



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 11, 2011

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
John Ochs, member of the public

MINUTES OF PREVIOUS MEETING

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

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 2010 was a busy year. A total of 767 cases were filed in 2010, down slightly from 773 cases filed in 2009, however, 39 more cases were assigned to field staff in 2010 than in 2009. Hearing cases totaled 540, as compared to 501 in 2009 and 418 in 2008, which shows that the staff has been very busy.

There were 53 cases filed in December: 13 unfair labor practice, 5 representation, 12 mediation, 2 panel, 8 settlement, 1 unit clarification, 8 grievance mediation, 2 interest arbitration, 1 nonassociation, and 2 training (usually IBB training). Fifty-three (53) cases were closed during the month. There were 378 cases open at the end of December.

2. There were six cases on the Red List (cases ready for decision more than 90 days). Ms. Callahan reported that most of these cases are in the final editing stage and will issue this week. There were eight cases on the Yellow List (cases ready for decision 45 to 89 days). A number of these cases are close to being issued or are in the editing stage. She emphasized that this pattern should not continue.
3. The Commission reviewed the list of recent decisions issued by the agency.
4. Ms. Callahan reported on construction in the agency's two offices. The Olympia office entry area remodel is complete with a new window added for security and visibility. Wire glass was replaced with clear glass throughout the Olympia office. The Kirkland office construction/remodel will begin soon. The agency will save \$32,000 during the biennium by relinquishing 40% of the space to the landlord. The agency will retain eight offices and a hearing room in Kirkland.
5. Ms. Callahan also reported on the following personnel issues:
 - Labor Relations Adjudicator/Mediator J. Martin Smith retired on December 31, 2010, after 26 years of service with the agency. Staff bid him a fond adieu on December 14th at our employee recognition day event held in the office.
 - Field Services Manager Walter M. Stuteville retired on December 31, 2010, after 25 years of service with the agency. Staff said farewell to him at a luncheon held in the Kirkland area in early January. Both gentlemen will be missed.
 - Christy Yoshitomi has replaced Mr. Stuteville as Field Services Manager in the Kirkland office. The positions previously held by Ms. Yoshitomi and Mr. Smith will remain vacant for now. We will see if the budget will allow us to fill the positions later this year. Although we have authorization to replace Mr. Smith, we will need to ask the Department of Personnel for permission to hire. The recruitment for the Field Services Manager position now occupied by Ms. Yoshitomi was posted internally and externally.
 - Field Services Manager Martha M. Nicoloff has announced that she will retire in May of this year. There will be a new recruitment for her position.
 - The Executive Director noted that costs related to the recent retirements have been incorporated into the agency's budget.
6. Ms. Callahan informed the Commissioners that she had received a beautiful thank you letter from Susan Stoner, General Counsel for the Amalgamated Transit Union, commending Claire Nickleberry for her "skillful combination of compassion and honesty" that brought about a satisfactory settlement in mediation with the City of North Bonneville.
7. On November 17, 2010, Ms. Callahan spoke at the Washington Fire Chiefs "No Secrets" Joint Labor Management Conference in Yakima. Ms. Callahan said she enjoys attending this conference, and that it is interesting to hear the Fire Chiefs and the International Association of Fire Fighters' representatives share their success stories concerning joint labor-management collaboration. This is the third year Ms. Callahan has been invited to participate in the conference.

8. Ms. Callahan reported that the proposed budget includes a 3% cut that will be implemented for unrepresented state employees, including employees of this agency. If enacted, the cut will require each employee to take 5.2 hours per month without pay. Agencies will have discretion on how this leave can be taken, although PERC, upon consultation with the staff, will adopt a common policy.

COMPLIANCE DOCKET

Compliance Officer David I. Gedrose reviewed the following matters:

Wapato School District, Case 22735-U-09-5811 will be held over to another meeting.

Touchet School District, Case 22755-U-09-5819. Compliance Officer David Gedrose reviewed the case and reported that the tender of compliance in the matter was complete 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.

City of Tukwila, Case 22646-U-09-5791. Mr. Gedrose reported that posting of the notice, reading of the notice into the minutes of the city council meeting, and restoration of the shift work was complete and recommended acceptance of compliance in this case. 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:

City of Mukilteo, Case 19591-U-05-4923. In November, Mr. de la Rosa reported that the Court of Appeals decision reversed the King County Superior Court's decision in this matter. A request to publish was denied on December 18, 2010. This case will remain on the docket for one more month to monitor further appeal.

City of Seattle, Case 19522-U-05-4955. Mr. de la Rosa reported that oral arguments have been heard in this case.

State – Office of the Governor, Case 22289-U-09-5685. Mr. de la Rosa reported that the Thurston County Superior Court decision affirmed the Commission's decision. There has been no subsequent appeal. The case will now be closed.

Everett Community College, Case 21765-E-08-3367. The employer has appealed the case to Snohomish County Superior Court. The union has not filed an appeal. The agency will not take an active role in this case.

Omak School District, Case 22614-U-09-5783. The employer has appealed the case to Thurston County Superior 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
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MINUTES

February 8, 2011

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

Also present and participating:

Peggy Pulse, Department of Social and Health Services
Jennifer Swogger, Department of Social and Health Services

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held January 11, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported there were 60 cases filed during the month of January 2011, which was down a bit from the previous year. Of those 60 filings, there were 17 unfair labor practice cases, of which many are incredibly complex, and 14 mediation cases. A total of 375 cases were open at the end of January. February filings are brisk.
2. There were six cases on the Red List (cases ready for decision more than 90 days). Ms. Callahan reported that all of these cases are in the final editing stage. There were five cases on the Yellow List (cases ready for decision 45 to 89 days).



3. Peggy Pulse, Labor Relations Specialist for the Department of Social and Health Services, asked how to expedite a case. Ms. Callahan responded that a party can request expedited processing when the case is filed or when a party believes that it is necessary.
4. Ms. Callahan reported that she and Diane Tucker attended the quarterly budget meeting with Small Agency Accounting Services. The agency budget is tight, but we are surviving.
5. Ms. Callahan and Diane Tucker met with Representative Luis Moscoso on February 7, 2011. Representative Moscoso is assigned to the General Government Appropriations and Oversight Committee. The meeting was for the purpose of reviewing the agency's budget. Ms. Callahan reported that it was a positive and productive meeting. Representative Moscoso was informed of our cost saving measures that included everything from staff reductions to paper saving.
6. The Commission reviewed the list of recent decisions issued by the agency.

LEGISLATIVE UPDATE

Executive Director Callahan reported that she and Dario de la Rosa continue to work on legislation and fiscal notes for the Legislature. They have filed approximately 30 fiscal notes which take huge volumes of time to prepare.

Ms. Callahan reviewed the following legislation:

House Bill 1127 Requires bargaining units to be consolidated when the employer and the certified exclusive bargaining representative of the units agree to the consolidation.

House Bill 1291/Senate Bill 5368 Move Department of Corrections employees to Chapter 41.56 RCW and provides all Corrections employees with interest arbitration.

House Bill 1377 Requires interest arbitrators to be members of NAA, AAA or FMCS, and have eight hours of training in public sector finance and budget with PERC developing or certifying training programs in consolidation with labor and management. Interest arbitrators must be geographically located in the northwest.

House Bill 1511/Senate Bill 5405 Abolish the Marine Employees' Commission and transfers marine employees to PERC.

House Bill 1546 Creates Innovative School Zones. PERC's responsibility would be to mediate waivers of collective bargaining agreements and hold elections for employees of "zones" to determine whether they wish to be separated from their bargaining units.

House Bill 1665/Senate Bill 5614 Release University of Washington from the control of the Office of Financial Management, so their funding stream, if less than 10K, is not bound by OFM Director.

House Bill 1720/Senate Bill 5503 Create the Department of Enterprise Services and requires PERC to review incoming units and to modify or hold elections, if necessary, by 1/1/2012.

House Bill 1736/Senate Bill 5606 Move campus police to coverage under Chapter 41.56 RCW and provides interest arbitration.

House Bill 1958/Senate Bill 5557 Create the Office of Civil Rights, consolidating the commissions of Human Rights, African-American Affairs, Asian Pacific American Affairs, Hispanic Affairs, and the Office of Minority and Women's Business Enterprises.

House Bill 1850/Senate Bill 5669 Consolidate Fish & Wildlife, Natural Resources, and Parks & Recreation. We would be required to review incoming units and modify and hold elections, if necessary.

COMPLIANCE DOCKET

There were no cases to report at this meeting.

COURT DOCKET

Appeals Administrator Dario de la Rosa said seven cases have been appealed to court. Status was reported on the following cases:

City of Mukilteo, Case 19591-U-05-4923. Mr. de la Rosa reported that Teamsters, Local 763 has appealed the Court of Appeals' decision in this matter to the Washington State Supreme Court. The decision issued by the Court of Appeals is unpublished. Mr. de la Rosa will continue to monitor this case.

Community Transit, Case 22100-U-08-5632. Mr. de la Rosa reported that argument was heard in Thurston County Superior Court on January 21, 2011. The parties are awaiting a written decision from Judge McPhee.

There have been no changes to the remaining cases.

OTHER BUSINESS

Peggy Pulse asked about the process for our staff to assist the agencies with issues early on rather than after filing a case. Ms. Callahan encouraged the agencies to call our office and talk to a staff member about specific issues at any time.

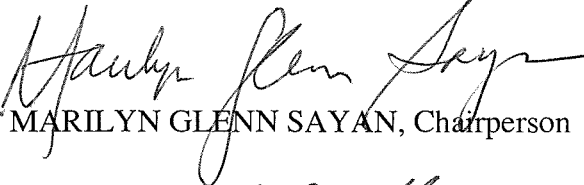
ADJOURNMENT

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 8, 2011

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

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held February 8, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported there were 54 cases filed during the month of February 2011, as compared to 66 cases filed in 2010. Of those, there were 16 unfair labor practice cases, 10 mediation cases, 6 grievance mediation cases, and 8 representation cases. The "T" case on the list reflects that a staff Labor Relations Adjudicator/Mediator was assigned as interest arbitrator. The trend is that unfair labor practice cases are extremely difficult. There were 57 cases closed during the month. A total of 361 cases were open at the end of February.
2. The Commission reviewed the list of recent decisions issued by the agency. Ms. Callahan reported that the Seattle School District decision issued the previous day will be added to the list on the agency website.

3. There were four cases on the Red List (cases ready for decision more than 90 days). All are being edited at this time. There were nine cases on the Yellow List (cases ready for decision 45 to 89 days).

4. Outreach:

- Ms. Callahan will attend Arbitrator's Day in Portland on Monday, March 14, 2011.
- Claire Nickleberry and Jamie Siegel will conduct Collective Bargaining 101 training in Everett on March 23, 2011.
- The Labor and Employment Relations (LERA) Collective Bargaining and Arbitration Conference is scheduled for April 14 and 15, 2011 at the Washington State convention Center in Seattle. Chairperson Sayan and Commissioner Bradburn will attend.

LEGISLATIVE UPDATE

Ms. Callahan reviewed the pending legislation, as updated by Dario de la Rosa. The following bills of interest are still alive:

House Bill 1127 Requires bargaining units to be consolidated when the employer and the certified exclusive bargaining representative of the units agree to the consolidation.

House Bill 1291/Senate Bill 5368 Move Department of Corrections employees to Chapter 41.56 RCW and provides all Corrections employees with interest arbitration.

House Bill 1503 Authorizes additional compensation to academic employees at community and technical colleges.

House Bill 1511/Senate Bill 5405 Abolish the Marine Employees' Commission and transfers marine employees to PERC and contains other collective bargaining provisions.

House Bill 1512/Senate Bill 5408 Abolish the Marine Employees' Commission and transfers marine employees to PERC and contains other collective bargaining provisions.

House Bill 1546 Creates Innovative School Zones. PERC's responsibility would be to mediate waivers of collective bargaining agreements and hold elections for employees of "zones" to determine whether they wish to be separated from their bargaining units.

House Bill 1631 provides consistent and predictable funding of academic employee salary increments for qualifying two-year college academic employees.

House Bill 1665/Senate Bill 5614 Release University of Washington from the control of the Office of Financial Management, so their funding stream, if less than 10K, is not bound by OFM Director.

House Bill 1720 Creates the Department of Enterprise Services and requires PERC to review incoming units and to modify or hold elections, if necessary, by 1/1/2012.

House Bill 1736/Senate Bill 5606 Move campus police to coverage under Chapter 41.56 RCW and provides interest arbitration.

Senate Bill 1841 Creates the Office of the Chief Information Officer, consolidating the Office of Financial Management and the Department of Personnel.

House Bill 1958/Senate Bill 5557 Create the Office of Civil Rights, consolidating the commissions of Human Rights, African-American Affairs, Asian Pacific American Affairs, Hispanic Affairs, and the Office of Minority and Women's Business Enterprises.

Substitute Senate Bill 5669 Creates the Department of Conservation and Recreation to consolidate the Fish & Wildlife, Natural Resources, and Parks & Recreation agencies. PERC would be required to review incoming units and modify and hold elections, if necessary.

COMPLIANCE DOCKET

State – Office of the Governor, Cases 22289-U-09-5685 and 22298-U-09-5687. Compliance Officer David Gedrose reviewed the compliance process and reported that all conditions have been met. The Commission accepted compliance, and the cases will now be closed.

There were no other cases to report at this meeting.

COURT DOCKET

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

City of Seattle, Case 19522-U-05-4955. The Decision of the Commission, Decision 9526-A (PECB, 2009), has been affirmed by the Court of Appeals, Division 1.

South Whidbey School District, Cases 23511-U-10-5993 and 23680-U-10-6040 have been appealed to Island County Superior Court. Assistant Attorney General Spencer Daniels will represent the agency in this case.

Mr. de la Rosa reported on a Court of Appeals, Division III case involving Wenatchee Valley College.

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
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MINUTES

April 12, 2011

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:

Jamie Mullenix, Washington State Health Care Authority

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held March 8, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported there were 78 cases filed during the month of March 2011, compared to 68 cases filed in March 2010. Of those, there were 25 unfair labor practice cases, 17 mediation cases, 9 grievance mediation cases, and 9 representation cases. There were 62 cases closed during the month, compared to 89 closed in March 2010. A total of 376 cases were open at the end of March, which is a relatively stable number.

It was noted that the unfair labor practice cases being filed are complex and unique. Recent mediation cases tend to be very difficult due to economic struggles. Case assignments are spread across the state and staff are travelling a great deal.

2. There were nine cases on the Red List (cases ready for decision more than 90 days). Ms. Callahan noted that she would like to see this list shorter. Two of these cases are near issuance and a number of others are being edited. There were three 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. Ms. Callahan reported that this list is up to date with the exception of a King County representation case that was issued the previous day.
4. Outreach:
 - The Labor and Employment Relations Association (LERA) Collective Bargaining Conference will be held this Thursday and Friday, April 14 and 15, in Seattle. Over 400 have registered for the event. Most of the agency's professional staff will be working at the conference. Staff will not be reimbursed for any travel expenses, lodging or per diem. Ms. Callahan offered her thanks to conference committee members Christy Yoshitomi, Lisa Hartrich, and Guy Coss. Additional thanks go to Joye Rolfer, Mitch Nelson, and Robbie Duffield.
 - Emily Martin and Jamie Siegel conducted Collective Bargaining 101 training in Everett on March 23, 2011. Ms. Callahan reported they did an excellent job and offered a personal thank you to both presenters.
 - A Washington Education Association panel of representatives gave a presentation to Labor Relations Adjudicator/Mediator staff regarding mediation on March 28, 2011.
 - Ms. Callahan attended Arbitrator's Day in Portland on Monday, March 14, 2011.
 - The Association of Washington Cities will hold their annual Labor Relations Institute in Yakima. Ms. Callahan has been invited to speak at a pre-conference event on May 11.
5. Executive Director Callahan announced the agency is recruiting for an LRAM 3 position. This is a team leader position to replace Martha Nicoloff, who still intends to retire at the end of May.
6. The Commission reviewed an email from the Auburn Education Association and Auburn School District jointly praising Joel Greene and Jamie Siegel for their excellent work as facilitators for their labor management meetings.

LEGISLATIVE UPDATE

Ms. Callahan reported that, except for legislation necessary to implement the budget, today is the last day to consider bills from the other houses.

House Bill 1127 Requires bargaining units to be consolidated when the employer and the certified exclusive bargaining representative of the units agree to the consolidation. This bill is expected to pass the Senate with compromise language.

House Bill 1291/Senate Bill 5368 Move Department of Corrections employees to Chapter 41.56 RCW and provides all Corrections employees with interest arbitration.

House Bill 1516 Prevents Washington Management Service ferry captains from being represented for collective bargaining. These positions can only bargain

the same terms and conditions as Chapter 41.80 RCW employees. This bill has passed the Senate.

House Bill 5742 Abolishes the Marine Employees' Commission and transfers funding to PERC.

House Bill 2011 Would move all Corrections employees from Chapter 41.80 RCW to Chapter 41.56 RCW and provide them with interest arbitration. This bill is dead.

Budget The House and Senate have proposed budgets which contain nothing unexpected for PERC's budget, but both include 3% pay cuts for state employees effective 7/1/2011.

Other legislation, such as agency consolidations that would require PERC to review bargaining units upon mergers of state agencies, is still alive.

Executive Director Callahan thanked Dario de la Rosa for his assistance during the legislative session. This year has been particularly demanding.

COMPLIANCE DOCKET

Wenatchee Valley College, Case 22148-U-08-5646. Compliance Officer David Gedrose reviewed the case. The employer complied promptly and the union has agreed that all conditions of compliance have been met. The Commission accepted compliance, and the case will now be closed.

City of Benton City, Case 23139-U-10-5892. Mr. Gedrose reported that an issue delayed the compliance process, but phone conversations between the parties resolved the issue. All conditions of compliance have been met. The Commission accepted compliance, and the case will now be closed.

City of Brewster, Case 23486-U-10-5986. Mr. Gedrose reported that the posting of the notice and reading of the notice into the minutes have been completed. The union is satisfied that all conditions of compliance have been met. The Commission accepted compliance, and the case will now be closed.

There were no other cases to report at this meeting. The Commission thanked Mr. Gedrose for monitoring the cases and his report.

COURT DOCKET

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

City of Mukilteo, Case 19391-U-05-4923. The union appealed this case to the Supreme Court. A hearing is scheduled for April 26, 2011.

City of Seattle, Case 19522-U-05-4955. Mr. de la Rosa reported that the union has appealed the case to the Supreme Court. The Decision of the Commission, Decision 9526-A (PECB, 2009), has been affirmed by the Court of Appeals, Division 1.

Community Transit, Case 22100-U-08-5632. We are awaiting the court's decision regarding interest arbitration provisions.

King County, Cases 22175-U-09-5658, 22176-U-09-5659, 22177-U-09-5660, and 22254-U-09-5679. The hearing is scheduled for April 22, 2011, in Thurston County Superior Court.

South Whidbey School District (Eric Hood), Cases 23511-U-10-5993 and 23680-U-10-6040. Island County Superior Court has dismissed the appeal on a failure to serve issue filed by the employer. These cases will now be closed.

University of Washington, Case 21681-U-08-5529. This employer has been appealed the case to King County Superior Court.

ADJOURNMENT

The Commission changed the date of their June meeting from June 21 to June 10. The Code Reviser will be notified.


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

May 17, 2011

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 201, 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

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held April 12, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported there were 50 cases filed during the month of April 2011, compared to 54 cases filed in April 2010. Of those, there were 18 unfair labor practice cases, 9 mediation cases, and 8 grievance mediation cases. There were 53 cases closed during the month, compared to 51 closed in April 2010. A total of 374 cases were open at the end of April, which is a relatively stable number. Commission Bradburn commented that she appreciated the year-to-date totals provided for docketed cases.
2. There were four cases on the Red List (cases ready for decision more than 90 days). Ms. Callahan noted this is much improved. Of these four cases, two are close to being issued and two involve huge records to be reviewed. There were three cases on the Yellow List (cases ready for decision 45 to 89 days), although one decision was issued the previous day. The remaining two cases are in progress.
3. The Commission reviewed the list of recent decisions issued by the agency.
4. Ms. Callahan and the Commission reviewed a thank you to Steve Irvin for his assistance in reaching settlement of a grievance in Chelan County.

5. Labor and Employment Relations Association (LERA) Collective Bargaining Conference was held Thursday and Friday, April 14 and 15, in Seattle. Over 450 attended the conference.
 - The Executive Director thanked committee members Christy Yoshitomi, Lisa Hartrich, and Guy Coss for their dedicated involvement in the conference.
 - Thanks go to Joye Rolfer, Mitch Nelson, and Robbie Duffield for their assistance.
 - Thanks go to Ken Latsch, Karyl Elinski, and Claire Nickleberry for being speakers.
 - And thanks to staff who served as room monitors throughout the conference.
6. The All Staff Meeting scheduled for May 25th will involve defensive driving training by the Washington State Patrol in the morning. Safety issues and budget information will be reviewed in the afternoon.
7. The Executive Director reported that the agency budget at the end of this fiscal year is better than expected. As a result, training money has been reinstated, as budget allows.
8. Martha Nicoloff has delayed her retirement until June 15, 2011. A farewell gathering will be held for Martha on June 18th at 2:00 p.m.
9. Ms. Callahan reported that the agency is still recruiting for Martha Nicoloff's position. The agency is also recruiting for one Labor Relations Adjudicator/Mediator 1. This recruitment will be open until filled.
10. Outreach:
 - Ms. Callahan spoke to the Association of Washington Cities at a pre-conference session in Pasco on Wednesday, May 11th.
 - Executive Director Callahan will speak at the Executive Assistants Group Spring Conference on Friday, May 20th.
 - On Wednesday, May 26th, Ms. Callahan will speak at the Washington Fire Chiefs Annual Conference in Spokane.
11. The Executive Director reported that the appointment of Commissioner McLane, from Spokane, has been confirmed by the Senate. Chairperson Sayan and Commissioner Bradburn commented that they appreciate having Mr. McLane on the Commission.

LEGISLATIVE UPDATE

Ms. Callahan reported on the following legislation:

- SB 5931 - Creation of the Department of Enterprise Services, consolidating the Department of General Administration, Office of Financial Management, and the Department of Personnel, appears to be moving towards passage.
- SB – 5742 - The Marine Employees' Commission may be abolished and moved under the Public Employment Relations Commission.

COMPLIANCE DOCKET

There were no cases to report on the Compliance Docket.

COURT DOCKET

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

City of Mukilteo, Case 19391-U-05-4923. The Washington State Supreme Court denied review of the Court of Appeals' unpublished decision. The Commission decision will stand as the final decision.

Community Transit, Case 22100-U-08-5632. We are awaiting the court's decision regarding interest arbitration provisions.

King County, Cases 22175-U-09-5658, 22176-U-09-5659, 22177-U-09-5660, and 22254-U-09-5679. The hearing scheduled for April 22, 2011 in Thurston County Superior Court was postponed.

ADJOURNMENT

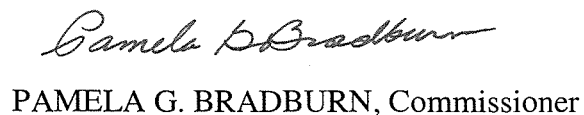
There being nothing further to come before the Commission, the public meeting was adjourned.

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 10, 2011

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

Also present and participating:

Herb Harris, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held May 17, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported there were 64 cases filed during the month of May 2011, compared to 55 cases filed in May 2010. Of those, there were 21 mediation cases and 19 unfair labor practice cases. There were 69 cases closed during the month, compared to 68 closed in May 2010. A total of 369 cases were open at the end of May.
2. The two cases on the Red List (cases ready for decision more than 90 days) have enormous records that were developed after multiple days of hearing. There were five cases on the Yellow List (cases ready for decision 45 to 89 days), of which two will be issued soon. The Commission was pleased with the improvement on both lists.
3. The Commission reviewed the list of recent decisions issued by the agency.



4. Outreach:

- May 20, 2011, Ms. Callahan spoke to the Executive Assistants Group Spring Conference.
 - May 22, 2011, Ms. Callahan spoke to a group of parents and teachers called Stand for Children.
 - May 24, 2011, Ms. Callahan spoke to a group of newer fire chiefs in Spokane at the Washington Fire Chiefs Annual Conference.
5. The Commission reviewed an e-mail message from Shane Esquibel, OFM Labor Relations Office attorney, thanking Steve Irvin for his assistance in settlement mediation involving the State of Washington and the Washington Federation of State Employees regarding furlough days.
6. Today is the last furlough day of the biennium for those agencies involved.
7. The Executive Director reported that staff received defensive driving training at the May 25th All Staff Meeting. Training was provided by the Washington State Patrol.

LEGISLATIVE UPDATE

1. The Executive Director reported that Senate Bill 5742 abolishing the Marine Employees' Commission (MEC) and creating a marine division within the Public Employment Relations Commission has been signed by the Governor. Ms. Callahan will be busy determining the mechanics of holding an election for all captains in August. Executive Director Callahan will be meeting with MEC staff on Tuesday. She will also make time for outreach with MEC clientele.

The function of the MEC Commissioners will be to hear appeals of their cases until the MEC is completely dissolved in 2013. Ms. Callahan and Dario de la Rosa will begin drafting emergency rules right away.

The three PERC Commissioners retain jurisdiction over the agency and hiring of the Executive Director. John Swanson has resigned from the MEC effective with the appointment of a new Commissioner.

2. Ms. Callahan reported Senate Bill 5931, the legislation creating the Department of Enterprise Services combining the Departments of Personnel, General Administration, and Office of Financial Management, is alive but not signed.

COMPLIANCE DOCKET

There were no cases to report on the Compliance Docket.

COURT DOCKET

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

Community Transit, Case 22100-U-08-5632. We are awaiting the Thurston County Superior Court's decision regarding interest arbitration provisions. The hearing was held in January.

King County, Cases 22175-U-09-5658, 22176-U-09-5659, 22177-U-09-5660, and 22254-U-09-5679. We are still awaiting the Court's decision in Thurston County Superior Court. The hearing was held in April.

Vancouver School District, Case 22393-U-09-5715. The Vancouver Education Association appealed this case to Thurston County Superior Court.

OTHER BUSINESS

The Commission unanimously authorized Executive Director Callahan and Chairperson Marilyn Glenn Sayan to attend the 2011 Association of Labor Relations Agencies Conference in Jersey City, New Jersey.

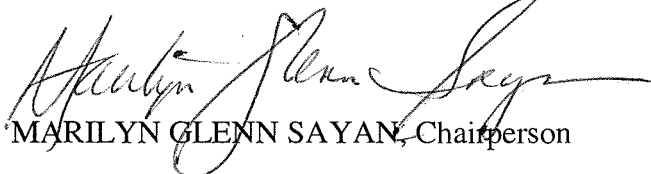
ADJOURNMENT

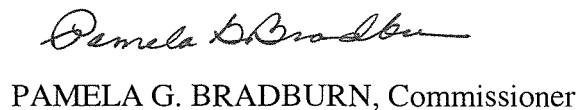
There being nothing further to come before the Commission, the public meeting was adjourned.

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
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MINUTES

July 12, 2011

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
John Cox, Commissioner, Marine Division
Mark Brennan, Commissioner, Marine Division
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
Glenn Frye, OFM Labor Relations Office

Commissioner Thomas M. McLane was unable to attend this meeting.

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held June 10, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan welcomed Marine Division Commissioners John Cox and Mark Brennan to the meeting.
2. Executive Director Callahan reported there were 66 cases filed during the month of June 2011, compared to 73 cases filed in June 2010. Of those, there were 19 unfair labor practice cases, 10 settlement cases, and 9 mediation cases. There were 61 cases closed during the month, compared to 71 closed in June 2010. A total of 374 cases were open at the end of June.

3. Ms. Callahan reported that pending cases from the Marine Employees' Commission (MEC) are being redocketed with PERC case numbers and integrated into the agency case load. There are approximately seven active cases and two cases in court; one of these cases may be withdrawn. Ms. Callahan has been sending e-mails to the parties in each case prior to docketing. She thanked Unfair Labor Practice Manager David Gedrose for doing the initial screening process on these cases.

Executive Director Callahan noted that the space previously occupied by the MEC at the Evergreen Plaza Building has been vacated, except for a copier that we are still deciding whether or not to keep.

We have preserved the MEC website and are paying for three months to retain it until we get that information integrated with the PERC website. Messages regarding the change are on both websites and Ms. Callahan is updating the Director's Corner today with a letter to ferry employees, unions, and the Washington State Ferries.

Ms. Callahan has met with Commissioners Cox and Brennan and has spoken numerous times with former Commissioner Swanson. She has met with representatives of the three shipboard unions and their legal counsel, and with the State Labor Relations Office, Attorney General's Office, and Department of Transportation labor relations staff that represent the ferry system. Meetings with other ferry unions and Washington State Ferries management will be scheduled soon. All meetings have been productive and helpful in terms of smoothing the way towards a successful transition.

The Executive Director hopes to put together a training session this fall for PERC staff that will be a joint effort of ferry unions and management. MEC Commission meetings will continue, most likely on a bi-monthly basis. Ms. Callahan will work with the two Commissioners on scheduling the meetings.

Dario de la Rosa has assisted in drafting emergency rules for the MEC which will be presented later in this meeting. These rules have been shared with both labor and management, and Ms. Callahan thanked Commissioner Brennan in particular for his input.

4. The Red List (cases ready for decision more than 90 days) was reviewed. There are five cases on the list, of which two cases have enormous records and many issues. Two other cases are in the decision editing stage. There are three cases on the Yellow List (cases ready for decision 45 to 89 days), of which one is before the Executive Director.
5. The Commission reviewed the list of all recent decisions issued by the agency. Three Commission decisions were issued recently, as were two decisions by the Executive Director.
6. Joel Greene is currently acting as Team Leader in the position Martha Nicoloff held until her retirement in June. Joel's appointment is an interim appointment for six months.
7. Recruitment: There were 53 applicants for LRAM 1 and 2; 15 individuals are being tested. The Team Leader and LRAM positions remain open. The "E" and "C" Case Coordinator position has been posted internally, and is due to close tomorrow.

8. Steve Irvin received a compliment from Paige Dietrich, head of the Attorney General's Labor and Employment Division, in recognition of his work on a recent unfair labor practice settlement mediation involving the state and Washington Federation of State Employees. Gladys Burbank commented that his assistance was appreciated.
9. The Executive Director presented a revised Notice to Employees for Commission review. The notice was changed after Ms. Callahan arrived. It has recently been revised by a group of LRAMs, including Jessica Bradley, Charity Atchison, and Mark Downing. Feedback was also received from approximately 10 other individuals. The Commission approved the new format and thanked the staff for their time and efforts in revising the notice.
10. Commissioner Cox announced that Governor Gregoire has accepted Chairperson Swanson's resignation from the Marine Employees' Commission.

EMERGENCY RULES ADOPTION

Dario de la Rosa introduced the emergency rules drafted to implement ESSB 5742. Each chapter was reviewed individually and questions, if any, were answered. Mr. de la Rosa also requested that Title 316 WAC be repealed.

Following review, Commissioner Bradburn moved to adopt the emergency rule amendments reviewed by Mr. de la Rosa for Chapters 391-08, 391-25, 391-35, 391-45, 391-55, 391-65, and 391-95 WAC, to repeal Chapter 316 WAC, and to adopt WAC 391-95-002, effective upon filing with the Code Reviser. Commissioner Bradburn's motion was seconded and passed. Chairperson Sayan announced that prior to the Commission's adoption of these rules on a permanent basis, a Focus Group will be formed and clientele will be able to comment. Final recommendations will be submitted to the Commission for adoption in three to four months.

COMPLIANCE DOCKET

Compliance Officer David I. Gedrose reported on the following case:

State – DSHS, Case 23154-U-10-5893. Mr. Gedrose noted that this case involved the Washington State Patrol investigation agents at the Department of Social and Health Services. There were no issues involving posting of the notice for the investigators. Posting of the notice was done throughout the agency and was taken seriously. Mr. Gedrose recommended acceptance of compliance in the matter. Commissioner Bradburn moved to accept compliance and Chairperson Sayan seconded the motion. The case will now be closed.

There were no other cases to report on the Compliance Docket.

COURT DOCKET

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

Toppenish School District, Cases 22083-C-08-1388 and 22288-C-09-1398. Mr. de la Rosa reported that these consolidated cases have been appealed to Thurston County Superior Court.

The list of pending court cases was reviewed for 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

ATTEST:


CATHLEEN CALLAHAN
Executive Director



STATE OF WASHINGTON
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MINUTES

August 9, 2011

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

Also present and participating:

Herb Harris, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held July 12, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 73 cases were filed during the month of July 2011, compared to 90 cases filed in June 2010. The number of mediation cases filed continues to out-number the number of unfair labor practice cases filed. A total of 445 cases have been filed year-to-date, compared to 473 in 2010. There were 64 cases closed during the month of July.
2. The ballot count for the Washington State Ferries captains (supervisors) will be held August 11, 2011. No new unfair labor practice cases involving the ferries have been filed. All open cases transferred from the former Marine Employees' Commission (MEC) have been docketed and integrated as PERC cases and have been assigned to staff. New cases will be docketed and treated as PERC cases under our rules. One of the cases previously appealed to court has been withdrawn. Commissioner Bradburn commended Ms. Callahan for the time she used to transition the MEC clientele and caseload. Ms. Callahan will meet with



representatives of the Washington State Ferries staff and non-shipboard unions in the near future.

3. The Red List (cases ready for decision more than 90 days) was reviewed. There are five cases on the list, of which one case will issue this week and two cases are in the editing process involving lengthy decisions. There are four cases on the Yellow List (cases ready for decision 45 to 89 days). This list should look better in September.
4. The Commission reviewed the list of all recent decisions issued by the agency. The Commission issued multiple decisions in July, as did the Executive Director in June.
5. Executive Director Callahan announced that she will retire at the end of this year.
6. Ms. Callahan announced that Appeal Administrator Dario de la Rosa has been selected to fill a newly created position of E and C Case Coordinator. This position will ultimately take on the duties of Representation Coordinator Sally Iverson, however, Mr. de la Rosa will also hold hearings and act as first line editor of executive director decisions. This will ensure consistency in decision writing and will lighten the load of the next executive director. The Commission congratulated Mr. de la Rosa on his new position.
7. There was one excellent applicant for the Appeals Administrator position. The Commission will interview the applicant soon.
8. There were 62 applicants for LRAM 1 and 2. Twenty (20) individuals have been tested and those exams are being graded. Mark Downing, Christy Yoshitomi, and Cathy Callahan will interview the applicants who do well on the exam.
9. OUTREACH: Ms. Callahan spoke to the Tacoma Chapter of Stand for Children last evening. She will address the Washington Public Employer Labor Relations Association in September at Bremerton.
10. Ms. Callahan is arranging for training in October on marine cases for our staff. Hopefully this will be a joint training by unions and management regarding ferry operations, structure of personnel, issues unique to ferry contracts, etc. Executive Director Callahan has a meeting with ferry management on September 6 in Seattle.
11. The news regarding the state budget is grim. Agencies have been asked to prepare for additional 5% and 10% cuts. PERC is 60% dependent on the General Fund, 37% from Department of Personnel, and 3% from higher education.
12. Ms. Callahan met with OFM and will submit a supplemental budget request to cover Marine Employees' Commission expenses, including the remainder of the MEC lease at Evergreen Plaza, a copy machine, and the MEC Commissioners' compensation. Ms. Callahan and Diane Tucker will meet with Small Agency Accounting and a Fiscal Analyst at OFM.
13. The application of Starr Knutson was reviewed by the Commission and approved for addition to the Dispute Resolution Panel.

COMPLIANCE DOCKET

There were no cases to report.

COURT DOCKET

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

City of Seattle, Case 19522-U-05-4955. Mr. de la Rosa reported that we should know, possibly today, if the Washington State Supreme Court has accepted this case.

Washington State Ferries, Case 24127-G-11-585. The Marine Employees' Commission issued an arbitration award in this matter, including the award of attorneys' fees. The employer appealed the case, although the Thurston County Superior Court dismissed the matter. The employer has now appealed to the Court of Appeals.

Community Transit, Case 22100-U-08-5632. Mr. de la Rosa reported that, although the Thurston County Superior Court issued its opinion, the employer has appealed to the Court of Appeals.

King County, Cases 22175-U-09-5658, 22176-U-09-5659, 22177-U-09-5660, and 22254-U-09-5679. The Thurston County Superior Court affirmed the Decision of Commission on July 27, 2011. We will wait to see if the case is appealed.

Washington State Ferries, Case 24172-G-11-592. The parties were in dispute over the issues to be certified to interest arbitration. The MEC issued a certification of issues and the employer appealed Thurston County Superior Court. The parties voluntarily withdrew their appeal on July 28, 2011.

Omak School District, Case 22614-U-09-5783. This case was heard in Thurston County Superior Court on July 8, 2011. No order has been received.

Yakima County, Case 21632-U-08-5519. Trial is set for September 9, 2011.

State – Corrections, Case 22847-U-09-5832. This case was appealed to Pierce County Superior Court on July 13, 2011.

University of Washington, Case 21681-U-08-5529. This case will be heard in King County Superior Court on October 31, 2011.

The list of pending court cases was reviewed for 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



STATE OF WASHINGTON
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MINUTES

September 13, 2011

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 201, Kirkland, 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 (outgoing)
Charity Atchison, Appeals Administrator (incoming)

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held August 9, 2011, were adopted as presented.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 59 cases were filed during the month of August 2011. The highest number of filings by case type were 18 mediation cases and 19 unfair labor practice cases. Although the total number of cases filed for the month was lower, the cases filed are more complex. There were 44 cases closed during the month of August. There were 397 pending cases at the end of August.

Ms. Callahan reported that the high volume of teacher mediation cases was not anticipated. The Tacoma School District remains on strike today. All staff members are very busy.

2. The Red List (cases ready for decision more than 90 days) was reviewed. There were three cases on the list. There were five cases on the Yellow List (cases ready for decision 45 to 89 days).
3. The Commission reviewed the list of all recent decisions issued by the agency.

4. OUTREACH: Ms. Callahan will attend the Washington Public Employer Labor Relations Association (WAPELRA) Conference in Bremerton on September 23, 2011, to participate in a panel entitled *Changing the Landscape of Labor Relations Law*.
5. The revenue forecast is due to issue this week. A supplemental budget request will be filed to cover Marine Employees' Commission expenses. Agencies have been asked to prepare 5% and 10% budget scenarios to cover possible future budget reductions.
6. Ms. Callahan reported that the LRAM hiring process is going well because of a talented applicant pool.
7. The Marine Employees' Commission meeting scheduled for September 23, 2011, will be held on September 30, 2011, in Seattle. Commissioner Cox requested the date be changed.
8. The Commission reviewed and approved the application of Susan Bauman for the Dispute Resolution panel.

COMPLIANCE DOCKET

City of Yakima, Case 21562-U-08-5494 was held over until the October meeting.

There were no other cases to report.

COURT DOCKET

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

City of Seattle, Case 19522-U-05-4955. Mr. de la Rosa reported that the Washington State Supreme Court has denied review of this case. This will be the last report on this matter.

Community Transit, Case 22100-U-08-5632. Mr. de la Rosa reported that the employer has appealed the case to the Court of Appeals.

King County, Cases 22175-U-09-5658, 22176-U-09-5659, 22177-U-09-5660, and 22254-U-09-5679. Thurston County Superior Court affirmed the Decision of Commission on July 27, 2011, and the employer has appealed the case to the Court of Appeals.

Omak School District, Case 22614-U-09-5783. This case was heard in Thurston County Superior Court on July 8, 2011. No order has been received. Mr. de la Rosa will report to the Commission in October when he knows more.

Yakima County, Case 21632-U-08-5519. Trial is set for September 9, 2011.

University of Washington, Case 21681-U-08-5529. This case will be heard in King County Superior Court on December 2, 2011.

Vancouver School District, Case 22393-U-09-5715. This case will be heard in Thurston County Superior Court on December 2, 2011.


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
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MINUTES

October 11, 2011

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
Charity Atchison, Appeals Administrator
David I. Gedrose, Compliance Officer

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held September 13, 2011, were adopted as amended.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 84 cases were filed during the month of September 2011. Filings included all case types, including 23 unfair labor practice cases, 10 mediation cases, and 13 grievance mediation cases. Mediation cases seem to arise from poor economic times, and the issues they present are complex. The number of cases being appealed to the Commission remains stable. Ms. Callahan reported that issues certified in police and fire units for interest arbitration appear to involve a higher number of issues. There were 62 cases closed during the month of August. There were 419 pending cases at the end of September.
2. The Red List (cases ready for decision more than 90 days) was reviewed. There were two cases on the list: *City of Kelso*, Case 23960-A-11-1494, is in the editing stage, and *University of Washington*, Case 23649-U-10-6033 was just reassigned to Steve Irvin. There were six cases on the Yellow List (cases ready for decision 45 to 89 days). The decision in *Energy Northwest*, Case 23763-E-11-3625, will issue this week.
3. The Executive Director announced that three new Labor Relations Adjudicator/Mediators (LRAMs) have been hired. All three have law degrees, some experience, mediation training, and are engaging individuals. They will begin their employment on November 16, 2011, and will be located in the Kirkland office. Christy Yoshitomi, Mark Downing,

and Ms. Callahan constituted the interview panel. A fourth candidate declined an offer of employment because of the salary.

4. OUTREACH: Ms. Callahan attended the Washington Public Employer Labor Relations Association (WAPELRA) Conference in Bremerton on September 23, 2011. She participated on a panel entitled *Changing the Landscape of Labor Relations Law* with Arbitrator Alan Krebs and Patti Cole-Tindall, Director of Labor Relations for King County.
5. Executive Director Callahan and Confidential Secretary Majel Boudia attended the meeting of the Marine Employees' Commission on September 30, 2011, in Seattle. This was the first meeting following the transfer of jurisdiction to the Public Employment Relations Commission.
6. On Thursday, October 6, 2011, training was provided for LRAMs pertaining to all cases we now docket involving Washington State Ferries. Diane Leigh, OFM Labor Relations Office, provided the employer's perspective on the state of collective bargaining with the Washington State Ferries. Captain George Capacci provided an overview of the ferry system as a whole. A panel discussion was conducted by union officials in the afternoon. Panel participants were: Dennis Conklin and Jay Ubelhart, on behalf of the Inlandboatmen's Union of the Pacific; Bill Knowlton, on behalf of the Marine Engineers Beneficial Association; Harry Thompson, on behalf of the Metal Trades; and Captain Tim Saffle, on behalf of the Masters, Mates and Pilots. The information presented was very informative and well received by staff.
7. The Commission reviewed a message from Ann Mitchell, OFM Labor Relations Office, thanking Steve Irvin for his skills in several recent mediation cases.
8. The Commission reviewed the list of all recent decisions issued by the agency. Ms. Callahan, David Gedrose, and staff have been very busy.
9. Agency Accountant Kathy Palladino has accepted a position with the Washington State Patrol. Her last day will be October 14, 2011. Her position will not be filled. Joye Rolfer will process all travel upon Kathy's departure. Kathy's remaining duties will be performed by administrative staff.

COMPLIANCE DOCKET

City of Yakima, Case 21562-U-08-5494. Compliance Officer David Gedrose asked that this case be held over until the November meeting. Mr. Gedrose is communicating with the parties on a regular basis. The parties are discussing one remaining issue.

Wapato School District, Case 22735-U-09-5811. Compliance Officer David Gedrose reviewed the case and tendering of compliance. He recommended that compliance be accepted. The Commission unanimously accepted compliance, and the case will now be closed.

Kitsap County, Case 22907-U-09-5844. Mr. Gedrose asked that this case be held over until the November meeting.

Kiona Benton School District, Case 23417-U-10-5969. Mr. Gedrose reported that compliance has been received and there has been no objection from the union. The Commission unanimously accepted compliance, and the case will now be closed.

City of Quincy, Case 23666-U-10-6038. Mr. Gedrose reported that compliance has been received and there has been no objection from the union. The Commission unanimously accepted compliance, and the case will now be closed.

COURT DOCKET

Washington State Ferries, Decision 563 - MEC. Appeals Administrator Charity Atchison reported that oral argument is scheduled for October 18, 2011. Assistant Attorney General Spencer Daniels will participate in a limited role in this case.

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 11, 2011

A special meeting of the Public Employment Relations Commission was held at 1:30 p.m., October 11, 2011, at the Executive Conference Room, 212 Maple Park Avenue, Olympia, Washington. Those participating were:

Marilyn Glenn Sayan, Chairperson
Thomas W. McLane, Commissioner

Also present and participating:

Christy Yoshitomi, Field Services Manager
Jessica Bradley, Labor Relations Adjudicator/Mediator
Joye Rolfer, Legal Secretary
Diane Tucker, Administrative Services Manager
Cathleen Callahan, Executive Director

The Commission went into Executive Session to evaluate the qualifications of candidates for the Executive Director position.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


THOMAS W. McLANE, Commissioner

ATTEST:


CATHLEEN CALLAHAN, Executive Director



STATE OF WASHINGTON
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MINUTES

October 12, 2011

A special meeting of the Public Employment Relations Commission was held at 9:15 a.m., October 12, 2011, at the Executive Conference Room, 212 Maple Park Avenue, Olympia, Washington. Those participating were:

Marilyn Glenn Sayan, Chairperson
Thomas W. McLane, Commissioner

Also present and participating:

Christy Yoshitomi, Field Services Manager
Jessica Bradley, Labor Relations Adjudicator/Mediator
Joye Rolfer, Legal Secretary
Diane Tucker, Administrative Services Manager
Cathleen Callahan, Executive Director

The Commission went into Executive Session to evaluate the qualifications of candidates for the Executive Director position.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


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 1, 2011


A special meeting of the Public Employment Relations Commission was held at 9:30 a.m., November 1, 2011, at the Conference Room, 3000 Pacific Avenue SE, Olympia, Washington. Those participating were:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Thomas W. McLane, Commissioner

The Commission went into Executive Session to evaluate the qualifications of candidates for the Executive Director position.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner

ATTEST:


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MINUTES

November 8, 2011

The regular meeting of the Public Employment Relations Commission was held November 8, 2011, 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
Debbie Hobbs, Legal Secretary
Charity Atchison, Appeals Administrator
David E. Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Federation of State Employees
Gladys Burbank, Washington Federation of State Employees
Ken Latsch, Public Employment Relations Commission
Joel Greene, Public Employment Relations Commission

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held October 11, 2011, were adopted as presented.

EXECUTIVE DIRECTOR RECRUITMENT

The Commission moved, seconded, and carried that Michael Sellars will be the next Executive Director of the Public Employment Relations Commission.

The Commission noted they will miss Executive Director Callahan, and they praised Diane Tucker for the fine job she did in recruiting for the new Executive Director. The Commission also noted that the staff panel was helpful in their role in the hiring process. Commissioner Bradburn conveyed her appreciation for the changes Ms. Callahan made during her time as Executive Director, including the Outreach program and the addition of the Marine Employees' Commission. Ms. Callahan noted this was her last monthly meeting with the Commission before



her retirement. She thanked the Commission for providing her the opportunity to lead PERC and its talented staff, and for their support for the past five years. She will miss everybody a great deal.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that 70 cases were filed during the month of October 2011. Filings included all case types, including 16 unfair labor practice cases, 10 mediation cases, and 11 representation cases. There were 77 cases closed during the month of October. There were 412 pending cases at the end of the month, which is a little higher than the normal 375. To show a historical comparison and the progress the staff has made, the minutes from the meeting held in September 2006 showed 544 cases pending.
2. The Red List (cases ready for decision more than 90 days) was reviewed. There were two unfair labor practice cases on the list. There were two cases on the Yellow List (cases ready for decision 45 to 89 days). Ms. Callahan noted that this is a busy time since Ken Latsch and Katrina Boedecker are retiring; the agency will be down to 10 Labor Relations Adjudicators/Mediators.
3. The Executive Director announced that three new Labor Relations Adjudicator/Mediators (LRAMs) will begin work on November 16, 2011, in the Kirkland office under the supervision of Christy Yoshitomi: Erin Slone-Gomez, Emily Whitney, and Casey King. All three will make excellent additions to the staff.
4. An all-staff meeting on December 13th will include employee recognition awards followed by a retirement reception for Ken Latsch and Katrina Boedecker in the afternoon.
5. Ms. Callahan also reported that the agency had docketed its 1000th case requesting a list of arbitrators from the Dispute Resolution Panel. Ms. Callahan thanked Majel Boudia for the terrific job she does as panel coordinator.
6. Dates for 2012 Commission meetings were reviewed. The May and September meetings will be held in the Kirkland office.
7. Chairperson Sayan thanked Ken Latsch and Katrina Boedecker for their many years of dedicated service to the agency. Mr. Latsch and Ms. Boedecker will retire at the end of this year.
8. On December 15th a Hail and Farewell Reception will be held at Tugboat Annie's to welcome Mike Sellars as Executive Director and to say goodbye to Cathy Callahan.

COMPLIANCE DOCKET

Compliance Officer David Gedrose reported there were no cases to review at this meeting.

COURT DOCKET

Appeals Administrator Charity Atchison reported on the following cases:

Washington State Ferries, Decision 563 - MEC. Appeals Administrator Charity Atchison reported that oral arguments were presented in court on October 18, 2011.

Yakima County, Case 21632-U-08-5519. Ms. Atchison reported that the Thurston County Superior Court affirmed the Commission's decision. The Yakima County Deputy Sheriff's Law Enforcement Officers' Guild has appealed the case to the Court of Appeals.

Omak School District, Case 22615-U-09-5783. The Thurston County Superior Court reversed the Commission's decision and remanded the case to the Commission for final decision.

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