



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

September 10, 2024

The regular meeting of the Public Employment Relations Commission
was called to order at 10:01 a.m.

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

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

Also present:

Dario de la Rosa, PERC, Unfair Labor Practice/Representation Administrator
Matt Greer, PERC, Labor Relations Adjudicator/Mediator
Katie Sypher, PERC, Labor Relations Adjudicator/Mediator
Henry Farber

After calling the meeting to order, Chairperson Lyon directed everyone's attention to Commissioner Busto, whose term on the Commission expires this month. Commissioner Busto is not seeking reappointment, and this will be his last meeting. Chairperson Lyon thanked Commissioner Busto for his service and provided him with an opportunity to speak before the consideration of the agenda.

Commissioner Busto thanked and commended his co-commissioners, Mike, Charity, Vanessa, and the entire staff. He also expressed appreciation for former chairperson Marilyn Glenn Sayan, specifically acknowledging all her contributions to the Commission and her long service. He is grateful for the opportunity to have served on the Commission.

Commissioner Ford expressed her delight in getting to know Commissioner Busto and thanked him for his hard work. She noted that Commissioner Busto made the job look easy even though it is not.

Minutes of the Previous Meetings

The minutes of the previous meeting held on August 13, 2024, were adopted as presented.

Report of the Executive Director

1. Mike echoed all the comments about Commissioner Busto and thanked him for his grace, thoughtfulness, and wisdom.
2. At last month's meeting, we were approaching teacher mediation season and had received two mediation requests involving teachers of the Mossyrock and Rainier School Districts. Since then, we have received three more requests involving teachers working for the Cheney, Omak, and Yelm School Districts. We have also had three mediations involving K-12 classified groups. Two strikes have occurred so far. None of the statutes we administer provide the right to strike, and while in previous years strikes have largely involved certificated employees, we are starting to see classified groups go on strike.
3. We have been in the process of recruiting for legal assistants since June and are now at the point of doing reference checks. We hope to make a hiring decision in the next week or so. This is the first time we have experienced some difficulty in recruiting, as some candidates have been ambivalent about their applications.
4. The previous court reporter contracts expired, so we had to open them up for bid this year. We previously contracted with two court reporting services, and a third one has been added for this contract period.
5. As shown on the August 2024 case and decision report, the volume of unfair labor practice complaints is slightly below the previous five years' average. Mike noted that we are receiving more traditional types of complaints. The increase in interest arbitration cases was a result of this year's state employee bargaining cycle. However, the number of interest arbitration cases is slightly behind the number received during the 2022 bargaining cycle. None of the larger groups have settled their contracts yet, but they have until the end of the month.

Court & Commission Docket

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.

Charity also took this opportunity to thank and express her appreciation for Commissioner Busto.

Expiring Law Enforcement Arbitrator Roster Appointments

RCW 41.58.070 requires the Commission to create and maintain a Law Enforcement Arbitrator Roster and appoint 9–18 arbitrators to arbitrate disciplinary grievances for law enforcement personnel. In September 2021, the Commission appointed 18 arbitrators for staggered terms decided by lot. In September 2023, six of those appointments were nearing expiration, and the Commission decided to fill three vacancies to maintain a total of 15 arbitrators on the roster.

Mike notified the Commission that the next six appointments will expire on January 6, 2025. We received 21 requests for appointment of an arbitrator in 2022, 19 in 2023, and 15 so far in 2024. Five of the six arbitrators with expiring terms have issued awards under the statute.

Mike recommended that the Commission fill all six vacancies. The Commission agreed and directed staff to follow the same process used to solicit applications last year. Appointments will be made at the January 2025 meeting.

Finalization of Proposed Amendments to WAC 391-25 and 391-45 and Approval to Submit Proposed Amendments to Code Reviser to Begin Formal Rulemaking Process

In follow up to the June 2024 discussion regarding rules revisions, Mike described the proposed rules that were now before the Commission for finalization and approval to proceed to rulemaking. After discussing the proposed amendments and the process for gathering feedback, the Commission unanimously carried two motions to approve the proposed amendments to chapters 391-25 and 391-45 WAC for the purposes of filing a CR-102.

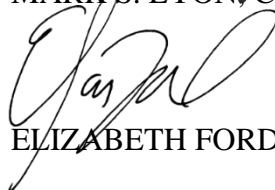
Adjournment

There being nothing further to come before the Commission, the public meeting was adjourned at 11:02 a.m.

APPROVED at Olympia, Washington, this 8th day of October, 2024.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARK S. LYON, Chairperson


ELIZABETH FORD, Commissioner