



# **ANNUAL REPORT**

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# **FOR 2024**

# Director's Message

I am pleased to present the Public Employment Relations Commission's Annual Report for 2024.

The year was notable for the volume of requests for services filed. The 958 cases opened in 2024 was the most in any year since 2004 and the third highest in agency history. Requests for conflict prevention and representation services led the way, with those types of cases setting record or near-record marks in the agency's history. The number of requests to mediate collective bargaining agreements also rebounded from its record low in 2023.



The commission continued to experience change. Following Marilyn Glenn Sayan's departure at the end of 2023, Mark Lyon was appointed chair of the commission in March. Henry E. Farber was appointed to the commission in December to replace Mark Busto, whose term ended in September.

PERC began administering its 10th collective bargaining statute in 2024 when the Legislative Employee Collective Bargaining Act went into effect. The Act created the Legislative Commission to hear appeals. That commission is scheduled to sunset at the end of 2027, when the regular commission will assume jurisdiction. Eric Pettigrew, Greg Devereux, and Kenny Pittman were appointed to this commission. By the end of the year, five bargaining units had been certified.





While looming state budget issues resulted in statewide hiring restrictions, PERC was able to meet the increased demand for services while still meeting case processing timeline goals. We were able to do that only through the commitment and hard work of PERC staff. Without them, those achievements would not have been possible. As PERC, like all agencies, faces budget cuts in the next biennium, we will have to monitor our ability to meet timelines and demand in a sustainable fashion.

This report shows more than PERC's areas of success and opportunities for improvement. The report shows the desire of employees to exercise their statutory rights; the desire of labor and management to seek solutions through either mediation or adjudication or to develop tools to prevent or better navigate disputes; and the desire of the committed PERC employees to facilitate all that. We live in an increasingly noisy world. People often mistake the loudness of their argument for the merit of their argument. This report also shows the impact when parties move beyond the noise to solve problems and ensure the delivery of public services to the citizens of Washington state.

  
Mike Sellars, Executive Director

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# Agency Overview

PERC is an independent state agency created to implement Washington State's collective bargaining laws and resolve public-sector labor relations disputes. PERC has jurisdiction over collective bargaining for public employers in Washington.

## MISSION

PERC provides expert, impartial, and timely resolution of labor-management disputes so that any disruption to public services is prevented or limited.

## VISION

Leaders in labor relations and dispute resolution. Partners in improving labor-management relations.

## VALUES

Excellence, Innovation, Integrity, Neutrality, Credibility, Respect, and Balance

## The Commission

The commission's function is to adopt rules and decide appeals of decisions issued by agency staff. Commissioners work part time and on a per-diem basis. They are appointed by the governor for five-year terms. Mark Lyon (chair), Liz Ford, and Henry E. Farber currently serve on the commission. Commissioner biographies are available at <https://perc.wa.gov/commission>.\*

## Executive Director

The commission appoints the executive director who oversees the daily operations of the agency, determines bargaining unit configurations, and certifies bargaining unit representatives. The executive director also engages in outreach and training, mediation, and adjudication. Eight staff members report directly to the executive director.

## Labor Relations Adjudicators/Mediators

Labor relations adjudicators/mediators (LRAMs) are classified state employees cross-trained to conduct both mediations and adjudications as well as conflict prevention services.

## Field Services Managers

Two field services managers supervise a total of 16 LRAMs.

\* The Legislative Commission will hear appeals under the Legislative Employee Collective Bargaining Act through 2027.

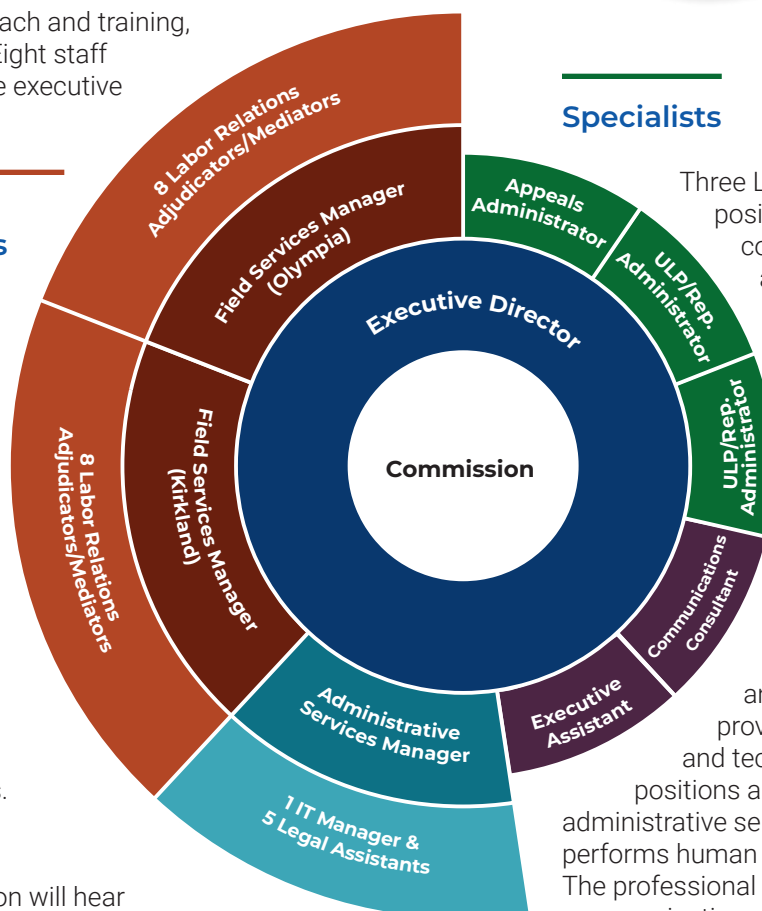
Employee and salary information is available in the State Employee Salaries database at <https://fiscal.wa.gov/Staffing/Salaries>.

## Specialists

Three LRAMs work in specialist positions. One assists the commission with its work on appeals while two jointly oversee representation matters and manage the intake process for unfair labor practice complaints.

## Professional Staff

The professional staff includes an IT manager and five legal assistants that provide clerical, administrative, and technical support. These positions are supervised by the administrative services manager, who also performs human resources functions. The professional staff also includes a communications consultant who oversees external communications, including the website, and the executive assistant to the executive director, who also functions as clerk to the commission.







# Interim Report on 2023–25 Strategic Plan

When PERC completed its strategic plan in 2014, it identified five goals for PERC that stem directly from its statutory mandates. These goals are permanent in nature and carry over to subsequent strategic plans, including the 2023–25 strategic plan:

1. **Productive Labor Management Relations:** Improving the relationship between labor and public employers
2. **Right to Organize:** Ensuring public employees' right to organize
3. **Right to Collectively Bargain:** Ensuring public employees' right to collectively bargain
4. **Conflict Resolution:** Resolving labor-management disputes
5. **High-Performing Organization:** PERC is a high-performing organization

Of these goals, the first—improving the relationship between labor and public employers—is the paramount or overarching goal. The remaining goals reinforce and roll up to that goal. The objectives and individual initiatives collectively help PERC meet all five goals and achieve its mission to provide expert, impartial, and timely resolution of labor-management disputes so that any disruption to public services is prevented or limited.

The year 2024 marked the second year of the current strategic plan. The following details the progress on initiatives that were slated for 2024.



## Objective 1: Deliver innovative and effective services in an accessible and efficient manner.

- ☒ Utilize technology to provide services. (Ongoing)
- ☐ Phase out current filing by email. (2024)  
Deferred.
- ☐ Repurpose office space to meet needs of hybrid work and virtual service offerings. (2023/2024)  
Deferred depending on more statewide direction on space allocation.
- ☒ Ensure all agency templates are clear, concise, and understandable. (Ongoing)
- ☒ Explore feasibility (legal and practical) of utilizing APA Brief Adjudicative Process for certain cases. (2024)  
Determined that this was not currently feasible.

## Objective 2: Continue to issue timely, cogent, and legally sound decisions.

- ☒ Issue timely decisions. (Ongoing)
  - ▶ 85% of examiner decisions are issued within 90 days of the close of the record.  
96% of examiner decisions were issued within 90 days of the close of the record.
  - ▶ 100% of executive director decisions are issued within 90 days of the close of the record.  
96% of executive director decisions were issued within 90 days of the close of the record.
  - ▶ 100% of commission decisions are issued within 180 days of the close of the record; 80% within 90 days of the close of the record.  
100% of commission decisions were issued within 180 days of the close of the record; 79% were issued within 90 days of the close of the record.
- ☒ Issue cogent, legally sound decisions. (Ongoing)
  - ▶ 100% of decisions are unchanged following appeal to court.



- ▶ Ensure that commission decisions are consistent with prior decisions or that any departure or differentiation from prior commission decisions is acknowledged and explained so that clientele are able to understand the decision.

☐ Review and update agency style guide. (2023)  
Will publish by August 1, 2025.

☐ Place agency deskbook on website. (2024)  
Reconsidering.

☐ Explore feasibility (legal and practical) of utilizing APA Brief Adjudicative Process for certain cases. (2024)  
Determined that this was not currently feasible.

### Objective 3: Conduct effective and responsive mediations.

☒ Utilize technology to enhance mediation services. (Ongoing)  
Primarily through conducting virtual and hybrid mediations.

☒ Explore methods to increase mediations of unfair labor practice cases. (2024)  
Implemented process to assign mediator at executive director's direction.

☒ Further develop staff mediation skills through training, research, book and article review, discussion, and LRAM meetings. (Ongoing)  
Primarily through LRAM meetings.

☒ Assess effectiveness of mediation through field services managers' observations of mediation. (Ongoing)

☒ Explore additional mediation training tools (Zoom learning sessions, podcasts). (Ongoing)

### Objective 4: Ensure public employees exercise their right to choose through an accessible, clear, efficient, and equitable representation process.

☒ Conduct election or card check within annually set goals for the number of days for cases with uncontested issues and for cases with contested issues. (Ongoing)  
Elections and card checks were conducted within goal time frames.

☐ Assess ways to streamline process for resolving disputed positions. (2024)  
Case volume has precluded.

### Objective 5: Expand conflict prevention and outreach services.

☒ Utilize technology to enhance and expand training and outreach services. (Ongoing)  
Primarily through the Negotiation Project and PERColator Podcast.

☒ More accurately track training and outreach data (types of training requests), including for the Negotiation Project and The PERColator Podcast. (2023)

☒ Assess data from types of training provided to inform new training offerings. (Ongoing)

☒ Meet regularly with Clientele Consultation Committee regarding PERC services and labor relations issues facing the community. (Ongoing)  
Meet twice yearly with Clientele Consultation Committee.

☒ Actively participate in the Association of Labor Relations Agencies (ALRA). (Ongoing)

☒ Actively participate in the Northwest Chapter of the Labor and Employment Relations Association (LERA); co-sponsor and present at the annual LERA conference. (Ongoing)

☒ Regularly communicate agency performance through website, social media, and annual report. (Ongoing)

### Objective 6: Provide accessible, clear, and timely agency communications.

☒ Regularly communicate agency performance on website and social media. (Ongoing)

☒ Issue annual report. (Ongoing)

☐ Expand self-help tools and guides for participants. (2023/2024)  
In development; will publish by July 1, 2025.

☐ Make self-help tools and guides easily found and accessible on agency website. (2024)  
In development; will publish by July 1, 2025.



**Objective 7: Ensure that staff have the capacity, commitment, resources, and support to meet the agency mission and vision.**

- ☒ Ensure technology is sustainable and allows agency to adapt and utilize tools that will enhance service delivery. (Ongoing)
- ☒ Ensure that agency technology supports hybrid and remote work. (Ongoing)
- ☐ Review and update agency deskbook on biennial basis. (2023 & 2025)  
Reviewed but not yet updated.
- ☐ Review examples and procedures currently in staff manual to ensure it contains most recent and correct versions, then issue in separate document. (2023)  
In progress; timeline revised.
- ☐ Sunset current staff manual. (2024)  
Moved to 2026.
- ☒ Annually gather staff feedback on training needs and deliver training based upon feedback. (Ongoing)
- ☐ Explore meaningful peer recognition. (2024)
- ☒ Fully adopt Office 365 and shared tenant strategies. (2024)
- ☒ Review, and revise as necessary, current Salesforce practices for capturing training and outreach data to ensure it accurately captures and quantifies work involved. (2023)  
Initial revisions made.
- ☒ Timely complete performance evaluations and expectations. (Ongoing)
- ☐ Explore cross-training opportunities. (Ongoing)  
Case volume has precluded larger implementation.

**Objective 8: Maintain expert staff to deliver services.**

- ☐ Review, and revise as appropriate, current LRAM hiring process. (2024)  
Deferred.
- ☐ Revise decision-writing scenario for LRAM hiring process. (2024)  
Deferred.

- ☒ Increase diversity of hiring pools through outreach. (Ongoing)
- ☒ Support diversity in the workplace by fostering a culture of inclusion. (Ongoing)  
In progress.
- ☒ Implement Washington State Pro-Equity Anti-Racism (PEAR) Plan & Playbook. (2024)

**Objective 9: Continue to be a credible resource on labor law developments, trends, issues, and research.**

- ☒ Continue to utilize membership in ALRA to research and share best practices and developments regarding labor relations and neutral agencies' administration of collective bargaining statutes. (Ongoing)
- ☒ Continue to research labor relations and dispute resolution developments and best practices. (Ongoing)
- ☒ Continue to support and provide opportunities for staff to develop and demonstrate their expertise (ABA LEL, LERA, ALRA, NW ADR, teaching, membership on arbitrator panels). (Ongoing)  
Staff are on ABA, LERA, ALRA, and NW ADR committees; hold leadership positions within ALRA; teach labor relations and negotiations classes at the University of Washington and Seattle University law schools; and are members of arbitrator panels in other jurisdictions.
- ☒ Communicate expertise and developments as appropriate. (Ongoing)
- ☐ Place agency deskbook on website. (2024)  
Reconsidering.
- ☒ Utilize agency outreach tools and medium to research, share best practices and labor relations developments, and hone and communicate agency expertise. (Ongoing)



# Milestones in 2024

## Commission Changes

Following Chairperson Marilyn Glenn Sayan's retirement from the commission at the end of 2023, Mark Lyon was appointed as chair of the commission in March 2024. Lyon has been practicing law in Washington state with an emphasis on labor and administrative law for over 40 years. From 2005 until his retirement in 2021, he served as an assistant attorney general for the state of Washington. During his last five years with the Attorney General's Office, Lyon served as the primary legal representative for PERC. His term expires in September 2026.

Commissioner Mark Busto's term expired in September 2024, and Henry E. Farber was appointed to fill that vacancy in December. Farber started—and is now concluding—his over 45-year career in labor relations as a labor neutral. In between, Farber was an attorney in private practice and represented employers and individuals in labor matters and employment litigation. Farber also taught labor law at the University of Washington School of Law. His term expires in September 2029.

Commissioners Lyon and Farber joined Commissioner Liz Ford, who has served on the commission since November 2022. Her term expires in September 2028.



Commissioners  
Mark Lyon, Liz  
Ford & Henry E.  
Farber



## Legislative Employee Collective Bargaining

The law granting certain legislative employees collective bargaining rights, chapter 44.90 RCW, became effective on May 1, 2024. SSB 6194 created the Legislative Commission to hear appeals under the statute. That commission is a three-member commission. Kenny Pittman was appointed to the commission by the speaker of the house of representatives, Greg Devereux was appointed by the president of the senate, and Eric Pettigrew was appointed as the chair by mutual consent of Commissioners Pittman and Devereux. The appointments are effective until this commission expires on December 31, 2027, and the regular commission will assume jurisdiction over appeals under this statute. Five bargaining units of legislative employees were created in 2024.

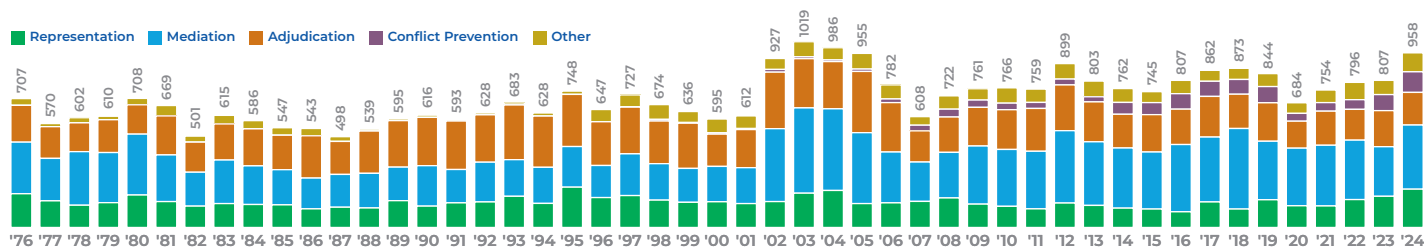


## Electronic Signatures in Representation Cases

In 2024, the legislature passed SB 6060, which requires PERC to accept electronic signatures in certain representation proceedings. The legislature also eliminated the statutory requirement that PERC physically compare signatures when conducting card checks. PERC then engaged in rulemaking to harmonize its processes regardless of the type of signature.

## Representation and Conflict Prevention Cases Lead Way in Increased Volume of Cases

The total number of cases filed in 2024 was the third highest in agency history and the most since 2004, when PERC assumed jurisdiction over state employees and their pending grievance mediations. The increase in volume was driven by a record number of conflict prevention requests and near-record high number of representation cases. The number of representation cases was the second highest in agency history.







# Strategic Service Delivery

As a neutral entity, PERC protects the collective bargaining rights granted to approximately 475,000 public employees through the fair and timely administration of mediation, adjudication, representation, and conflict prevention services.

## Looking Back at 2024

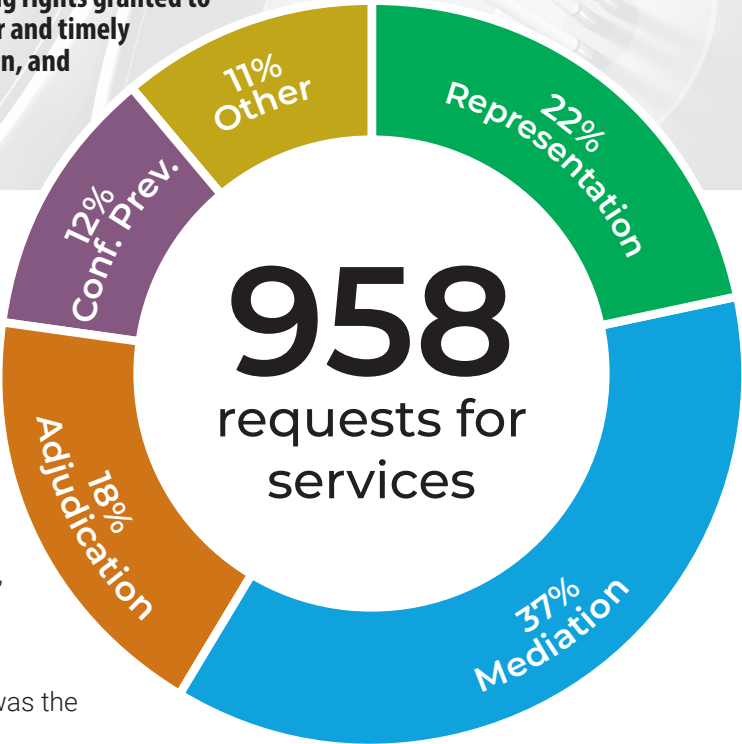
With a total of 958 requests for services, 2024 had the highest volume of cases in any year since 2004 and the third highest in agency history. This amounted to a 19% increase over 2023's total—and 40% over 2020's low.

Most case types experienced an increase, most notably conflict prevention and representation.

Conflict prevention cases were the highest in agency history, with a 28% increase over 2023.

The overall number of representation cases was the second highest in agency history. The number of election petitions was the highest since 1976—the agency's first year of operation.

PERC assigns arbitrators from its Law Enforcement Arbitrator Roster to conduct disciplinary grievance arbitration for law enforcement personnel. In 2024, PERC received nearly double the number of requests for appointments of an arbitrator than in each of the previous two years.



<div>Representation</div> <div>Elections • Bargaining Unit Clarifications</div> <div><ul style="list-style-type: none"><li>101 unit clarification cases were processed and closed in 2024.</li><li>80% of election petitions involved new organizing.</li></ul></div>	<div>Mediation</div> <div>Collective Bargaining Agreements • Grievances • ULP Complaints</div> <div><ul style="list-style-type: none"><li>The number of mediation cases rebounded from 2023's historic low back to the average.</li></ul></div>	<div>Adjudication</div> <div>ULP Complaints • Grievance Arbitrations • BU Configurations</div> <div><ul style="list-style-type: none"><li>The time to hearing decreased slightly.</li><li>96% of examiner and executive director decisions were issued within 90 days.</li></ul></div>	<div>Conflict Prevention</div> <div>Training • Outreach • Facilitation • Online Resources</div> <div><ul style="list-style-type: none"><li>The number of requests for conflict prevention services was 27% higher than the previous record.</li></ul></div>
<div>Other</div> <div>Upon request, PERC provides parties with a randomly generated list of names from its panel of qualified private arbitrators. PERC also certifies to interest arbitration any issues remaining in dispute following mediation for employees under certain statutes.</div>			





# Representation

A cornerstone of the state’s collective bargaining laws is the right of employees to decide whether to be represented for purposes of collective bargaining.

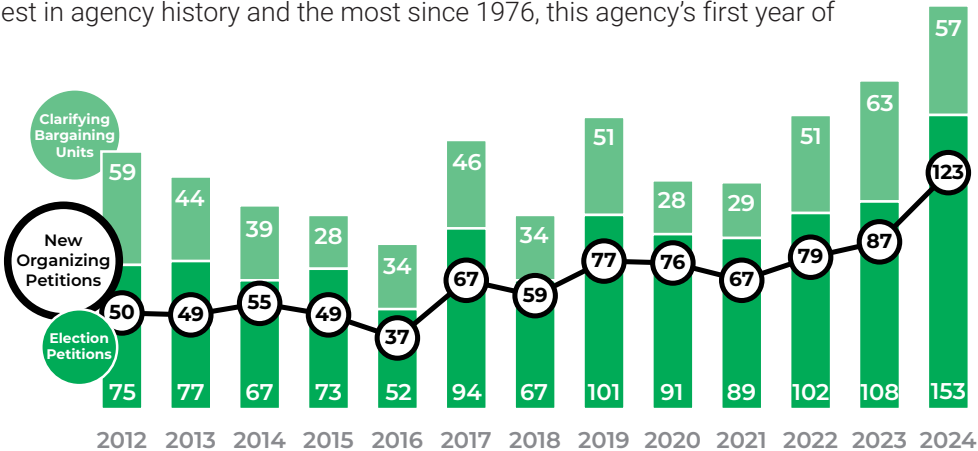


Of the 153 election petitions in 2024, **80%** were for new organizing.

Representation activity has continued to increase steadily since 2019, including a significant jump in 2022. In 2024 representation activity increased drastically once again, with petitions for elections or unit clarifications amounting to a total of 210 representation cases, or 23% more than in 2023.

Notably, that total is the second highest number of representation cases filed in any year in PERC’s history and the most since 1995, when the commission issued a decision requiring the clarification of teachers’ bargaining units to remove extracurricular employees. The 153 election petitions was also the second highest in agency history and the most since 1976, this agency’s first year of operation.

The number of new organizing petitions filed in 2024 was double the average of the previous 12 years.

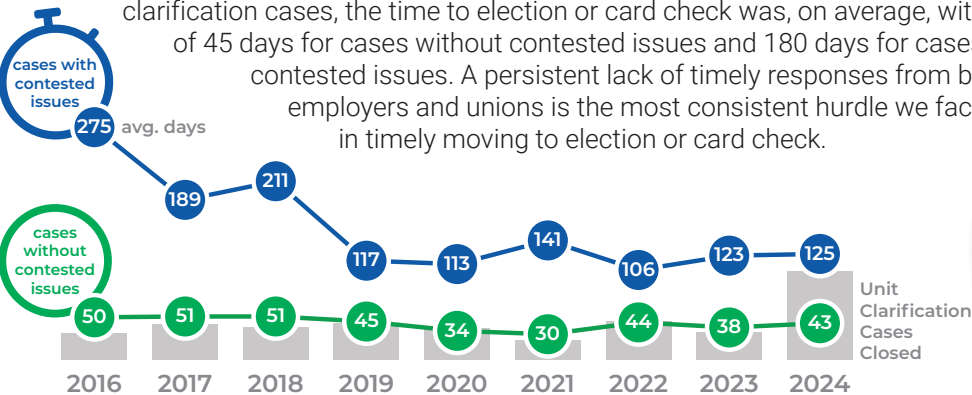


## Time to Election or Card Check

In the annual report for 2023, we identified that emphasizing the time to election or card check was potentially impacting the time to process unit clarification petitions. We stated that we would explore ways to reduce the time to process unit clarification petitions without sacrificing the progress made in processing election petitions.

That backlog was largely eliminated in 2024, with 101 unit clarification cases processed and closed. This is nearly three times the normal average. The vast majority of those cases dealt with changes to bargaining unit descriptions or structures as a result of statutory changes.

Despite the overall volume of representation cases filed and the effort to process unit clarification cases, the time to election or card check was, on average, within the goal of 45 days for cases without contested issues and 180 days for cases with contested issues. A persistent lack of timely responses from both employers and unions is the most consistent hurdle we face in timely moving to election or card check.



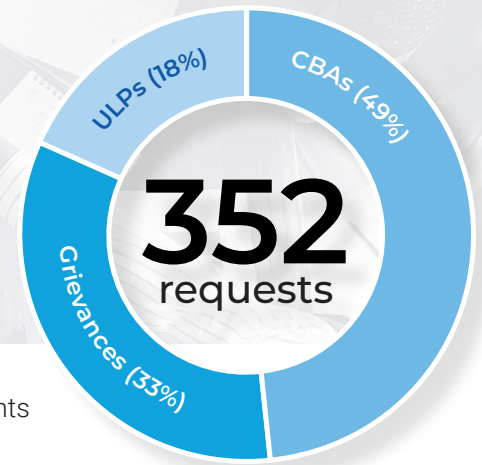
**108** ELECTIONS OR CARD CHECKS CONDUCTED  
46% more than in 2023.

**90** BARGAINING UNITS CREATED VIA ELECTION OR CARD CHECK  
22% more than in 2023 & the most in any year since we began tracking this.



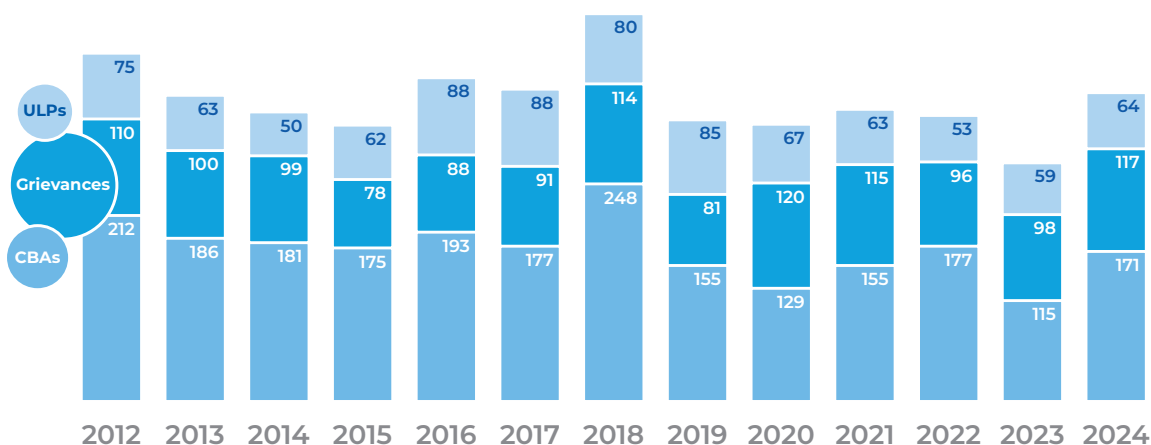
# Mediation

In mediation, PERC staff members serve as neutrals to help parties in conflict define issues, explore solutions, and reach mutual agreement. Mediation is voluntary, and the parties are in control of any resulting agreements.



PERC conducts three types of mediations involving collective bargaining agreements (CBAs), grievances, and unfair labor practice (ULP) complaints.

The average number of mediation cases filed in the five years preceding 2024 (2019–2023) dropped approximately 15% from the average of the previous seven years (2012–2018). In 2024, the overall volume of mediation cases rose significantly and approached the average for 2012–2018.

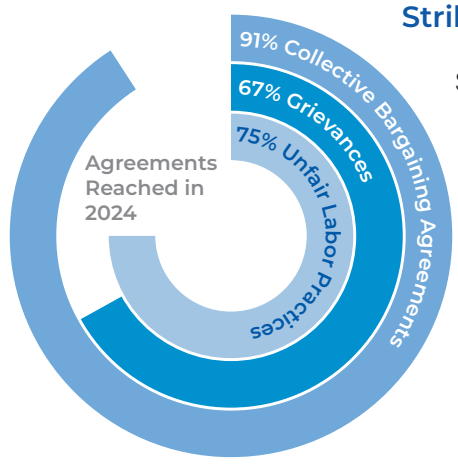


Requests to mediate unfair labor practice complaints rose slightly and closer to the previous five-years' average. The volume of grievance mediation requests in 2024 was the second highest since 2012 and well above the average over that same time. The number of requests to mediate collective bargaining agreements rebounded from the record low of 115 in 2023 to 171 in 2024. That number is below the 2012–2018 average but well above the 2019–2023 average.

Obviously, the pandemic impacted the numbers in 2020 and 2021, but the downturn actually started in 2019, the year before the pandemic, and the volume has not consistently rebounded since. Time will tell whether those years just reflect the shadow of the pandemic.

Since 2019, PERC has seen a notable decrease in the average number of mediation cases per year.

## Strikes & Agreements Reached



Six strikes over collective bargaining agreements occurred in 2024. Two strikes involved classified employees in K-12, and one involved teachers. The other three strikes involved student employees at the University of Washington, Western Washington University, and Washington State University. Ultimately, PERC was able to help the parties reach agreement.

The rate of agreements reached for all three types of mediations was generally consistent with the average.



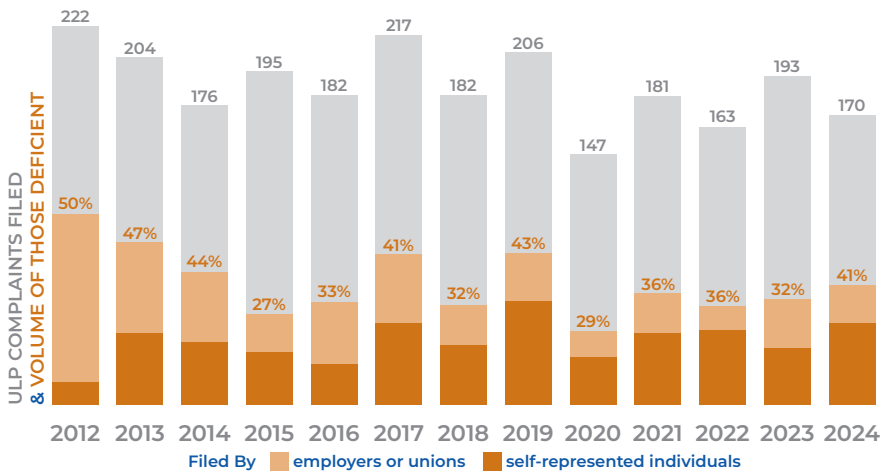
# Adjudication

As recognized labor relations experts, PERC and its employees adjudicate unfair labor practice complaints, issues related to representation, and other various labor disputes.



The number of unfair labor practice complaints filed in 2024 dropped from 2023 and was slightly below the previous 12-years’ average. The number of complaints filed by self-represented individuals rose from 23% in 2023 to 33% in 2024, which was well above the average.

The volume of unfair labor practice complaints that were procedurally defective or failed to state a cause of action and received a deficiency notice as a first response rose from 32% in 2023 to 41% in 2024. Of the complaints filed by self-represented individuals, 86% received a deficiency notice as a first response, and those accounted for 69% of all deficiency notices.



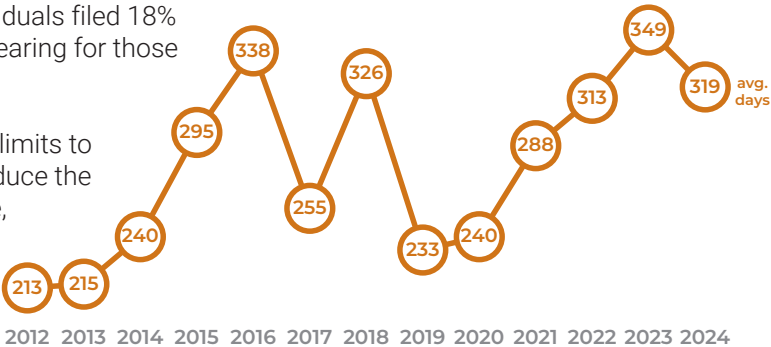
When a party receives a deficiency notice, they are given an opportunity to correct any deficiencies. Consequently, complaints that receive a deficiency notice create twice the amount of work for agency staff. In the last few years, PERC has put more information and tools on its website to help parties file a complaint correctly the first time. Only 27% of complaints filed by self-represented individuals stated a cause of action and moved to an examiner—even after being given a chance to correct any deficiency. This is the lowest since 2015.

**PERC continues to develop more tools to help litigants file correctly and understand the process.**

## Time to Hearing

The average number of days to hearing dropped from the 12-year high of 349 days in 2023 to 319 days in 2024. Self-represented individuals filed 18% of the cases that went to hearing. The average time to hearing for those cases was 391 days.

While it is a goal to reduce the time to hearing, there are limits to PERC’s ability to do so. PERC’s available resources to reduce the time to hearing may be impacted by overall case volume, budget cuts in the next biennium, the higher volume of representation cases, and added jurisdiction.







Time to Decision

Since 2012, issuing timely decisions has been a consistent emphasis for PERC. In 2024, examiner, executive director, and commission decisions were all issued well within the statutory deadline of 90 days from the close of the record.

Examiners



Examiners issued 27 decisions within an average of 82 days. Of those decisions, 16 (or 59%) were appealed to the commission—above the 49% average over the previous 12 years.

Executive Director



The executive director issued 82 decisions within an average of 43 days. One decision was appealed to the commission.

Commission



The commission issued 19 decisions within an average of 68 days. One decision was appealed to court.

Key Decisions in 2024



Arlington School District, Decision 13995 (PECB, 2024)

An organization filed an unfair labor practice complaint against the employer, alleging that it had unlawfully skimmed bargaining unit work. The employer asserted that the complainant was not a bargaining representative so bargaining was not required.

A bargaining representative is any lawful organization that has as one of its primary purposes the representation of employees in their employment relations with the employer. An organization is a bargaining representative if it allows employee participation, is established to represent employees, and intends to carry out its representation functions, even if it has not created bylaws or collected dues.

Here, the employer had voluntarily recognized the complainant organization for several years. The complainant negotiated several collective bargaining agreements with the employer, solicited input from employees, made proposals to the employer, and advocated on behalf of the employees in the “bargaining unit.” There had been a gap of years between bargaining activity and inactivity by the complainant, but the employer resumed bargaining with the complainant and negotiated an agreement. Those collective bargaining agreements did not have a place for the complainant’s signature.

Nonetheless, the complainant met the definition of bargaining representative. The nine-year gap between bargaining agreements, while unusual, was not dispositive. The employer resumed bargaining when

requested and reached agreement. The lack of a signature for the complainant was likewise not dispositive because both parties acted on the terms of the agreement.



Wenatchee Valley College (Association for Higher Education), Decision 13811 (CCOL, 2024)

A bargaining unit member went to the union president regarding scheduling conflicts in the employee’s department. The union president did not believe it was his job to become involved in those matters. The union president also told the bargaining unit member to be “cautious” prior to achieving tenure.

Later, in an email to the union president and treasurer, the bargaining unit member inquired about the policy regarding reimbursement for providing refreshments for the union’s negotiating team. The bargaining unit member later followed up on that email questioning why the union president could not answer the question. The union president then complained to the tenure committee about the bargaining unit member.

The union president engaged in union interference. A typical employee in the complainant’s situation could reasonably conclude that the union president’s complaint to the tenure committee was in reprisal for the complainant’s email challenging the union president.





### Seattle School District, Decision 13982 (EDUC, 2024) and 13983 (PECB, 2024)

A principal disciplined and prohibited an employee from sending emails to the principal that included other people or including union members or representatives. That action deprived the employee of their statutory rights and interfered with union activity. Employees have the right to be represented by unions and have their union representative act on behalf of the employees' concerns or interests.

The principal also described employees who were active in the union as dishonest, negative, self-serving, and unprofessional in their performance evaluations. Employees were engaging in protected activity when they filed grievances. The employer engaged in discriminatory action in reprisal for the employee's protected activity.



### King County, Decision 13825-A (PECB, 2024), and City of Bellingham, Decision 13826-A (PECB, 2024)

In 2021, King County and the City of Bellingham, like many jurisdictions, imposed COVID-19 vaccine requirements. Ultimate failure to comply with those requirements would result in termination. In both instances, the unions alleged a failure to bargain over the decision to impose the vaccine requirement.

The examiner and the commission on appeal concluded that the decision to impose a vaccine mandate was a permissive subject of bargaining. To determine whether a subject is a mandatory subject of bargaining, PERC balances "the relationship the subject bears to [the] 'wages, hours and working conditions'" of employees and "the extent to which the subject lies 'at the core of entrepreneurial control' or is a management prerogative." *International Association of Fire Fighters, Local Union 1052 v. Public Employment Relations Commission (City of Richland)*, 113 Wn.2d 197, 200 (1989).

In this instance, the examiner and commission concluded that the employers' interests in protecting the health and safety of their employees and the public as well as safely providing essential public services in the face of a historic pandemic outweighed the unions' substantial and compelling interests in the imposition of a new working condition that carried with it the consequence of termination.

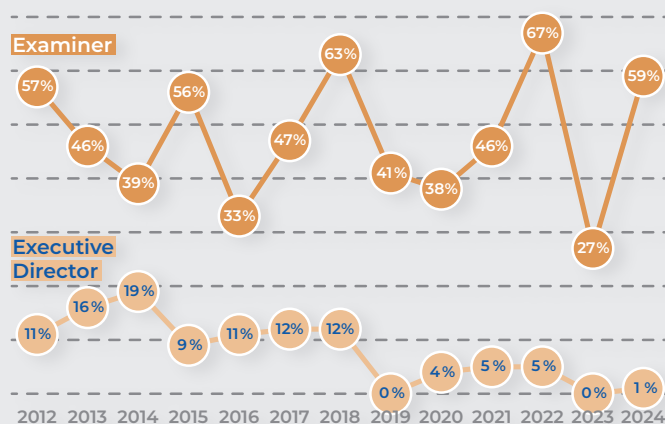
The commission distinguished these cases from the National Labor Relations Board's decision in *Virginia Mason Hospital*, 357 NLRB 564 (2011). That case dealt with the employer requiring an annual flu vaccine for employees, which the board concluded was a mandatory subject of bargaining. In distinguishing the cases, the commission noted that its cases dealt with a vaccine policy adopted in the face of a public health emergency and a once-in-a-century global pandemic where the public possessed limited immunity to the virus.

## Decisions on Appeal

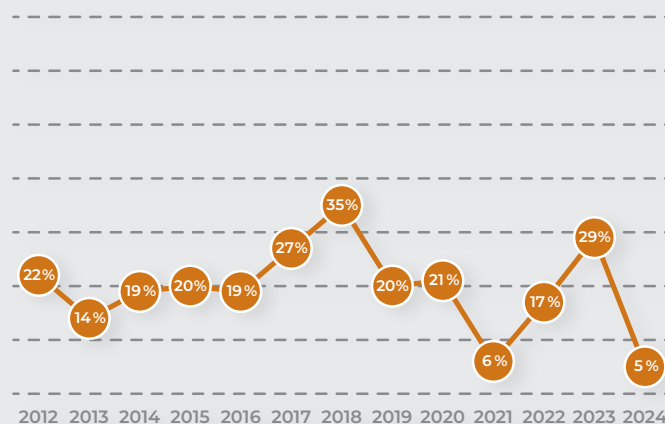
Decisions issued by examiners and the executive director may be appealed to the commission, and the commission's decisions may be appealed to court. PERC continues to make every effort to issue sound decisions, and the volume of unchanged decisions at the court level is an indicator of PERC's success.

Since 2012,  
**88%**  
of Commission decisions  
have remained  
unchanged following  
appeal to court.

### Volume of Examiner & Executive Director Decisions Appealed to Commission



### Volume of Commission Decisions Appealed to Court





# Conflict Prevention

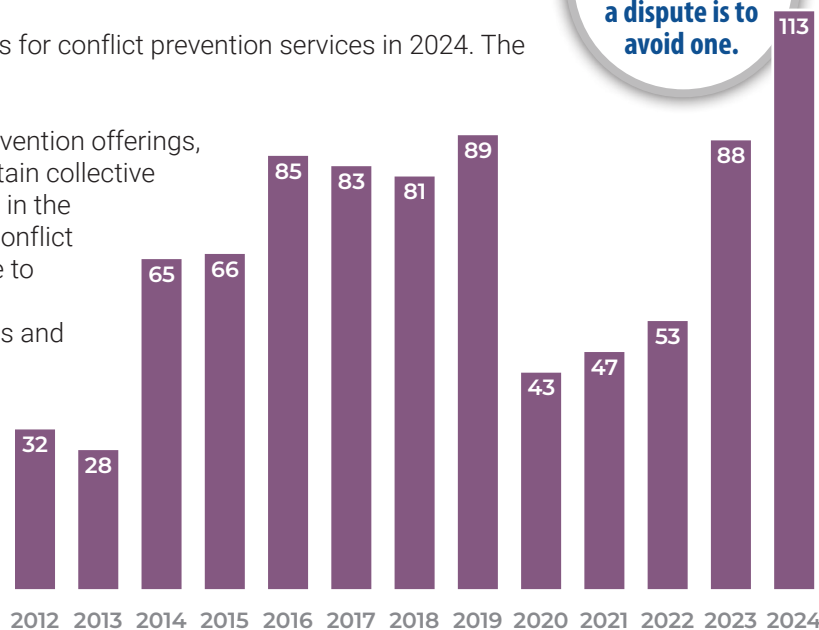
PERC's conflict prevention services help parties improve relationships, increase partnerships, and avoid mediation or unfair labor practice proceedings.

The most cost-effective way to resolve a dispute is to avoid one.

PERC received the highest annual number of requests for conflict prevention services in 2024. The 113 requests exceeded the previous high by 27%.

The requests ranged across all of PERC's conflict prevention offerings, which are designed to help parties develop and maintain collective bargaining relationships and engage more effectively in the process. The volume and nature of the requests for conflict prevention services in 2024 shows that parties desire to

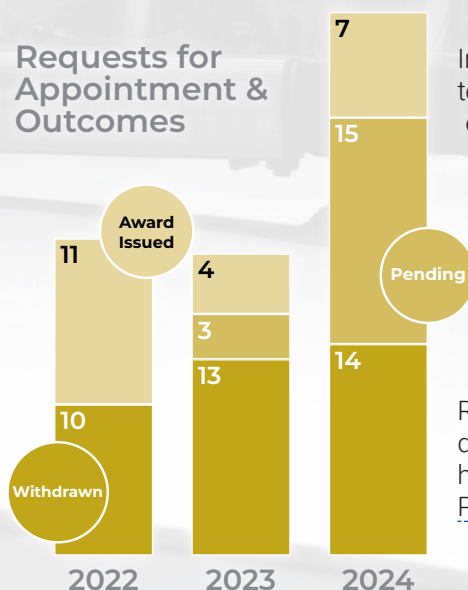
- ▶ better understand the collective bargaining process and the parties' mutual obligations.
- ▶ improve ongoing communication and working relationships between the employer and labor.
- ▶ learn and apply new, more collaborative approaches to collective bargaining and dispute resolution.



The [PERColator Podcast](#) and monthly lunch sessions for the Negotiation Project also continue to be popular offerings.

## Law Enforcement Arbitrator Roster

### Requests for Appointment & Outcomes



In 2021, the legislature passed RCW 41.58.070, which requires the commission to appoint 9–18 persons to conduct disciplinary grievance arbitrations for law enforcement personnel. In September 2021, the commission appointed 18 arbitrators to the roster. Six appointments expired in 2024, and three of the six vacancies were filled, leaving the roster standing at 12 members.

The executive director assigns arbitrators for all law enforcement disciplinary grievance arbitrations on a rotating, alphabetical basis. **In 2024, PERC received 36 requests for appointment of an arbitrator—nearly double the number of requests in each of the previous two years.**

RCW 41.58.070 does not give the executive director any role or authority in determining the arbitrability—procedural or substantive—of a matter. Arbitrators have issued 22 decisions under this statute to date. These decisions are [posted on PERC's website](#).





# On the Horizon

## → Budget Cuts

PERC's budget for the 2025–2027 biennium includes a 3% budget reduction. Fortunately, these reductions can be implemented without cutting filled positions, but the reductions will limit PERC's ability to fill vacant positions. How this impacts PERC's ability to meet current case demands and additional work identified below will need to be monitored.

## → Agricultural Cannabis Employee Bargaining

Legislation passed in 2025 grants collective bargaining rights to agricultural cannabis workers. While these employees are not public-sector employees, they are not covered by the National Labor Relations Act. This new statute will be the 11th collective bargaining statute administered by PERC and becomes effective in July 2025.

## → Implementing SSB 5503

Substitute Senate Bill 5503, which was passed by the legislature in 2025, requires changes to a variety of PERC processes.

## → Litigant Guide

PERC will finalize and post to its website a resource guide for litigants, particularly self-represented litigants.

## → Continued Increase in Representation Cases

A continued increase in representation cases may impact PERC's ability to meet its goals for the number of days to election or card check. Additionally, the budget cuts, added jurisdiction, and added work from reductions at the Federal Mediation and Conciliation Service (FMCS) may additionally impact PERC's ability to meet those goals.

## → Impact of Reductions at FMCS

PERC will assess whether the recent major reductions at FMCS will result in requests for services from private-sector parties.

## → Reductions in Federal Funding or Grants

While PERC does not receive any federal funding or grants, many employers within PERC's jurisdiction do. As there are changes from the federal government in the level or availability of funding or grants, those employers and employees may be impacted, which may result in a need for PERC's services.



**“This report shows the impact when parties move beyond the noise to solve problems and ensure the delivery of public services to the citizens of Washington state.”**