



STATE OF WASHINGTON

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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### MINUTES

February 14, 2012

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  
Michael P. Sellars, Executive Director  
Majel C. Boudia, Confidential Secretary  
Charity Atchison, Appeals Administrator  
David E. Gedrose, Compliance Officer

Also present and participating:

Gladys Burbank, Washington Federation of State Employees  
Herb Harris, Washington Federation of State Employees  
Elyse Maffeo, Public School Employees of Washington  
Dario de la Rosa, Public Employment Relations Commission

### MINUTES OF PREVIOUS MEETING

The minutes of the meeting held January 10, 2012, were adopted as presented.

### REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Mike Sellars reported that he has been meeting with staff individually and is now two short of completion.
2. Sally Iverson will officially retire on April 1, 2012.
3. Mike noted that he has two LRAM vacancies with the departure/retirement of Ken Latsch and Katrina Boedecker. He is watching legislative action on the budget to determine when to fill the vacancies. We may begin the process to fill at least one position.



4. Jessica Bradley recently received a nice note of thanks from John Mulhern, on behalf of the Inlandboatmen's Union of the Pacific, for her assistance in mediation involving Whatcom County prior to reaching agreement.
5. The Labor and Employment Relations Association Conference will be held April 26 and 27, 2012, at the Washington State Convention Center in Seattle. Unfortunately, this year the conference competes with the Association of Washington Cities Labor Relations Institute and the Washington Council of School Attorneys Conference. In the future we will endeavor to avoid conflicts with other conferences.
6. Recent Outreach activities included:
  - Meeting with representatives from the Association of Washington Cities to discuss agency issues and the interest arbitration legislation introduced last year. Mike was pleased to report there was a good line of communication in this meeting.
  - Attending the IAFF reception.
7. The Executive Director reported that 62 cases were filed during the month of January, which was on par with January of last year. The bulk of the filings were mediation and unfair labor practice cases, as well as eight representation cases. No trends were noted. Mike's concern is that while the number of case openings is relatively similar to January 2011, we have less staff now than we did then.
8. The Red List (cases ready for decision more than 90 days) was reviewed. There were three cases on the list, of which all were new cases. There were three cases on the Yellow List (cases ready for decision 45 to 89 days). At least one of these cases is in the final stage of editing.
9. The Commission reviewed and unanimously approved the application of Kenneth Latsch for the Dispute Resolution Panel.

### RULES ADOPTION

Rules Coordinator Dario de la Rosa introduced the rulemaking process. At the July 12, 2011 meeting, the Commission adopted emergency rules to implement 2ESSB 5742, which transferred jurisdiction of Chapter 47.64 RCW from the Marine Employees' Commission to the Public Employment Relations Commission. The emergency rules made the provision of Title 391 WAC applicable to cases decided under Chapter 47.64 WAC, and repealed the Marine Employees' Commission rules of procedure, Title 316 WAC. The Emergency Rules expire after 180 days.

The Commission considered a similar rules package that would permanently adopt the amendments to Title 391 WAC that were proposed in July 2011. No public comments have been received. Following review of Title 16 WAC amendments, Commissioner Bradburn moved that Title 316 WAC be permanently repealed. The motion was seconded and carried.

Following a review of the amendments to Title 391 WAC, Commissioner Bradburn moved that the amendments to Chapters 391-08, 391-25, 391-35, 391-45, 391-55, 391-65, and 391-95 WAC be adopted to implement SB 5742 be permanently adopted. The motion was seconded and carried.

### LEGISLATIVE UPDATE

Mr. Sellars, Charity Atchison, and Dario de la Rosa have been tracking the following legislation:

Senate Bill 6486 Creates collective bargaining for postdoctoral researchers at the University of Washington and Washington State University. This bill has passed out of the Senate.

House Bill 2230 Transfers employees of the Department of Health to the Office of Administrative Hearings, and removes the exemption of the Administrative Law Judges as well as moving them to civil service.

House Bill 2379/Senate Bill 6490 Limits the percentage of exempt employees at Consolidated Technology Services to no more than 25%. This bill has passed out of the House.

House Bill 2711 Modifies collective bargaining provisions relating to a state unit of Language Access Providers who provide spoken language interpreter services for DSHS, Medicaid enrollees, or Labor and Industries appointments.

### COMPLIANCE DOCKET

Compliance Officer David Gedrose reported on the following cases:

*Central Washington University*, Case 21781-U-08-5559. Mr. Gedrose reported that posting of the notice and reading of the notice have been completed. The union has not indicated any compliance issues. Following the Compliance Officer's recommendation, the Commission unanimously accepted compliance in the matter. The case will now be closed.

*King County*, Cases 14108-U-11-6168 and 24110-U-11-6170. Mr. Gedrose reviewed the cases and noted they block a representation case. Both parties have completed their compliance requirements. Neither party has notified Mr. Gedrose of any remaining issues. Following the Compliance Officer's recommendation, the Commission unanimously accepted compliance in the matter. The cases will now be closed.

*City of Yakima*, Case 21562-U-08-5494. Mr. Gedrose reviewed the case at length. Compliance has been pending since the Commission's decision was issued last spring. Following the Compliance Officer's recommendation, the Commission unanimously accepted compliance in the matter. The case will now be closed.

COURT DOCKET

Appeals Administrator Charity Atchison reported on the following cases, and noted that the agency is not taking an active role in any of the cases:

*University of Washington*, Case 21681-U-08-5529. We are awaiting a decision in this case.

*Mason County*, Case 22424-U-09-5723. A petition for judicial review was filed in Thurston County Superior Court on November 10, 2011, by Robert D. Sauerlender, on behalf of Mason County Juvenile Court. A general notice of intent to withdraw was received on December 27, 2011.

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.

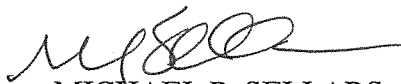
PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARILYN GLENN SAYAN, Chairperson

  
PAMELA G. BRADBURN, Commissioner

  
THOMAS W. McLANE, Commissioner

ATTEST:

  
MICHAEL P. SELLARS  
Executive Director