



STATE OF WASHINGTON

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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### MINUTES

March 13, 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, 112 Henry Street NE, Suite 300, Olympia, 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

### MINUTES OF PREVIOUS MEETING

The minutes of the meeting held February 14, 2012, were adopted as presented.

### REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Mike Sellars reported on monthly statistics. We opened 91 cases, including 28 mediation cases, 14 unit clarification cases, and 14 unfair labor practice cases. The Department of Enterprise Services filed the unit clarification cases following the merger of multiple agencies. Thirty-five cases have been filed so far in March. To date, 580 cases have been filed in the Fiscal Year, as compared to 750 cases during the previous Fiscal Year.
2. Mike reported that the Labor Relations Adjudicator/Mediators are feeling the effects of the increased workload. LRAMs are very busy. He has reminded them to be judicious with their time. The three new LRAMs are now beginning to carry their own caseload.
3. Mike extended his thanks to Claire Nickleberry for rearranging her schedule to take an Interest Based Bargaining with Bates Technical College. The request came in on March 5 with the training ready to be conducted on March 15.
4. We will open the LRAM recruitment soon. Mike recently conducted three informational interviews. He also conducted an Outreach presentation for a state human resources group where he announced the agency will be hiring.



5. Mike has completed his meetings with each staff member, and noted there are common themes to address. He is also working on expectations for the supervisors.
6. Executive Director Outreach to Clientele:
  - Port of Seattle
  - Met with John Okamoto, Washington Education Association, on March 15.
  - Attended the International Brotherhood of Teamsters' Catholic Seaman's Club luncheon also on March 15.
7. At the February 17, 2012 meeting of the Marine Employees' Commission, Mike presented revised monthly case statistics which now include a breakdown for the MEC cases. Our staff has been assigned to process all MEC cases, including settlement of unfair labor practice cases, and arbitration cases where a staff member has been requested. The MEC Commissioners asked Mike to draft a letter to all clientele involved in Washington State Ferries cases indicating that the Commissioners retain the authority to act as the arbitration panel. This letter will also be posted on the agency website.
8. OFM Labor Relations Office Director Diane Leigh notified Mike that the Labor Relations Office has begun mediation of state contracts, and provided him with a list of these contracts. Of the 29 contracts, 17 are eligible for interest arbitration.
9. Recent decisions were reviewed as posted on the agency website.
10. The Commission reviewed and unanimously approved the applications of Katrina Boedecker and J. Martin Smith for the Dispute Resolution Panel.

#### LEGISLATIVE UPDATE

Mr. Sellars, Charity Atchison, and Dario de la Rosa have been tracking the following legislation. Governor Gregoire ordered the Legislature to return to Olympia for a special session on March 12, 2012.

Senate Bill 6486 Creates collective bargaining for postdoctoral researchers at the University of Washington and Washington State University. This bill is still alive.

House Bill 2379/Senate Bill 6490 Limits the percentage of exempt employees at Consolidated Technology Services to no more than 25%. This bill has passed out of the House.

Budget: The House passed a budget in February that has few changes from the Governor's budget. Although there is an additional cut to the general fund, the agency has more authority over higher education employees. This budget also includes funding to cover MEC costs that were passed on to PERC.

#### COMPLIANCE DOCKET

There were no cases to report at this meeting.

COURT DOCKET

Appeals Administrator Charity Atchison reported on the following cases, and noted that the agency is not taking an active role in any of the cases:

*Washington State Ferries (MEBA)*, Decision 563 – MEC. We are awaiting a ruling in this case.

*Toppenish School District*, Case 22083-C-08-1388. The Order Dismissing Petition for Review with Prejudice was issued February 27, 2012. The Court affirmed the Commission's decision.

*State – Corrections*, Case 22847-U-09-5832. Trial has been rescheduled for March 23, 2012.

*University of Washington*, Case 21681-U-08-5529. We are awaiting a decision in this case.

*Mason County*, Case 22424-U-09-5723. A petition for judicial review was filed in Thurston County Superior Court on November 10, 2011, by Robert D. Sauerlender, on behalf of Mason County Juvenile Court. A general notice of intent to withdraw was received on December 27, 2011. It is now evident that this is not a withdrawal of the appeal.

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