



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

June 8, 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, via telephone
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:

Dolly Garcia, Washington Public Employees Association/UFCW Local 365
Herb Harris, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held May 11, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that there were 55 cases filed during the month of May, as compared to 55 filed during May 2009. There were 68 cases closed. As of May 31, 2010, there were 343 open cases. Case filings appear to be varied.
2. The Commission reviewed a printout of decisions issued by the agency during the past six months. This information is available on the agency website. Ms. Callahan explained that the decisions are divided into the following categories: Commission, Executive Director, ULP Dismissals and Partial Dismissals, Examiner, and Certification of Bargaining



Representatives. The Commission asked that this information be included in their files at each meeting.

3. Following review of recently issued decisions, the Executive Director reported that the Red List (cases ready for decision more than 90 days), and Yellow List (cases ready for decision 45 to 89 days) are shorter than last month. Ms. Callahan noted that she has talked to the three Field Services Managers about getting staff decisions issued.
4. Ms. Callahan informed the Commission that recruitment postings have now closed for two Labor Relations Adjudicator/Mediators (LRAMs). One position will be an LRAM 1 (in training for LRAM 2 located in Olympia or Kirkland) and the second will be an LRAM 2 (in training for LRAM 3 located in Kirkland) to replace Field Services Manager Walter Stuteville who will retire at the end of the year. There are 11 applicants for the LRAM 1 position and 4 applicants for the LRAM 2 position. Once reviewed, tests will be scheduled and followed up with interviews.
5. Executive Director Callahan announced that the agency's Compensation Reduction Plan has been approved by the Office of Financial Management (OFM). Our staff will not be furloughed. Ms. Callahan sent an e-mail message to staff with the established furlough dates: Monday, July 12, 2010; Friday, August 6, 2010; Tuesday, September 7, 2010; Monday, October 11, 2010; Monday, December 27, 2010; Friday, January 28, 2011; Tuesday, February 22, 2011; Friday, March 11, 2011; Friday, April 22, 2011; Friday, June 10, 2011. Consistent with the conditions set by OFM, when approving our Compensation Reduction Plan, staff members have been asked to avoid scheduling hearings, due dates for briefs, mediations, conference calls, and any other business meetings with our state clientele on these dates.
6. Agency IT migration to the Department of Information Services (DIS) is progressing slowly. Ms. Callahan reported that DIS was contacted on Monday, June 7, and DIS responded. We hope the IT migration will begin shortly. IT Manager Mitch Nelson will be directly involved in this project.
7. The Executive Director and the Appeals Administrator have received inquiries regarding cases that have been appealed to court. The Commission agreed that the agency website should include a list of all active cases in the court system. The list will be added to the website with a short explanation of each case as soon as possible.
8. The first meeting of the Rules Focus Group will held on Friday, June 11, 2010. Ms. Callahan noted that a second meeting is scheduled for June 22, 2010. The group will discuss amendments to WAC 391-25-440 regarding self-determination elections, and adoption of rules governing public record requests, as well as rules necessary to implement recently passed legislation, including Senate Bill 5046 (Symphony Orchestra Collective Bargaining), Senate Bill 6726 (Interpreter Collective Bargaining), and Senate Bill 6696 (Education Reform).

The issue pertaining to part-time employees and the "350 hour" issue that was raised by Eric Nordlof, on behalf of Public School Employees of Washington, has been decided by the Personnel Resources Board (PRB). The PRB decided, in amending WAC 357-04-045, that

the 12 month period used to determine part-time status will be calculated from each employee's date of hire and evaluated annually.

9. Ms. Callahan reported that Field Services Manager Martha Nicoloff recently fell and broke her femur. We hope she will be back with us soon.
10. The Commission reviewed the application of Carl Bosland for the Dispute Resolution Panel and unanimously approved the addition of his name to the panel.

The application process for the agency's Dispute Resolution Panel was reviewed. It was suggested that WAC 391-55-110(2) pertaining to letters of recommendation be clarified to indicate letters of recommendation will be accepted if dated within two years of the date of application. Additional requirements will include that the letters be printed on letterhead stationery and that each letter be signed.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reported on the following case:

City of Kelso, Case 22046-U-08-5612. Posting of notices and reading the notice in the minutes of the city council have been completed. Mr. Gedrose recommended that compliance be accepted in the matter. The Commission reviewed the documents and unanimously accepted compliance. The case will now be closed.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported that there has been no change in the status of the pending cases in court. However, a communication issue has surfaced with our Assistant Attorney General. We have learned that *City of Seattle*, Case 19522-U-05-4955, has been appealed to the Court of Appeals, and oral argument is being scheduled. Mr. de la Rosa is trying to confirm that appeal and current action. Ms. Callahan sent a request to our Assistant Attorney General asking him to keep this agency informed of all court activity.

Mr. Gedrose noted that we learned about an appeal in April regarding a compliance matter that was issued last October.

Mr. de la Rosa reported that the *Central Washington University*, Case 21915-E-08-3388, appeal will be withdrawn. A new petition may be filed.

ADJOURNMENT

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

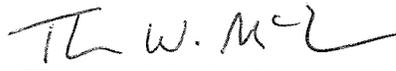
COMMISSION DOCKET

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