



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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MARINE EMPLOYEES' COMMISSION

Thursday, July 26, 2012 – 10:00 a.m.
Alki Conference Room, 5th Floor
Washington State Ferries
2901 3rd Avenue
Seattle, 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:

Bill Knowlton, Marine Engineers' Beneficial Association
Harry Thompson, Puget Sound Metal Trades Council

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 May 25, 2012 meeting, as distributed.

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



ADMINISTRATIVE REPORT

1. Executive Director Mike Sellars reviewed the case statistics for June. There were 111 cases filed during the month of June, of which 40 were unfair labor practice complaints. As of June 30, 2012, there were 31 open cases involving Marine Division clientele. Filings for the months of January through June were well above the five year average. Case closures dropped in June, with only 63 cases closed during the month. Case number 25,000 was opened yesterday.

A new case report for Fiscal Year 2012 was reviewed. Case filings this fiscal year were well above the previous year and the five, ten, and fifteen year averages. A total of 56 cases were opened for Marine Division clientele this fiscal year, and 25 cases were closed. The average time for a case to be open was 188 days. Although there is no target yet, this date will help determine the number of days a case is open to strive for.

Mike reported that all staff are busy, and the Washington State Department of Transportation (DOT) – Ferries Division and all unions are in negotiations. To clarify, he explained that PERC clientele must mediate prior to certification of issues to interest arbitration. Mediation is not required for Marine Division clientele; the parties can request that issues be certified for interest arbitration. Two bargaining units have requested that issues be certified for interest arbitration, while 3 or 4 others have mediated. Masters, Mates & Pilots requested interest arbitration yesterday. Bill Knowlton, Marine Engineers Beneficial Association, requested interest arbitration in August. Harry Thompson, Puget Sound Metal Trades Council, said the union will request mediation.

Mike announced that he hopes to meet with all DOT Ferries Division unions after negotiations have been completed to see how this year progressed. Mike thanked clientele and union representatives for working with PERC. The two year collective bargaining agreements for the marine clientele must be approved by OFM before the agreements are sent to the Governor and the Legislature for final review/approval.

2. Mike reported that the agency is in the process of hiring a Labor Relations Adjudicator/Mediator (LRAM); he extended an offer yesterday. One or possibly two additional LRAMs may be hired. Approximately 68 individuals have applied.
3. Mike and PERC Chairperson Marilyn Glenn Sayan leave tomorrow to attend the Association of Labor Relations Agencies Conference in Montreal. There is a labor dispute at the hotel.

STATUS OF CASES

Mr. Sellars reviewed the status of all open cases for Washington State Department of Transportation – Ferries Division (docketed as Washington State Ferries).

1. Case 24126-U-11-6171 Jonathan Pearson
Unfair labor practice complaint, filed February 12, 2010, regarding wrongful termination. Decision 11335 – MRNE, issued April 5, 2012, by Examiner Emily Martin. Pearson filed an appeal on April 23, 2012. The record has been forwarded to the Commission for their review.

2. Case 24333-A-11-1500 / 24681-S-12-280 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed October 13, 2011, regarding James Dooley. Arbitration case assigned to Karyl Elinski. A hearing is scheduled for October 2, 2012. Settlement mediation assigned to Emily Whitney, and scheduled for September 20, 2012.
3. Case 24509-U-12-6275 / 24742-S-12-284 Marine Engineers Beneficial Assn (licensed)
Case 24510-U-12-6276 / 24813-S-12-290 Marine Engineers Beneficial Assn (unlicensed)
Unfair labor practice complaints, filed January 13, 2012, regarding changes to shore side accommodations for crew members assigned to inter island vessel route. ULPs assigned to Lisa Hartrich, and scheduled for September 11, 2012. Settlement mediation assigned to Erin Slone-Gomez; also scheduled for September 11, 2012.
4. Case 24750-A-12-1506 / 24898-S-12-297 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed April 20, 2012, regarding Mukilteo/Port Townsend "C" watch deck employees. Assigned to Steve Irvin. Hearing scheduled for November 9, 2012. Settlement mediation assigned to Emily Whitney, and scheduled for November 6, 2012.
5. Case 24777-A-12-1507 / 24862-S-12-295 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed May 7, 2012, regarding Karen Ramsey. Assigned to Kristi Aravena. Hearing scheduled for October 30, 2012. Settlement mediation assigned to Casey King, and scheduled for October 12, 2012.
6. Case 24778-A-12-1508 / 24843-S-12-291 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed May 7, 2012, regarding Robert Klose. Assigned to Emily Martin. Parties are discussing hearing dates in November/December, 2012. Settlement mediation assigned to Casey King. Awaiting dates from parties.
7. Case 24779-A-12-1509 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed May 7, 2012, regarding Donna Tegnell. Assigned to Robin Romeo. Hearing scheduled for December 4, 2012.
8. Case 24831-A-12-1510 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed May 25, 2012, regarding Alexander Ray. Assigned to Jessica Bradley. Prehearing conference call held July 23, 2012.
9. Case 24836-A-12-1511 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed May 29, 2012, regarding Erik Ferrel and crew. Assigned to Emily Martin. Awaiting dates from parties.
10. Case 24837-A-12-1512 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed May 29, 2012, regarding Todd Zerzen. Assigned to Claire Nickleberry. Hearing scheduled for November 29, 2012.
11. Case 24903-M-12-7499 / 24904-M-12-7500 Masters, Mates & Pilots
Requests for mediation, filed June 15, 2012. Assigned to Claire Nickleberry. Meetings scheduled for July 17, 20, 24, and 27, 2012.

12. Case 24905-A-12-1513 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed June 18, 2012, regarding staffing levels. Assigned to Lisa Hartrich for expedited hearing and decision pursuant to a Superior Court Order. Hearing scheduled for July 26, 2012.
13. Case 24916-M-12-7502 Inlandboatmen's Union of the Pacific
Contract mediation, filed June 21, 2012. Assigned to Guy Coss. Meeting held July 19, 2012.
14. Case 24934-U-12-6375 Inlandboatmen's Union of the Pacific
Unfair labor practice complaint, filed June 26, 2012, regarding elimination of the back lot shed as the terminal break room at the Kingston Terminal. Awaiting response to preliminary ruling and deferral inquiry sent July 2, 2012.
15. Case 24938-A-12-1515 / 24939-A-12-1516 Inlandboatmen's Union of the Pacific
Grievance arbitration cases, filed June 27, 2012, regarding Erik Ferrel (#12-15 and #12-21). Assigned to Lisa Hartrich.
16. Case 24940-A-12-1517 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed June 27, 2012, regarding James Garner. Assigned to Jamie Siegel. Conference call scheduled for August 13, 2012.
17. Case 24941-A-12-1518 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed June 27, 2012, regarding Eric Conklin. Assigned to Jessica Bradley.
18. Case 24980-A-12-1519 Inlandboatmen's Union of the Pacific
Grievance arbitration, filed July 13, 2012, regarding Emmanuel Donaldson. Assigned to Kristi Aravena.
19. Case 24986-I-12-593 Ferry Agents, Supervisors, Project Administrators Association
Interest arbitration requested July 17, 2012. Issues certified on July 19, 2012. Hearing scheduled for August 6 and 7, 2012, before Arbitrator Alan R. Krebs.

COURT DOCKET

Appeals Administrator Dianne Ramerman reported she had contacted Assistant Attorney General Spencer Daniels about the MEC court docket. Mr. Daniels indicated there are no cases in court at this time.

OTHER BUSINESS

There being nothing further to come before the Commission, the meeting was adjourned at 10:35 a.m.

Following adjournment, the Commission went into Executive Session.