



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

MARINE EMPLOYEES' COMMISSION

Friday, March 23, 2012 – 10:00 a.m.
Third Floor Conference Room
Public Employment Relations Commission
112 Henry Street NE, Suite 300
Olympia, Washington

MINUTES

Members and Staff:

Catherine M. Roth, Chair
John M. Cox, Commissioner
Mark E. Brennan, Commissioner
Michael P. Sellars, Executive Director
Majel C. Boudia, Confidential Secretary

Others:

Mark Schutter, Washington State Department of Transportation
Jerry Holder, OFM Labor Relations Office

APPROVAL OF AGENDA/MINUTES

The meeting was called to order at 10:00 a.m. by Catherine M. Roth, Chair of the Marine Employees' Commission.

Moved, seconded and carried to adopt the agenda distributed at the meeting.

Moved, seconded and carried to approve the minutes of the February 17, 2012 meeting, as corrected.

Catherine Roth asked those in attendance to introduce themselves before the meeting continued.

STATUS OF CASES

The following open cases were reviewed:

MEBA v. WSF, Case 24113-U-11-6171 (MEC Case 14-10)

Unfair labor practice complaint filed March 17, 2010, regarding changes to the use of the key box. Examiner Kenneth Latsch issued this decision on December 8, 2011. The posting of the notice expires March 6, 2012. Compliance Officer is awaiting declaration that notice has been read for final compliance.

Jonathan Pearson v. WSF, Case 24126-U-11-6174 (MEC Case 11-10), filed June 15, 2011

Unfair labor practice complaint filed February 12, 2010. Settlement mediation did not resolve the case. Examiner Emily Martin held a hearing on October 4 and November 8, 2011. Briefs were due to complete the file on January 13, 2012.

IBU v. WSF (Nichols), Case 24214-U-11-6201

Unfair labor practice complaint filed August 30, 2011. A preliminary ruling letter with a deferral to arbitration inquiry was mailed to the parties on September 7, 2011. The employer does not want the case deferred to arbitration. A hearing is scheduled for April 19, 2012, before Examiner Claire Nickleberry.

IBU v. WSF (Ballinger), Case 24332-A-11-1499 / 24405-S-11-254

Grievance arbitration case filed October 13, 2011. The parties have requested settlement mediation (Case 24405-S-11-254). Guy Coss has been assigned as settlement mediator. A meeting was scheduled for March 20, 2012.

IBU v. WSF (Dooley), Case 24333-A-11-1500 / 24681-S-12-280

Grievance arbitration case filed October 13, 2011. Karyl Elinski has been assigned as arbitrator and is working with the parties to schedule a meeting in April. The parties requested settlement mediation (24681-S-12-280) on March 21, 2012,

MM&P v. WSF, Case 24376-U-11-6243 / 24678-S-12-277

Unfair labor practice complaint filed November 4, 2011, involving refusal to bargain staffing levels on certain vessels. Examiner Karyl Elinski has been assigned and is working with the parties to schedule a meeting. This case has been consolidated for hearing with Case 24377-U-11-6244 and Case 24378-U-11-6245 (below). The parties requested settlement mediation (24678-S-12-277) on March 21, 2012.

MEBA v. WSF, Case 24377-U-11-6244 / 24679-S-12-278

Unfair labor practice complaint filed November 4, 2011, involving refusal to bargain staffing levels on certain vessels. This case has been consolidated for hearing. The parties requested settlement mediation (24679-S-12-278) on March 21, 2012.

IBU v. WSF, Case 24378-U-11-6245 / 24680-S-12-279

Unfair labor practice complaint filed November 4, 2011, involving refusal to bargain staffing levels on certain vessels. This case has been consolidated for hearing. The parties requested settlement mediation (24680-S-12-279) on March 21, 2012.

IBU (Swinehart) v. WSF, Case 24463-A-11-1503 / 24557-S-12-266

Grievance arbitration case filed December 22, 2011. The parties have requested settlement mediation (Case 24557-S-12-266). Lisa Hartrich has been assigned as settlement mediator. A meeting is scheduled for May 25, 2012.

MEBA (licensed) v. WSF, Case 24507-U-12-6273

Unfair labor practice complaint filed January 13, 2012, regarding travel time and mileage outside of Schedule A. The complaint was amended on February 16, 2012. We have received notification from the union that they will withdraw the case.

MEBA (unlicensed) v. WSF, Case 24508-U-12-6274

Unfair labor practice complaint filed January 13, 2012, regarding travel time and mileage outside of Schedule A. The complaint was amended on February 16, 2012. We have received notification from the union that they will withdraw the case.

MEBA (licensed) v. WSF, Case 24509-U-12-6275

Unfair labor practice complaint filed January 13, 2012, regarding shared quarters on vessels. The complaint was amended on February 16, 2012. An answer was received March 26, 2012.

MEBA (unlicensed) v. WSF, Case 24510-U-12-62765

Unfair labor practice complaint filed January 13, 2012, regarding shared quarters on vessels. The complaint was amended on February 16, 2012. An answer was received March 26, 2012.

IBU v. WSF, Case 24543-A-12-1504 / 24615-S-12-271

Grievance arbitration case filed February 8, 2012, regarding overpayment of vacation and sick leave accruals and refusal to pay holiday pay. The parties have requested settlement mediation (24615-S-12-271). Karyl Elinski has been assigned as settlement mediator. A meeting is scheduled for June 7, 2012.

ADMINISTRATIVE REPORT

1. Executive Director Mike Sellars reviewed case statistics. There were 91 cases filed during the month of February, 40 more than last year. There was an increase in mediation cases, and there were 18 unit clarification cases filed involving bargaining units at the new Department of Enterprise Services. So far, March filings have slowed although there were 38 filings as of March 12th and 68 filings as of the date of this meeting. The concern now is the high number of cases and the reduced number of staff. Labor Relations Adjudicator/Mediators (LRAMs) are stretched with the high caseload per person.

The Executive Director reported he is reviewing statistics and looking into the kinds of information that can be extracted from the database to improve productivity. The Cedar River Study will hold PERC to processing cases in a timely manner.

2. Open case aging statistics were reviewed. These statistics have been revised to more accurately represent the productivity of the agency. There were three cases opened during February involving the Washington State Ferries: one grievance arbitration and two settlement mediations stemming from two unfair labor practice complaints.
3. Mr. Sellars reported there was no additional news to report regarding the Legislature other than what is being reported in the news media. There have been four or five versions of the budget. All are similar.

- Today is Day 12 of the Special Session. Agencies are awaiting specific budget numbers.
 - The budget appropriations appear to include monies for the agency to buy out the Marine Employees' Commission lease in the Evergreen Plaza Building.
 - Pension issues were discussed as they relate to Washington State Ferries employees.
 - There are no new issues regarding collective bargaining.
 - Legislation regarding collective bargaining for post-doctorate students at the University of Washington and Washington State University has passed.
4. Chair Catherine Roth asked about Washington State Ferries cases being appealed to the Commission. Mr. Sellars reported there have been no appeals since July 1, 2011. As we move into the bargaining season, cases will be monitored closely. Current cases are being processed. Labor and management are working well together.
 5. Outreach: Mike recently attending the Catholic Seamen's Club benefit in Seattle and was able to meet representatives from our clientele.
 6. Mike also reported that Diane Leigh is keeping him informed of bargaining dates. Certification of issues for interest arbitration and mediation can be waived in these units. The Commissioners may be contacted for input.
 7. The next meeting will be held May 25, 2012, in Seattle.

The meeting was adjourned at 10:25 a.m.