



PERC

PUBLIC EMPLOYMENT
RELATIONS COMMISSION

Annual Report for 2019





ANNUAL REPORT FOR 2019

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Director's Message

I am pleased to present the Public Employment Relations Commission's Annual Report for 2019. This report reflects PERC's adaptability in providing quality, unbiased, and expert labor relations and dispute resolution services.



If 2018 was the year of mediation—specifically, the year of K-12 mediation—2019 was very different. Overall, there was a marked decrease in mediation requests, and PERC received the lowest number of requests to mediate collective bargaining agreements since 2009. Among the K-12 work, PERC received 68% fewer mediation requests in 2019 than in 2018.

A new trend that bears watching is that K-12 mediation work is beginning to occur outside the traditional August–September window for those cases. One-third of the K-12 mediation requests in 2019 were filed after October 1, and two of the four K-12 strikes occurred in October and December.

This last year was marked by a significant increase in representation petitions. More representation petitions were filed in 2019 than in any year since 2008. Of the petitions for election, 76% were for new organizing and 7% were for decertification. In fact, in the two years since the U.S. Supreme Court decision in *Janus v. AFSCME* invalidated union security provisions and compulsory payments for public-sector employees, we have seen a marked decrease in the number of decertification petitions.

In addition to the increase in representation work, we continued to see an increase in the number of requests for conflict prevention services. Parties continue to seek resources to bargain more collaboratively. Our outreach work has also increased.

The number of adjudication requests was up slightly in 2019 compared to 2018 but on par with the average. What is of note and calls for closer examination is the continued decrease in the number of adjudication cases that actually go to hearing.

The year also marked the completion of PERC's 2017–19 Strategic Plan. In this annual report, we will provide a final report on that strategic plan. I am proud to say that we accomplished much of what we set out to do.

This report demonstrates not only that PERC continues to be a credible neutral providing labor relations and dispute resolution services but also that it can readily adapt to meet the needs of public-sector clientele. This adaptability has never been more important than it is right now as PERC provides its services virtually during the COVID-19 pandemic. That story will be for next year's annual report.

Mike Sellars, Executive Director

Agency Overview

PERC is an independent state agency created to implement Washington State's collective bargaining laws and resolve public-sector labor relations disputes. PERC has jurisdiction over collective bargaining for public employers in Washington.

The Commission

Chairperson Marilyn Glenn Sayan, Mark R. Busto, and Kenneth J. Pedersen currently sit on the Commission. The Commission's function is to adopt rules and decide appeals of decisions issued by agency staff. Commissioners work part time and on a per-diem basis. They are appointed by the governor for five-year terms. Commissioner biographies are available at <https://perc.wa.gov/commission>.

Executive Director

The Commission appoints the Executive Director who oversees the daily operations of the agency, determines bargaining unit configurations, and certifies bargaining unit representatives. The Executive Director also engages in outreach and training, mediation, and adjudication. Seven staff members report directly to the Executive Director.

MISSION: To prevent or minimize the disruption to public services through the impartial, timely, and expert resolution of labor-management disputes.

VISION: Leaders and partners in improving public-sector labor-management relations.

VALUES: Innovation • Excellence • Credibility • Neutrality • Integrity • Balance • Respect

Labor Relations Adjudicators/Mediators

Labor Relations Adjudicators/Mediators are classified state employees cross-trained to conduct both mediations and adjudications. They primarily work in the field, traveling to the parties' locations throughout the state.

Field Services Managers

Two Field Services Managers, one working in each of PERC's office locations, supervise a total of 16 Labor Relations Adjudicators/Mediators.



Specialists

Three Labor Relations Adjudicators/Mediators work in specialist positions, one assisting the Commission with its work on appeals, and two jointly overseeing representation matters and managing the intake process for unfair labor practice complaints.

Professional Staff

The Administrative Services Manager supervises an IT Manager and five Legal Assistants. The Administrative Services Manager and the professional staff provide administrative and technical support.

Employee and salary information is available in the State Employee Salaries database at <http://fiscal.wa.gov/salaries.aspx>.

Final Report on 2017–19 Strategic Plan

When PERC completed its strategic plan in 2014, it identified five goals for PERC that stem directly from its statutory mandates. These goals are permanent in nature and carry over to subsequent strategic plans, including the 2017–19 Strategic Plan:

1. **Productive Labor Management Relations:** Improving the relationship between labor and public employers
2. **Right to Organize:** Ensuring public employees' right to organize
3. **Right to Collectively Bargain:** Ensuring public employees' right to collectively bargain
4. **Conflict Resolution:** Resolving labor-management disputes
5. **High Performing Organization:** PERC is a high-performing organization

Of these goals, the first—improving the relationship between labor and public employers—is the paramount or overarching goal. The remaining goals reinforce and roll up to that goal. The objectives and individual initiatives collectively help PERC meet all five goals and achieve its mission to prevent or minimize the disruption to public services through the impartial, timely, and expert resolution of labor-management disputes. Several initiatives and areas of emphasis in the plan addressed issues that PERC's clientele said were important.

PERC accomplished the vast majority of what it set out to do in the 2017–19 Strategic Plan, demonstrating that PERC met its legislative mandate and are leaders and partners in improving public-sector labor-management relations.



Objective 1: Deliver innovative and effective services in an easily accessible manner.

SERVICE IMPROVEMENT

- Review standard communications for clarity; identify any improvements and execute (2017–19)
- Continue to regularly review processes and rules (2017–19)
- Implement clear processes and rule changes that enhance the agency's delivery of efficient and effective services (2017–19)
Internal rules committee created to review and propose revisions to all agency rules.
- Develop prehearing procedures and rules (2017)
Developed and shared with clientele in 2018; now part of broader rules revision work.
- Review Dispute Resolution Panel process and qualifications (2017)

CONTINUE TO FIND WAYS TO IMPROVE SERVICES THROUGH TECHNOLOGY

- Explore creating keynote-like function for decision search tool (2018)
Implemented Decisia, a product to organize PERC decisions, which makes them easy to search and includes case history. The search feature far surpasses PERC's prior decision search engine or Westlaw or Lexis.
- Expand knowledge and use of Salesforce case management system (2017–19)
- Upgrade Salesforce to Lightning operating system (2018)

Objective 2: Agency decisions are legally sound, clear, and issued within statutory requirements.

- Review decision format for any changes (2017–18)

- Agency decisions are timely issued within the statutory 90 days from the close of the record (2017–19)
Continued to issue timely decisions. On average, agency decisions were issued in the following number of days from the close of the record:
 - Commission—61 days
 - Executive Director—52 days
 - Examiners—81 days

- Decisions are clear, cogent, and legally sound (2017–19)
No Commission decisions were changed following appeal to court.

Objective 3: Mediations conducted by agency staff are timely and effective.

- Assign a mediator for all unfair labor practice cases (2017–18)
Not completed. Waited because of staff vacancies and the volume of K-12 mediations in 2018.
- Evaluate effectiveness of mediations through Field Services Managers’ observations of mediations (2017–19)
- Use conflict prevention services to inform and prepare parties for the mediation process (2017)
On-demand, online training on mediation basics developed and launched.

Objective 4: Representation process is clear, efficient, and promptly allows employees to exercise their right to choose.

- Set target for days to hold election or card check from filing of petition (2017)
Set initial target of 45 days to hold election or card check for cases without disputed issues.
- Decrease the time from filing to election or card check (2017–19)
The average days to election or card check decreased from 120 days in 2016 to 65 days in 2019.

CLEAR AND ACCESSIBLE REPRESENTATION PROCESS

- Review standard communications for clarity; identify and implement any improvements (2017)
- Publish standard procedures for representation cases (2017)

Objective 5: Increase and expand conflict prevention and outreach with public, partners, and clientele.

CLIENTELE CONSULTATION COMMITTEE

- Continue to use Clientele Consultation Committee to engage in dialogue regarding PERC services and labor relations issues facing the community (2017–19)
- Transition in new Clientele Consultation Committee members (2017–19)
In process.
- Explore clientele feedback mechanism beyond the Clientele Consultation Committee (2018)

TRAINING

- Develop and offer new trainings (2017–19)
- Develop and launch on-demand, online training (2017)
On-demand, online training on mediation basics developed and launched.
- Develop training to help parties engage and manage public/stakeholder engagement in bargaining (2018)
- Explore developing quality assessment tool for delivered training (2019)

BEST PRACTICES AND OUTREACH

- Continue to research developments and best practices among counterpart agencies in U.S. and internationally (2017–19)
Primarily through the Association of Labor Relations Agencies (ALRA).
- Cohost ALRA conference (2017)
Cohosted 2017 ALRA conference in Portland, Oregon.
- Meet regularly with the Oregon Employment Relations Board, the Federal Mediation and Conciliation Service, and other neighboring labor relations agencies (2017–19)



Objective 6: Agency communications are timely, clear, and easily accessed.

- Monitor and communicate agency performance and progress (2017–19)

- ✓ Place performance and progress data on dedicated webpage (2017)
- ✓ Create annual report (2017)
Annual report issued in 2017 for 2012–16. Annual reports issued for 2017, 2018, and 2019.
- ✓ Regularly review and communicate progress on strategic plan (2017–19)
Primarily through annual report and Twitter.
- ☐ Rule changes not only enhance efficient and effective delivery of agency services but are also clear and understandable (2017–19)
In process.
- ✓ Review form communications for clarity; identify any improvements and execute (2017–19)

In 2017, PERC issued its first annual report since 2008.

Objective 7: Staff have the capacity, commitment, resources, and support to meet agency mission and vision.

COMMISSION SUCCESSION/STABILITY

- ✓ Develop new commissioner orientation (2017)
- ✓ Send new commissioners to ALRA academy (2017–19)
Attended in 2017.

CONDUCT MEANINGFUL ANNUAL PERFORMANCE EVALUATIONS

- ✓ Formalize Labor Relations Adjudicator/Mediator (LRAM) competencies (2017)
- ✓ Timely complete performance evaluations and expectations (2017–19)
- ✓ Conduct midyear reviews for all employees (2017)
- ✓ Use evaluation process to explore cross-training opportunities and training needs (2017–19)

AGENCY

- ☐ Improve opportunities for staff feedback (2017–19)
- ✓ Provide opportunities and resources for wellness activities (2017)
Informally done.
- ☐ Develop peer recognition program (2018)

AGENCY TOOLS

- ✓ Ensure technology is sustainable and allows agency to adapt and utilize tools that will enhance service delivery (2017–19)
- ✓ Explore single sign-on capability (2017)
- ✓ Decommission old agency servers and equipment (2017)
- ✓ Optimize agency tools for easier use by staff when out of the office (2017–18)
- ✓ Revise agency intranet (2017)
- ☐ Explore use of Salesforce as a tool for tracking travel, mileage, and exchange time (2017–18)
- ✓ Upgrade to Salesforce Lightning operating system (2018)
- ☐ Replace staff manual (2017–18)
- ✓ Explore keynote-like function for decision search tool (2018)
Implemented Decisia, a product to organize PERC decisions, which makes them easy to search and includes case history. The search feature far surpasses PERC's prior decision search engine or Westlaw or Lexis.

PERC's easy-to-use decision search engine also allows users to save and manage their research.

STAFF DEVELOPMENT

- ✓ Invest in staff development through in-house training on selected topics to staff annually (2017–19)
- ✓ Gather staff feedback on training needs (2017–19)
- ✓ Memorialize training plan for new LRAMs (2017)

Objective 8: Agency develops and maintains expert staff to deliver services.

- ✓ Stabilize budget for staffing (2018)
- ✓ Continue to work with the state Office of Financial Management to ensure LRAM and Legal Assistant job classes are appropriately reviewed during salary survey (2017–18)
- ✓ Review current recruitment process for LRAM hiring; reduce time from opening recruitment to filling position (2017–18)

Milestones in 2019

Affinity Training

One of the increasingly popular training offerings is collaborative bargaining based on the Affinity Model. In 2019, PERC conducted its largest Affinity Model training with over 150 participants from state mental health and juvenile rehabilitation institutions. The training successfully resulted in many breakthroughs in longstanding areas of dispute.

Outreach

PERC continued to engage in significant outreach in 2019. PERC once again copresented another successful Labor and Employment Relations Association conference that drew 450 attendees. PERC staff participated in preparing and presenting at the Association of Labor Relations Agencies national conference, the American Bar Association Labor and Employment Law conference, and the Northwest Alternative Dispute Resolution (ADR) conference.

PERC staff are also active in the King County Bar Association's ADR section. Additionally, PERC staff taught as adjunct faculty at the University of Washington and Seattle University Schools of Law on negotiations and labor law.



Website Update

In fall 2019, PERC completed an update of its website, which now features the agency's Twitter feed on the home page. This allows those who do not follow @WashPERC or are not on Twitter to see the latest updates outside of the Executive Director's quarterly messages. Additionally, the number of pages was reduced and the website's navigation was simplified to help users find information more quickly.

Strategic Plan

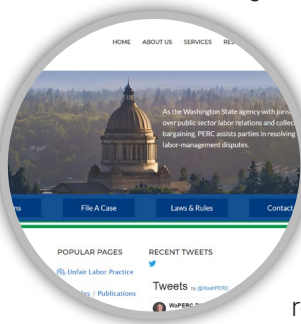
PERC completed its 2017–19 Strategic Plan and developed its 2020–22 plan.

Rules Review

PERC staff are in the process of systematically reviewing and suggesting revisions to all agency rules with a goal to simplify, streamline, and clarify its rules and processes. PERC hopes to propose revisions to the Commission for consideration by the end of 2020.

Legislation Impacting Laws Administered by PERC

Legislation in 2019 expanded bargaining rights to previously uncovered employees, namely assistant attorneys general. It also expanded interest arbitration rights to certain employees of the Washington State Department of Corrections, to campus police of four-year colleges, and to corrections officers at regional jails. Other legislation addressed union security, authorization for dues deduction, and the threshold for card check.



KEY FACTS IN PERC'S STRATEGIC SERVICE DELIVERY



Mediation

- ▶ Received 68% fewer K-12 mediation requests than in 2018.



Adjudication

- ▶ Since 2012, 95% of Commission decisions have remained unchanged following appeal.



Representation

- ▶ Elections conducted 48% faster than the previous three years' average.



Conflict Prevention

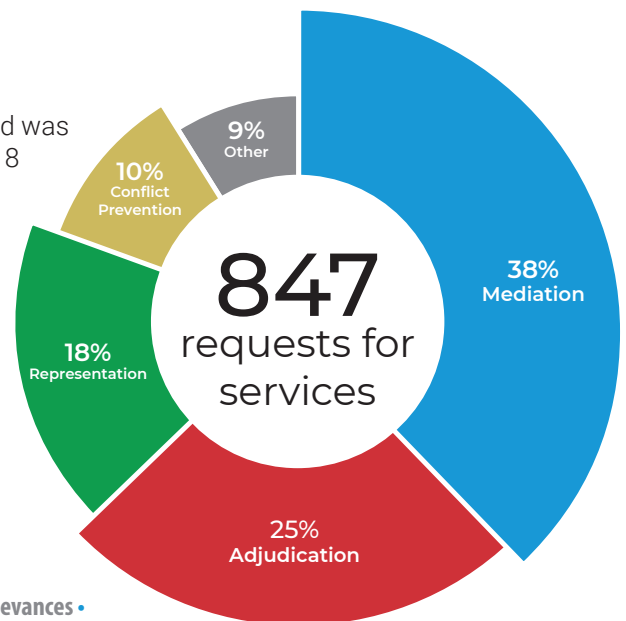
- ▶ Over 50% of requests were for collaborative bargaining training.

Strategic Service Delivery

As a neutral entity, PERC protects the collective bargaining rights granted to approximately 475,000 public employees through the fair and timely administration of mediation, adjudication, representation, and conflict prevention services.

Looking Back at 2019

The year-end total of cases filed was slightly higher than the 2012–18 average, but the volume of case filings was lower in the first half of 2019 than compared to the same time period in the previous seven years. Filings increased considerably in the second half of the year, despite the lower number of K-12 mediation requests.



▼ Mediation

Collective Bargaining Agreements • Grievances • Unfair Labor Practice Complaints

On average, mediation cases comprise 44% of PERC's annual caseload. In 2019, mediation cases made up just 38% of the caseload—the lowest percentage in over eight years.

▲ Adjudication

Unfair Labor Practice Complaints • Grievance Arbitrations • Bargaining Unit Configurations

The amount of adjudication requests was on par with the average, although up 12% from 2018.

▲ Representation

Elections • Bargaining Unit Clarifications

PERC saw a 50% increase in representation petitions over 2018, with more election petitions filed in 2019 than in any year since 2008.

▲ Conflict Prevention

Training • Outreach • Facilitation • Online Resources

The number of requests for conflict prevention services continued to rise, with a 10% increase from 2018.

Other

Upon request, PERC provides parties with a randomly generated list of names from its panel of qualified private arbitrators. PERC also certifies to interest arbitration any issues remaining in dispute following mediation for employees under certain statutes.

Mediation

In mediation, PERC staff members serve as neutrals to help parties in conflict define issues, explore solutions, and reach mutual agreement. Mediation is voluntary, and the parties are in control of any resulting agreements.



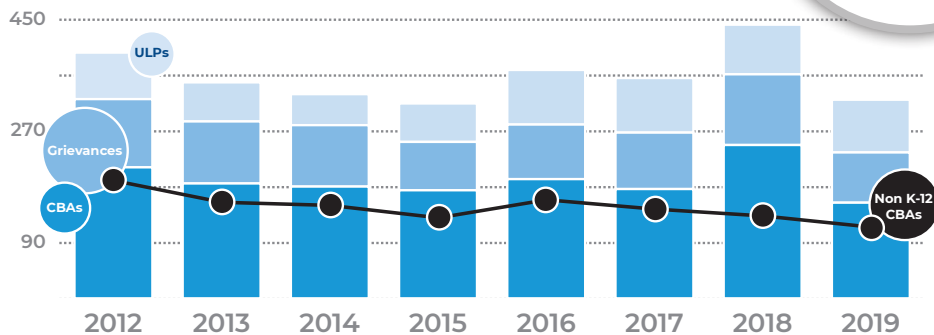
QUICK FACTS

Mediations Down in 2019 after Unprecedented Number in 2018

PERC conducts three types of mediations—involving collective bargaining agreements, grievances, and unfair labor practice complaints—and receives an average of 352 mediation requests annually.

In 2018, PERC received 442 mediation requests, and K-12 cases accounted for 29% of them. However, 2019 was very different. In 2019, PERC received 321 mediation requests and 68% fewer K-12 mediation requests.

The number of requests to mediate collective bargaining agreements was 21% lower than the 2012–18 average and the lowest amount since 2009.



68%
fewer K-12
mediation requests
in 2019 than
in 2018.



27%
FEWER REQUESTS IN
2019 THAN IN 2018

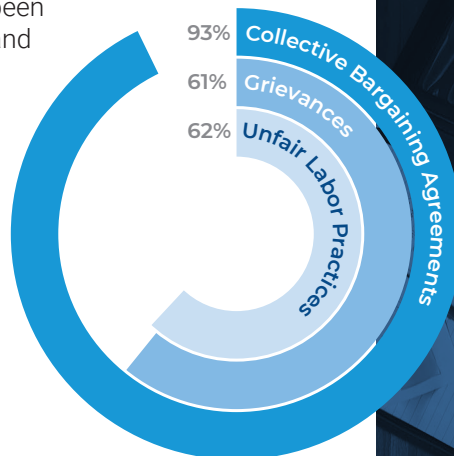
4
STRIKES
COMPARED TO
18 IN 2018—BUT
STILL THE MOST
IN A SINGLE YEAR
SINCE 1995

K-12 Strikes and Mediations Continued beyond the Traditional Window

There were also substantially fewer strikes in 2019 than in 2018—4 compared to 18. Still, this was the second highest number of strikes in a single year since 1995.

What was especially different about 2019 from other years was the timing of K-12 cases. The window for K-12 cases has traditionally been August–September, and there were 17 mediation requests and two teacher strikes in that time frame.

Ten additional requests were filed after October 1 and two more strikes occurred before the end of the year: a group of other school employees went on strike in October, and a third group of teachers went on strike for 11 days in December.



PERC continued to help parties reach agreement in most mediations in 2019.

QUICK FACTS



Adjudication

As recognized labor relations experts, PERC and its employees adjudicate unfair labor practice complaints, issues related to representation, and other various labor disputes.

Number of Requests Filed Remains Steady, but Fewer Cases Are Going to Hearing

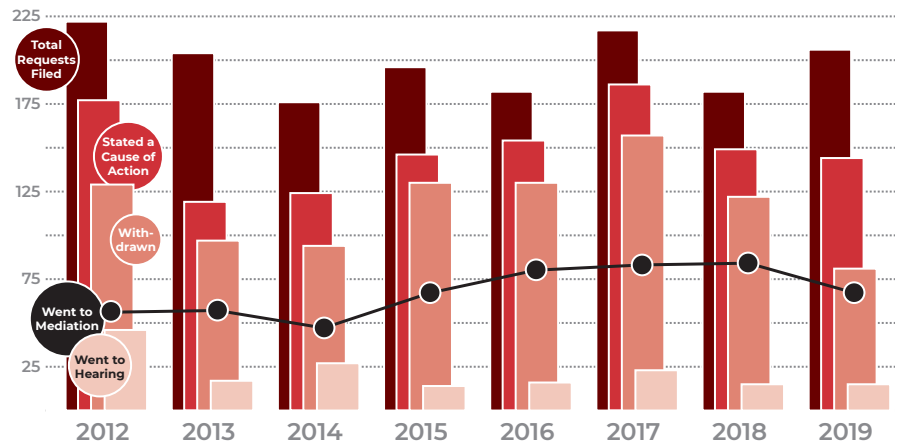
Although up 12% from 2018, the number of adjudication cases filed in 2019 was on par with the average. However, the number of cases proceeding to hearing has steadily decreased since 2012.

A closer look at the data for 2012–19 revealed that while an average of 76% of unfair labor practice complaints sufficiently state a cause of action for further processing, a vast majority of those cases are withdrawn.

Outcomes are still pending for 3% of requests filed in 2018 and 22% of requests filed in 2019 as of April 30, 2020.

Fewer cases continue to go to hearing as parties find ways to resolve their disputes.

34%
OF REQUESTS WERE FILED BY INDIVIDUAL EMPLOYEES

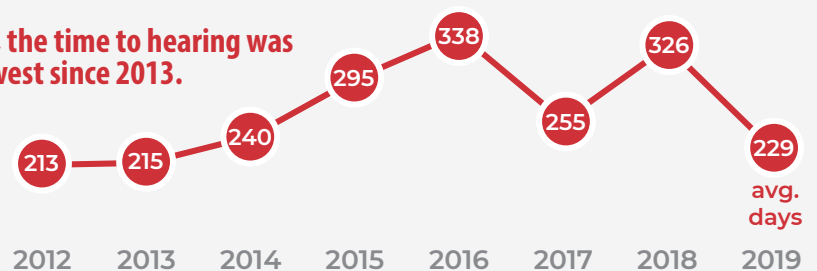


Time to Hearing Reduced

In 2017, the time to hearing increased after five years of increases, but it rose again in 2018.

The time to hearing decreased markedly in 2019, which confirms that the increase in 2018 was due to the volume of K-12 mediations that year.

In 2019, the time to hearing was the lowest since 2013.



Adjudicative Decisions Continue to Be Issued Timely

In 2019, examiners issued 21 decisions within an average of 79 days, which was their second lowest average in the 2012–19 period.

The Commission took an average of about two weeks longer to issue 55% fewer decisions than in 2018, issuing 9 decisions within an average of 76 days.

Key Decisions in 2019

City of Everett (International Association of Fire Fighters, Local 46), Decision 12671-A (PECB, 2017)

The Commission and Washington State courts have held that “general staffing levels are fundamental prerogatives of management” and a minimum shift staffing clause is generally not considered a mandatory subject of bargaining. A union may overcome that presumption by showing a demonstrated direct relationship between minimum shift staffing and employee workload and safety, which may tip the balance and render shift staffing a mandatory subject of bargaining.

In this case, the union and the employer disagreed over whether the union’s request to increase the minimum shift staffing level was a mandatory subject of bargaining. The employer filed an unfair labor practice complaint. The Commission concluded that the union submitted evidence demonstrating a direct relationship between minimum shift staffing and employee workload and safety. The demonstration of this direct relationship—coupled

with the public’s interest in receiving assistance from firefighters that are not physically, emotionally, or psychologically fatigued—tipped the balance and rendered the issue a mandatory subject of bargaining.

On appeal, the Washington State Court of Appeals affirmed the Commission. The court rejected the employer’s argument that “without regard to workload and safety concerns, as a matter of law shift staffing is never a mandatory subject of collective bargaining.” The court also affirmed the Commission’s application of the balancing test to determine, in this instance, that shift staffing was a mandatory subject of bargaining. The court held that PERC did not err in considering the public’s interest in determining that shift staffing was in this instance a mandatory subject of bargaining.

Since 2012,
95%
of Commission
decisions have
remained unchanged
following appeal
to court.

**Fewer Decisions
Appealed in
2019, and Most
Remained
Unchanged**

- ▶ Compared to 63% in 2018, only 29% of examiner decisions were appealed to the Commission.
- ▶ The Commission fully affirmed the examiners in all but one of those appeals, and its decision on the remaining appeal is expected in 2020.
- ▶ Only two Commission decisions issued in 2019 were appealed to court, but both appeals were withdrawn.
- ▶ Three court appeals of decisions issued in 2017 and 2018 are still pending.

Edmonds Community College, Decision 13000-A (CCOL, 2019)

It is an unfair labor practice for an employer to interfere with, restrain, or coerce employees in the exercise of their statutory rights. It is also an unfair labor practice to discriminate against an employee in reprisal for the employee’s exercise of statutorily protected rights.

If an employee proves employer discrimination, a derivative interference violation will also be found. In 1998, the Commission held that an independent interference violation cannot attach

to facts where a discrimination claim is not proven. That decision has been construed to preclude parties from alleging independent interference and discrimination on the same set of facts.

In *Edmonds Community College*, the Commission overturned that prior precedent to the extent that it precluded parties from alleging independent interference and discrimination on the same set of facts.



Tacoma School District, Decision 12975 (PECB, 2019)

The Tacoma School District employs security officers who guard and patrol school district premises to maintain a safe environment and protect district property, staff, and students.

The school district previously armed the security officers. Concerns over liability, issues with adequate insurance coverage, and the larger philosophical issue of whether armed security officers fit within the district's educational mission prompted the employer to decide to disarm the security officers. However, it only provided nine days' notice to the union before removing the firearms.

The union filed an unfair labor practice complaint alleging that the employer breached its good faith bargaining obligation by unilaterally disarming the security officers.

The examiner found that the decision to disarm (or arm) security officers was not a mandatory subject of bargaining. The school district's general managerial prerogative to determine how work is performed predominated over the union's interest in employee safety, particularly in light of the employer's interest in safety by preventing an accidental discharge of a weapon by an employee.

Nonetheless, the impacts to security officers' safety were significant because of the abrupt nature in which the firearms were recalled. Thus, the school district was required to bargain the effects of the firearm recall prior to implementing the change.



East Valley School District–Spokane, Decision 13114 (PECB, 2019)

The union member claimed that the union violated its duty of representation when it refused to provide notes recorded at an investigative interview. This issue had not been addressed by the Commission, which generally takes a "hands off" approach to internal union affairs. The examiner applied the following six factors utilized by the National Labor Relations Board:

- ▶ The documents requested pertained to a grievance filed by the union member;
- ▶ The union member had a legitimate general interest in obtaining the documents;
- ▶ The legitimate interest in obtaining the documents was communicated to the union;
- ▶ The union raised no substantial countervailing interest in refusing to provide the union member with the copies of the requested documents;

- ▶ The ability of the union to provide copies of the documents; and
- ▶ The relative ease with which the union could have complied with the request, taking into account the limited amount of information.

The examiner concluded that the union's refusal was unreasonable and intentional. The request pertained to a meeting at which reasons for discipline were provided. The union member filed a grievance over the discipline. The union denied the grievance, and the union member appealed internally. The union was aware of the union member's interest in the information. That information could have easily been provided. Further, the union provided no rational reason for refusing to provide the information.

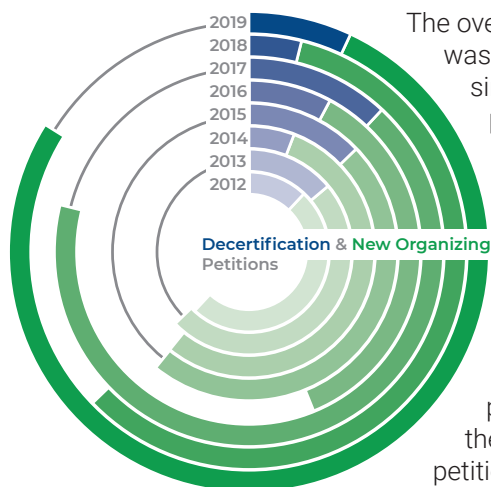
Representation

A cornerstone of the state's collective bargaining laws is the right of employees to decide whether to be represented for purposes of collective bargaining.



QUICK FACTS

Most Representation Petitions Filed in a Single Year Since 2008—and New Organizing Petitions Continue to Increase



The overall number of representation petitions was 50% higher than in 2018 and the highest since 2008. In fact, the number of election petitions alone was the highest since 2007, and 76% involved new organizing.

While the volume of new organizing petitions continues to rise, the number of decertification petitions continues to decrease, particularly in odd-numbered years when state employees covered by chapter 41.80 RCW may file such petitions. In 2019—for the first time since the statute was enacted—no decertification petitions were filed by state employees.



50%
MORE PETITIONS IN
2019 THAN IN 2018

Threshold for Card Check Changed

Legislation passed in 2019 set a new statutory threshold for card check effective July 28, 2019. Card check is now possible when a petitioning organization demonstrates the support of more than 50% of the petitioned-for employees. The threshold was previously 70% for most card check eligible employees and set by PERC rules.

Card check is still not authorized for community college faculty, teachers, four-year college faculty, individual providers, family child care providers, adult family home providers, and language access providers.

71
elections or
elections by card
check conducted

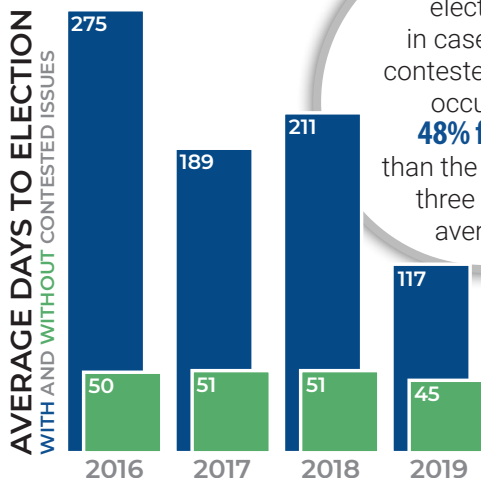
84%
of employees
exercised their
right to choose

56
bargaining units
created through
election

Time to Election Reduced

In 2019, there was a significant decrease in the time to election.

Reducing the time to election has been an ongoing goal for PERC in recent years. In 2017, the time to election decreased by almost three months in cases where contested issues required a hearing or delayed processing. In 2018, the volume of and time spent on K-12 mediations attributed to a slight increase in the time to election in such cases.



In 2019, elections in cases with contested issues occurred **48% faster** than the previous three years' average.



QUICK FACTS

89

REQUESTS—THE MOST IN ANY YEAR SINCE PERC STARTED OFFERING CONFLICT PREVENTION SERVICES



Conflict Prevention

PERC's conflict prevention services help parties improve relationships, increase partnerships, and avoid mediation or unfair labor practice proceedings.

Affinity Model of Bargaining Training—A Success Story

In 2019, PERC was pleased to successfully conduct its largest Affinity Model training to date with the Washington State Department of Social and Health Services (DSHS), Labor Negotiators from the Office of Financial Management, the Washington Federation of State Employees, and SEIU 1199NW.

Representatives of DSHS reached out to PERC about Affinity Model training and facilitation because they were interested in whether this process could be used to deal with four issues that had existed for over 40 years across 11 facilities at DSHS.

Four PERC trainers worked together to tailor the training to meet the needs of the group. This meant developing a training that could accommodate over 150 participants divided into approximately 20 bargaining teams in one location over two days.

Initially, not all participants were excited about this style of bargaining or the issues they faced. But as the parties worked the process, there was a visible change in their demeanor. They saw that by working together to solve issues, they might actually be able to come up with successful, durable, and supported solutions. There was a palpable energy in the room on those facilitation days.

What is the Affinity Model?

The Affinity Model of bargaining is a tool for collaborative brainstorming and discussing economic or multipronged issues.

By using sticky notes to construct a zone of possible agreement (ZOPA), parties can collaboratively visualize the elements of a mutually acceptable deal or solution. This technique can be used as an extension of collaborative or interest based bargaining.

The parties came up with what they coined as "Super ZOPA," or solutions that every facility at DSHS could use to solve a problem. Each facility then had additional solutions that worked specifically for their unique needs. Some solutions were later turned into contract language.

DSHS employees report that they continue to use the tools and experience the positive results of the Affinity Model training.

Several employees on both sides of the bargaining table shared how much they enjoyed the experience and felt as though they had successfully collaborated to solve the decades-old issues.



2019
2018
2017
2016
2015
2014
2013
2012



Over 50%
OF REQUESTS WERE FOR COLLABORATIVE BARGAINING TRAINING

On the Horizon

ISSUES

→ Lincoln County

An appeal of the Commission's decision on open bargaining in *Lincoln County (Teamsters Local 690)*, Decision 12844-A (PECB, 2018), is pending in the Washington State Court of Appeals.

→ Impacts of COVID-19

The economic fallout of the COVID-19 pandemic will impact PERC and all of its clientele.

INITIATIVES

→ Rules Review and Revision

PERC will complete a staff review of and make proposed changes to agency rules, engage with clientele on proposals, and begin the formal rule-making process.

→ E-Filing

PERC will launch a true e-filing component that is integrated with its case management system.

→ Negotiations Training

PERC will begin to offer a new training on collective bargaining negotiations.

→ Representation Case Guidance

PERC is developing website content to provide better guidance to parties on the representation and election process.

→ Expanded Use of Virtual Tools

During the COVID-19 pandemic, PERC greatly expanded its use of virtual tools to conduct its work, including mediations, trainings, and hearings.

The COVID-19 pandemic has forced everyone, including PERC, to rapidly adapt. Our culture of innovation and continuous improvement is more critical now than ever before.