



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

August 11, 2009

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 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:

Karl Nagel, OFM Labor Relations Office
Debra Mayo-Kelley, Public School Employees of Washington
Stacey NaVarre, Public School Employees of Washington
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 July 14, 2009, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 53 cases were filed during the month of July, which is down from the previous year's intake when 30 unit clarification cases were filed by WFSE. Fifty-eight cases were closed. There were 369 cases pending at the end of July. There were four cases pending decisions over 90 days.
2. Ms. Callahan reported that the Outreach Workshops were completed in Spokane and Pasco during July. Clientele were grateful that staff conducted two of the workshops in Eastern Washington. Overall, clientele were unaware of our services and overwhelmingly requested that staff return for additional training. The Executive



Director suggested conducting another series of workshops in a year or so. There were 467 attendees overall at the four workshops. In response to Commissioner Bradburn's question, Ms. Callahan noted that public jurisdictions were widely represented at all workshop sessions, including ports and public utility districts.

3. Staff training will be conducted for Labor Relations Adjudicator/Mediators on October 5, 2009. Training will follow-up on representation and unit clarification case training previously offered. Ms. Callahan and Ken Latsch and have prepared and distributed a "Best Practices in 'C' and 'E' Prehearing and Hearing Procedures" document for staff review.

RULE-MAKING PETITIONS

Executive Director Callahan introduced two petitions for rule-making to the Commission.

WAC 391-25-030 addresses the lack of clarity in the rule with respect to its interaction with WAC 391-25-440. The Executive Director reviewed the petition to clarify the certification bar and contract bar. Mr. Nordlof explained his petition, a short discussion followed, and the Commission recessed to caucus. Upon the Commission's return, Commissioner McLane moved to act upon Mr. Nordlof's March 10, 2009 petition to begin the rule-making process under RCW 34.05.330(1)(b). Commissioner Bradburn seconded the motion. The motion carried. Ms. Callahan announced that staff will initiate a focus group and send an announcement to interested parties. Chairperson Sayan noted that although the Commission is directing staff to initiate the rule-making process which will provide for participation by all interested parties, the Commission may or may not amend the rule.

WAC 391-35-356 provides eligibility language concerning part-time state civil service employees. The Executive Director has clarified many bargaining units to include part-time employees who perform the same work as other unit employees for at least 350 hours per year. If a case were to come to PERC, we would consider the previous 12-month period in determining bargaining unit status. Mr. Nordlof commented on his petition that is intended to permanently retain employees in bargaining units once employees meet the 350-hour threshold. Gladys Burbank offered some historical background as it related to state bargaining units. She added that the WFSE supports Mr. Nordlof's petition. The Commission recessed to caucus. When they returned from caucus, Commissioner Bradburn moved to dismiss the petition, adding that the Personnel Resources Board (PRB) adopted a definition of eligibility and we need to work with that definition. Because of the PRB language, this agency cannot do what it has been asked to do. Commissioner McLane seconded the motion, and the motion carried.

COMPLIANCE DOCKET

City of Auburn, Case 20161-U-06-3136. Compliance Officer David Gedrose reviewed the case. The matter was settled, but there was an outstanding Order. Counsel for the union waived enforcement of the Order in a letter received August 5, 2009. The Commission unanimously agreed that the case should now be closed and the matter should note that all compliance issues have been waived.

City of Seattle, Case 21510-U-08-5479. Mr. Gedrose asked that the case be held over to the September meeting.

City of Mabton, Case 21706-U-08-5535. The case was reviewed, and the union has verified that the city has fully complied with the Order. The Commission unanimously accepted compliance in the matter, and the case will now be closed.

COURT DOCKET

Appeals Administrator Dario de la Rosa indicated there was nothing to report at this meeting.

OTHER BUSINESS

There was no other business to come before the Commission.

ADJOURNMENT

There being nothing further to come before the Commission, the public meeting was then adjourned.

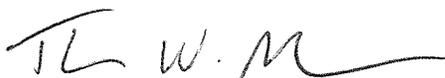
COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director