



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

April 13, 2010

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:

John Dryer, OFM Labor Relations Office

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held March 9, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Cathy Callahan reported there were 68 cases filed during the month of March, as compared to 58 filed during March 2009. Closures for the month were up dramatically with 89 cases closed, as compared to 45 during the same period last year. There are currently 374 open cases. Staff members are busy. Filings are a mix of case types and a variety of employers. It appears there is an abundance of hearing work as well as mediations. For example, on one team each team member has between 5 and 7 hearing cases. Mediation cases are especially tough because of the economic times. Fortunately, settlement cases ("S" cases) are resolving about 70 percent of the unfair labor practice cases.



2. The Red List (cases ready for decision more than 90 days), and Yellow List (cases ready for decision 45 to 89 days) were reviewed. Both lists will be shorter by the end of this week.
3. The Legislature has adjourned. Our budget last biennium was \$10,070,000. The 2009 legislative session cut \$572,000, leaving us with \$9,498,000. Last night the Legislature cut an additional \$794,000 from our budget. We are currently looking at a biennial budget of \$8,704,000. The agency will attempt to avoid furloughs even though the furlough bill passed. Depending upon interpretation of the budget, Executive Director Callahan, Dario de la Rosa, and Majel Boudia may suffer salary cuts.
4. The Management Team has suffered cuts as well. Ms. Callahan reported that Ken Latsch has moved to a Labor Relations Adjudicator/Mediator (LRAM) position. He will be on Martha Nicoloff's team. Clientele and our LRAM staff members are thrilled to have him return to the field. Ken will retain several functions, including records retention, case closures, and possibly rules and legislation.
5. Ms. Callahan announced that LRAM Steve Irvin has moved to the Olympia office. He will be on Mark Downing's team. Philip Huang remains in the Kirkland office on Walter Stuteville's team.
6. The Interest-Based Bargaining (IBB) Team consists of eight staff members and continues to be very busy. A two-member team is assigned to each IBB case and each team has 2-3 trainings scheduled. Ms. Callahan was pleased to report that many employers are inviting these teams back for training in a second bargaining unit.

The IBB Team has also created a Collective Bargaining 101 curriculum. The team is looking for no-cost venues for this training which will be offered to groups of about 50 individuals. It is hoped that this training will begin soon. The IBB Team is meeting this afternoon.

7. The Executive Director reported that she and Dario de la Rosa are behind in the rules process. Newly passed legislation requires that we create new rules for the agency. They anticipate holding focus group meetings and will be scheduling these meetings soon.
8. Ms. Callahan and Unfair Labor Practice Manager David Gedrose recently conducted training for the Seattle School District that was included in the order of an unfair labor practice decision issued by Examiner Jessica Bradley. They reported that it was a good session that generated thoughtful discussion. Approximately 24 district personnel were involved. The district was very gracious and helpful in organizing and participating in the training. The afternoon proved to be a very positive experience.
9. Outreach: The Labor and Employment Relations Association (LERA) Conference will be held at the end of April. Christy Yoshitomi, Lisa Hartrich, and Guy Coss are members of the conference committee. The staff who will attend will serve as room monitors or otherwise participate in the conference. Due to budget issues, per diem will not be paid for most staff attending the conference.

10. Three policies were issued during the month of March: Document Retention, Layoff Policy (WMS), and Salary Determination (WMS).

LEGISLATIVE REPORT

Dario de la Rosa reviewed the legislation Governor Gregoire has signed into law, as well as the furlough bill which is awaiting her signature.

- HB 1560 - Modifies collective bargaining to employees of institutions of higher education. This bill appears to be ready to sign.
- SB 5046 - Places symphony orchestras that receive gross revenues in excess of \$300,000, but less than the \$1,000,000 standard to fall under the NLRB's jurisdiction, operas, performing arts theaters, and other entertainment-based organizations under PERC jurisdiction. The bill has been delivered to the Governor for signature.
- SB 6726 - Gives collective bargaining rights to language interpreters whose work is derived from various DSHS programs.
- HB 6382 - Restricts hiring, travel, personal services contracts, equipment purchases over \$5000, and freezes salaries.
- SB 6503 - Specifies certain dates that state employees would be furloughed.
- SB 6696 - Regarding education reform, this bill would require low achieving school districts to develop an action plan to address performance problems and bargain collectively with collective bargaining representatives. PERC would mediate the plan (indeterminate costs). If mediation is unsuccessful, PERC would certify the case and refer it to court for a decision within 30 days.

House Bill 6382 and House Bill 6503 are effective on the day the Governor signed the legislation. All other bills become effective on June 10, 2010.

COMPLIANCE DOCKET

There were no cases to report at this meeting.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported on the following cases:

Seattle School District (Robert Femiano), Cases 19944-U-05-5062 and 19945-U-05-5063. Mr. Femiano has filed an appeal of both cases in King County Superior Court.

Office of the Governor, Case 22171-U-09-5654. This case involves the Washington State Patrol. Judge Richard Hicks issued an oral ruling in Thurston County Superior Court.

Mr. de la Rosa also briefed the Commission on the recent Washington State Supreme Court decision between Service Employees International Union, Local 775 and the Office of the Governor. This case did not originate in this agency.

Pierce County, Case 22691-U-09-5799. The agency will take an active role in this case.

All other cases remain pending in their respective courts.

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 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