



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919
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MINUTES

January 5, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Federation of State Employees
Gladys Burbank, Washington Federation of State Employees
John Dryer, OFM Labor Relations Office
Dolly Garcia, Department of Revenue

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on November 17, 2009, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Cathleen Callahan reviewed the statistics for the month of December and corrected several discrepancies. There were 54 cases filed during the month, the highest December intake in the past three years. There were 88 cases closed during December. Compared to previous years, there were 773 cases filed in 2009 and 789 cases closed. This was an increase of 50 cases filed and 100 cases closed from the previous year.



Ms. Callahan reported that there were 418 assigned cases in 2008 and 501 assigned cases during the 2009 calendar year. These statistics include unfair labor practice, unit clarification, mediation, grievance mediation, and arbitration cases. There were 17 arbitration cases filed instead of the usual two or three. There were seven cases on the Red List (cases ready for decision more than 90 days), although four of the cases will issue soon.

2. The Executive Director reviewed a letter from Dean Vercruysse, WSCCCE Staff Representative, thanking Robin Romeo for her “professionalism and can do spirit” in mediation with the Spokane Housing Authority.
3. The Executive Director reviewed an e-mail message from Ken Pedersen, on behalf of Teamsters Local 763, thanking Guy Coss for his “admirable” job as a settlement mediator on the second day of an arbitration hearing involving the City of Tukwila.
4. Outreach to clientele was reviewed. Ms. Callahan will speak to the State Personnel Managers group tomorrow. On February 8 or 9, she will speak to the Employee Relations Negotiations Network. On March 23, the Executive Director and Kenneth Latsch will speak to the Washington School Personnel Association (WSPA) as a follow-up from an outreach engagement for the local WSPA chapter in Kitsap County.
5. The budget was reviewed. The agency will lose another \$600 thousand in funding per the Governor’s budget. Unfortunately, our business function has been ordered back to Small Agency Accounting, so we will lose two excellent employees: Kathy Palladino and Pam Cooke. This will occur no later than April 1. We will also lose Cathy Naegle, a legal secretary who has been working from Ellensburg.

As for the budget, the Executive Director commented:

- We’re going to focus on geographic assignments to the extent that is possible;
- Reduce POV mileage reimbursement, thus incentivizing staff to drive state cars;
- Tighten up where we can;
- Focus on keeping full Labor Relations Adjudicator/Mediator (LRAM) staffing.

In response to Commissioner Bradburn’s question, Ms. Callahan noted that there are no furlough days yet. Chairperson Sayan asked about the agency Outreach program. The Executive Director responded saying that the program is under review to decide how to spend agency funds. The Labor and Employment Relations Association (LERA) Conference will be held the last week of April. Staff will assist with the conference, but the entire staff will not attend this year.

6. Departures: LRAM Paul Schwendiman will retire at the end of this month. LRAM Starr Knutson is leaving at the same time. Both took advantage of the agency’s voluntary separation incentive program.
7. Arrivals: We will soon have two new LRAMs in the Kirkland office. Ms. Callahan will announce their names as soon as their signed offer letters are received.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reviewed the following cases:

Edmonds Community College, Case 22084-U-08-5624. Mr. Gedrose announced that this case will be reported at the next Commission meeting.

Olympic Community College, Case 19128-U-05-4862, Case 19136-U-05-4863, Case 19157-U-05-4869, Case 19158-U-05-4870, Case 19159-U-05-4871, Case 19204-U-05-4880, Case 19214-U-05-4883. Mr. Gedrose reported that compliance has been completed and recommended acceptance of compliance and closure of the cases. Commissioners Bradburn and McLane unanimously accepted compliance and the cases will now be closed. Chairperson Sayan did not participate in this matter.

State – Revenue, Case 19264-U-05-4893. Mr. Gedrose reported that compliance has been completed and recommended acceptance of compliance and closure of the case. The Commission unanimously accepted compliance and the case will now be closed.

COURT DOCKET

Appeals Administrator Dario de la Rosa distributed a new monthly docket with the status of all active court cases. Following review, the Commission asked Mr. de la Rosa to update this document on a monthly basis. The Commission also requested that there be copies of the docket available for the audience at future meetings, and that this docket be available on the agency website.

City of Yakima, Case 19741-U-05-4998. The Court of Appeals, Division II, issued its decision last month affirming the Commission's decision. It is a published opinion. This decision offers insight into Commission decisions.

Central Washington University, Case 21915-E-08-3388. Mr. de la Rosa reported that this case was appealed to Kittitas County Superior Court on December 11, 2009. It deals with an exempt unit of employees.

OTHER BUSINESS

There was no other business to come before the Commission.

ADJOURNMENT

There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson



PAMELA G. BRADBURN, Commissioner



THOMAS W. McLANE, Commissioner

ATTEST:



CATHLEEN CALLAHAN
Executive Director



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MINUTES

February 9, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Federation of State Employees
Gladys Burbank, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held January 5, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Cathleen Callahan reviewed an abbreviated version of the statistics for the month. She will rethink the monthly statistics since Research Analyst Pam Cooke, who has prepared the monthly report, will be leaving the agency due to budget cuts. There were 675 cases pending at the end of the month, which is consistent with previous months.

There were six cases on the Red List (cases ready for decision more than 90 days), although several will issue soon. There were three cases on the Yellow List (cases ready for decision 45 to 89 days).



2. The Executive Director reported that Interest Based Bargaining/Labor Management Training cases continue to be filed at a brisk pace, most likely because of the economy.
3. Ms. Callahan reviewed an e-mail message from Chandra Brady thanking Sally Carpenter for her professionalism and assistance in mediation with Lewis County and the Lewis County Corrections Guild.
4. Ms. Callahan reviewed a letter from Carrie Blackwood thanking the agency for its “fast, focused and professional attention” in assigning Guy Coss as mediator with Skagit County and IFPTE Local 17. The parties filed for urgent mediation at 4:43 p.m. on Friday afternoon, requesting a mediator for a previously scheduled session on the following Monday. The agency and Mr. Coss were able to accommodate the parties.
5. The Commission reviewed an article highlighting Katrina Boedecker and her career as a Labor Relations Adjudicator/Mediator (LRAM) with our agency. The *Women Who Make a Difference* article was written for the Governor’s Interagency Committee for State Employed Women (ICSEW) newsletter by LRAM Jessica Bradley with editing assistance by LRAM Charity Atchison.
6. On January 29th, staff gathered for a farewell luncheon for Starr Knutson and Paul Schwendiman. January 29th was also the last day of work for Cathy Naegle. Sadly, Cathy’s position was eliminated due to budget cuts.
7. Ms. Callahan reported that Steve Irvin and Phillip Huang are settling in as new LRAMs in the Kirkland office.
8. Policies are being revised and implemented as they are completed. Copies of the most recent policies were provided to the Commission: the Layoff Policy for WGS Employees and the Correcting Performance and Behavior Policy. The next policies to be drafted or updated and implemented are the Sexual Harassment Policy, Violence in the Workplace Policy, and the Layoff Policy for WMS Employees.
9. The Executive Director noted that an updated 2010 calendar and an updated phone list were included in the materials provided to the Commissioners.
10. OUTREACH: Ms. Callahan’s calendar includes the following speaking engagements:
 - Employee Relations Negotiations Network (ERNN) Conference today at noon,
 - Washington Association of School Administrators (WASA) on March 1,
 - Washington School Personnel Association on March 23.
11. The Interest Based Bargaining Team has created a Collective Bargaining 101 course for clientele. At this time the team is not sure how we will offer this training.

LEGISLATIVE REPORT

Proposed legislation was reviewed by the Executive Director:

- HB 3062/SB 6726 - Gives collective bargaining rights to language interpreters whose work is derived from various DSHS programs;
- HB 3002/SB 5046 - Gives collective bargaining rights to symphony orchestras where income is less than one million dollars;
- HB 2743/SB 6290 - Modifies language to give exempt employees collective bargaining rights at community colleges;
- HB 1340 - Revises the collective bargaining law to authorize use of local funds to provide additional compensation to academic employees at community and technical colleges;
- SB 6109 - Regarding Washington State Ferries, this bill would allow more work at Eagle Harbor, abolish the Jones Act, and transfer the Marine Employees' Commission to the Public Employment Relations Commission;
- SHB 1329 - Provides collective bargaining for child care center directors and workers;
- SB 6696/HB 3038 - Regarding education reform, this bill would require low achieving school districts to develop an action plan to address problems and bargain collectively with collective bargaining representatives. PERC would mediate. If mediation is unsuccessful, PERC would certify the case and refer it to court for a decision within 30 days;
- SB 6503 - Specifies certain dates that state employees would be furloughed.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reported that *Edmonds Community College*, Case 22084-U-08-5624 should be ready to review at the March Commission meeting. The employer's September minutes will be approved at their February meeting.

There were no other cases to review.

COURT DOCKET

Appeals Administrator Dario de la Rosa reviewed the status of the active court cases:

City of Yakima, Case 19741-U-05-4998. Mr. de la Rosa reported that no appeal has been filed in Supreme Court.

Pierce County, Case 22692-U-09-5799. Dale Washam filed an appeal in Pierce County Superior Court. Mr. de la Rosa recommended that the Commission take an active role in this case. It was moved and seconded to ask Executive Director Callahan to obtain legal counsel to represent the agency in this matter. Ms. Callahan and Mr. de la Rosa will meet with the agency's Assistant Attorney General as soon as possible.

Commissioner McLane thanked Mr. de la Rosa for the court report, and the Commissioners thanked him for the legislative report.

OTHER BUSINESS

There was no other business to come before the Commission.

ADJOURNMENT

There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

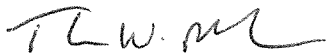
Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson



PAMELA G. BRADBURN, Commissioner



THOMAS W. McLANE, Commissioner

ATTEST:



CATHLEEN CALLAHAN
Executive Director



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MINUTES

March 9, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Federation of State Employees
Dolly Garcia, Washington Public Employees Association

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held February 9, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Cathleen Callahan announced that Research Analyst Pam Cooke has departed and the monthly statistics have a different format. There were 66 cases filed during the month of February, and 68 cases were closed. There are currently 372 cases open, which is consistent with previous months. Staff members are very busy.
2. Labor Relations Adjudicator/Mediator (LRAM) Sally Carpenter will retire at the end of March. She will not be replaced. At Sally's request, there will be no farewell party.



3. The Red List (cases ready for decision more than 90 days), and Yellow List (cases ready for decision 45 to 89 days) were reviewed. Three of the four cases on the Red List should issue soon.
4. Ms. Callahan reported on the budget. The agency is still expecting to suffer a \$1.2 million budget reduction. We are saving where we can, and focusing on keeping the LRAM positions fully staffed.
5. Ms. Callahan also reported that some equipment maintenance contracts will not be renewed in June. This includes fax machines and printers that aren't absolutely necessary. Equipment on which we can't afford maintenance agreements will serve as back-up equipment.
6. Collective Bargaining Training 101 has been developed. The agency has received requests from clientele for this training. Clientele should check the agency website for the announcement and scheduling of this training.
7. Outreach is being conducted. All scheduled events were previously reported.
8. Executive Director Callahan announced that Kathy Palladino will stay on with the agency in her position as accountant. Business Manager John Shepherd will leave this spring.

LEGISLATIVE REPORT

Proposed legislation was reviewed by the Executive Director. She thanked Dario de la Rosa for keeping the chart updated.

- HB 1560 - Modifies collective bargaining to employees of institutions of higher education. This bill appears to be ready to sign.
- SB 5046 - Places symphony orchestras that receive gross revenues in excess of \$300,000, but less than the \$1,000,000 standard to fall under the NLRB's jurisdiction, operas, performing arts theaters, and other entertainment-based organizations under PERC jurisdiction. The bill has been delivered to the Governor for signature.
- SB 6726 - Gives collective bargaining rights to language interpreters whose work is derived from various DSHS programs.
- HB 6382 - Restricts hiring, travel, personal services contracts, equipment purchases over \$5000, and freezes salaries.
- SB 6503 - Specifies certain dates that state employees would be furloughed. This bill is still alive.
- SB 6696 - Regarding education reform, this bill would require low achieving school districts to develop an action plan to address performance problems and bargain collectively with collective bargaining representatives. PERC would mediate the plan (indeterminate costs). If mediation is

- SB 6381 - unsuccessful, PERC would certify the case and refer it to court for a decision within 30 days.
- Regarding the Department of Transportation supplemental transportation appropriations, the Joint Transportation Committee shall conduct a review, by December 15, 2010, to compare the processing time of grievances and hearings at the Public Employment Relations Commission (PERC) and the Marine Employees Commission (MEC). The review must also investigate whether PERC has the necessary expertise to administer grievances and hearings currently administered by the MEC.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reported on the following cases:

Edmonds Community College, Case 22084-U-08-5624. Mr. Gedrose reported that he has received a copy of the minutes and the parties have completed the compliance process. Following review, the Commission unanimously accepted compliance. The case will now be closed.

Workforce Central, Case 21845-U-08-5567. Mr. Gedrose reported that the compliance process has been completed. Following review, the Commission unanimously accepted compliance. The case will now be closed. Mr. Gedrose noted that multiple staff members were involved in this case, and that the parties were very professional in their exchanges of information. Ms. Callahan thanked Mr. Gedrose for his assistance with the parties in reaching compliance in this matter.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported that there are no new filings.

Executive Director Callahan and Mr. de la Rosa recently met with Assistant Attorney General Spencer Daniels regarding the appeal of *Pierce County*, Case 22691-U-09-5799. The hearing is scheduled for mid-May.

As of this date, Thurston County Superior Court has not issued its decision in *State – Office of the Governor*, Case 22171-U-09-5654 or *State – Office of the Governor*, Case 22289-U-09-5685.

OTHER BUSINESS

Dolly Garcia attended the meeting. She announced that she has retired from her position with the state and, as of March 1, is now the Organizational Plans Manager for the Washington Public Employees Association.

There was no other business to come before the Commission.

ADJOURNMENT

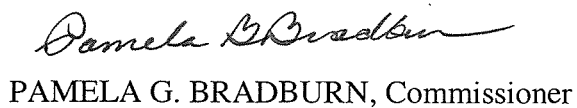
There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.


PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director



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MINUTES

April 13, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

John Dryer, OFM Labor Relations Office

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held March 9, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Cathy Callahan reported there were 68 cases filed during the month of March, as compared to 58 filed during March 2009. Closures for the month were up dramatically with 89 cases closed, as compared to 45 during the same period last year. There are currently 374 open cases. Staff members are busy. Filings are a mix of case types and a variety of employers. It appears there is an abundance of hearing work as well as mediations. For example, on one team each team member has between 5 and 7 hearing cases. Mediation cases are especially tough because of the economic times. Fortunately, settlement cases ("S" cases) are resolving about 70 percent of the unfair labor practice cases.



2. The Red List (cases ready for decision more than 90 days), and Yellow List (cases ready for decision 45 to 89 days) were reviewed. Both lists will be shorter by the end of this week.
3. The Legislature has adjourned. Our budget last biennium was \$10,070,000. The 2009 legislative session cut \$572,000, leaving us with \$9,498,000. Last night the Legislature cut an additional \$794,000 from our budget. We are currently looking at a biennial budget of \$8,704,000. The agency will attempt to avoid furloughs even though the furlough bill passed. Depending upon interpretation of the budget, Executive Director Callahan, Dario de la Rosa, and Majel Boudia may suffer salary cuts.
4. The Management Team has suffered cuts as well. Ms. Callahan reported that Ken Latsch has moved to a Labor Relations Adjudicator/Mediator (LRAM) position. He will be on Martha Nicoloff's team. Clientele and our LRAM staff members are thrilled to have him return to the field. Ken will retain several functions, including records retention, case closures, and possibly rules and legislation.
5. Ms. Callahan announced that LRAM Steve Irvin has moved to the Olympia office. He will be on Mark Downing's team. Philip Huang remains in the Kirkland office on Walter Stuteville's team.
6. The Interest-Based Bargaining (IBB) Team consists of eight staff members and continues to be very busy. A two-member team is assigned to each IBB case and each team has 2-3 trainings scheduled. Ms. Callahan was pleased to report that many employers are inviting these teams back for training in a second bargaining unit.

The IBB Team has also created a Collective Bargaining 101 curriculum. The team is looking for no-cost venues for this training which will be offered to groups of about 50 individuals. It is hoped that this training will begin soon. The IBB Team is meeting this afternoon.

7. The Executive Director reported that she and Dario de la Rosa are behind in the rules process. Newly passed legislation requires that we create new rules for the agency. They anticipate holding focus group meetings and will be scheduling these meetings soon.
8. Ms. Callahan and Unfair Labor Practice Manager David Gedrose recently conducted training for the Seattle School District that was included in the order of an unfair labor practice decision issued by Examiner Jessica Bradley. They reported that it was a good session that generated thoughtful discussion. Approximately 24 district personnel were involved. The district was very gracious and helpful in organizing and participating in the training. The afternoon proved to be a very positive experience.
9. Outreach: The Labor and Employment Relations Association (LERA) Conference will be held at the end of April. Christy Yoshitomi, Lisa Hartrich, and Guy Coss are members of the conference committee. The staff who will attend will serve as room monitors or otherwise participate in the conference. Due to budget issues, per diem will not be paid for most staff attending the conference.

10. Three policies were issued during the month of March: Document Retention, Layoff Policy (WMS), and Salary Determination (WMS).

LEGISLATIVE REPORT

Dario de la Rosa reviewed the legislation Governor Gregoire has signed into law, as well as the furlough bill which is awaiting her signature.

- HB 1560 - Modifies collective bargaining to employees of institutions of higher education. This bill appears to be ready to sign.
- SB 5046 - Places symphony orchestras that receive gross revenues in excess of \$300,000, but less than the \$1,000,000 standard to fall under the NLRB's jurisdiction, operas, performing arts theaters, and other entertainment-based organizations under PERC jurisdiction. The bill has been delivered to the Governor for signature.
- SB 6726 - Gives collective bargaining rights to language interpreters whose work is derived from various DSHS programs.
- HB 6382 - Restricts hiring, travel, personal services contracts, equipment purchases over \$5000, and freezes salaries.
- SB 6503 - Specifies certain dates that state employees would be furloughed.
- SB 6696 - Regarding education reform, this bill would require low achieving school districts to develop an action plan to address performance problems and bargain collectively with collective bargaining representatives. PERC would mediate the plan (indeterminate costs). If mediation is unsuccessful, PERC would certify the case and refer it to court for a decision within 30 days.

House Bill 6382 and House Bill 6503 are effective on the day the Governor signed the legislation. All other bills become effective on June 10, 2010.

COMPLIANCE DOCKET

There were no cases to report at this meeting.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported on the following cases:

Seattle School District (Robert Femiano), Cases 19944-U-05-5062 and 19945-U-05-5063. Mr. Femiano has filed an appeal of both cases in King County Superior Court.

Office of the Governor, Case 22171-U-09-5654. This case involves the Washington State Patrol. Judge Richard Hicks issued an oral ruling in Thurston County Superior Court.

Mr. de la Rosa also briefed the Commission on the recent Washington State Supreme Court decision between Service Employees International Union, Local 775 and the Office of the Governor. This case did not originate in this agency.

Pierce County, Case 22691-U-09-5799. The agency will take an active role in this case.

All other cases remain pending in their respective courts.

OTHER BUSINESS

There was no other business to come before the Commission.

ADJOURNMENT


There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


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ATTEST:



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MINUTES

May 11, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 9757 Juanita Drive NE, Suite 300, Kirkland, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer, via telephone

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held April 13, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Cathy Callahan reported that there were 54 cases filed during the month of April, as compared to 70 filed during April 2009. There were 51 cases closed. As of April 30, 2010, there were 356 open cases.
2. The Red List (cases ready for decision more than 90 days), and Yellow List (cases ready for decision 45 to 89 days) were reviewed. Ms. Callahan noted that several of the cases on the lists will be issued within days.
3. Staffing has changed with the retirement of Sally Carpenter at the end of March and the sudden unanticipated resignation of Terry Wilson in April. We are now in a position to recruit two Labor Relations Adjudicator/Mediators (LRAMs). One position will be an LRAM 1 (in training for LRAM 2 located in Olympia or Kirkland) and the second will be an LRAM 2 (in training for LRAM 3 located in Kirkland) to replace Field Services Manager Walter Stuteville who will retire at the end of the year. We have requested an exemption from the hiring freeze from the Office of Financial Management.



4. Business Manager John Shepherd's last day with the agency will be Friday, May 14, 2010. Ms. Callahan noted that John has been a tremendous asset to the agency, and he will be missed.
5. Diane Tucker, Administrative Services Manager, and Kathy Palladino, our fiscal analyst, will be working with Small Agency Accounting Services.
6. The Labor and Employment Relations Association (LERA) Conference held in April was a success. Ms. Callahan thanked Christy Yoshitomi, Guy Coss, and Lisa Hartrich for their year-round work as LERA conference committee members. She also thanked staff members Joye Rolfer, Robbie Duffield, and Mitch Nelson for their assistance preparing for and working at the conference.
7. Executive Director Callahan had previously asked Dario de La Rosa to send a save-the-date e-mail message to the Rules Focus Group. The focus group will work on rules for legislation adopted during the recent legislative session and other rules that need clarification. The meetings are scheduled for June 11 and June 22, 2010.
8. The Commission reviewed an e-mail message sent to Ms. Callahan from Washington Education Association representative Michael Boyer thanking Karyl Elinski for her assistance in reaching a multiple-year settlement with the parties at Chewelah School District.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reported on the following cases:

State – Washington State Patrol, Case 21538-U-08-5487. The employer has complied with the posting requirements and Mr. Gedrose recommended that compliance be accepted in the matter. The Commission reviewed the documents before unanimously accepting compliance. The case will now be closed.

Seattle School District, Case 22548-U-09-5764. Compliance with the order in this case involved training and creation of a new e-mail policy/protocol. Mr. Gedrose reported that the posting requirement has been fulfilled, and that he and Ms. Callahan conducted training in April that was required by the order. About 24 school district managers who handle information requests attended the training. The minutes have been provided by the employer, and the union is not contesting the new policy. Attorney fees were paid in this case. Executive Director Callahan complimented Mr. Gedrose on the training he developed in this matter. The Commission unanimously accepted compliance, and the case will now be closed.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported on the following cases:

Pierce County, Case 22692-U-09-5799. Mr. de la Rosa reported that the Pierce County Superior Court ruled against the agency. The Commissioners were provided copies of the judge's order.

Following review of the Court decision, the Commission announced that the agency will not appeal the ruling.

Office of the Governor, Case 22171-U-09-5654. The employer has not filed an appeal of the Thurston County Superior Court's decision affirming the Commission's decision that the Governor committed an unfair labor practice. This case will be removed from the list of active court cases.

City of Seattle (IBEW Local 77), Case 20776-U-06-5289 and Case 20894-U-07-5328. These cases were appealed to King County Superior Court. The Court affirmed the majority's decision in October 2009. There has been no subsequent appeal. The case will now be closed.

Mr. de la Rosa noted that the decision in *City of Mukilteo*, Case 19391-U-05-4923, should be issued soon.

All other cases remain pending in their respective courts.

ADJOURNMENT


There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.


PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

June 8, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner, via telephone
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Dolly Garcia, Washington Public Employees Association/UFCW Local 365
Herb Harris, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held May 11, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that there were 55 cases filed during the month of May, as compared to 55 filed during May 2009. There were 68 cases closed. As of May 31, 2010, there were 343 open cases. Case filings appear to be varied.
2. The Commission reviewed a printout of decisions issued by the agency during the past six months. This information is available on the agency website. Ms. Callahan explained that the decisions are divided into the following categories: Commission, Executive Director, ULP Dismissals and Partial Dismissals, Examiner, and Certification of Bargaining



Representatives. The Commission asked that this information be included in their files at each meeting.

3. Following review of recently issued decisions, the Executive Director reported that the Red List (cases ready for decision more than 90 days), and Yellow List (cases ready for decision 45 to 89 days) are shorter than last month. Ms. Callahan noted that she has talked to the three Field Services Managers about getting staff decisions issued.
4. Ms. Callahan informed the Commission that recruitment postings have now closed for two Labor Relations Adjudicator/Mediators (LRAMs). One position will be an LRAM 1 (in training for LRAM 2 located in Olympia or Kirkland) and the second will be an LRAM 2 (in training for LRAM 3 located in Kirkland) to replace Field Services Manager Walter Stuteville who will retire at the end of the year. There are 11 applicants for the LRAM 1 position and 4 applicants for the LRAM 2 position. Once reviewed, tests will be scheduled and followed up with interviews.
5. Executive Director Callahan announced that the agency's Compensation Reduction Plan has been approved by the Office of Financial Management (OFM). Our staff will not be furloughed. Ms. Callahan sent an e-mail message to staff with the established furlough dates: Monday, July 12, 2010; Friday, August 6, 2010; Tuesday, September 7, 2010; Monday, October 11, 2010; Monday, December 27, 2010; Friday, January 28, 2011; Tuesday, February 22, 2011; Friday, March 11, 2011; Friday, April 22, 2011; Friday, June 10, 2011. Consistent with the conditions set by OFM, when approving our Compensation Reduction Plan, staff members have been asked to avoid scheduling hearings, due dates for briefs, mediations, conference calls, and any other business meetings with our state clientele on these dates.
6. Agency IT migration to the Department of Information Services (DIS) is progressing slowly. Ms. Callahan reported that DIS was contacted on Monday, June 7, and DIS responded. We hope the IT migration will begin shortly. IT Manager Mitch Nelson will be directly involved in this project.
7. The Executive Director and the Appeals Administrator have received inquiries regarding cases that have been appealed to court. The Commission agreed that the agency website should include a list of all active cases in the court system. The list will be added to the website with a short explanation of each case as soon as possible.
8. The first meeting of the Rules Focus Group will held on Friday, June 11, 2010. Ms. Callahan noted that a second meeting is scheduled for June 22, 2010. The group will discuss amendments to WAC 391-25-440 regarding self-determination elections, and adoption of rules governing public record requests, as well as rules necessary to implement recently passed legislation, including Senate Bill 5046 (Symphony Orchestra Collective Bargaining), Senate Bill 6726 (Interpreter Collective Bargaining), and Senate Bill 6696 (Education Reform).

The issue pertaining to part-time employees and the "350 hour" issue that was raised by Eric Nordlof, on behalf of Public School Employees of Washington, has been decided by the Personnel Resources Board (PRB). The PRB decided, in amending WAC 357-04-045, that

the 12 month period used to determine part-time status will be calculated from each employee's date of hire and evaluated annually.

9. Ms. Callahan reported that Field Services Manager Martha Nicoloff recently fell and broke her femur. We hope she will be back with us soon.
10. The Commission reviewed the application of Carl Bosland for the Dispute Resolution Panel and unanimously approved the addition of his name to the panel.

The application process for the agency's Dispute Resolution Panel was reviewed. It was suggested that WAC 391-55-110(2) pertaining to letters of recommendation be clarified to indicate letters of recommendation will be accepted if dated within two years of the date of application. Additional requirements will include that the letters be printed on letterhead stationery and that each letter be signed.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reported on the following case:

City of Kelso, Case 22046-U-08-5612. Posting of notices and reading the notice in the minutes of the city council have been completed. Mr. Gedrose recommended that compliance be accepted in the matter. The Commission reviewed the documents and unanimously accepted compliance. The case will now be closed.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported that there has been no change in the status of the pending cases in court. However, a communication issue has surfaced with our Assistant Attorney General. We have learned that *City of Seattle*, Case 19522-U-05-4955, has been appealed to the Court of Appeals, and oral argument is being scheduled. Mr. de la Rosa is trying to confirm that appeal and current action. Ms. Callahan sent a request to our Assistant Attorney General asking him to keep this agency informed of all court activity.

Mr. Gedrose noted that we learned about an appeal in April regarding a compliance matter that was issued last October.

Mr. de la Rosa reported that the *Central Washington University*, Case 21915-E-08-3388, appeal will be withdrawn. A new petition may be filed.

ADJOURNMENT


There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.


PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

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MINUTES

July 13, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner, via telephone
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Dolly Garcia, Washington Public Employees Association/UFCW Local 365
Herb Harris, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held June 8, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that there were 73 cases filed during the month of June, which tied the highest month of the year (January). There were 71 cases closed. As of June 30, 2010, there were 346 open cases.
2. Unfair Labor Practice Manager David Gedrose reported that 57 cases were assigned during the month of June. This was the highest number of cases assigned of any month in the last three years. He also noted that a large percentage of field cases (grievance mediation and settlement mediation) are being filed, and there are more grievance arbitration filings. Contract mediation cases no longer constitute such a high percentage of case filings.



3. The Commission reviewed the list of recent decisions issued by the agency. The three-member Commission issued seven decisions on appeal during the month of June. The Commission thanked Dario de la Rosa for his assistance with these decisions.
4. Executive Director Callahan reported that the Red List (cases ready for decision more than 90 days), and Yellow List (cases ready for decision 45 to 89 days) are much shorter than last month. The sole Red List case is before the Executive Director for issuance. The four Yellow List cases are not ready for issuance.
5. Ms. Callahan informed the Commission that five interviews for the LRAM position are scheduled for this Friday.
6. Executive Director Callahan reported that the agency budget for the previous fiscal year ended up okay. Ms. Callahan and Diane Tucker have a meeting today with the Office of Financial Management regarding this year's budget.
7. Ms. Callahan reported that the Court Docket discussed at the last meeting is not yet on the website, but will be added soon.
8. Ms. Callahan and Mr. de la Rosa have met with the Rules Focus Group twice. The Agency Proposal Statement (CR 102) has been filed. The public comment meeting will be held on August 24 in the Olympia office, and final adoption of the proposed rules will occur at the September 14 Commission meeting in Olympia.
9. The Executive Director reported that Office Manager Sylvia Freeman resigned. Kathy Palladino has assumed most of the duties of the Office Manager position and is retaining her responsibilities as our Financial Analyst.
10. Yesterday (July 12) was the first of ten furlough days for state employees. Thurston County Superior Court denied the Washington Federation of State Employees' motion to stay the furlough days. The related unfair labor practice cases are still pending before the agency.
11. Executive Director Callahan extended congratulations to Christy Yoshitomi. Ms. Yoshitomi was offered and has accepted the LRAM 3 position in the Kirkland office. She will replace Walter Stuteville as Field Services Manager when he retires at the end of the year.
12. The Collective Bargaining 101 Workshop is today at Bates Technical College. Registration filled up fast. It is clear that clientele want more training.
13. Ms. Callahan reported on kudos to staff:
 - Audrey Eide, WSCCCE, acknowledged Jessica Bradley for her mediation work with Timberland Regional Library and as hearing officer in unit clarification hearings.
 - Milton Ellis, Director of Employee Relations for the Issaquah School District, thanked Christy Yoshitomi and Walter Stuteville for the interest-based bargaining training they conducted in March. The parties reached agreement on June 1st.

- The Interagency Committee of State Employed Women (ICSEW) thanked Jessica Bradley and Robbie Duffield for helping make the 2010 Women's Health Fair a success. The ICSEW also thanked Jessica for her contribution to the Health and Wellness Committee.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reported on the following case:

City of Vancouver, Case 22246-U-09-5675. Posting of notices, reading of the notice, and negotiations on the issues of a neighborhood police officer schedule have all been completed. Mr. Gedrose has heard no objections. Mr. Gedrose recommended that compliance be accepted in the matter. The Commission reviewed the documents and unanimously accepted compliance. The case will now be closed.

COURT DOCKET

City of Mukilteo, Case 19391-U-05-4923. Mr. de la Rosa reported that an unpublished decision in Division I of the Court of Appeals rendered the appeal moot. Mr. de la Rosa will monitor this case for publishing or appeal to the Supreme Court.

ADJOURNMENT


There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.


PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

August 10, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Federation of State Employees
Dolly Garcia, Washington Public Employees Association/UFCW Local 365

MINUTES OF PREVIOUS MEETING

The Commission welcomed Pamela Bradburn back to the meeting following recent surgery.

The minutes of the meeting held July 13, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 90 cases were filed in July. This was the highest number of monthly filings since Ms. Callahan arrived, except when the Washington Federation of State Employees filed a large number of cases regarding part-time employees. Of the 90 cases, there were 27 unfair labor practices, 12 representation, 11 mediation, 11 settlement, 7 interest arbitration, 4 unit clarification, 6 IBB training, 1 staff arbitration, and 4 dispute resolution panel requests. The teacher mediation season is quiet thus far. There were 52 cases closed during the month of July. As of July 31, 2010, there were 383 open cases. Settlement cases are helping to reduce the number of cases going to hearing.



2. There are three cases on the Red List (cases ready for decision more than 90 days). All three are near completion. There are five cases on the Yellow List (cases ready for decision 45 to 89 days). One of these decisions is ready to issue.
3. The Commission reviewed the list of recent decisions issued by the agency.
4. Ms. Callahan reported on kudos from Washington Education Association representative Mike Boyer to Joel Greene for his assistance in mediation at Republic School District, and to Lisa Hartrich for her assistance in mediation at Riverside School District.
5. Ms. Callahan reported kudos from employer representative Michelle Castanedo for Robin Romeo's mediation skills related to an unfair labor practice settlement conference involving the Employment Security Department and the Washington Federation of State Employees.
6. The Executive Director updated the Commission on office space issues:
 - The building manager of the Kirkland office has asked us to reduce PERC's office space in order to increase the landlord's space. We have agreed to this plan, and we will retain 60% of our current office space. The reduction in space will reduce the cost of the lease.
 - The Olympia office reception area will be remodeled to address a safety concern. This project will be completed by November.
7. Ms. Callahan thanked David Gedrose for filling in for her while she was on vacation.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reported on the following case:

State – Office of the Governor, Case 22171-U-09-5654. This case involved the Washington State Patrol. Posting of the notice has been completed. In compliance with the amended order issued in Thurston County Superior Court, the Governor sent a request to the Legislature for “funds necessary to implement the wage and wage related matters decided through interest arbitration.” Mr. Gedrose recommended that compliance be accepted in the matter. The Commission reviewed the documents and unanimously accepted compliance. The case will now be closed.

City of Seattle, Case 20776-U-06-5289 and 20894-U-07-5328. A King County Superior Court judge affirmed the Commission's decision, although compliance remained pending while the case was being processed in Court. Posting of the notice has been completed and the notice was read at the August 9, 2010 meeting of the Seattle City Council. Mr. Gedrose reported the union has no concerns regarding the tender of compliance, and he recommended acceptance of compliance in this matter. Following review of the documents, the Commission unanimously accepted compliance. The case will now be closed.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported on the following cases:

City of Mukilteo, Case 19391-U-05-4923. Two months ago, Mr. de la Rosa reported that an unpublished decision in Division I of the Court of Appeals rendered the appeal moot. The union has filed a motion for reconsideration. Mr. de la Rosa will monitor the status of this case.

King County, Cases 22175-U-09-5658, 22176-U-09-5659, and 22177-U-09-5660. Mr. de la Rosa reported that a petition for judicial review has been filed in Thurston County Superior Court.

OTHER BUSINESS

Following conclusion of the regular meeting, Chairperson Sayan asked the audience for their comments. Washington Public Employees Association representative Dolly Garcia complimented Jessica Bradley for her assistance as a settlement mediator involving the union and Wenatchee Valley College. Ms. Garcia added that Ms. Bradley was a positive influence during settlement negotiations.

Executive Director Callahan informed the audience that the ballot count for the election involving the Language Access Providers (interpreters) will be held on September 17, 2010. Approximately 1750 ballots have been mailed.

The last rules meeting will be held August 24, 2010. Final comments will be received at that time. Formal rules adoption will be held at the regular September Commission meeting which may be moved to the Olympia office due to construction in the Kirkland office.

ADJOURNMENT


There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.


PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

September 14, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Jim Gasper, Kiona Benton Education Association
Leslie Bedke, Washington Education Association
Jeanie Tolcacher, Kiona Benton School District
Gladys Burbank, Washington Federation of State Employees
Herb Harris, Washington Federation of State Employees
Jennifer Swogger, Department of Social and Health Services
Peggy Pulse, Department of Social and Health Services

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held August 10, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 66 cases were filed in August, a few more than last year. The breakdown of these cases was: 16 mediation, 16 unfair labor practices, 11 representation, 7 panel, 6 grievance mediation, 3 settlement, 2 unit clarification, 2 nonassociation, 1 grievance arbitration, 1 IBB training, and 1 interest arbitration. Fifty-one cases were closed during the month. There were 397 cases open at the end of August. Few teacher mediation cases have been filed this year; Hoquiam School District filed for mediation yesterday. There are several classified school bargaining units in mediation.



2. There are two cases on the Red List (cases ready for decision more than 90 days). Both of these cases will issue today. There are five cases on the Yellow List (cases ready for decision 45 to 89 days). Two of these decisions are ready to issue.
3. The Commission was provided with the list of recent decisions issued by the agency.
4. Ms. Callahan introduced the newest Labor Relations Adjudicator/Mediator, Kristy Aravena, to the Commission and audience. Kristy comes to us from the Department of Commerce Human Resources. She received her M.S. degree in June.
5. Ms. Callahan reported two kudos, including a call from the Superintendent of the Ferndale School District, for Ken Latsch's assistance in helping the parties reach agreement.
6. Executive Director Callahan reported that Emily Martin settled a teacher mediation in the Darrington School District.
7. The Executive Director reported that the landlord has decided not to take the space in our Kirkland office. Because we were looking at this remodel for budget savings, we may renegotiate the lease or look elsewhere for office space. The current lease expires October 31, 2011.
8. Karyl Elinski's husband, Peter Harris, passed away on September 3. Our hearts go out to Karyl and her children.
9. Christy Yoshitomi welcomed a 10 lb. 8 oz. son named Kyle on September 11. Congratulations to Christy and Ken.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported on the following cases:

City of Seattle, Case 19522-U-05-4955. Oral arguments were originally scheduled for September 10, 2010, but have been postponed. We have not been advised of the new date.

State – Office of the Governor, Case 22289-U-09-5685. The trial regarding the Governor's responsibility to request a reopening of negotiations following the Office of Financial Management's decision to reject the previously negotiated tentative agreements due to financial feasibility is set for September 17, 2010.

Community Transit, Case 22100-U-08-5632. Trial is scheduled for January 21, 2011.

Seattle School District (Robert Femiano), Case 19944-U-05-5062 and 19945-U-05-5063. Mr. de la Rosa noted he has been notified that the case is going to mediation, but we are unsure about the process as we will not participate.

King County, Cases 22175-U-09-5658, 22176-U-09-5659, and 22177-U-09-5660. Mr. de la Rosa reported that a Motion to Consolidate these cases with *King County*, Case 22254-U-09-5697 has been filed by the parties in Thurston County Superior Court. The motion was heard on September 10, 2010.

Lewis County, Case 22922-A-09-1472. The employer has filed a Motion for Reconsideration and Motion to Vacate Arbitration Award in Thurston County Superior Court. The agency will be taking an active role in this case.

RULES ADOPTION

Executive Director Callahan introduced Dario de la Rosa and thanked him for working tirelessly on the rules process. Focus group meetings were held in Olympia on June 2 and 22. A meeting for public comment was held on August 24, also in Olympia. The proposed rules were posted on the agency website and e-mailed to the focus group members. The amendments are primarily of a housekeeping nature. Ms. Callahan thanked the Washington Public Employees Association, Washington Federation of State Employees, Public School Employees of Washington, and the Washington Education Association for participating in the focus group.

The proposed rules were processed individually by group. Each rule was read by title, comments were heard, discussion occurred, and the vote was taken.

The following rules were adopted and will go into effect on November 1, 2010:

Rules Governing Public Records Requests:

- WAC 391-08-800, WAC 391-08-830, WAC 391-08-840, WAC 391-08-850, WAC 391-08-860, WAC 391-08-870, WAC 391-08-880

Rules implementing Chapter 49.39 RCW (Symphony Musicians):

- WAC 391-08-001, WAC 391-25-002, WAC 391-35-002, WAC 391-45-002, WAC 391-55-002, WAC 391-65-002, WAC 391-95-002 (standardization)
- WAC 391-25-229 (financial information)
- WAC 391-25-299 (clarification needed)
- WAC 391-25-399 (cross-check)

Rules implementing RCW 41.56.510 (Language Access Providers):

- WAC 391-25-051

Rules implementing RCW 41.56.500 and RCW 28A.657.050 (Race to the Top):

- WAC 391-55-0715 and WAC 391-55-072 (mediation)
- WAC 391-55-201 and WAC 391-55-202 (certification of issues)
- WAC 391-55-302 (fact-findings not applicable)

Other Rules:

- WAC 391-25-030 (Certification of interest arbitration services as contract bar)
- WAC 391-25-030 and WAC 391-25-440 (certification bar; self-determination petitions)
- WAC 391-25-150 (amendment and withdrawal)
- WAC 391-25-450 (disclaimers)
- WAC 391-25-531 (RCW 41.56 election standards)
- WAC 391-45-310 (typographical error in existing rule)
- WAC 391-55-110 (membership panel)
- WAC 391-55-200 (certification of issues)

MOTION FOR TEMPORARY RELIEF

Kiona Benton School District, Case 23492-U-10-5990. Chairperson Sayan noted that this motion was filed on September 3, 2010, and the Commission has reviewed the matter. James Gasper, counsel for Kiona Benton Education Association, and Jeanie Tolcacher, counsel for the Kiona Benton School District, introduced themselves to the Commission. Ms. Tolcacher thanked the Commission for allowing her to participate via telephone. Comments were received from Mr. Gasper and Ms. Tolcacher. Rebuttal comments were also received. Following a short caucus, Commissioner McLane moved to deny the motion for temporary relief filed by the Kiona Benton Education Association, in large part because the union had failed to establish irreparable harm. The motion was seconded, and passed unanimously. Chairperson Sayan announced that a written order will issue shortly.

OTHER BUSINESS

The Commission reviewed and approved the applications of Pilar Vaile and Mark Brennan for the Dispute Resolution Panel. Another application will be held over until receipt of a properly filed letter of recommendation.

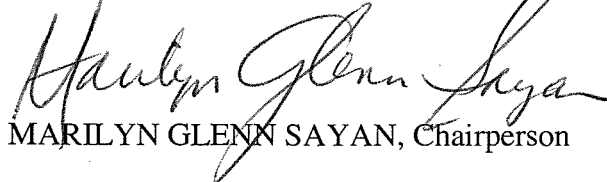
ADJOURNMENT

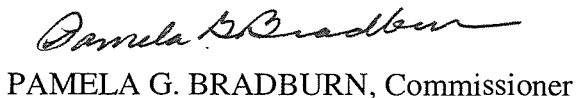
There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.


PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director



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MINUTES

October 5, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner, via telephone
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held September 14, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that September case filings were down for the month from August although staff is busy. There were 57 cases filed in September: 18 unfair labor practices, 17 mediations, 2 unit clarifications, 6 grievance mediations, 2 interest arbitrations, 2 panels, 6 settlements, and 4 trainings (usually IBB training). A few teacher mediations were filed. Sixty-seven cases were closed during the month. There were 397 cases open at the end of September.
2. There are two cases on the Red List (cases ready for decision more than 90 days). One of the cases will issue today. There are two cases on the Yellow List (cases ready for decision 45 to 89 days).



3. The Commission reviewed the list of recent decisions issued by the agency. The Unfair Labor Practice Manager issued a large number of decisions in September. Also issued were four Examiner decisions, two Executive Director decisions, and three Commission decisions.
4. A field staff meeting was held on September 21st. The morning session reviewed case handling issues and the agency budget. CPR and defibrillator training was conducted during the afternoon session. Support staff received the CPR and defibrillator training that morning.
5. Executive Director Callahan and management team members are working on a two-day unfair labor practice hearing training to be held in November of this year.
6. Ms. Callahan reported that the agency received good news from the Office of Financial Management (OFM). OFM granted an exception to our request for out-of-state travel. This exception allowed Labor Relations Adjudicator/Mediators Steve Irvin, Philip Huang, and Kristi Aravena to attend administrative hearings training at the National Judicial College from September 27 through October 7.
7. The Commission reviewed a tentative list of dates for their meetings in 2011. Two dates were changed. Subject to final review, the dates will now be provided to the Office of the Code Reviser for publication in the Washington State Register.

COMPLIANCE DOCKET

Griffin School District, Case 22170-U-08-5653. Compliance Officer David Gedrose reviewed this case which involved furlough days and backpay. Mr. Gedrose reported that the compliance process went smoothly and recommended acceptance of compliance in the matter. Following review of the documents, the Commission unanimously accepted compliance and the case will now be closed.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported on the following cases:

State – Office of the Governor, Case 22289-U-09-5685. The trial regarding the Governor's responsibility to request a reopening of negotiations following the Office of Financial Management's decision to reject the previously negotiated tentative agreements due to financial problems was held on September 17, 2010. Copies of Judge McPhee's Oral Opinion affirming the Commission were distributed to the Commissioners.

King County (Amalgamated Transit Union, Local 587), Case 22254-U-09-5669 and *King County (Technical Employees Association)*, Cases 22175-U-09-5658, 22176-U-09-5659, and 22177-U-09-5660. Thurston County Superior Court has consolidated these cases for trial. A status conference is scheduled for October 22, 2010. Trial is scheduled for January 21, 2011.

Lewis County, Case 22922-A-09-1472. Mr. de la Rosa reported that the employer filed a motion for voluntary dismissal in Thurston County Superior Court.

OTHER BUSINESS

The Commission reviewed and unanimously approved the application of Richard Humphreys for the Dispute Resolution Panel.

ADJOURNMENT


There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

November 9, 2010

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Public Employment Relations Commission Conference Room, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner, via telephone
Thomas W. McLane, Commissioner, via telephone
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Appeals Administrator

Also present and participating:

John Dryer, OFM Labor Relations Office

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held October 5, 2010, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that there were 68 cases filed in October: 16 unfair labor practices, 13 representation, 12 mediation, 8 panel, 6 settlement, 2 unit clarification, 5 grievance mediation, 2 interest arbitration, 2 grievance arbitration, 1 nonassociation, and 1 training (usually IBB training). Seventy-three (73) cases were closed during the month. There were 380 cases open at the end of October. Examiners are very busy. Ms. Callahan was asked if unfair labor practice cases share any common issues. She noted that many cases deal with unilateral changes and health benefits.
2. There is one case on the Red List (cases ready for decision more than 90 days) which is actively being worked on. There are six cases on the Yellow List (cases ready for decision 45 to 89 days). The University of Washington case has been deferred to the Department of Personnel concerning the civil service status of certain employees, and therefore is not properly included on our timeline until such time as the Department of Personnel makes a finding.



3. The Commission reviewed the list of recent decisions issued by the agency.
4. Ms. Callahan reported on two kudos received during the month of October:
 - Katrina Boedecker received a thank you note from Hoquiam School District Superintendent Mike Parker for her assistance in mediation with the Hoquiam Teachers Association.
 - The Executive Director received an e-mail message from the Specimen Processing Technicians at Harborview Medical Center thanking those responsible for moving the decision to issuance quickly.
5. Ms. Callahan also reported on the following personnel issues:
 - Labor Relations Adjudicator/Mediator J. Martin Smith has submitted his letter of resignation/retirement, effective December 31, 2010.
 - Field Services Manager Walter M. Stuteville has submitted his letter of resignation/retirement, effective December 31, 2010.
 - Christy Yoshitomi will replace Mr. Stuteville as Field Services Manager in the Kirkland office. Ms. Yoshitomi will return from maternity leave on December 9, 2010, and fully assume her new duties at the first of the new year.
6. Executive Director Callahan and management team members are working on a two-day unfair labor practice hearing training to be held November 15 and 16, 2010.
7. Ms. Callahan has been invited to attend the Washington Fire Chiefs "No Secrets" Joint Labor Management Conference in Yakima on November 17. This is the third year she has been invited to participate in the conference. As before, Ms. Callahan has been asked to provide a case update for attendees.
8. The Olympia office reception area is in the process of being remodeled for added security.
9. The Kirkland office will also be remodeled when the landlord takes back 40% of the space, leaving 8 offices, the conference room, and a kitchenette. The project is being finalized and construction will begin soon.

COMPLIANCE DOCKET

There were no cases to report at this meeting.

COURT DOCKET

Appeals Administrator Dario de la Rosa reported on the following cases:

State – Office of the Governor, Case 22289-U-09-5685. The final court order was signed October 30, 2010. The parties have 30 days to appeal from that date. Mr. de la Rosa is not aware of an appeal into the court system at this time. The case will remain on the agency court docket until we receive further information.

Seattle School District, Case 19945-U-05-5063. A non-jury trial held in King County Superior Court affirmed the Commission's decision. This case will remain on the agency court docket until the appeal period expires.

City of Mukilteo, Case 19591-U-05-4923. Mr. de la Rosa reported that, on reconsideration, the Court of Appeals reversed the King County Superior Court's decision and affirmed the Commission's original decision. The Court of Appeals' decision on reconsideration remains unpublished.

OTHER BUSINESS

OFM Labor Negotiator John Dryer attended the meeting. He informed the Commission that he will be leaving the OFM Labor Relations Office for a position with the City of Tacoma. Mr. Dryer thanked the Commission and the staff for their assistance and professional conduct during his tenure. Chairperson Sayan thanked him for attending Commission meetings. Executive Director Callahan thanked him as well and noted that it has been a pleasure to work with him.

ADJOURNMENT


There being nothing further to come before the Commission, the public meeting was adjourned.

COMMISSION DOCKET

Following adjournment, the Commission went into Executive Session to deliberate pending decisions on appeal.


PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


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ATTEST:


CATHLEEN CALLAHAN
Executive Director