



STATE OF WASHINGTON  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919  
(360) 570-7300 • Fax: (360) 570-7334 • E-mail filings: [filing@perc.wa.gov](mailto:filing@perc.wa.gov) • Website: [www.perc.wa.gov](http://www.perc.wa.gov)

MINUTES

April 12, 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  
Cathleen Callahan, Executive Director  
Majel C. Boudia, Confidential Secretary  
Dario de la Rosa, Appeals Administrator  
David I. Gedrose, Compliance Officer

Also present and participating:

Jamie Mullenix, Washington State Health Care Authority

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held March 8, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported there were 78 cases filed during the month of March 2011, compared to 68 cases filed in March 2010. Of those, there were 25 unfair labor practice cases, 17 mediation cases, 9 grievance mediation cases, and 9 representation cases. There were 62 cases closed during the month, compared to 89 closed in March 2010. A total of 376 cases were open at the end of March, which is a relatively stable number.

It was noted that the unfair labor practice cases being filed are complex and unique. Recent mediation cases tend to be very difficult due to economic struggles. Case assignments are spread across the state and staff are travelling a great deal.

2. There were nine cases on the Red List (cases ready for decision more than 90 days). Ms. Callahan noted that she would like to see this list shorter. Two of these cases are near issuance and a number of others are being edited. There were three cases on the Yellow List (cases ready for decision 45 to 89 days).



3. The Commission reviewed the list of recent decisions issued by the agency. Ms. Callahan reported that this list is up to date with the exception of a King County representation case that was issued the previous day.
4. Outreach:
  - The Labor and Employment Relations Association (LERA) Collective Bargaining Conference will be held this Thursday and Friday, April 14 and 15, in Seattle. Over 400 have registered for the event. Most of the agency's professional staff will be working at the conference. Staff will not be reimbursed for any travel expenses, lodging or per diem. Ms. Callahan offered her thanks to conference committee members Christy Yoshitomi, Lisa Hartrich, and Guy Coss. Additional thanks go to Joyce Rolfer, Mitch Nelson, and Robbie Duffield.
  - Emily Martin and Jamie Siegel conducted Collective Bargaining 101 training in Everett on March 23, 2011. Ms. Callahan reported they did an excellent job and offered a personal thank you to both presenters.
  - A Washington Education Association panel of representatives gave a presentation to Labor Relations Adjudicator/Mediator staff regarding mediation on March 28, 2011.
  - Ms. Callahan attended Arbitrator's Day in Portland on Monday, March 14, 2011.
  - The Association of Washington Cities will hold their annual Labor Relations Institute in Yakima. Ms. Callahan has been invited to speak at a pre-conference event on May 11.
5. Executive Director Callahan announced the agency is recruiting for an LRAM 3 position. This is a team leader position to replace Martha Nicoloff, who still intends to retire at the end of May.
6. The Commission reviewed an email from the Auburn Education Association and Auburn School District jointly praising Joel Greene and Jamie Siegel for their excellent work as facilitators for their labor management meetings.

#### LEGISLATIVE UPDATE

Ms. Callahan reported that, except for legislation necessary to implement the budget, today is the last day to consider bills from the other houses.

House Bill 1127 Requires bargaining units to be consolidated when the employer and the certified exclusive bargaining representative of the units agree to the consolidation. This bill is expected to pass the Senate with compromise language.

House Bill 1291/Senate Bill 5368 Move Department of Corrections employees to Chapter 41.56 RCW and provides all Corrections employees with interest arbitration.

House Bill 1516 Prevents Washington Management Service ferry captains from being represented for collective bargaining. These positions can only bargain

the same terms and conditions as Chapter 41.80 RCW employees. This bill has passed the Senate.

House Bill 5742 Abolishes the Marine Employees' Commission and transfers funding to PERC.

House Bill 2011 Would move all Corrections employees from Chapter 41.80 RCW to Chapter 41.56 RCW and provide them with interest arbitration. This bill is dead.

Budget The House and Senate have proposed budgets which contain nothing unexpected for PERC's budget, but both include 3% pay cuts for state employees effective 7/1/2011.

Other legislation, such as agency consolidations that would require PERC to review bargaining units upon mergers of state agencies, is still alive.

Executive Director Callahan thanked Dario de la Rosa for his assistance during the legislative session. This year has been particularly demanding.

#### COMPLIANCE DOCKET

*Wenatchee Valley College*, Case 22148-U-08-5646. Compliance Officer David Gedrose reviewed the case. The employer complied promptly and the union has agreed that all conditions of compliance have been met. The Commission accepted compliance, and the case will now be closed.

*City of Benton City*, Case 23139-U-10-5892. Mr. Gedrose reported that an issue delayed the compliance process, but phone conversations between the parties resolved the issue. All conditions of compliance have been met. The Commission accepted compliance, and the case will now be closed.

*City of Brewster*, Case 23486-U-10-5986. Mr. Gedrose reported that the posting of the notice and reading of the notice into the minutes have been completed. The union is satisfied that all conditions of compliance have been met. The Commission accepted compliance, and the case will now be closed.

There were no other cases to report at this meeting. The Commission thanked Mr. Gedrose for monitoring the cases and his report.

#### COURT DOCKET

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

*City of Mukilteo*, Case 19391-U-05-4923. The union appealed this case to the Supreme Court. A hearing is scheduled for April 26, 2011.

*City of Seattle*, Case 19522-U-05-4955. Mr. de la Rosa reported that the union has appealed the case to the Supreme Court. The Decision of the Commission, Decision 9526-A (PECB, 2009), has been affirmed by the Court of Appeals, Division 1.

*Community Transit*, Case 22100-U-08-5632. We are awaiting the court's decision regarding interest arbitration provisions.

*King County*, Cases 22175-U-09-5658, 22176-U-09-5659, 22177-U-09-5660, and 22254-U-09-5679. The hearing is scheduled for April 22, 2011, in Thurston County Superior Court.

*South Whidbey School District (Eric Hood)*, Cases 23511-U-10-5993 and 23680-U-10-6040. Island County Superior Court has dismissed the appeal on a failure to serve issue filed by the employer. These cases will now be closed.

*University of Washington*, Case 21681-U-08-5529. This employer has been appealed the case to King County Superior Court.

ADJOURNMENT

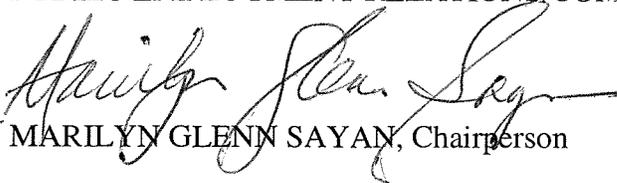
The Commission changed the date of their June meeting from June 21 to June 10. The Code Reviser will be notified.

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