



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

MINUTES

January 13, 2025

The regular meeting of the Public Employment Relations Commission
was called to order at 1:30 p.m.

Via Zoom &
PERC Conference Room
112 Henry Street NE, Suite 300
Olympia, Washington 98506

Those present and participating:
Mark S. Lyon, Chairperson
Elizabeth Ford, Commissioner
Henry E. Farber, Commissioner
Mike Sellars, Executive Director
Charity Atchison, Appeals Administrator
Vanessa Smith, Confidential Secretary

Also present:

Daniel Comeau, PERC, Labor Relations Adjudicator/Mediator
Dario de la Rosa, PERC, Unfair Labor Practice/Representation Administrator
Robbie Duffield, PERC, IT Manager
Alyssa Gerchak, PERC, Legal Assistant
Shirin Kalam, PERC, Legal Assistant
Joye Rolfer, PERC, Communications Consultant
Jamie Siegel, PERC, Labor Relations Adjudicator/Mediator
Katie Sypher, PERC, Labor Relations Adjudicator/Mediator
Page Todd, PERC, Labor Relations Adjudicator/Mediator
Emily Whitney, PERC, Unfair Labor Practice/Representation Administrator
Lloyd Willaford, PERC, Labor Relations Adjudicator/Mediator

Chairperson Lyon welcomed newly appointed Commissioner Henry E. Farber, who expressed that it is a privilege to be here.

Minutes of the Previous Meeting

The minutes of the previous meeting held on November 12, 2024, were adopted as presented.

Report of the Executive Director

1. Mike welcomed all attendees to the first meeting of the year, adding that it was great to see so many staff members.
2. Case and decision reports were provided for November and December 2024. Mike focused on the report for December and noted that the 86 cases filed with PERC set a record high for any December since he became executive director. In fact, with a total of 958 cases, 2024 had the highest number of cases received in any year during Mike's tenure.
 - a. Of the cases filed in December 2024, 25 were contract mediation requests. We received 171 contract mediation requests in 2024. The number of contract mediation requests in 2024 was 16% higher than the previous five years' average, but that average includes the record low number in 2023 as well as lower numbers from the COVID years. The number of contract mediation requests received in 2024 is closer to the true average.
 - b. The number of conflict prevention/training cases not only rebounded to pre-COVID levels but also exceeded the previous agency peak. Requests for conflict prevention services were most impacted and decreased sharply when PERC was operating exclusively virtually.
 - c. The biggest numbers of the year were seen in the representation work, with the combined total of election and unit clarification petitions reaching the second highest in PERC's history and since 1995. The number of election petitions in 2024 rose to 51% over the previous five years' average and reached the second highest number since the agency's creation in 1976, when 155 petitions were filed. Additionally, the number of unit clarification petitions rose to 34% over the previous five years' average. This continues the trend of increased representation work since *Janus* and will be a focal point of the annual report for 2024.
 - d. Examiners issued 27 decisions last year, surpassing the number of decisions issued in previous years. Cases filed by self-represented individuals accounted for a third of unfair labor practice cases in 2024. This figure is lower than the nearly 40% peak two years ago, but it is still elevated above the 13-year average.

Overall, it was an active year, which validated why staff felt busy. A brief discussion followed about how PERC's data may compare nationally as well as how PERC can improve its processes with self-represented individuals. The latter topic will be placed on a future agenda.

3. The date of this meeting was the first day of the legislative session. It is a long, budget session with several bills already pre-filed. Mike met with the Washington State Labor Council on Friday, January 10.
4. In advance of his inauguration on January 15, Governor Ferguson talked about his approach to managing the budget and directed cabinet-level agencies to identify 6% budget reductions for both the remainder of this biennium and next biennium. Additionally, a statewide hiring, travel, and goods and services spending freeze is in effect. Independent boards and commissions, like PERC, are urged to follow suit and engage in the same reporting as cabinet-level agencies. A 6% reduction for PERC amounts to just over \$700,000. PERC has a positive variance for this year's budget and could absorb a 6% cut for the remainder of this biennium. Carrying those cuts would likely involve permanently holding open current vacant positions.

Legislative Update

Charity gave an overview of the legislation that PERC has been monitoring.

Commission & Court Docket

There has been a lot of court activity since the last meeting, and Charity provided updates on the cases pending in court. Lists of pending cases that have been appealed to court or the Commission are available on the agency website at <https://perc.wa.gov/commission/>.

Consideration of Law Enforcement Arbitrator Roster Applications

Mike provided an overview of what has happened in the process to fill the vacancies on the Law Enforcement Arbitrator Roster so far. The Commission had decided at its September 2024 meeting to fill all six of the expiring appointments. However, RCW 41.58.070(7) currently limits the Commission to appoint no more than three arbitrators with terms expiring in the same year. Accordingly, the Commission could only make three appointments at this meeting.

Commissioner Ford requested that the Commission go into executive session before making the appointments in open session. The Commission decided to proceed to the next agenda item before entering executive session.

Adoption of Revisions to WAC Administrative Code

Mike gave a summary of the two draft rules being presented for adoption at this meeting. The Commission previously approved these drafts at its September meeting. Two hearings were held to gather comments in November 2024. No one attended or provided comments. Notice was posted on our website and provided to clientele, so the absence of comment is not concerning.

The Commission first considered amendments to WAC 391-25-070, 391-25-110, and 391-25-400. The Commission unanimously carried a motion to adopt the amendments.

Next, the Commission considered the adoption of a new rule, WAC 391-45-400, regarding compliance. The Commission unanimously carried a motion to adopt this rule.

The Commission and Executive Director went into executive session to discuss the process for making roster appointments at 2:19 p.m. No action was taken in executive session.

Consideration of Law Enforcement Arbitrator Roster Applications – Continued

The Commission reconvened in open session at 2:48 p.m.

Prior to the meeting, the Commission reviewed the applications and sample decisions of 14 arbitrators seeking appointment or reappointment to the roster.

Commissioner Farber shared his process for reviewing the applicants' materials and stated that his top three selections were Najeeb Khoury, John Weathers, and Dorothy Foley. Commissioner Ford shared that she used a similar process and listed the same three arbitrators. Chairperson Lyon described the criteria he used for making his selections and joined Commissioners Farber

and Ford in their selections. Commissioner Farber moved to appoint these arbitrators to the Law Enforcement Arbitrator Roster; Commissioner Ford seconded. All approved. The Commission noted that the decision was difficult, as there was an excellent pool of candidates to choose from.

Adjournment

There being nothing further to come before the Commission, the public meeting was adjourned at 2:54 p.m.

APPROVED at Olympia, Washington, this 10th day of February, 2025.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARK S. LYON, Chairperson

ELIZABETH FORD, Commissioner


HENRY E. FARBER, Commissioner