



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

January 11, 2011

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, via telephone
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Federation of State Employees
John Ochs, member of the public

MINUTES OF PREVIOUS MEETING

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

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 2010 was a busy year. A total of 767 cases were filed in 2010, down slightly from 773 cases filed in 2009, however, 39 more cases were assigned to field staff in 2010 than in 2009. Hearing cases totaled 540, as compared to 501 in 2009 and 418 in 2008, which shows that the staff has been very busy.

There were 53 cases filed in December: 13 unfair labor practice, 5 representation, 12 mediation, 2 panel, 8 settlement, 1 unit clarification, 8 grievance mediation, 2 interest arbitration, 1 nonassociation, and 2 training (usually IBB training). Fifty-three (53) cases were closed during the month. There were 378 cases open at the end of December.



2. There were six cases on the Red List (cases ready for decision more than 90 days). Ms. Callahan reported that most of these cases are in the final editing stage and will issue this week. There were eight cases on the Yellow List (cases ready for decision 45 to 89 days). A number of these cases are close to being issued or are in the editing stage. She emphasized that this pattern should not continue.
3. The Commission reviewed the list of recent decisions issued by the agency.
4. Ms. Callahan reported on construction in the agency's two offices. The Olympia office entry area remodel is complete with a new window added for security and visibility. Wire glass was replaced with clear glass throughout the Olympia office. The Kirkland office construction/remodel will begin soon. The agency will save \$32,000 during the biennium by relinquishing 40% of the space to the landlord. The agency will retain eight offices and a hearing room in Kirkland.
5. Ms. Callahan also reported on the following personnel issues:
 - Labor Relations Adjudicator/Mediator J. Martin Smith retired on December 31, 2010, after 26 years of service with the agency. Staff bid him a fond adieu on December 14th at our employee recognition day event held in the office.
 - Field Services Manager Walter M. Stuteville retired on December 31, 2010, after 25 years of service with the agency. Staff said farewell to him at a luncheon held in the Kirkland area in early January. Both gentlemen will be missed.
 - Christy Yoshitomi has replaced Mr. Stuteville as Field Services Manager in the Kirkland office. The positions previously held by Ms. Yoshitomi and Mr. Smith will remain vacant for now. We will see if the budget will allow us to fill the positions later this year. Although we have authorization to replace Mr. Smith, we will need to ask the Department of Personnel for permission to hire. The recruitment for the Field Services Manager position now occupied by Ms. Yoshitomi was posted internally and externally.
 - Field Services Manager Martha M. Nicoloff has announced that she will retire in May of this year. There will be a new recruitment for her position.
 - The Executive Director noted that costs related to the recent retirements have been incorporated into the agency's budget.
6. Ms. Callahan informed the Commissioners that she had received a beautiful thank you letter from Susan Stoner, General Counsel for the Amalgamated Transit Union, commending Claire Nickleberry for her "skillful combination of compassion and honesty" that brought about a satisfactory settlement in mediation with the City of North Bonneville.
7. On November 17, 2010, Ms. Callahan spoke at the Washington Fire Chiefs "No Secrets" Joint Labor Management Conference in Yakima. Ms. Callahan said she enjoys attending this conference, and that it is interesting to hear the Fire Chiefs and the International Association of Fire Fighters' representatives share their success stories concerning joint labor-management collaboration. This is the third year Ms. Callahan has been invited to participate in the conference.

8. Ms. Callahan reported that the proposed budget includes a 3% cut that will be implemented for unrepresented state employees, including employees of this agency. If enacted, the cut will require each employee to take 5.2 hours per month without pay. Agencies will have discretion on how this leave can be taken, although PERC, upon consultation with the staff, will adopt a common policy.

COMPLIANCE DOCKET

Compliance Officer David I. Gedrose reviewed the following matters:

Wapato School District, Case 22735-U-09-5811 will be held over to another meeting.

Touchet School District, Case 22755-U-09-5819. Compliance Officer David Gedrose reviewed the case and reported that the tender of compliance in the matter was complete and recommended acceptance of compliance in the matter. Following review of the documents, the Commission unanimously accepted compliance and the case will now be closed.

City of Tukwila, Case 22646-U-09-5791. Mr. Gedrose reported that posting of the notice, reading of the notice into the minutes of the city council meeting, and restoration of the shift work was complete and recommended acceptance of compliance in this case. Following review of the documents, the Commission unanimously accepted compliance and the case will now be closed.

COURT DOCKET

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

City of Mukilteo, Case 19591-U-05-4923. In November, Mr. de la Rosa reported that the Court of Appeals decision reversed the King County Superior Court's decision in this matter. A request to publish was denied on December 18, 2010. This case will remain on the docket for one more month to monitor further appeal.

City of Seattle, Case 19522-U-05-4955. Mr. de la Rosa reported that oral arguments have been heard in this case.

State – Office of the Governor, Case 22289-U-09-5685. Mr. de la Rosa reported that the Thurston County Superior Court decision affirmed the Commission's decision. There has been no subsequent appeal. The case will now be closed.

Everett Community College, Case 21765-E-08-3367. The employer has appealed the case to Snohomish County Superior Court. The union has not filed an appeal. The agency will not take an active role in this case.

Omak School District, Case 22614-U-09-5783. The employer has appealed the case to Thurston County Superior Court.

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