



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

July 12, 2011

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
John Cox, Commissioner, Marine Division
Mark Brennan, Commissioner, Marine Division
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Federation of State Employees
Gladys Burbank, Washington Federation of State Employees
Glenn Frye, OFM Labor Relations Office

Commissioner Thomas M. McLane was unable to attend this meeting.

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held June 10, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan welcomed Marine Division Commissioners John Cox and Mark Brennan to the meeting.
2. Executive Director Callahan reported there were 66 cases filed during the month of June 2011, compared to 73 cases filed in June 2010. Of those, there were 19 unfair labor practice cases, 10 settlement cases, and 9 mediation cases. There were 61 cases closed during the month, compared to 71 closed in June 2010. A total of 374 cases were open at the end of June.



3. Ms. Callahan reported that pending cases from the Marine Employees' Commission (MEC) are being redocketed with PERC case numbers and integrated into the agency case load. There are approximately seven active cases and two cases in court; one of these cases may be withdrawn. Ms. Callahan has been sending e-mails to the parties in each case prior to docketing. She thanked Unfair Labor Practice Manager David Gedrose for doing the initial screening process on these cases.

Executive Director Callahan noted that the space previously occupied by the MEC at the Evergreen Plaza Building has been vacated, except for a copier that we are still deciding whether or not to keep.

We have preserved the MEC website and are paying for three months to retain it until we get that information integrated with the PERC website. Messages regarding the change are on both websites and Ms. Callahan is updating the Director's Corner today with a letter to ferry employees, unions, and the Washington State Ferries.

Ms. Callahan has met with Commissioners Cox and Brennan and has spoken numerous times with former Commissioner Swanson. She has met with representatives of the three shipboard unions and their legal counsel, and with the State Labor Relations Office, Attorney General's Office, and Department of Transportation labor relations staff that represent the ferry system. Meetings with other ferry unions and Washington State Ferries management will be scheduled soon. All meetings have been productive and helpful in terms of smoothing the way towards a successful transition.

The Executive Director hopes to put together a training session this fall for PERC staff that will be a joint effort of ferry unions and management. MEC Commission meetings will continue, most likely on a bi-monthly basis. Ms. Callahan will work with the two Commissioners on scheduling the meetings.

Dario de la Rosa has assisted in drafting emergency rules for the MEC which will be presented later in this meeting. These rules have been shared with both labor and management, and Ms. Callahan thanked Commissioner Brennan in particular for his input.

4. The Red List (cases ready for decision more than 90 days) was reviewed. There are five cases on the list, of which two cases have enormous records and many issues. Two other cases are in the decision editing stage. There are three cases on the Yellow List (cases ready for decision 45 to 89 days), of which one is before the Executive Director.
5. The Commission reviewed the list of all recent decisions issued by the agency. Three Commission decisions were issued recently, as were two decisions by the Executive Director.
6. Joel Greene is currently acting as Team Leader in the position Martha Nicoloff held until her retirement in June. Joel's appointment is an interim appointment for six months.
7. Recruitment: There were 53 applicants for LRAM 1 and 2; 15 individuals are being tested. The Team Leader and LRAM positions remain open. The "E" and "C" Case Coordinator position has been posted internally, and is due to close tomorrow.

8. Steve Irvin received a compliment from Paige Dietrich, head of the Attorney General's Labor and Employment Division, in recognition of his work on a recent unfair labor practice settlement mediation involving the state and Washington Federation of State Employees. Gladys Burbank commented that his assistance was appreciated.
9. The Executive Director presented a revised Notice to Employees for Commission review. The notice was changed after Ms. Callahan arrived. It has recently been revised by a group of LRAMs, including Jessica Bradley, Charity Atchison, and Mark Downing. Feedback was also received from approximately 10 other individuals. The Commission approved the new format and thanked the staff for their time and efforts in revising the notice.
10. Commissioner Cox announced that Governor Gregoire has accepted Chairperson Swanson's resignation from the Marine Employees' Commission.

EMERGENCY RULES ADOPTION

Dario de la Rosa introduced the emergency rules drafted to implement ESSB 5742. Each chapter was reviewed individually and questions, if any, were answered. Mr. de la Rosa also requested that Title 316 WAC be repealed.

Following review, Commissioner Bradburn moved to adopt the emergency rule amendments reviewed by Mr. de la Rosa for Chapters 391-08, 391-25, 391-35, 391-45, 391-55, 391-65, and 391-95 WAC, to repeal Chapter 316 WAC, and to adopt WAC 391-95-002, effective upon filing with the Code Reviser. Commissioner Bradburn's motion was seconded and passed. Chairperson Sayan announced that prior to the Commission's adoption of these rules on a permanent basis, a Focus Group will be formed and clientele will be able to comment. Final recommendations will be submitted to the Commission for adoption in three to four months.

COMPLIANCE DOCKET

Compliance Officer David I. Gedrose reported on the following case:

State – DSHS, Case 23154-U-10-5893. Mr. Gedrose noted that this case involved the Washington State Patrol investigation agents at the Department of Social and Health Services. There were no issues involving posting of the notice for the investigators. Posting of the notice was done throughout the agency and was taken seriously. Mr. Gedrose recommended acceptance of compliance in the matter. Commissioner Bradburn moved to accept compliance and Chairperson Sayan seconded the motion. The case will now be closed.

There were no other cases to report on the Compliance Docket.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported on the following cases:

Toppenish School District, Cases 22083-C-08-1388 and 22288-C-09-1398. Mr. de la Rosa reported that these consolidated cases have been appealed to Thurston County Superior Court.

The list of pending court cases was reviewed for the Commission.

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

ATTEST:


CATHLEEN CALLAHAN
Executive Director