



## **32nd Annual Report**

**Public Employment Relations Commission**

**Fiscal Year Ending June 30, 2007**



**PERC was created by Chapter 5,  
Laws of 1975; RCW 41.58.005**

**to provide “uniform and impartial...efficient and expert”  
administration of state collective bargaining laws.  
PERC is a single-program agency, concerned exclusively with  
the resolution of labor-management disputes.**

**The Public Employment Relations Commission offices  
are located at:**

**Olympia office  
112 Henry Street NE, Suite 300  
Olympia, WA 98504-0919**

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9757 Juanita Drive NE, Suite 204  
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# Public Employment Relations Commission



**Chairperson Marilyn Glenn Sayan**

**Commissioner Pamela G. Bradburn**

**Commissioner Douglas G. Mooney**

## Our Mission Statement:

It is the mission of the  
Public Employment Relations Commission  
to prevent or minimize disruptions  
to public services by the uniform, impartial, efficient  
and expert resolution of labor-management disputes.



STATE OF WASHINGTON

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

**CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR**

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July 15, 2008

The Honorable Chris Gregoire  
Governor of Washington  
Legislative Building  
Olympia, Washington 98504-0002

Secretary of the Senate  
Washington State Senate  
Legislative Building  
Olympia, Washington 98504-0482

Chief Clerk  
House of Representatives  
Legislative Building  
Olympia, Washington 98504-0600

Gentlepersons:

We have the honor to submit, pursuant to RCW 41.58.010(4), the Annual Report of the Public Employment Relations Commission, covering the fiscal year ended June 30, 2007. Douglas G. Mooney resigned from the Commission on May 14, 2008, and Thomas W. McLane was appointed by the Governor to fill the seat commencing May 15, 2008.

Very truly yours,

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARILYN GLENN SAYAN, Chairperson

  
PAMELA G. BRADBURN, Commissioner

  
THOMAS W. McLANE, Commissioner

  
CATHLEEN CALLAHAN, Executive Director





**Marvin Schurke**  
Executive Director  
1976 through 2006



**Cathleen Callahan**  
Executive Director  
Appointed November 1, 2006



## Letter from the Executive Director

Dear Fellow Washingtonians:

It is an honor and a privilege to serve as the Executive Director of the Public Employment Relations Commission. I thank the Commission for providing me the opportunity to lead the talented staff of this great agency. I follow in the footsteps of former Executive Director Marvin Schurke who oversaw the agency from its inception in 1976 through 2006, a period marked by the expansion of collective bargaining rights to public sector employees throughout the State of Washington. That expansion continues and today there are approximately 350,000 public employees in the State of Washington covered by PERC-administered public sector collective bargaining statutes. PERC provides numerous labor relation services for employers, labor organizations and employees who work for the state, cities, counties, ports, school districts, community colleges, universities, and public utilities.

A clientele survey commissioned in 2006 identified areas where we have opportunities for improvement. In response, we began measuring our performance in these areas. During 2007, we focused on how we process requests for PERC services and made significant adjustments in the way we process cases. Due to the efforts of agency staff, I am pleased to report notable progress in several areas. Our docketing and case assignment procedures are vastly improved. As in the past, mediators are promptly provided upon request. Our highly regarded and successful interest based bargaining training for labor-management groups continues in high demand. Requests for these services can be made by accessing forms on our website.

I am also pleased to report that the backlog of preliminary rulings is completely eliminated and rulings are now issued in a fraction of the time that it used to take. In unfair labor practice cases where hearings are necessary, hearings are held sooner and are continued on consecutive days until they are completed. As an option to litigation, we are placing renewed emphasis on settlement options by offering settlement “judges” prior to hearing. We are endeavoring to issue decisions faster and in compliance with the state’s Administrative Procedures Act. Representation cases now receive expedited treatment in all respects: scheduling of hearings, transcript delivery, and issuance of decisions.

In keeping with our mission statement “...to prevent or minimize disruptions to public services by the uniform, impartial, efficient and expert resolution of labor-management disputes”, we will continue to measure and monitor our service delivery performance. We will reach out to those who use our services and will continue to seek feedback. Please feel free to contact me with your observations or suggestions.

Thank you,

Cathy Callahan

## **Authority and Jurisdiction**

Even with the statutory changes implemented in 2002, Washington continues to have a highly-fragmented statutory structure for collective bargaining. As of the year covered by this report, PERC administers ten separate statutes, as follows:

**Chapter 28B.52 RCW, Collective Bargaining - Community and Technical Colleges (CCOL)**, covers community college and technical college faculty. PERC has administered this statute since 1976. Consistent with historical experience, there was only limited activity under this statute in the year covered by this report.

**Chapter 41.56 RCW, the Public Employees' Collective Bargaining Act (PECBA)**, covers all local government employees except school district certificated employees, and specific selected groups of state employees excluded from the civil service system. PERC has administered this statute since 1976. The volume of cases filed with PERC under this statute in the year covered by this report was lower than historical experience.

**Chapter 41.58 RCW, Public Employment Relations**, created PERC in 1975, sets forth the basic mission of PERC, and contains some substantive provisions applicable to all employers and employees under PERC's jurisdiction.

**Chapter 41.59 RCW, the Educational Employment Relations Act (EDUC)**, covers certificated employees of school districts. PERC has administered this statute since 1976. Consistent with historical experience there was limited activity under this statute in the year covered by this report.

**Chapter 41.76 RCW, the Faculty Collective Bargaining Act (FCBA)** covers faculty at six state institutions of higher education awarding baccalaureate and higher degrees.

## Authority and Jurisdiction

**Chapter 41.80 RCW, the Personnel System Reform Act (PSRA)**, covers classified employees of state general government agencies and classified employees of state institutions of higher education. Administration of this statute was delegated to PERC in 2002.

**Chapter 49.08 RCW, Arbitration of Disputes**, covers private sector employers/employees. PERC has administered this statute since 1976. Consistent with historical experience, there was very limited activity under this statute in the year covered by this report.

**Chapter 53.18 RCW, Employment Relations**, covers port district employees in addition to their coverage under Chapter 41.56 RCW. PERC has administered this statute since 1976, and it was amended in 1983 to dove-tail with Chapter 41.56 RCW.

**Chapter 54.04 RCW** covers public utility districts in addition to their coverage under Chapter 41.56 RCW. Consistent with historical experience, there was very limited activity under this statute in the year covered by this report.

**Chapter 74.39A RCW** contains some provisions regulating the collective bargaining process for individual providers of home care workers under Chapter 41.56 RCW. PERC has administered those collective bargaining provisions since 2002.

PERC resolves labor-management disputes under provisions contained in ten separate Revised Code of Washington chapters estimated to cover approximately 339,066 public employees.

## Services Provided by PERC

**PERC implements a legislative purpose *to promote peace and harmony in labor-management relations*** in the state, applying a variety of procedures and techniques to resolve disputes arising under state collective bargaining laws. There is no federal regulation of collective bargaining involving any public employees in the State of Washington.

**Representation cases** involve grouping employees for the purposes of collective bargaining, and determining which organization (if any) has the support of a majority of the employees in an appropriate bargaining unit.

- PERC conducts hearings and issues decisions to rule on procedural issues and to determine appropriate bargaining units; and
- PERC determines questions concerning representation, by conducting elections or cross-checks to determine whether the majority of employees in a bargaining unit wish to be represented by a labor organization for purposes of collective bargaining.

**Unit clarification cases** involve modifications of existing bargaining units, based on changes of circumstances.

- Providing an administrative dispute resolution process for bargaining unit “eligibility” issues reduces the potential for impasses at the bargaining table.
- PERC conducts hearings and issues decisions to rule on procedural issues and to determine appropriate modifications of bargaining units.

**Unfair labor practice cases** involve alleged violations of state collective bargaining laws by employers and unions.

- PERC conducts hearings and issues decisions to rule on procedural and substantive issues; and
- PERC orders appropriate remedies where a violation of the law has occurred, and follows up to assure compliance with those orders.

## Services Provided by PERC

**Mediation cases** involve negotiations on the terms of collective bargaining agreements.

- PERC responds to requests from employers and/or unions, but can offer mediation if a dispute threatens to disrupt the public welfare.
- Acting *without power of compulsion*, PERC mediators attempt to effect communications and persuade parties to resolve differences about employees terms and conditions of employment.

**Interest arbitration cases** involve uniformed classes of public employees (defined in RCW 41.56.030(7), RCW 41.56.492, and Chapter 74.39A RCW), where the Legislature has provided alternative means to resolve contractual issues.

- PERC certifies the issues remaining in dispute following mediation, and resolves disputes as to whether those issues are mandatory subjects of bargaining; and
- The arbitrator holds a hearing and issues a binding decision establishing the parties' future interests under statutory standards.

**Fact-finding cases** involve school districts, the state and its civil service employees if parties fail to agree in mediation on a collective bargaining agreement.

- The fact-finder conducts a hearing and issues non-binding recommendations on reasonable resolutions of the parties' contractual disputes; and
- The parties are required to respond to the recommendations, which will be made public after one week if the parties don't settle by that time.

## Services Provided by PERC

**Grievance mediation cases** involve the interpretation or application of existing collective bargaining agreements.

- Acting without power of compulsion, PERC mediators effect communications between parties and attempt to persuade the parties to resolve their differences on contract issues; and
- Unresolved grievances are either dropped or submitted to grievance arbitration.

**Grievance arbitration cases** also involve the interpretation or application of existing collective bargaining agreements.

- The arbitrator (who may be a member of the PERC staff or a member of the agency's dispute resolution panel) holds a hearing and issues a binding decision on procedural and substantive issues concerning the parties' contractual rights; and
- Grievance arbitration is the legislatively-preferred alternative to strikes and/or lockouts concerning grievance issues.

**Non-Association cases** involve employees whose bona fide religious beliefs or tenets/teachings of a church or religious body form the basis for an objection to paying union dues.

- PERC conducts hearings and issues formal decisions to rule on procedural and substantive issues.

The type of service provided by PERC in a particular case depends on the applicable statute and the issue(s) to be resolved.

## The Commission and its Staff

The Commission consists of three citizen members appointed by the Governor pursuant to RCW 41.58.010(2):

In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

Serving on a part-time basis, Commissioners adopt rules and consider appeals from decisions issued by staff members or the Executive Director.

The Executive Director is appointed by the Commissioners under RCW 41.58.015 (2), to:

[P]erform such duties and have such powers as the commission shall prescribe in order to implement and enforce the provisions of this chapter. In addition to the performance of administrative duties, the commission may delegate to the executive director authority with respect to, but not limited to, representation proceedings, unfair labor practice proceedings, mediation of labor disputes, arbitration of disputes concerning interpretation or application of a collective bargaining agreement and, in certain cases, fact-finding or arbitration of disputes concerning the terms of a collective bargaining agreement.

The Executive Director has a substantive role in the resolution of labor-management disputes, as well as performing administrative functions.

The day-to-day functions of PERC are performed by full-time staff employed under RCW 41.58.015(3):

The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

All PERC staff members are in the classified service or Washington Management Service under Chapter 41.06 RCW, except the Executive Director, a confidential secretary, and a General Counsel to the Commission who are exempt from the coverage of the State Civil Service Law.

## The Commission and its Staff

Additional details of the basic roles of PERC staff members are as follows:

- The Executive Director is the full-time agency head responsible for the overall operation, the appointing authority for all other PERC employees, and responsible for making substantive rulings on some labor-management disputes.
- The Confidential Secretary (“Executive Assistant”) provides secretarial support to the Executive Director and Commission.
- The “General Counsel” provides legal research and other assistance to the Commission members in regard to the processing of appeals.
- Labor Relations Adjudicator/Mediator (LRAM) positions in classified service are the primary field staff and production force of the agency. These employees are cross-trained to hold hearings, write decisions, and mediate disputes under all of the laws administered by PERC.
- A Human Resources Consultant position in classified service serves as the representation coordinator and specializes in the preliminary processing of representation cases, and oversees the conduct of representation elections and cross-checks conducted by PERC.
- Office-clerical employees in various classified service positions provide word processing, data entry, and data auditing functions in support of the dispute resolution services, as well as support for PERC’s business functions.

## The Commission and its Staff

- An “Operations Manager” in the Washington Management Service serves as the personnel officer, public records officer and rules coordinator, and supervises the support staff.
- An “Unfair Labor Practice Manager” in the Washington Management Service makes preliminary rulings on whether petitions and complaints state claims for relief available through proceedings before the Commission, monitors compliance with remedial orders issued by PERC, distributes incoming cases to the LRAM teams, monitors interest arbitration proceedings being processed by outside arbitrators, and may make preliminary rulings on petitions and complaints.
- Three “Field Services Manager” positions in the Washington Management Service supervise teams for PERC’s field staff, as well as processing cases.
- A “Business Manager” in the Washington Management Service is responsible for all budget, accounting, payroll, purchasing, leasing, and contracting functions.
- An “Information Services Manager” in the Washington Management Service is responsible for the operation and maintenance of all PERC computer systems.

In addition to its staff, who may serve as arbitrators, PERC assists its clientele by maintaining and making referrals from a “Dispute Resolution Panel”. The panel consists of professional arbitrators who are not state employees, but who meet qualifications established by the Commission. The Executive Assistant provides requesting parties with lists of panel members randomly selected by computer. The parties pay the arbitrator they select.

## Fulfilling the Intent of the Legislature

The Commission has designed its staff and operations to implement the legislative intent expressed in RCW 41.58.005:

**"UNIFORM" RULES AND PROCEDURES** under Washington Administrative Code (WAC) rules adopted by PERC make case processing as “uniform” as possible for all parties subject to the jurisdiction of the Commission:

Chapter 391-08 WAC (general procedural rules);

Chapter 391-25 WAC (representation cases);

Chapter 391-35 WAC (unit clarifications);

Chapter 391-45 WAC (unfair labor practices);

Chapter 391-55 WAC (mediation, fact-finding and interest arbitration);

Chapter 391-65 WAC (grievance arbitrations);

Chapter 391-95 WAC (nonassociation cases).

All of the Commission’s rules are set forth in logical order to facilitate their use and understanding by individual employees as well as by experienced practitioners.

In PERC rules, processes and precedents alike, deviations from uniformity only occur where required by a particular statute, and are clearly identified as exceptions from the general rules on those subjects.

**"EFFICIENT" UTILIZATION OF PERSONNEL AND TECHNOLOGY** is accomplished by multiple means:

**PERC staff members are "multi-functional" professionals**, who are cross-trained to provide dispute resolution services in all of the types of cases processed by the Commission. Seasonal patterns normally occur within PERC's case intake, and the multi-functional staffing approach permits the Commission to maximize its utilization of personnel at all times.

**PERC offices are strategically located:** PERC’s principal office is in Olympia, where the Executive Director, a majority of the professional staff, and all of the support staff are based. A branch office in King County (Kirkland) is located where a large portion of the caseload originates.

**PERC offices are linked by a computer system** integrating word processing, calendar, case docketing/tracking, correspondence tracking (imaging), and email functions. All members of the PERC staff have immediate access to information concerning the current status of all cases currently pending before PERC, as well as historical information on past cases and precedents.

## Fulfilling the Intent of the Legislature

### **PERC IS "IMPARTIAL"** representing the interests of the public in having labor peace.

- As the decision-making and administrative body in all of the cases processed by PERC, the Commission and its staff maintain an impartial posture.
- The Commission does not initiate cases or otherwise have any control over its case intake.
- The Commission and its staff do not become advocates for or against the position of any party in proceedings before the agency.
- Where an unfair labor practice violation is found, the Commission can authorize the Office of the Attorney General to seek enforcement of a remedial order in the courts to protect the public interest.



### **"EXPERT" - A BODY OF SOUND CASE PRECEDENT** PERC decisions are relied upon by both parties and PERC staff, as precedent for later cases.

- PERC has resolved more than 21,000 cases of all types since 1976, and has issued formal orders in more than 9,000 cases since 1976.
- PERC decisions under the state Administrative Procedure Act (APA), Chapter 34.05 RCW, set forth the facts and legal reasoning on which they are based.
- The Supreme Court of the State of Washington has several times acknowledged the Commission's expertise in labor-management relations, and has accorded "great deference" to the Commission's interpretations of the statutes it administers.
- The Commission's decisions have resolved the dispute and/or withstood judicial review in more than 99% of all APA cases decided by PERC.

## TABLE I. - ANALYSIS OF CASES DOCKETED BY STATUTE

<u>Case Type</u>	<u>Number Filed</u>	<u>Percent of Total</u>
Chapter 41.56 RCW (Public Employees Collective Bargaining Act)	441	70.00%
Chapter 41.80 RCW (Personnel System Reform Act of 2002)	144	22.86%
Chapter 41.59 RCW (Educational Employment Relations Act)	29	4.60%
Chapter 28B.52 RCW (Academic Faculty of Community and Technical Colleges)	16	2.54%
Chapter 53.18 RCW (Port districts)	0	0.00%
Chapter 49.08 RCW (Private sector)	0	0.00%
Chapter 41.76 RCW (Faculty Collective Bargaining Act of 2002)	0	0.00%
	<hr style="width: 100%; border: 0.5px solid black;"/> 630	<hr style="width: 100%; border: 0.5px solid black;"/> 100.00%

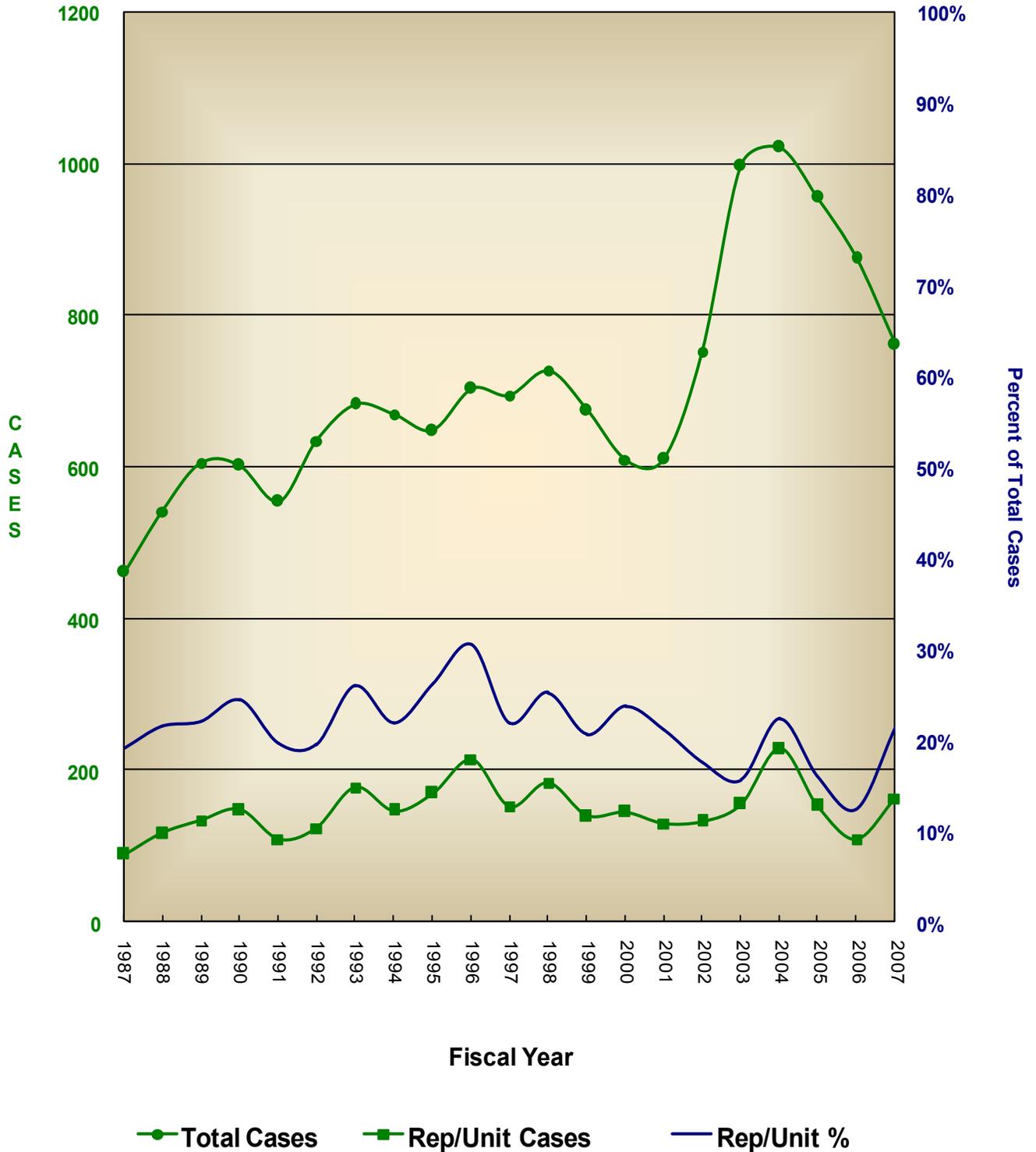
## TABLE II. - REPRESENTATION CASE STATISTICS

CASES PENDING FROM PREVIOUS YEAR .....	32
CASES DOCKETED .....	117
CASES CLOSED .....	110
Cases resulting in an amended certification due to name change of union.....	0
Cases dismissed for procedural defects.....	9
Cases dismissed for absence of question concerning representation, where voluntary recognition was obtained.....	2
Cases dismissed where incumbent bargaining representative disclaimed bargaining unit under decertification petition.....	3
Cases withdrawn.....	14
Cases dismissed for inappropriate unit.....	1
Cases where two or more separate bargaining units merged.....	2
Cases in which a question concerning representation was determined.....	79
Method:	
Determinations made by secret-ballot election.....	41
Determinations made by cross-check records.....	38
Results:	
Determinations resulting in certification of an organization as exclusive bargaining representative.....	68
Determinations resulting in certification of “no representative” for the bargaining unit.....	11
CASES PENDING AT END OF FISCAL YEAR.....	39

### TABLE III. - UNIT CLARIFICATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR.....	36
CASES DOCKETED .....	37
CASES CLOSED .....	52
Cases dismissed for procedural defects.....	11
Cases withdrawn.....	26
Cases in which clarification was agreed upon.....	11
Cases dismissed where incumbent exclusive bargaining representative disclaimed unit under unit clarification petition.....	0
Cases in which a formal order clarifying the bargaining unit was issued.....	4
CASES PENDING AT END OF FISCAL YEAR.....	21

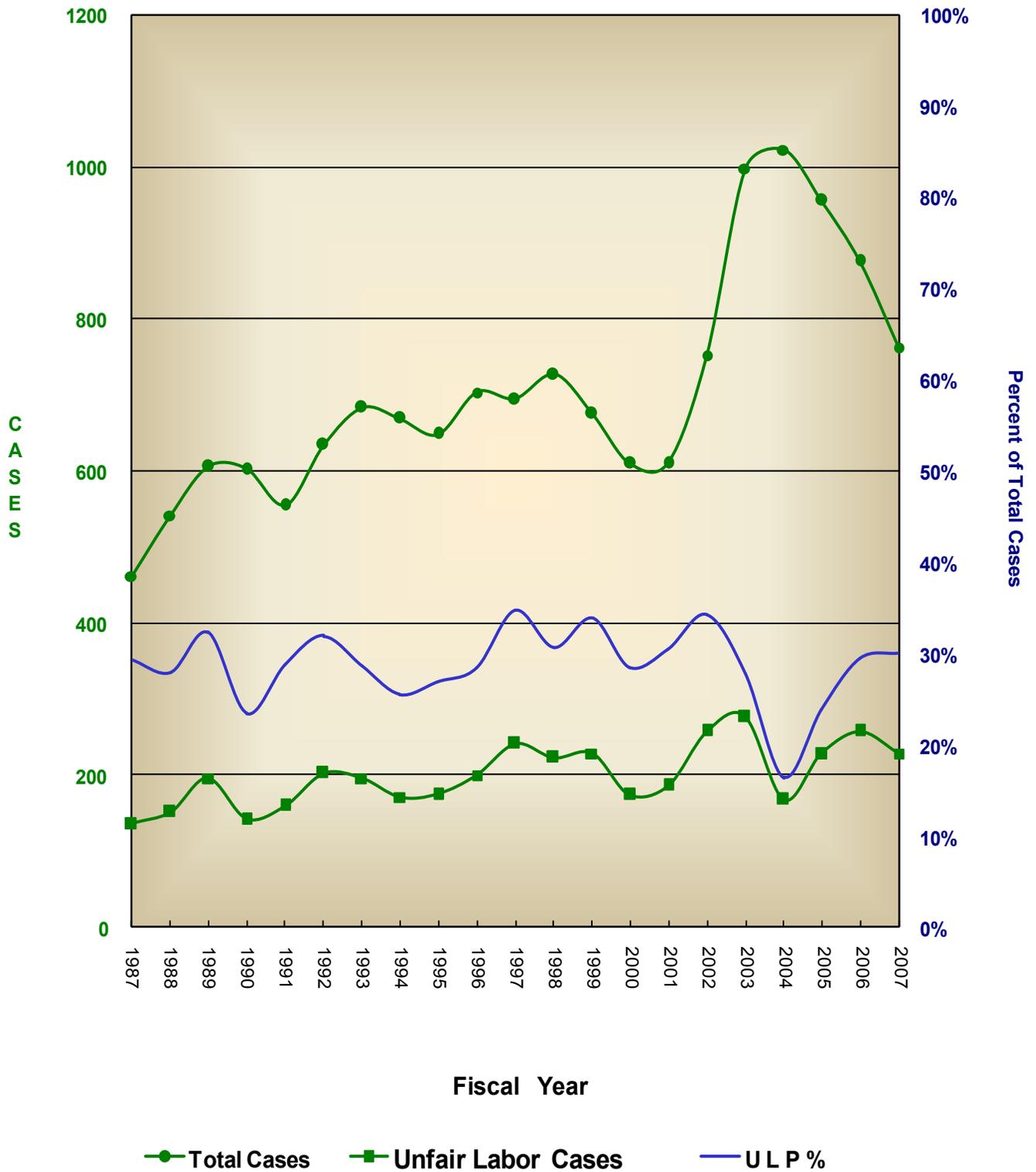
**TABLE IV. - REPRESENTATION/UNIT CLARIFICATION TRENDS**



## TABLE V. - UNFAIR LABOR PRACTICE CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR .....	250
CASES DOCKETED.....	187
CASES CLOSED.....	228
Cases dismissed for lack of jurisdiction .....	3
Cases dismissed for procedural defects .....	4
Cases withdrawn.....	134
Cases dismissed for failure to allege facts which could constitute an unfair labor practice.....	40
Consent orders entered .....	5
Cases dismissed where an arbitration award resolved the unfair labor practice issue.....	0
Cases decided "on the merits" .....	42
Result:	
Decisions in which one or more unfair labor practice violations were found .....	15
Decisions where no unfair labor practice violation was found.....	27
CASES PENDING AT END OF FISCAL YEAR.....	209

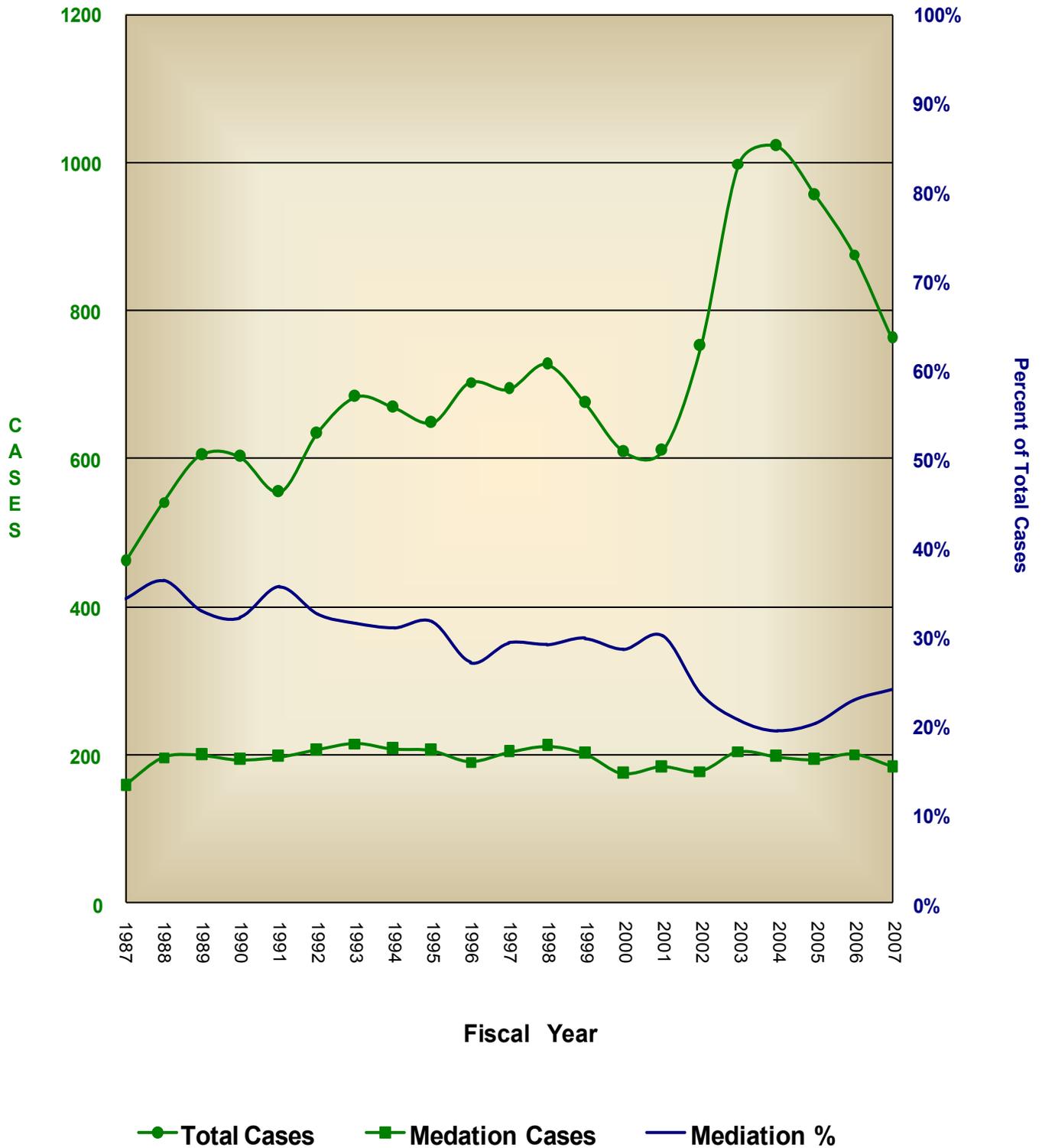
**TABLE VI. - UNFAIR LABOR PRACTICE TRENDS**



## TABLE VII. - MEDIATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR.....	105
CASES DOCKETED .....	162
CASES CLOSED .....	183
Cases referred to other mediation agencies .....	0
Cases withdrawn by the parties prior to intervention of mediator .....	9
Cases dismissed for procedural defects .....	0
Cases closed by the mediator without an agreement being reached .....	8
Cases in which unresolved issues were certified for interest arbitration.....	21
Cases in which an agreement was negotiated after certification for interest arbitration but prior to interest arbitration.....	1
Cases in which unresolved issues were recommended for fact-finding.....	0
Cases where agreement was reached in mediation.....	140
Cases in which training on principles/practices of Interest Based Bargaining was provided.....	4
CASES PENDING AT END OF FISCAL YEAR.....	84

**TABLE VIII. - MEDIATION TRENDS**



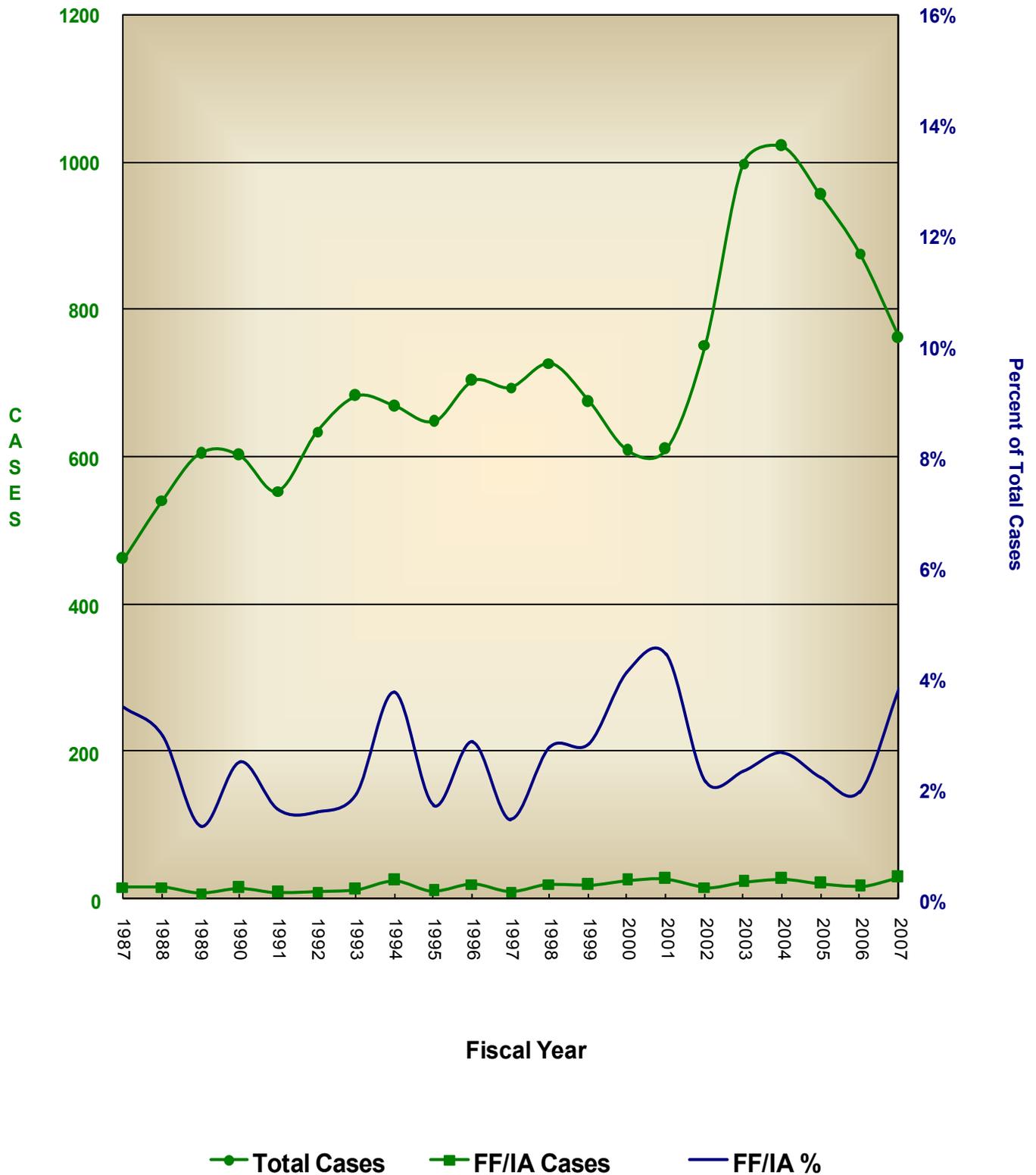
## TABLE IX. - FACT-FINDING CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR .....	0
CASES DOCKETED .....	3
CASES CLOSED .....	3
Cases resolved prior to recommendations.....	2
Cases resolved on the basis of the fact-finder recommendations.....	1
Cases dismissed for lack of jurisdiction.....	0
CASES PENDING AT END OF FISCAL YEAR .....	0

## TABLE X. - INTEREST ARBITRATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR .....	21
CASES DOCKETED .....	24
CASES CLOSED .....	25
Cases withdrawn .....	9
Cases resolved prior to issuance of a final and binding interest arbitration decision .....	8
Cases resolved by issuance of final and and binding interest arbitration decision.....	6
Cases dismissed for procedural defects .....	1
Agreement reached .....	1
PENDING AT END OF FISCAL YEAR.....	20

**TABLE XI. - FACT-FINDING/INTEREST ARBITRATION TRENDS**



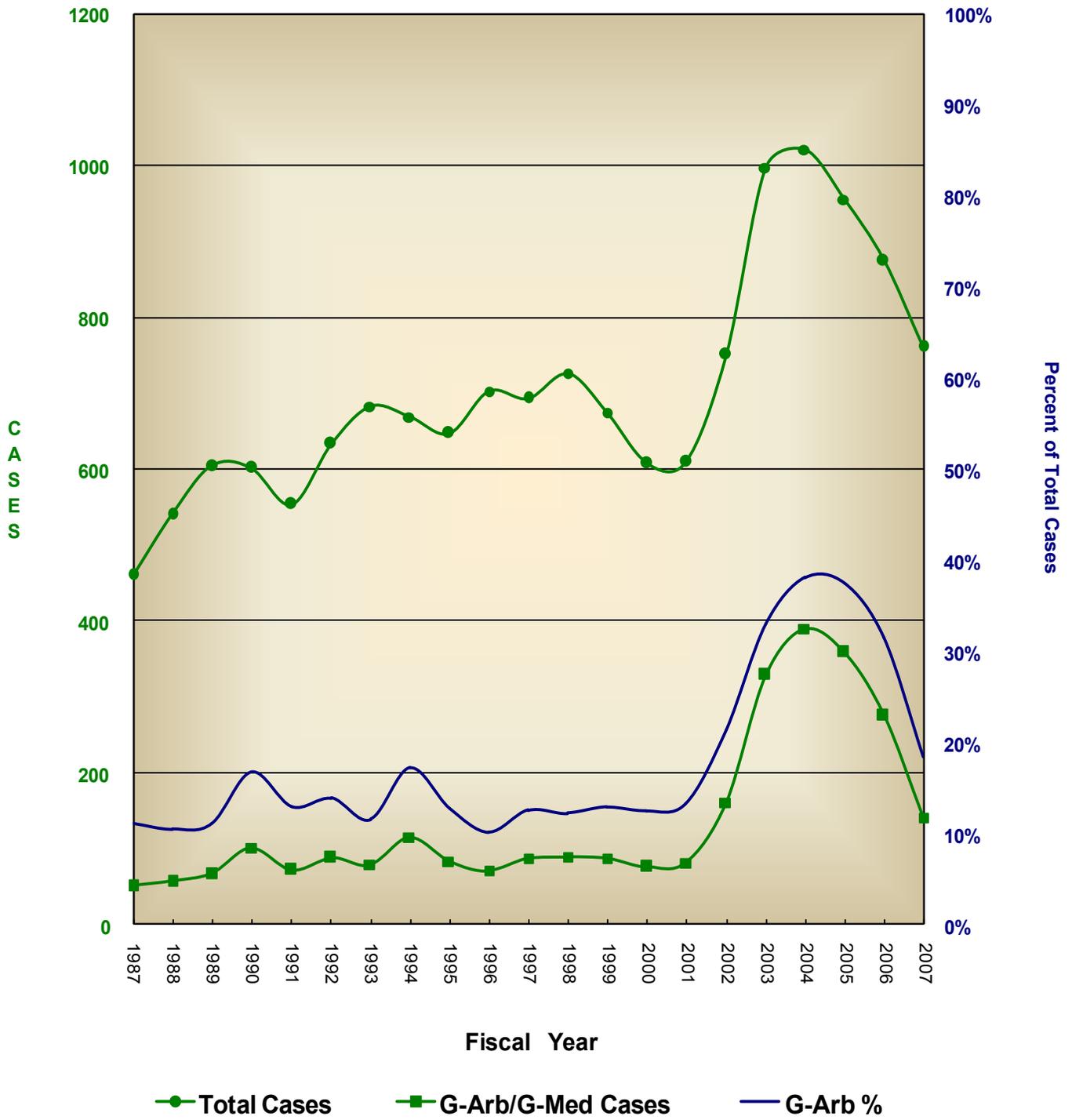
## TABLE XII. - GRIEVANCE ARBITRATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR.....	40
CASES DOCKETED .....	49
CASES CLOSED .....	76
Cases withdrawn.....	11
PERC appointed a panel member as arbitrator.....	41
Cases dismissed for procedural defects .....	3
Cases closed due to the refusal of one of the parties to submit the grievance arbitration .....	1
Cases resolved after the intervention of a PERC staff member but prior to the issuance of an arbitration award .....	3
Cases resolved by a PERC staff member issuing a final and binding arbitration award.....	17
CASES PENDING AT END OF FISCAL YEAR .....	13

## TABLE XIII. - GRIEVANCE MEDIATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR.....	28
CASES DOCKETED .....	43
CASES CLOSED .....	65
Cases where agreement was reached .....	25
Cases resolved after impartial factfinder/arbitrator was named.....	0
Cases in which one party would not submit to this voluntary process or no agreement was reached in mediation .....	25
Cases dismissed for procedural defects.....	1
Cases withdrawn .....	14
CASES PENDING AT END OF FISCAL YEAR.....	6

**TABLE XIV. - GRIEVANCE ARBITRATION/MEDIATION TRENDS**



## TABLE XV. - MISCELLANEOUS CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR .....	12
CASES DOCKETED.....	22
CASES CLOSED.....	19
Cases withdrawn .....	7
Cases dismissed for procedural defects .....	2
IBB Training completed .....	9
Non-association claim denied.....	1
CASES PENDING AT THE END OF THE YEAR .....	15



# Activities and Accomplishments

## Internet Presence

PERC maintains a flexible Information Technology program which supports four servers, over 45 personal computers and laptops, and a cogent intranet and internet profile. These efforts are essential to serving the needs of our clients, labor relations field staff, and support personnel.

Field staff use agency workstations, email, and networking services to communicate with other staff, clients, and their representatives utilizing laptop computers. These laptops are configured to access network services from remote locations. This capability has improved the effectiveness and efficiency of the field staff by enabling them to take advantage of network and computing resources while on the road.

Last year, the agency enhanced its remote access capability by using Secure Access Washington (SAW). This technology provides self-administered single sign-on access to multiple agency applications, and shields online services from harmful activity. As the agency increased its use of SAW, it continued to use Virtual Private Network (VPN) technology as a way to access information from remote locations.

The State Auditor's Office (SAO) conducted an audit of our information technology security plan in July 2006 and found that PERC met all state guidelines, standards, and requirements for securing our information technology service. The next SAO audit will be conducted in 2009.

Our website, located at [perc.wa.gov](http://perc.wa.gov), provides our clientele and the public with the following:

- Information about the agency and the services we provide
- Forms and procedure to file a case
- Applicable statutes and rules
- Recently issued decisions
- Commission calendar
- Certifications of bargaining units and pending representation cases
- Search engine to access all PERC decisions

PERC has maintained a website since 1997. This year, a design committee was formed to update our web site. Their successful efforts culminated in a website that brings enhanced services and ease of use to our clients.

# Activities and Accomplishments

## Internet Presence

The agency collects and analyzes statistics from the web pages within the site to ensure that we are providing information our clientele need. The following chart lists website statistics for 2007. Here are a few definitions that will help explain the data contained in the chart.

- A “Hit” is defined as a single action on the web server as it appears in the log file. A visitor downloading a single file is logged as a single hit, while a visitor requesting a web page including two images registers as three hits on the server.
- Page “Views” are defined as hits to files designated as pages.
- “Visits” are defined as the number of times a visitor came to the web site.

	Hits	Views	Visits
Jul 06	110,531	27,456	9,115
Aug 06	122,288	28,801	8,592
Sep 06	111,893	23,509	9,081
Oct 06	138,669	30,875	10,839
Nov 06	119,328	28,548	9,789
Dec 06	103,335	26,787	10,637
Jan 07	142,132	32,004	11,530
Feb 07	130,655	29,272	9,951
Mar 07	174,280	37,431	12,558
Apr 07	149,658	32,144	12,885
May 07	253,052	41,256	15,387
Jun 07	268,078	50,748	19,663

# Activities and Accomplishments

## Dissemination of Statutes and Rules

PERC rules, forms and copies of the statutes are readily available to clientele on the website:

- Persons who have internet access are strongly encouraged to download copies of desired materials from the website. At the same time, due to a potential for obsolescence associated with the frequent changes of statutes and rules during the past few years, our clients are encouraged to avoid reliance on copies previously obtained.
- Paper copies of statutes, forms, or rules will be mailed to clientele, upon request.

## Work Stoppages

A primary purpose of collective bargaining laws is to prevent or minimize work stoppages (strikes and lockouts).

- Work stoppages involving uniformed personnel and public transit personnel are prohibited, and interest arbitration is imposed for disputes involving those employees.
- Strikes by other public employees are not “protected” activities, and may be enjoined by the courts under *Port of Seattle v. International Longshoremen's & Warehousemen's Union*, 52 Wn.2d 317 (1958). However, apart from good faith bargaining and mediation, the statutes make no provision for final resolution of bargaining impasses involving these employees.

Strikes or lockouts do occur, and PERC provides mediation and other dispute resolution services to "minimize" their duration and effect. There were no work stoppages during the year covered by this report, marking the sixth year in PERC history, and the third consecutive year, in which there were no work stoppages in the public sector.

	<u>Average Events/yr</u>	<u>Average Days/yr</u>	<u>Average Use of Mediation</u>
Since first strike (1967)	4.15	21,298	84% of cases
Most recent 20 years	2.15	8,500	93% of cases
Most recent 10 years	1.30	10,140	92% of cases

# Personnel Activities and Accomplishments

## PERC Personnel

The agency experienced some turnover among its staff during the year covered by this report:

- Marvin Schurke, Executive Director, retired after more than 30 years of service.
- Cathleen Callahan was hired as the new Executive Director.
- Karl Nagel, Field Service Manager, accepted a promotion with another state agency.
- Fred Rosenberry, Field Services Manager, retired after 23 years of service.
- Vincent Helm, Labor Relations Adjudicator/Mediator 2, retired after 12 years of service.
- Diane Ramerman, Labor Relations Adjudicator/Mediator 2, accepted a promotion with another public sector employer.
- Lorelee Perkins, Office Assistant 3, retired after 7 years of service.

Several agency staff members had a change of assignment during the year covered by this report:

- Martha Nicoloff, Labor Relations Adjudicator/Mediator 2, promoted to a Field Services Manager.
- Katrina Boedecker, Field Services Manager, returned to field work as a Labor Relations Adjudicator/Mediator 2.
- Mark Downing, Unfair Labor Practice Manager, moved to a Field Services Manager position.
- David Gedrose, Labor Relations Adjudicator/Mediator 2, promoted to Unfair Labor Practice Manager.

## Personnel Monthly Salaries

### Administration:

Cathleen Callahan, Executive Director (exempt)	\$8,738.00
Majel C. Boudia, Confidential Secretary (exempt)	\$4,542.00
Dario de la Rosa, General Counsel (exempt)	\$5,522.00
David I. Gedrose, Unfair Labor Practice Manager (WMS Band 2)	\$7,083.00
Kenneth J. Latsch, Operations Manager (WMS Band 2)	\$7,083.00
James E. Lohr, Business Manager (WMS Band 2)	\$7,083.00

### Professional Staff:

Mark S. Downing, Field Services Manager (WMS Band 2)	\$7,083.00
Martha M. Nicoloff, Field Services Manager (WMS Band 2)	\$7,083.00
Walter M. Stuteville, Field Services Manager (WMS Band 2)	\$7,083.00
Katrina I. Boedecker, Labor Relations Adjudicator/Mediator (LRAM 2)	\$6,658.00
Sally B. Carpenter, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Carlos Carrion-Crespo, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Claire Nickeberry, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Guy O. Coss, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Karyl Elinski, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Joel M. Greene, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Lisa A. Hartrich, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Starr H. Knutson, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Emily H. Martin, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Robin A. Romeo, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Paul T. Schwendiman, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
J. Martin Smith, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Terry N. Wilson, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Christy L. Yoshitomi, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,095.00
Sally J. Iverson, Representation Coordinator (Human Resource Consultant 3)	\$4,421.00

### Support Staff:

Edward E. Heiser, Information Systems Manager (WMS Band 2)	\$6,071.00
Sylvia Freeman, Office Manager	\$3,450.00
Robbie Duffield, Office Assistant 3	\$2,468.00
Mitchell Nelson, Information Technology Technician 2	\$3,052.00
Michelle Trefielo, Office Assistant 3	\$2,252.00
Joye Rolfer, Human Resource Consultant Assistant	\$2,910.00
Diane Thovsen, Office Assistant 3	\$2,588.00
Diane Tucker, Human Resource Consultant 1	\$3,052.00

# The Members of the Commission

## The Members Of The Commission

The members of the Commission are compensated in accordance with RCW 43.03.250(2), which provides:

Each member of a class four group is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group.

During the period covered by this report, the members of the Public Employment Relations Commission and their compensation were:

	<u>FY 2007</u> <u>Earnings</u>
<u>Marilyn Glenn Sayan, Chairperson</u> Appointed by Governor Mike Lowry, February 5, 1996, to complete a term ending September 8, 2000; appointment withdrawn and re-appointed by Governor Gary Locke for term ending September 8, 2000. Re-appointed by Governor Gary Locke for term ending September 8, 2010. Appointment confirmed by the Senate.....	\$8,900.00
<u>Pamela G. Bradburn, Commissioner</u> Appointed by Governor Gary Locke, February 25, 2004, for a term ending September 8, 2008; appointment withdrawn and re-appointed by Governor Christine Gregoire.....	\$5,300.00
<u>Douglas G. Mooney, Commissioner</u> Appointed by Governor Gary Locke, December 1, 2004, for a term ending September 8, 2009 appointment withdrawn and re-appointed by Governor Christine Gregoire.....	\$2,700.00

Chairperson Marilyn Glenn Sayan served as President of the Executive Board of the Association of Labor Relations Agencies (ALRA). That organization is composed of state, federal, and provincial agencies providing impartial dispute resolution services for labor-management disputes throughout the United States and the world.

# Public Access to Commission Decisions

## Agency Accessibility

PERC has historically had, and continues to emphasize, a policy of making its services readily accessible to employers, unions, and employees.

PERC decisions are disseminated to the public, and indexes of those decisions are available to the public. During the year covered by this report, a commercially-published “reporter” service was:

West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526 [PERC decisions with word-search capability on WestLaw on-line service].

PERC does not make any financial contribution to, or receive any revenues from, that publishing venture.

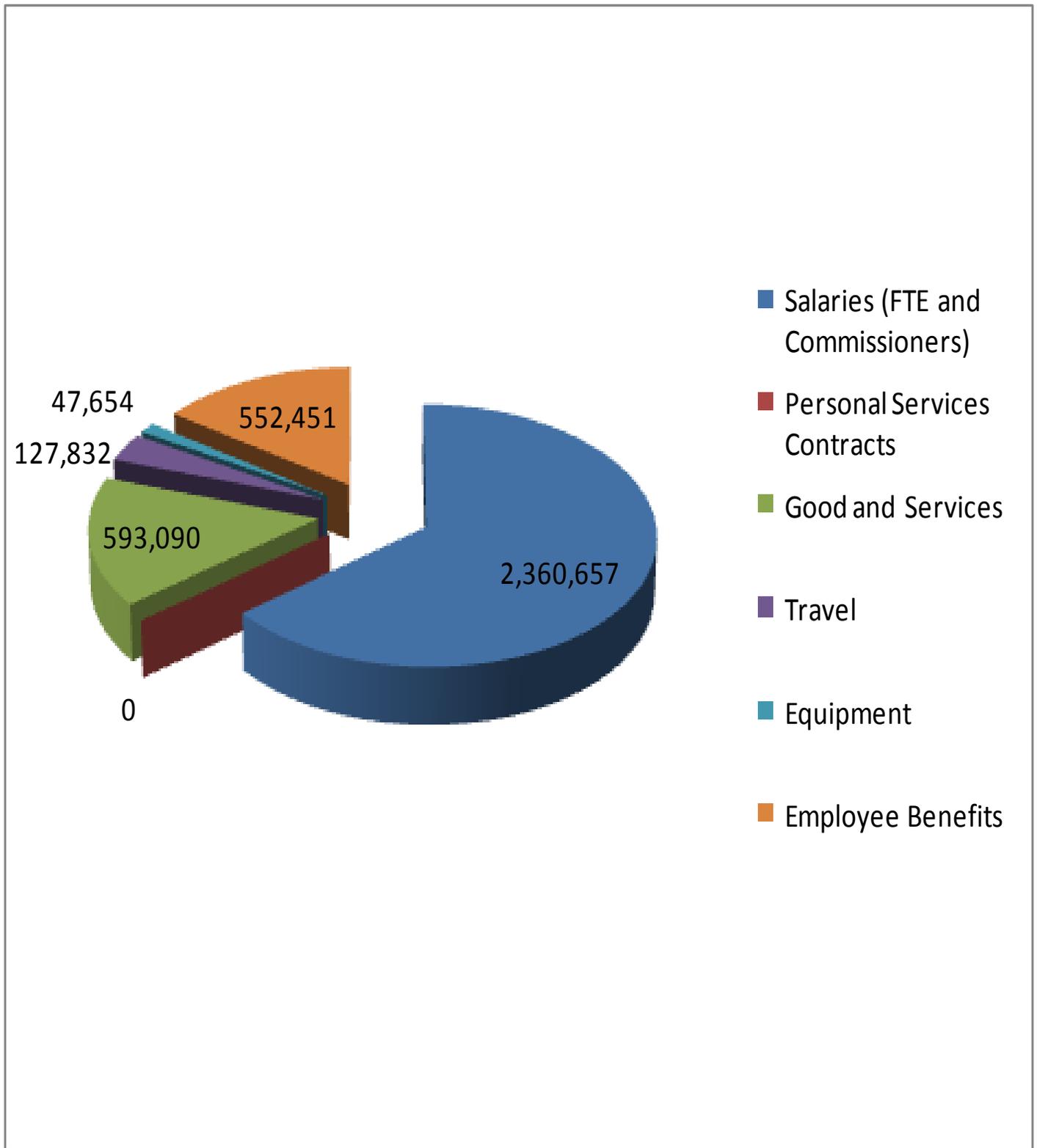
PERC’s website includes a free “search engine” for clientele who desire to do research on all decisions issued by PERC since 1976 at [www.perc.wa.gov](http://www.perc.wa.gov)

## Locations Where Services Provided

PERC staff members generally travel to the parties’ location for mediation sessions. Hearings are held at the parties’ locale or in a Commission office, as appropriate to the situation.

- Having a PERC staff member drive to the parties’ locale is often energy-efficient, as compared to having disputant parties drive two or more automobiles to some centralized location for a mediation session or a hearing.
- The hearing room within PERC’s branch office (in Kirkland) is readily accessible for a large segment of Commission clientele, since approximately 27% of all PERC cases arise in King County or Snohomish County.

# Disbursements



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*I slept and dreamt that life was joy.  
I awoke and saw that life was service.  
I acted and behold, service was joy.*

*- Rabindranath Tagore*

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