted the union regarding additional compliance issues and has received no reply. He recommended that compliance be accepted. The Commission unanimously accepted compliance in the matter and the cases will now be closed.

City of Tukwila, Case 19989-U-05-5072. Mr. Gedrose reported that compliance documents have been tendered and posting completed. Having received no response to his inquiry, the Compliance Officer recommended compliance be accepted. The Commission unanimously agreed to accept compliance in the matter and the cases will now be closed.

Mr. Gedrose noted that the other two cases on today's agenda will be held over until the February Commission meeting. Executive Director Callahan commended Mr. Gedrose for his pro active role in monitoring cases on the compliance docket. Commissioner Bradburn added that she appreciated the documentation of these cases.

COURT DOCKET

Mr. de la Rosa reported on the following cases:

Western Washington University, Case 21631-U-08-5518. This case is pending in Thurston County Superior Court.
City of Mukilteo, Case 19391-U-05-4923. This case is pending in King County Superior Court.

City of Yakima, Case 19741-U-05-4998. The employer appealed the case to Thurston County Superior Court, and the decision was affirmed. The case is currently pending in the Court of Appeals Division 2. A recent Court of Appeals decision upheld a visiting judge's decision to throw out an arbitration award.

OTHER BUSINESS

Gladys Burbank raised an issue regarding the recent Executive Ethics Board meeting. PERC staff is aware of the issue and will monitor the situation as it relates to collective bargaining.

COMMISSION DOCKET

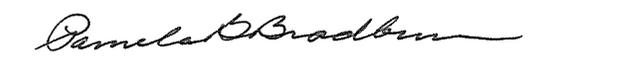
The Commission docket was reviewed and the status of each case was discussed.

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