



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

August 9, 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
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator

Also present and participating:

Herb Harris, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held July 12, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 73 cases were filed during the month of July 2011, compared to 90 cases filed in June 2010. The number of mediation cases filed continues to out-number the number of unfair labor practice cases filed. A total of 445 cases have been filed year-to-date, compared to 473 in 2010. There were 64 cases closed during the month of July.
2. The ballot count for the Washington State Ferries captains (supervisors) will be held August 11, 2011. No new unfair labor practice cases involving the ferries have been filed. All open cases transferred from the former Marine Employees' Commission (MEC) have been docketed and integrated as PERC cases and have been assigned to staff. New cases will be docketed and treated as PERC cases under our rules. One of the cases previously appealed to court has been withdrawn. Commissioner Bradburn commended Ms. Callahan for the time she used to transition the MEC clientele and caseload. Ms. Callahan will meet with



representatives of the Washington State Ferries staff and non-shipboard unions in the near future.

3. The Red List (cases ready for decision more than 90 days) was reviewed. There are five cases on the list, of which one case will issue this week and two cases are in the editing process involving lengthy decisions. There are four cases on the Yellow List (cases ready for decision 45 to 89 days). This list should look better in September.
4. The Commission reviewed the list of all recent decisions issued by the agency. The Commission issued multiple decisions in July, as did the Executive Director in June.
5. Executive Director Callahan announced that she will retire at the end of this year.
6. Ms. Callahan announced that Appeal Administrator Dario de la Rosa has been selected to fill a newly created position of E and C Case Coordinator. This position will ultimately take on the duties of Representation Coordinator Sally Iverson, however, Mr. de la Rosa will also hold hearings and act as first line editor of executive director decisions. This will ensure consistency in decision writing and will lighten the load of the next executive director. The Commission congratulated Mr. de la Rosa on his new position.
7. There was one excellent applicant for the Appeals Administrator position. The Commission will interview the applicant soon.
8. There were 62 applicants for LRAM 1 and 2. Twenty (20) individuals have been tested and those exams are being graded. Mark Downing, Christy Yoshitomi, and Cathy Callahan will interview the applicants who do well on the exam.
9. OUTREACH: Ms. Callahan spoke to the Tacoma Chapter of Stand for Children last evening. She will address the Washington Public Employer Labor Relations Association in September at Bremerton.
10. Ms. Callahan is arranging for training in October on marine cases for our staff. Hopefully this will be a joint training by unions and management regarding ferry operations, structure of personnel, issues unique to ferry contracts, etc. Executive Director Callahan has a meeting with ferry management on September 6 in Seattle.
11. The news regarding the state budget is grim. Agencies have been asked to prepare for additional 5% and 10% cuts. PERC is 60% dependent on the General Fund, 37% from Department of Personnel, and 3% from higher education.
12. Ms. Callahan met with OFM and will submit a supplemental budget request to cover Marine Employees' Commission expenses, including the remainder of the MEC lease at Evergreen Plaza, a copy machine, and the MEC Commissioners' compensation. Ms. Callahan and Diane Tucker will meet with Small Agency Accounting and a Fiscal Analyst at OFM.
13. The application of Starr Knutson was reviewed by the Commission and approved for addition to the Dispute Resolution Panel.

COMPLIANCE DOCKET

There were no cases to report.

COURT DOCKET

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

City of Seattle, Case 19522-U-05-4955. Mr. de la Rosa reported that we should know, possibly today, if the Washington State Supreme Court has accepted this case.

Washington State Ferries, Case 24127-G-11-585. The Marine Employees' Commission issued an arbitration award in this matter, including the award of attorneys' fees. The employer appealed the case, although the Thurston County Superior Court dismissed the matter. The employer has now appealed to the Court of Appeals.

Community Transit, Case 22100-U-08-5632. Mr. de la Rosa reported that, although the Thurston County Superior Court issued its opinion, the employer has appealed to the Court of Appeals.

King County, Cases 22175-U-09-5658, 22176-U-09-5659, 22177-U-09-5660, and 22254-U-09-5679. The Thurston County Superior Court affirmed the Decision of Commission on July 27, 2011. We will wait to see if the case is appealed.

Washington State Ferries, Case 24172-G-11-592. The parties were in dispute over the issues to be certified to interest arbitration. The MEC issued a certification of issues and the employer appealed Thurston County Superior Court. The parties voluntarily withdrew their appeal on July 28, 2011.

Omak School District, Case 22614-U-09-5783. This case was heard in Thurston County Superior Court on July 8, 2011. No order has been received.

Yakima County, Case 21632-U-08-5519. Trial is set for September 9, 2011.

State – Corrections, Case 22847-U-09-5832. This case was appealed to Pierce County Superior Court on July 13, 2011.

University of Washington, Case 21681-U-08-5529. This case will be heard in King County Superior Court on October 31, 2011.

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


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director