



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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MARINE EMPLOYEES' COMMISSION

Friday, February 17, 2012-- 10:00 a.m.
Third Floor Conference Room
Public Employment Relations Commission
112 Henry Street NE, Suite 300
Olympia, Washington

MINUTES

Members and Staff:

Catherine Roth, Chair
John M. Cox, Commissioner
Mark Brennan, Commissioner
Michael P. Sellars, Executive Director
Majel C. Boudia, Confidential Secretary

Others:

Jeff Pelton, Washington State Ferries Labor Relations
Melody Donohue, Washington Department of Transportation
Jay Ubelhart, Inlandboatmen's Union of the Pacific

APPROVAL OF AGENDA/MINUTES

The meeting was called to order at 10:00 a.m. by Catherine Roth, Chair of the Marine Employees' Commission.

Moved, seconded and carried to adopt the agenda distributed at the meeting.

Moved, seconded and carried to approve the minutes of the December 9, 2011 meeting.

Catherine Roth asked those in attendance to introduce themselves before the meeting continued.

STATUS OF CASES

The following open cases were reviewed:

MEBA v. WSF, Case 24113-U-11-6171 (MEC Case 14-10)

Unfair labor practice complaint filed March 17, 2010, regarding changes to the use of the key box. Examiner Kenneth Latsch issued this decision on December 8, 2011. The posting of the notice expires March 6, 2012.

Jonathan Pearson v. WSF, Case 24126-U-11-6174 (MEC Case 11-10), filed June 15, 2011

Unfair labor practice complaint filed February 12, 2010. Settlement mediation did not resolve the case. Examiner Emily Martin held a hearing on October 4 and November 8, 2011. Briefs were due to complete the file on January 13, 2012.

IBU v. WSF (Nichols), Case 24214-U-11-6201

Unfair labor practice complaint filed August 30, 2011. A preliminary ruling letter with a deferral to arbitration inquiry was mailed to the parties on September 7, 2011. The employer does not want the case deferred to arbitration. A hearing has been scheduled for April 19, 2012, before Examiner Claire Nickleberry.

IBU v. WSF (Ballinger), Case 24332-A-11-1499 / 24405-S-11-254

Grievance arbitration case filed October 13, 2011. The parties have requested settlement mediation (Case 24405-S-11-254). Guy Coss has been assigned as settlement mediator. A meeting is scheduled for March 20, 2012.

IBU v. WSF (Dooley), Case 24333-A-11-1500

Grievance arbitration case filed October 13, 2011. Karyl Elinski has been assigned as arbitrator and is working with the parties to schedule a meeting.

MM&P v. WSF, Case 24376-U-11-6243

Unfair labor practice complaint filed November 4, 2011, involving refusal to bargain staffing levels on certain vessels. Examiner Karyl Elinski has been assigned and is working with the parties to schedule a meeting. This case has been consolidated for hearing with Case 24377-U-11-6244 and Case 24378-U-11-6245 (below).

MEBA v. WSF, Case 24377-U-11-6244

Unfair labor practice complaint filed November 4, 2011, involving refusal to bargain staffing levels on certain vessels. This case has been consolidated for hearing.

IBU v. WSF, Case 24378-U-11-6245

Unfair labor practice complaint filed November 4, 2011, involving refusal to bargain staffing levels on certain vessels. This case has been consolidated for hearing.

IBU (Swinehart) v. WSF, Case 24463-A-11-1503 / 24557-S-12-266

Grievance arbitration case filed December 22, 2011. The parties have requested settlement mediation (Case 24557-S-12-266). Lisa Hartrich has been assigned as settlement mediator and is working with the parties to schedule a meeting.

MEBA (licensed) v. WSF, Case 24507-U-12-6273

Unfair labor practice complaint filed January 13, 2012, regarding travel time and mileage outside of Schedule A. The complaint was amended on February 16, 2012.

MEBA (unlicensed) v. WSF, Case 24508-U-12-6274

Unfair labor practice complaint filed January 13, 2012, regarding travel time and mileage outside of Schedule A. The complaint was amended on February 16, 2012.

MEBA (licensed) v. WSF, Case 24509-U-12-6275

Unfair labor practice complaint filed January 13, 2012, regarding shared quarters on vessels. The complaint was amended on February 16, 2012.

MEBA (unlicensed) v. WSF, Case 24510-U-12-62765

Unfair labor practice complaint filed January 13, 2012, regarding shared quarters on vessels. The complaint was amended on February 16, 2012.

IBU v. WSF, Case 24543-A-12-1504

Grievance arbitration case filed February 8, 2012, regarding overpayment of vacation and sick leave accruals and refusal to pay holiday pay. Emily Martin has been assigned as arbitrator.

ADMINISTRATIVE REPORT

1. Executive Director Sellars reviewed the revised monthly case statistics for January. The new information includes itemized data for all open Washington State Ferries cases. There were 420 open cases at the end of January for the agency. Sixteen of those cases involved the Washington State Ferries. Most of the open cases are from 0 – 90 days old. Four unfair labor practice cases were filed in January. Historically, the filing trend appears to be about the same.
2. There is one case in the Court of Appeals. Commissioner Brennan reviewed the case for the audience. No decision has been issued by the Court.
3. Commissioner Brennan asked if the parties are aware they can use the Marine Employees' Commission as an arbitration panel in cases involving the Washington State Ferries. Jay Ubelhart, Inlandboatmen's Union of the Pacific, noted that the unions are aware of that option. Commissioner Brennan made a motion to send a letter to the parties indicating the Marine Employees' Commission retains the authority under governing statute and regulation to act as an arbitration panel for the Washington State Ferries' contracts. Mike will draft a letter for the MEC to review.
4. Mr. Sellars announced that the emergency rules covering the MEC transition were adopted as the permanent rules of the agency at the February 14th meeting of the Public Employment Relations Commission. The final rules will be sent to the Code Reviser today. Mike noted that the marine clientele have been excellent to work with.
5. 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 Limit 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 statement unit of Language Access Providers who provide spoken language interpreter services for DSHS, Medicaid enrollees, or Labor and Industries appointments.

House Bill 2484/Senate Bill 6591 Set employee salaries upon reallocation or layoff action.

6. Two experienced Labor Relations Adjudicator/Mediators, Katrina Boedecker and Kenneth Latsch, have retired. Although their positions have not been filled, case aging statistics and the budget will determine when additional staff will be hired.
7. On behalf of Washington State Ferries, Jeff Pelton thanked Examiner Lisa Hartrich for her assistance in two on-going unfair labor practice cases involving the Marine Engineers Beneficial Association.
8. The next meeting will be held March 23, 2012, in Olympia.

The meeting was adjourned at 10:30 a.m.