



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, Executive Director

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MINUTES

February 10, 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
Herb Harris, Washington Federation of State Employees
Gladys Burbank, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on January 13, 2009, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that case processing for the month of January was high, with 73 cases filed and 76 closed.
2. The Red List (cases ready for decision more than 90 days) was reviewed. There is one case on the list and it should issue soon. There are five cases on the Yellow List (cases



ready for decision 45 to 89 days). This is a relatively short list. For the most part, we are issuing decisions in a timely manner.

3. Ms. Callahan reported that Business Manager Jim Lohr has arranged for the agency to lease space on the second floor in Olympia for a conference room. She added that it will be nice to have a second conference room available for meetings and hearings.
4. The agency conversion from WordPerfect to Word will occur this spring. We will also transition from Lotus Notes to Outlook for our e-mail.
5. A copy of a flyer announcing the five workshops to be held around the state was distributed to the Commissioners. The workshops will also be advertised on the website, via mail, and the flyer may be sent with all outgoing correspondence. This training is not a substitute for the LERA Conference, but will augment the LERA Conference. Commissioner Bradburn asked the audience to notify the agency if they have any suggestions for notifying clientele of the workshop. Ms. Callahan indicated that staff member Cathy Naegle has been working on a comprehensive mailing list for the agency that will be used for the workshops and the LERA Conference. The workshop presenters include Ms. Callahan, Claire Nickleberry, Terry Wilson, and Robin Romeo. Ms. Callahan added that another series of workshops may be planned if the first series of workshops prove to be successful. Chairperson Sayan encouraged all interested groups to attend. Executive Director Callahan reported that Ken Latsch is coordinating the logistics for the workshops throughout the state.
6. The Executive Director reported on recent Outreach requests:
 - Ken Latsch spoke to a class of students from Seattle Pacific University on Friday, February 6, 2009, about PERC services and collective bargaining. These students are studying to be school superintendents.
 - Ken Latsch is speaking to the Employee Relations Negotiations Network (ERNN) this morning regarding mediation.

- Ms. Callahan and Sally Iverson spoke to the Washington Public Employees Association on January 21, 2009, on representation and unit clarification case procedures, and WAC 391-25-440, the new self-determination rule. Ms. Callahan noted that she always learns a lot when she meets with our clientele.
7. The Commission reviewed the following:
- A telephone message from Julie Howe, City of Redmond, praising Katrina Boedecker for her assistance in mediation.
 - A letter from Katrina Boedecker to Diane Tucker commending Robbie Duffield for his assistance and exceptional customer service to clientele during Ms. Boedecker's hearing held in the Olympia office. Ms. Callahan noted that Robbie was the only support staff member in the office one day and he capably handled all tasks. The Commission extended their thanks to Robbie.
8. The Commission reviewed and approved the application of Dorothy A. Fallon for the Dispute Resolution Panel.

LEGISLATIVE REPORT

Executive Director Callahan reported that several fiscal notes have been prepared and submitted. There is little fiscal impact attached to any of the proposed legislation.

HB 1801/SB 5908 extends interest arbitration to employees of juvenile court services administered under RCW 13.20-060. This bill is limited to juvenile facilities in populations over one million.

HB 1822 extends interest arbitration to certain general authority airport peace officers.

HB 1329/SB 5572 is the daycare bill that was introduced last year. Ms. Callahan has been asked to attend the hearing on the bill this afternoon.

We are currently monitoring the private sector 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. The bill was recently amended to include only musicians. Costs for us to administer this bill would be negligible. If passed, we will need to do some rule-making, but it should be minimal.

COMPLIANCE DOCKET

Compliance Officer David I. Gedrose reported on the following cases:

City of Pasco, Case 18431-U-04-4969. Mr. Gedrose reviewed the case and reported that both parties have responded that the matter can be closed. Following review of the documents, the Commission unanimously accepted compliance and the case will now be closed.

Snohomish County, Case 20302-U-06-5170. Compliance was tendered on November 20, 2008, and the period for posting has passed. No response has been received from the parties. Lack of a response is understood as acceptance of compliance. Mr. Gedrose recommended acceptance of compliance, and the Commission unanimously accepted compliance and the case will now be closed.

State - Transportation, Case 20815-U-06-5305. On January 29, 2009, the agency notified Mr. Gedrose that the notice was re-read in its entirety at a meeting of the Transportation Commission. Mr. Gedrose recommended and the Commission unanimously accepted compliance and the case will now be closed.

State - Individual Providers, Case 21917-U-08-5583. Compliance was tendered on January 22, 2009, and the period for posting has passed. The Notice was posted on the Healthcare Quality Authority's webpage. A lack of a response from the parties is understood to be acceptance of the compliance in the matter; however, there is a pending appeal in this case. Following discussion, the Commission asked Mr. Gedrose to request a formal withdrawal of the appeal. Once that document is received, the Commission agreed that the case could be closed.

There was a discussion regarding posting of compliance notices. Chairperson Sayan said that the intent is to post the notice at the highest level of an agency possible. Compliance Officer Gedrose noted that posting is reviewed on a case-by-case basis, and we will tailor the posting requirements to the agency. Ms. Burbank commented that she would like to be aware of the reasoning and intent behind the posting location. Mr. Harris

asked if compliance matters are reported to the Governor. They are not. Executive Director Callahan suggested that a focus group could be formed regarding compliance issues for state agencies. The Commission agreed this would be a good way to convey information to clientele. Chairperson Sayan asked Ms. Callahan to ask clientele for their comments via outreach.

COURT DOCKET

Mr. de la Rosa reported there are no new appeals or updates regarding pending appeals of this agency's decisions.

OTHER BUSINESS

Gladys Burbank reported that the issue raised at the Executive Ethics Board meeting has been moved to the March meeting. PERC staff is aware of the issue and will monitor the situation as it relates to collective bargaining.

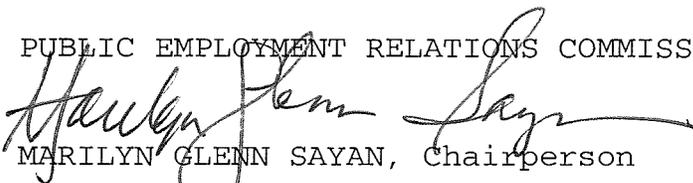
COMMISSION DOCKET

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