



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919
(360) 570-7300 • Fax: (360) 570-7334 • E-mail filings: filing@perc.wa.gov • Website: www.perc.wa.gov

MARINE EMPLOYEES' COMMISSION

Friday, May 25, 2012 – 10:00 a.m.
Rainier Conference Room, 4th Floor
Washington State Ferries
2901 3rd Avenue
Seattle, Washington

MINUTES

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

Others: Marty Yellam, Local 32 Plumbers and Pipefitters
Gordon Baxter, Puget Sound Metal Trades Council
Harry Thompson, IBEW, Local 46
George Capacci, WSDOT/WSF
Leah Maurseth, WSDOT/WSF
Bill Knowlton, MEBA

APPROVAL OF AGENDA/MINUTES

The meeting was called to order at 10:00 a.m. by Catherine M. 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 March 23, 2012 meeting, as corrected.

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



STATUS OF CASES

Mr. Sellars reviewed all open cases for Washington State Ferries the status of each case reported.

1. Case 24126-U-11-6171 Jonathan Pearson
Unfair labor practice complaint filed February 12, 2010, regarding wrongful termination. Decision 11335 – MRNE, issued April 5, 2012, by Examiner Emily Martin. Pearson filed an appeal on April 23, 2012.
2. Case 24333-A-11-1500 / 24681-S-12-280 Inlandboatmen's Union of the Pacific
Grievance arbitration filed October 13, 2011, regarding James Dooley. Arbitration case assigned to Karyl Elinski. Settlement mediation assigned to Emily Whitney, and scheduled for September 20, 2012.
3. Case 24376-U-11-6243 / 24678-S-12-277 Masters, Mates & Pilots
Case 24377-U-11-6244 / 24679-S-12-278 Marine Engineers Beneficial Association
Case 24378-U-11-6245 / 24680-S-12-279 Inlandboatmen's Union of the Pacific
Unfair labor practice complaints filed November 4, 2011, regarding staffing levels on certain vessels. ULPs assigned to Karyl Elinski. Settlement mediation assigned to Steve Irvin.
4. Case 24509-U-12-6275 / 24742-S-12-284 Marine Engineers Beneficial Association
(licensed)
Case 24510-U-12-6276 / 24813-S-12-290 Marine Engineers Beneficial Association
(unlicensed)
Unfair labor practice complaints filed January 13, 2012, regarding changes to shore side accommodations for crew members assigned to inter island vessel route. ULPs assigned to Lisa Hartrich. Settlement mediation assigned to Erin Slone-Gomez. Awaiting dates from parties.
5. Case 24543-A-12-1504 / 24615-S-12-271 Inlandboatmen's Union of the Pacific
Grievance arbitration filed February 8, 2012, regarding 12 deckhands. Settled. Withdrawals pending.
6. Case 24730-U-12-6321 Marine Engineers Beneficial Association
(licensed)
Case 24731-U-12-6322 Marine Engineers Beneficial Association
(unlicensed)
Unfair labor practice complaints filed April 11, 2012, regarding Union Business Leave Bank for engineering employees. Assigned to Erin Slone-Gomez. In process of scheduling.
7. Case 24750-A-12-1506 Inlandboatmen's Union of the Pacific
Grievance arbitration regarding Mukilteo/Port Townsend "C" watch deck employees, filed April 20, 2012. Assigned to Steve Irvin. Conference Call scheduled for May 24, 2012.
8. Case 24777-A-12-1507 Inlandboatmen's Union of the Pacific
Grievance arbitration regarding Karen Ramsey, filed May 7, 2012. Assigned to Kristi Aravena.

9. Case 24778-A-12-1508 Inlandboatmen's Union of the Pacific
Grievance arbitration regarding Robert Klose, filed May 7, 2012. Assigned to Emily Martin.
10. Case 24779-A-12-1509 Inlandboatmen's Union of the Pacific
Grievance arbitration regarding Donna Tegnell, filed May 7, 2012. Assigned to Robin Romeo.

Mr. Sellars reported that cases are being filed and the agency is working through the process. The parties understand the agency's process of handling cases. Bargaining has begun for many of the state contracts. Scheduling of the cases will be difficult because of these bargaining sessions. At the end of 2011, the agency was dealing with retirements and vacancies. The process of filling vacancies is difficult when we are receiving a high number of new cases. Staff should see improvement as the cycle of bargaining has an impact on the statutory dates. We monitor cases so they are not sitting. If the parties are in bargaining, we can't schedule an unfair labor practice or arbitration.

In March, Mr. Sellars received a letter from Director Diane Leigh at the OFM Labor Relations Office. There are 17 interest arbitration eligible collective bargaining agreements being bargaining this year. Negotiations/contracts are due to be completed within a six week period. This tight cycle could create a problem. Mr. Sellars will work with the LRO on this issue.

ADMINISTRATIVE REPORT

1. Executive Director Mike Sellars presented the new case statistics sheet. There were 52 cases filed during the month of April and 78 cases were closed. The new case report presents a variety of case information in an easy to read format. Additional statistical information will be created and shared as time allows.
2. *Washington State Ferries (Jonathan D Pearson)*, Case 24126-U-11-6174. The first appeal has been received since July 1, 2011, when the Marine Employees' Commission (MEC) was moved to the Public Employment Relations Commission (PERC). Mike Sellars explained how the appeal process operates for PERC. He recommended the process to the MEC Commissioners. Charity Atchison is the Appeals Administrator. Diane Ramerman has been hired to process appeals while Ms. Atchison is on maternity leave at the end of June or early July. Ms. Roth, Mr. Cox, and Mr. Brennan agreed that the process should work very well and they will implement it with this appeal.
3. The Commission reviewed a Court of Appeals Division II decision regarding arbitration and attorneys fees. A petition for review has not been filed in this case as of this date.
4. Mr. Sellars reported that the agency hopes to hire a Labor Relations Adjudicator/Mediator (LRAM) in July. We are in the hiring/testing/grading process. Although 46 applications have been received, not all applicants are qualified.
5. The final budget for the agency was very close to that reported in March. The cut was anticipated and the agency should not have any monetary problems.

6. The Commissioners asked about the legislative impact of this year's session. Two bills were signed into law: (1) Senate Bill 6486 - Collective bargaining for post-doctorate candidates at the University of Washington and Washington State University; and (2) Senate Bill 5895 - teacher evaluations will now be considered during layoffs. Ms. Roth asked about any pension changes for marine employees. Although there was a pension change made regarding early retirement, it only affects newly hired state employees.
7. Due to a conflict on Friday, July 27, the next meeting date has been changed to Thursday, July 26, 2012, in Seattle.

There being nothing further to come before the Commission, the meeting was adjourned at 10:40 a.m.

Following adjournment, the Commission went into Executive Session.