



STATE OF WASHINGTON

## **PUBLIC EMPLOYMENT RELATIONS COMMISSION**

**MICHAEL P. SELLARS, EXECUTIVE DIRECTOR**

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### **MARINE EMPLOYEES' COMMISSION**

Thursday, September 28, 2012 – 10:00 a.m.  
Rainier Conference Room, 4<sup>th</sup> Floor  
Washington State Ferries  
2901 3<sup>rd</sup> 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:**

George Capacci, Department of Transportation, Ferries Division  
Leah Maurseth, Department of Transportation, Ferries Division  
Bill Knowlton, Marine Engineer's Beneficial Association

### **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 July 26, 2012 meeting, as distributed.

### **ADMINISTRATIVE REPORT**

1. Executive Director Mike Sellars reviewed the case statistics. Since July, the case report continues to change. There was a decrease in filings to 10 cases below the five year average. There were 53 cases filed during the month of September, of which 3 were marine cases. We are trying to monitor the impact of state bargaining on case filings. Today's statistics have



been compared to those of September 2008 and September 2010, and we are still below average. Filings have been above the five-year average every month this year except one.

As of September 27, 2012, there were 37 open cases involving Marine Division clientele. There were 3 cases filed in September (2 grievance arbitrations and 1 unfair labor practice), and 5 cases closed during the month.

2. This was the first year of certifying marine clientele to interest arbitration. Mike noted the parties worked through the process with us. Captain Capacci and Leah Maurseth confirmed the employer has received copies of all of the interest arbitration awards. They will send Mike copies of the awards. It was noted that the arbitrators took into consideration the state's ability to pay. OFM will evaluate the awards. If the state cannot pay, the parties will negotiate. All decisions must be approved by OFM. Washington State Ferries' comparables are described in the statute.
3. After September, Mike wants to meet with everyone involved in the interest arbitration process to discuss how the process can be improved.
4. Mike and PERC Chairperson Marilyn Glenn Sayan attended the Association of Labor Relations Agencies Conference in Montreal. Mike said the conference was a good networking experience. PERC has been approached about hosting the conference in 2014 or 2015.
5. The Washington Public Employer Labor Relations Association (WAPELRA) invited Mike to their conference in Chelan on September 20 and 21, 2012. Mike was happy to speak to this group of city and county attendees. He looks forward to receiving feedback from the group.
6. Mike reported that the agency hired three Labor Relations Adjudicator/Mediators (LRAMs). Matt Greer, from Wisconsin, and Paige Garcia, from the Washington Public Employees Association joined the staff in early September. Dianne Ramerman, has been serving as Appeals Administrator, but will transition into an LRAM position when Charity Atchison returns from maternity leave. Mike is happy to have these individuals on board.
7. The Commissioners reviewed potential meeting dates for 2013. The third Thursday appears to be the best day to meet. The new dates will be emailed to the Commissioners for final consideration.

### STATUS OF CASES

Mr. Sellars reviewed the status of all open cases for Washington State Department of Transportation – Ferries Division (docketed as Washington State Ferries).

- |                                        |                                            |
|----------------------------------------|--------------------------------------------|
| <b>1. <u>Jonathan Pearson</u></b>      | <b><u>Case 24126-U-11-6171</u></b>         |
| Unfair labor practice complaint filed: | February 12, 2010                          |
| Assigned to:                           | Emily Martin                               |
| Examiner decision issued:              | April 5, 2012, Decision 11335 – MRNE       |
| Commission decision issued:            | September 4, 2012, Decision 11335-A – MRNE |

2. **Inlandboatmen's Union of the Pacific (Dooley) Case 24333-A-11-1500 / 24681-S-12-280**

Grievance arbitration filed: October 13, 2012  
Assigned to: Karyl Elinski  
Hearing scheduled: October 2, 2012  
Settlement case assigned to: Emily Whitney  
Settlement meeting held: September 20, 2012  
No agreement reached.

3. **Marine Engineers Beneficial Assn (licensed) Case 24509-U-12-6275 / 24742-S-12-284**

**Marine Engineers Beneficial Assn (unlicensed) Case 24510-U-12-6276 / 24813-S-12-290**  
**(Changes to shore side accommodations for crew members assigned to inter island vessel route.)**

Unfair labor practice complaints filed: January 13, 2012  
Assigned to: Lisa Hartrich  
Hearing scheduled:  
Settlement case assigned to: Erin Slone-Gomez  
Settlement meeting scheduled:  
Awaiting update from parties by September 28, 2012; possible settlement.

4. **Inlandboatmen's Union of the Pacific Case 24750-A-12-1506 / 24898-S-12-297**  
**(Mukilteo/Port Townsend "C" watch deck employees.)**

Grievance arbitration filed: April 20, 2012  
Assigned to: Steve Irvin  
Hearing scheduled: November 9, 2012  
Settlement case assigned to: Emily Whitney  
Settlement meeting scheduled: November 6, 2012

5. **Inlandboatmen's Union of the Pacific (Ramsey) Case 24777-A-12-1507 / 24862-S-12-295**

Grievance arbitration filed: May 7, 2012  
Assigned to: Kristi Aravena  
Hearing scheduled: October 30, 2012  
Settlement case assigned to: Casey King  
Settlement meeting scheduled: October 12, 2012

6. **Inlandboatmen's Union of the Pacific (Klose) Case 24778-A-12-1508 / 24843-S-12-291**

Grievance arbitration filed: May 7, 2012  
Assigned to: Emily Martin  
Hearing scheduled: Awaiting dates from parties.  
Settlement case assigned to: Casey King  
Settlement meeting scheduled: October 9, 2012 (tentatively scheduled)

7. **Inlandboatmen's Union of the Pacific (Tegnell) Case 24779-A-12-1509**

Grievance arbitration filed: May 7, 2012  
Assigned to: Robin Romeo  
Hearing scheduled: December 4, 2012

8. **Inlandboatmen's Union of the Pacific (Ray)** **Case 24831-A-12-1510**  
 Grievance arbitration filed: May 25, 2012  
 Assigned to: Jessica Bradley  
 Hearing scheduled: January 9, 2013
9. **Inlandboatmen's Union of the Pacific (Ferrel and crew)** **Case 24836-A-12-1511**  
 Grievance arbitration filed: May 29, 2012  
 Assigned to: Emily Martin  
 Hearing scheduled: Awaiting dates from parties.
10. **Inlandboatmen's Union of the Pacific (Zerzen)** **Case 24837-A-12-1512**  
 Grievance arbitration filed: May 29, 2012  
 Assigned to: Claire Nickleberry  
 Hearing scheduled: November 29, 2012
11. **Inlandboatmen's Union of the Pacific** **Case 24916-M-12-7502**  
 Request for mediation filed: June 21, 2012  
 Assigned to: Guy Coss  
 Mediation conducted: July 19, 2012  
 Certified to interest arbitration: August 6, 2012, Case 25033-I-12-602
12. **Inlandboatmen's Union of the Pacific (Back lot shed at Kingston)** **Case 24934-U-12-6375**  
 Unfair labor practice complaint filed: June 26, 2012  
 Assigned to: Emily Whitney  
 Hearing scheduled: January 22, 2013
13. **Inlandboatmen's Union of the Pacific (Ferrel #12-15)** **Case 24938-A-12-1515/25093-S-12-311**  
**Inlandboatmen's Union of the Pacific (Ferrel #12-21)** **Case 24939-A-12-1516/25092-S-12-310**  
 Grievance arbitrations filed: June 27, 2012  
 Assigned to: Lisa Hartrich  
 Hearing scheduled:  
 Settlement case assigned to: Claire Nickleberry  
 Settlement meeting scheduled: Awaiting dates from parties.
14. **Inlandboatmen's Union of the Pacific (Garner)** **Case 24940-A-12-1517**  
 Grievance arbitration filed: June 27, 2012  
 Assigned to: Jamie Siegel  
 Hearing scheduled: December 12, 2012
15. **Inlandboatmen's Union of the Pacific (Conklin)** **Case 24941-A-12-1518**  
 Grievance arbitration filed: June 27, 2012  
 Assigned to: Jessica Bradley  
 Hearing scheduled: February 7, 2013  
 Parties are engaged in settlement discussions; may request settlement mediation.

16. **Ferry Agents, Supervisors, Project Administrators Assn** **Case 24986-I-12-593**  
Interest arbitration filed: July 17, 2012  
Assigned to: Arbitrator Alan R. Krebs  
Hearing scheduled: August 6 and 7, 2012
17. **OPEIU, Local 8** **Case 25001-I-12-596**  
Interest arbitration filed: July 25, 2012  
Assigned to: Arbitrator Howell Lankford  
Hearing held: August 7 and 8, 2012
18. **Masters, Mates & Pilots** **Case 25014-I-12-597**  
Interest arbitration filed: July 30, 2012  
Assigned to: Arbitrator Michael Cavanaugh  
Hearing held: August 7 - 10, 2012
19. **Inlandboatmen's Union of the Pacific** **Case 25033-I-12-602**  
Interest arbitration filed: August 6, 2012.  
Assigned to: Arbitrator Sylvia Skratek  
Hearing held: August 20, 2012
20. **Masters, Mates & Pilots** **Case 25034-I-12-602**  
Interest arbitration filed: August 6, 2012.  
Assigned to: Arbitrator Luella Nelson  
Hearing held: August 20 and 21, 2012
21. **Puget Sound Metal Trades Council** **Case 25065-I-12-604**  
Interest arbitration filed: August 10, 2012  
Assigned to: Arbitrator Jane Wilkinson  
Hearing held: August 15 - 17, 2012
22. **Inlandboatmen's Union of the Pacific** **Case 25078-U-12-6427**  
**(Pursuing nonmandatory subjects of bargaining to interest arbitration)**  
Unfair labor practice complaint filed: August 15, 2012  
Assigned to: Erin Slone-Gomez.  
Hearing scheduled:  
Prehearing scheduled for September 28, 2012.
23. **Marine Engineers Beneficial Association (licensed)** **Case 25095-I-12-606**  
Interest Arbitration filed: August 24, 2012  
Assigned to: Arbitrator Michael Cavanaugh  
Hearing held: August 28 - 30, 2012
24. **Marine Engineers Beneficial Association (unlicensed)** **Case 25096-I-12-607**  
Interest arbitration filed: August 24, 2012.  
Assigned to: Arbitrator Michael Cavanaugh  
Hearing scheduled: August 28 - 30, 2012

**25. Inlandboatmen's Union of the Pacific (Huff) Case 25154-U-12-6444**

Unfair labor practice complaint filed: September 20, 2012

Assigned to:

Hearing scheduled:

**26. Inlandboatmen's Union of the Pacific (Conklin #12-24) Case 25157-A-12-1524**

Grievance arbitration filed: September 24, 2012

Assigned to: Robin Romeo

Hearing scheduled:

**27. Inlandboatmen's Union of the Pacific (Gurske #12-25) Case 25158-A-12-1525**

Grievance arbitration filed: September 24, 2012

Assigned to: Karyl Elinski

Hearing scheduled:

Negotiations

Negotiations for the 2013-15 contracts continued. We received requests to mediate for the following bargaining units:

- Masters, Mates and Pilots (Mates) Case 24903-M-12-7499 / 25017-I-12-599  
Contract mediation, filed June 15, 2012. Assigned to Claire Nickleberry.
- Masters, Mates and Pilots (Masters) Case 24904-M-12-7500 / 25014-I-12-597  
Contract mediation, filed June 15, 2012. Assigned to Claire Nickleberry.
- Inlandboatmen's Union of the Pacific Case 24916-M-12-7502 / 25033-I-12-602  
Contract mediation, filed June 21, 2012. Assigned to Guy Coss.

COURT DOCKET

Appeals Administrator Dianne Ramerman reported there are no cases in court.

OTHER BUSINESS

There being nothing further to come before the Commission, the meeting was adjourned at 10:45 a.m.

Following adjournment, the Commission went into Executive Session.