



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

September 14, 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:

Jim Gasper, Kiona Benton Education Association
Leslie Bedke, Washington Education Association
Jeanie Tolcacher, Kiona Benton School District
Gladys Burbank, Washington Federation of State Employees
Herb Harris, Washington Federation of State Employees
Jennifer Swogger, Department of Social and Health Services
Peggy Pulse, Department of Social and Health Services

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held August 10, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 66 cases were filed in August, a few more than last year. The breakdown of these cases was: 16 mediation, 16 unfair labor practices, 11 representation, 7 panel, 6 grievance mediation, 3 settlement, 2 unit clarification, 2 nonassociation, 1 grievance arbitration, 1 IBB training, and 1 interest arbitration. Fifty-one cases were closed during the month. There were 397 cases open at the end of August. Few teacher mediation cases have been filed this year; Hoquiam School District filed for mediation yesterday. There are several classified school bargaining units in mediation.



2. There are two cases on the Red List (cases ready for decision more than 90 days). Both of these cases will issue today. There are five cases on the Yellow List (cases ready for decision 45 to 89 days). Two of these decisions are ready to issue.
3. The Commission was provided with the list of recent decisions issued by the agency.
4. Ms. Callahan introduced the newest Labor Relations Adjudicator/Mediator, Kristy Aravena, to the Commission and audience. Kristy comes to us from the Department of Commerce Human Resources. She received her M.S. degree in June.
5. Ms. Callahan reported two kudos, including a call from the Superintendent of the Ferndale School District, for Ken Latsch's assistance in helping the parties reach agreement.
6. Executive Director Callahan reported that Emily Martin settled a teacher mediation in the Darrington School District.
7. The Executive Director reported that the landlord has decided not to take the space in our Kirkland office. Because we were looking at this remodel for budget savings, we may renegotiate the lease or look elsewhere for office space. The current lease expires October 31, 2011.
8. Karyl Elinski's husband, Peter Harris, passed away on September 3. Our hearts go out to Karyl and her children.
9. Christy Yoshitomi welcomed a 10 lb. 8 oz. son named Kyle on September 11. Congratulations to Christy and Ken.

COURT DOCKET

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

City of Seattle, Case 19522-U-05-4955. Oral arguments were originally scheduled for September 10, 2010, but have been postponed. We have not been advised of the new date.

State – Office of the Governor, Case 22289-U-09-5685. The trial regarding the Governor's responsibility to request a reopening of negotiations following the Office of Financial Management's decision to reject the previously negotiated tentative agreements due to financial feasibility is set for September 17, 2010.

Community Transit, Case 22100-U-08-5632. Trial is scheduled for January 21, 2011.

Seattle School District (Robert Femiano), Case 19944-U-05-5062 and 19945-U-05-5063. Mr. de la Rosa noted he has been notified that the case is going to mediation, but we are unsure about the process as we will not participate.

King County, Cases 22175-U-09-5658, 22176-U-09-5659, and 22177-U-09-5660. Mr. de la Rosa reported that a Motion to Consolidate these cases with *King County*, Case 22254-U-09-5697 has been filed by the parties in Thurston County Superior Court. The motion was heard on September 10, 2010.

Lewis County, Case 22922-A-09-1472. The employer has filed a Motion for Reconsideration and Motion to Vacate Arbitration Award in Thurston County Superior Court. The agency will be taking an active role in this case.

RULES ADOPTION

Executive Director Callahan introduced Dario de la Rosa and thanked him for working tirelessly on the rules process. Focus group meetings were held in Olympia on June 2 and 22. A meeting for public comment was held on August 24, also in Olympia. The proposed rules were posted on the agency website and e-mailed to the focus group members. The amendments are primarily of a housekeeping nature. Ms. Callahan thanked the Washington Public Employees Association, Washington Federation of State Employees, Public School Employees of Washington, and the Washington Education Association for participating in the focus group.

The proposed rules were processed individually by group. Each rule was read by title, comments were heard, discussion occurred, and the vote was taken.

The following rules were adopted and will go into effect on November 1, 2010:

Rules Governing Public Records Requests:

- WAC 391-08-800, WAC 391-08-830, WAC 391-08-840, WAC 391-08-850, WAC 391-08-860, WAC 391-08-870, WAC 391-08-880

Rules implementing Chapter 49.39 RCW (Symphony Musicians):

- WAC 391-08-001, WAC 391-25-002, WAC 391-35-002, WAC 391-45-002, WAC 391-55-002, WAC 391-65-002, WAC 391-95-002 (standardization)
- WAC 391-25-229 (financial information)
- WAC 391-25-299 (clarification needed)
- WAC 391-25-399 (cross-check)

Rules implementing RCW 41.56.510 (Language Access Providers):

- WAC 391-25-051

Rules implementing RCW 41.56.500 and RCW 28A.657.050 (Race to the Top):

- WAC 391-55-0715 and WAC 391-55-072 (mediation)
- WAC 391-55-201 and WAC 391-55-202 (certification of issues)
- WAC 391-55-302 (fact-findings not applicable)

Other Rules:

- WAC 391-25-030 (Certification of interest arbitration services as contract bar)
- WAC 391-25-030 and WAC 391-25-440 (certification bar; self-determination petitions)
- WAC 391-25-150 (amendment and withdrawal)
- WAC 391-25-450 (disclaimers)
- WAC 391-25-531 (RCW 41.56 election standards)
- WAC 391-45-310 (typographical error in existing rule)
- WAC 391-55-110 (membership panel)
- WAC 391-55-200 (certification of issues)

MOTION FOR TEMPORARY RELIEF

Kiona Benton School District, Case 23492-U-10-5990. Chairperson Sayan noted that this motion was filed on September 3, 2010, and the Commission has reviewed the matter. James Gasper, counsel for Kiona Benton Education Association, and Jeanie Tolcacher, counsel for the Kiona Benton School District, introduced themselves to the Commission. Ms. Tolcacher thanked the Commission for allowing her to participate via telephone. Comments were received from Mr. Gasper and Ms. Tolcacher. Rebuttal comments were also received. Following a short caucus, Commissioner McLane moved to deny the motion for temporary relief filed by the Kiona Benton Education Association, in large part because the union had failed to establish irreparable harm. The motion was seconded, and passed unanimously. Chairperson Sayan announced that a written order will issue shortly.

OTHER BUSINESS

The Commission reviewed and approved the applications of Pilar Vaile and Mark Brennan for the Dispute Resolution Panel. Another application will be held over until receipt of a properly filed letter of recommendation.

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