



STATE OF WASHINGTON  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

**MICHAEL P. SELLARS, EXECUTIVE DIRECTOR**

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MINUTES

February 9, 2016

The regular meeting of the Public Employment Relations Commission was held at:  
10:00 a.m.  
PERC Conference Room  
112 Henry Street, Suite 300, Olympia, Washington.

Those present and participating:

Marilyn Glenn Sayan, Chairperson  
Thomas W. McLane, Commissioner  
Mark E. Brennan, Commissioner  
Michael P. Sellars, Executive Director  
Charity Atchison, Appeals Administrator  
Joye Rolfer, Confidential Secretary

Also present and participating:

Herb Harris, Washington Federation of State Employees  
Jason Holland, Washington Public Employees Association

MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held January 5, 2016 were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. January was a steady month with filings. There were 58 cases opened and 52 closed.
2. We have become aware of an issue with our website search. We are currently looking at a product that would be more robust and integrate with our current website. It has capacity for us to search issues, and decision history/tracking. There is currently enough funding for the new search product.
3. We are working on Phase 2 of our case management system, it should be completed in about a week. We are still discovering the customizable aspect of the system and how robust the product is. Vanessa Smith and Debbie Hobbs have taken on the task of customizing as needed and expanding the use.



4. The Labor Relations/Adjudicator job position has closed. It was opened to a large number of people, and had 65 applicants from all over the world. We have also closed the opening for field service manager. We had 5 applicants, including one internal and four external.
5. We have the employee survey results, which were generally positive. The two areas we focused on from the previous survey cycle were both related to communication, and both saw improvement. The survey is now being conducted annually, which makes it more challenging to effectuate change and fewer are interested in taking it on an annual basis. Due to this, we saw a drop in participants.
6. The ALRA executive board is preparing for the conference in July in Halifax, Nova Scotia. Mike is planning to attend the planning meeting in Toronto in March. The commission moved, seconded and approved Mike's travel and reimbursement.
7. Our agency is currently being audited. We have not been audited since we moved a lot of our functions to DES.
8. Mike reported that we had our first request for a fact finding with the Grandview School District. Steve Irvin has been assigned.

### ACTION ON RULES

Rules coordinator Dario de la Rosa introduced the rulemaking process. The agency's filing and service rule, WAC 391-08-120, currently allows parties to file and serve documents with the agency by hand delivery, e-mail, or fax. In the event a party elects to file or serve documents with the agency by e-mail or fax, that party is also required to mail a physical copy of the documents to the agency or other parties. Agency staff recommended eliminating the requirement that parties send physical copies of documents when filing and serving documents by fax or email. Commissioner McLane moved that WAC 391-08-120 be amended as recommended by staff. The motion was seconded and carried.

Agency staff also recommended adopting rules to allow for electronic elections. Agency staff proposed adopting a new comprehensive election rule, WAC 391-25-480, to cover on-site, mail ballot, and electronic elections. Agency staff also proposed amending WAC 391-25-430 to include provisions for electronic election. Agency staff also recommended combining the special election rules at WAC 391-25-476 and WAC 391-25-496 into a new WAC 391-25-486 to be consistent with the sequencing and numbering rules. Commissioner McLane moves that WAC 391-25-470, 391-25-476, 391-25-490, and 391-25-496 be repealed. The motion was seconded and carried. Commissioner Brennan noted that the provisions of WAC 391-25-490(1)(h) were not carried over to the WAC 391-25-480 and proposed an amendment to add those provisions. Commissioner McLane moved for the adoption of WAC 391-025-480 as amended by Commissioner Brennan and for the adoption of WAC 391-25-486. The motion was seconded and carried. Commissioner McLane also moved that WAC 391-25-430 be amended as recommended by staff. The motion was seconded and carried.

Proposed amendment to WAC 391-25-150 and WAC 391-25-450 were discussed but not adopted.

### LEGISLATIVE UPDATE

We are monitoring legislation that could impact our work. There are currently four bills we are watching. One would require periodic certification elections for represented public employees. A cost analysis was provided for the work, time and materials involved in implementing the change. In Wisconsin, they required the union to pay for the costs associated with recertification.

COURT DOCKET

Charity reviewed the pending court cases and offered updated information where available. The monthly Court Docket is available on the agency website.

OTHER BUSINESS

The Commission reviewed, approved, and unanimously accepted an application for the Dispute Resolution Panel from Martin Kehoe.

ADJOURNMENT

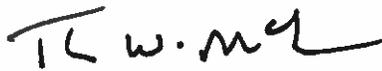
There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

The Commission went into Executive Session for a discussion on agency public records procedures and deliberation on pending cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARILYN GLENN SAYAN, Chairperson

  
THOMAS W. McLANE, Commissioner

MARK E. BRENNAN, Commissioner

ATTEST:

  
MICHAEL P. SELLARS  
Executive Director