



STATE OF WASHINGTON  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

**MICHAEL P. SELLARS, EXECUTIVE DIRECTOR**

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**MINUTES**

August 11, 2020

The regular meeting of the Public Employment Relations Commission was held  
at 10:00 a.m. via Zoom

Those present and participating:  
Marilyn Glenn Sayan, Chairperson  
Mark R. Busto, Commissioner  
Kenneth J. Pedersen, Commissioner  
Mike Sellars, Executive Director  
Vanessa Smith, Confidential Secretary

Also present:  
Herb Harris, Washington Federation of State Employees

**Minutes of the Previous Meeting**

The minutes of the previous meeting held on July 14, 2020, were adopted as presented.

**Report of the Executive Director**

1. The number of cases has increased somewhat, but it is still trending down. The volume of grievance mediation cases is well above the 5-year average.
2. PERC staff conducted three hearings via Zoom in the last two weeks, with more scheduled soon. During the hearing, another Labor Relations Adjudicator/Mediator acts as a clerk and assists with the management of exhibits. Hearings are preceded by extensive preparation, including prehearing conferences to prepare the parties and show how the technology works.
3. PERC staff will be working remotely at least through the end of the year. No in-person events will be permitted within the same period.
4. Next Monday would have traditionally started the leave restriction period for teacher mediations. It remains to be seen how active the teacher mediation season will be. We know school district and teacher representatives are busy with bargaining. Contracts in 2018 only covered two years. Impacts bargaining over the reopening of schools is likely.
5. Mike recently spoke with Senator Conway about police reform efforts in other states and followed up in writing with additional information.

6. We expect to receive more information regarding the budget within the next week or so. Like all state agencies, PERC is expected to engage in a budget cut exercise.

### **Court Docket**

Mike informed the Commission that its decision in *State – Family Child Care Providers*, Decision 12781-A (PECB, 2017), was affirmed by Division II of the Court of Appeals. Pending Commission cases that have been appealed to court are available on the agency website.

### **Adjournment**

Kenneth Pedersen requested to put on the record the purpose of the Executive Session in accordance with RCW 42.30.110(2). After citing RCW 42.30.140(2) and (3) and RCW 34.05.455, which permit a quasi-judicial agency to convene in Executive Session, Chairperson Marilyn Glenn Sayan stated that the Commission planned to (1) deliberate over the appeals in *King County*, Cases 130746-U-18 and 130934-U-18, and *Island County*, Case 131438-U-19; (2) discuss the formatting of Commission decisions; and (3) discuss an issue dealing with a staff subject as a Commission and with Mike.

Kenneth Pedersen objected to the Executive Director being present during deliberation over appeals of decisions issued under his authority without prior notice being given to the parties pursuant to RCW 34.05.455.

There being nothing further to come before the Commission, the public meeting was adjourned. Marilyn Glenn Sayan, Mark Busto, Kenneth Pedersen, and Mike Sellars went into Executive Session.

APPROVED this 10th day of September, 2020.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



MARK R. BUSTO, Commissioner



KENNETH J. PEDERSEN, Commissioner