



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, 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 • Website: www.perc.wa.gov

MINUTES

May 15, 2012

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m., in the Public Employment Relations Commission Conference Room, 9757 Juanita Drive NE, Suite 201, Kirkland, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner
Michael P. Sellars, Executive Director
Majel C. Boudia, Confidential Secretary
Charity Atchison, Appeals Administrator
David I. Gedrose, Compliance Officer, by telephone

Also present and participating.

Gladys Burbank, Washington Federation of State Employees
Herb Harris, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held April 10, 2012, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Mike Sellars reviewed the monthly statistics in their new format. The new document was created by Legal Secretary Robbie Duffield. There were 52 cases opened during the month of April. The last two months have been way above the five year average. Seventy-eight cases were closed in April. We should see a spike in new cases in July.

OFM Labor Relations Division Director Diane Leigh has notified Mike of contracts due to be mediated involving interest arbitration eligible employees. There are 17 agreements.

One of the interest arbitration eligible negotiations, the Washington State Patrol asked about the possibility of pre-assigning a mediator prior to the filing of a mediation request so that a meeting can be scheduled. Steve Irvin has been assigned.



Of the 78 cases closed in April, the average number of days those cases were open was 202 days. Mike reported that many agencies monitor this kind of statistic. The Administrative Procedure Act (APA) requires the agency to make decisions within 90 days. We have improved. We have a balancing act of increased caseload and decreased staff.

Other data has been retrieved but is not ready to be presented. Robbie is currently working on statistics for the settlement of mediation cases and measuring effectiveness. The Commission gave Robbie kudos for his work on these measures.

2. The Red List (cases ready for decision more than 90 days) was reviewed; two cases were issued yesterday. One case was on the Red list for 10 – 14 days; another appeared for a few days. There were five cases on the Yellow List (cases ready for decision 45 to 89 days).
3. Mike reviewed a note from Port of Seattle Labor Relations Manager Kim Ramsey acknowledging the professional manner in which Commission staff handled a recent representation case. There was a delay in this case where staff worked to ensure that one voter who was out of the country was guaranteed the right to vote.
4. Outreach:
 - Mike gave a presentation in April to the Education Service District at Mount Vernon. Although there were only six attendees, there was a good discussion.
 - Mike intends to meet again soon with the Washington Education Association regarding expectation and the upcoming teacher mediation season.
 - Mike attended a meeting at the Port of Seattle which included representatives from all unions. A new strategic plan was introduced. He noted this meeting was a good example of outreach; there was good dialogue, as well as being encouraging and transparent.
5. Recruitment: We have received 42 applications for the Labor Relations Adjudicator/Mediator 1 position. Fourteen candidates are currently being tested. The recruitment will remain open until the position is filled. We are on target to hire this summer.
6. Dianne Ramerman has been hired to fill in for Appeals Administrator Charity Atchison while she is on maternity leave. Diane will work part-time beginning June 1st, and full-time beginning July 1st. She will attend the June Commission meeting.
7. Internal News:
 - IT will be moving to the State email network in June.
 - We will also move to on-line leave applications in July.
 - A celebration of Administrative Professionals Day was held May 10th. Staff provided lunch, flowers, and a gift certificate to the Olympia Farmers Market to our seven professional staff members. Mike thanked Diane Tucker and Kristi Aravena for coordinating the event.

8. The Association of Labor Relations Agencies (ALRA) Conference was discussed. The conference will be held July 28 – 31, in Montreal. Mike reported that monies are available for a few agency representatives to attend, especially since there is talk that PERC may host the conference in the near future. Commissioner Bradburn and Commissioner McLane declined the invitation. Because the Commission needs to approve out-of-country travel, Commissioner Bradburn made a motion that Chairperson Marilyn Glenn Sayan and Executive Director Mike Sellars attend the 2012 ALRA Conference in Montreal. Commissioner McLane seconded the motion. The motion carried.
9. Mike reported that OFM Labor Relations Director Diane Leigh is retiring at the end of May. Rich Hall has been appointed as Acting Director. The Labor Relations Division (LRD) will now have two teams: (1) Interest arbitration and (2) Mediation.

LEGISLATIVE UPDATE

There was no legislative update, although the following information was provided:

- The budget for this agency was consistent throughout the session.
- House Bill 2830 Clarifying the collective bargaining rights of Language Access Providers died.
- Senate Bill 6486 Collective bargaining for postdoctoral researchers at the University of Washington and Washington State University was signed into law with a partial veto.
- Senate Bill 5895 Regarding certificated employee evaluations was signed into law.
- House Bill 2396 Clarifying the number of employees in certain classification within the consolidated technology services agency died.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reported on the following cases:

City of Vancouver, Case 23733-U-11-6052. Mr. Gedrose reported that this case will be moved to the June meeting.

University of Washington, Case 22340-U-09-5695. Mr. Gedrose reviewed the case, the compliance requirements, and recommended that compliance be accepted. The Commission unanimously accepted compliance. The case will now be closed.

COURT DOCKET

Appeals Administrator Charity Atchison reported on the following cases:

Washington State Ferries (Marine Engineers Beneficial Association), Decision 563 – MEC. The MEC will not take an active role in this case.

University of Washington, Case 21681-U-08-5529. The union has appealed this case to the Court of Appeals. Briefs are due to complete the file by June 25, 2012.

State – Corrections, Case 22847-U-09-5832. Trial was completed on May 11. We are waiting for the decision.

Mason County, Cases 22423-U-09-5722, 22424-U-09-5723, 22425-U-09-5724, 22426-U-09-5725, and 22427-U-09-5726. Trial has been rescheduled for July 6, 2012.

University of Washington, Case 22273-U-09-5681. The employer appealed to King County Superior Court on April 16, 2012.

King County (John J. Diehl, Jr.), Case 24299-U-11-6225. Mr. Diehl appealed to King County Superior Court on April 23, 2012.

City of Vancouver, Case 22840-U-12-5829. The employer appealed to Clark County Superior Court on May 8, 2012.

ADJOURNMENT

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

COMMISSION DOCKET

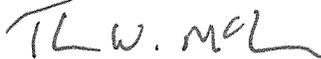
Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN SAYAN, Chairperson



PAMELA G. BRADBURN, Commissioner



THOMAS W. McLANE, Commissioner

ATTEST:



MICHAEL P. SELLARS
Executive Director