

#### MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919 (360) 570-7300 • Fax: (360) 570-7334 • E-mail filings: filing@perc.wa.gov • Website: www.perc.wa.gov

#### **MINUTES**

## January 14, 2013

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 Michael P. Sellars, 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 November 13, 2012, were adopted as presented.

#### REPORT OF THE EXECUTIVE DIRECTOR

- 1. Executive Director Mike Sellars reported that case filings are above the five year mark. There were 60 cases filed in December. We continue to close more cases than past years; 86 cases were closed in December. Mike will be working with Robbie Duffield on other agency statistics in the future. Work is steady.
- 2. The Washington State Legislature convenes today. Mike and Charity Atchison have been meeting with members of committees of interest to the agency. Nothing has been pre-filed involving the agency. Mike reviewed Governor Inslee's appointments to other agencies for our Commissioners.
- 3. Mike reported he received a note from Whatcom County Library System thanking Emily Martin for her services following interest-based bargaining training.

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January 14, 2013 Page 2

4. The December 11<sup>th</sup> staff meeting included awards recognizing longevity with the agency. Mike presented Commissioner McLane with an award acknowledging his five years of service as a Commissioner. Chairperson Sayan and Commissioner Bradburn also thanked him for his service.

- 5. The Red List (cases ready for decision more than 90 days) and Yellow List (cases ready for decision 45 89 days) were reviewed.
- 6. The Commissioners reviewed and unanimously approved the application of Dan Nielsen to the Dispute Resolution Panel.

#### **COMPLIANCE DOCKET**

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

City of Tacoma, Case 23181-U-10-5904. The Compliance Officer reviewed the case. All compliance requirements have been met and Mr. Gedrose recommended acceptance of compliance. The Commission unanimously accepted compliance. The case will now be closed.

Central Washington University, Case 23263-U-10-5930. Mr. Gedrose reported that he is waiting for the union's response to the minutes and notice components of compliance.

Mason County, Cases 22423-U-09-5722, 22424-U-09-5723, 22425-U-09-5724, 22426-U-09-5725, and 22427-U-09-5726. Mr. Gedrose reported that compliance is going well, and that the notice was read at the county's open, public meeting on January 2, 2013.

## **COURT DOCKET**

Appeals Administrator Charity Atchison reviewed the pending cases for the Commission and offered updated information where available. The Court Docket format has been revised. As before, this document will be placed on the website following each meeting.

## **ADJOURNMENT**

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

# **COMMISSION DOCKET**

A new document has been created that contains all cases on appeal. This document will be available at each meeting and will also be available on the agency website. Mike thanked Robbie Duffield and Majel Boudia for their work on this document.

Following adjournment, the Commission went into Executive Session to deliberate pending cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

ARILYN GLENN SAYAN, Chairperson

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PAMELA G. BRADBURN, Commissioner

THOMAS W. McLANE, Commissioner

ATTEST:

MICHAEL P. SELLARS



#### MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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#### **MINUTES**

#### February 12, 2013

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 Michael P. Sellars, Executive Director Majel C. Boudia, Confidential Secretary Charity Atchison, 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 January 14, 2013, were adopted as presented.

#### REPORT OF THE EXECUTIVE DIRECTOR

- 1. Executive Director Mike Sellars reported he received a letter from Mark Rogstad, Director of Human Resources at Yakima Valley Community College, thanking mediators Steve Irvin and Ken Latsch for their assistance in contract mediation for exempt professional employees represented by American Federation of Teachers Washington.
- 2. Outreach: Mike recently spoke to WSCCCE members at their conference in Olympia during Legislative Weekend.
- 3. Mike reported that Mitch Nelson recently resigned his position as IT Manager. The agency is currently assessing its IT needs.

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4. Caseload: January filings were up, with 71 cases filed. We are ahead of the five year average. Cases are spread evenly among staff. Marine work is steady. There are currently 24 contract mediation cases involving clientele covered by Chapter 41.56 RCW. Forty-five cases closed during the month of January.

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- 5. Two field staff meetings/trainings have been scheduled for this year:
  - March 5, 2013 The first training will include a panel of labor and employer advocates.
  - May 22, 2013 Ken Cloke, Director of the Center for Dispute Resolution, will conduct mediation training for the LRAMs.
- 6. The winter meeting of the Association of Labor Relations Agencies (ALRA) Executive Board is scheduled for March 2 and 3, 2013, in Vancouver, B.C. Since our agency will host the ALRA Conference in 2014, representatives will need to attend the March meeting. Commissioner Bradburn made a motion and Commissioner McLane seconded the motion to approve out-of-state travel for Marilyn Glenn Sayan and Mike Sellars to attend the winter meeting in Vancouver, British Columbia. The motion was unanimously approved.
- 7. The Commissioners reviewed and unanimously approved the application of Edward Gutman to the Dispute Resolution Panel.

## LEGISLATIVE REPORT

Mike reported that Charity Atchison is his backup on legislative issues and Dario de la Rosa serves as backup to Charity if needed. Legislation of interest to the agency was reviewed.

## **COMPLIANCE DOCKET**

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

Central Washington University, Case 23263-U-10-5930. Mr. Gedrose reviewed the matter and noted that posting of the notice and reading of the minutes have been completed. He recommended acceptance of compliance. The Commission unanimously accepted compliance in the matter. The case will now be closed.

Mason County, Cases 22423-U-09-5722, 22424-U-09-5723, 22425-U-09-5724, 22426-U-09-5725, and 22427-U-09-5726. Mr. Gedrose reviewed the matter and reported that compliance process continues in these cases. He will report back to the Commission at a future meeting.

## **COURT DOCKET**

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available.

## **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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLEWN SAYAN, Chairperson

PAMELA G. BRADBURN, Commissioner

THOMAS W. McLANE, Commissioner

ATTEST:

MICHAEL P. SELLARS



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#### **MINUTES**

## March 19, 2013

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
Michael P. Sellars, Executive Director
Majel C. Boudia, Confidential Secretary
Charity Atchison, Appeals Administrator

# MINUTES OF PREVIOUS MEETING

The minutes of the meeting held February 12, 2013, were adopted as presented.

#### REPORT OF THE EXECUTIVE DIRECTOR

- 1. Recent Outreach activities for Executive Director Mike Sellars were:
  - Meeting with the King County Labor Management Committee
  - State Personnel Managers Meeting
  - Jamie Siegel and Claire Nickleberry gave a presentation at the Employee Relations Negotiation Network meeting. They were asked back after presenting at last year's meeting.
  - We presented training to the King County Alternative Dispute Resolution Inter-Local Conflict Resolution Group
- 2. Mike reported that cases are steady. Filings continue to match those for the past five years. Filings are on target for 70 cases per month this month. The window period for state representation cases opened March 2. Four decertification cases and one case seeking a change of bargaining representative change have been filed so far. Staff Labor Relations Adjudicator/Mediators (LRAMs) have lots of decision writing pending. Writing seems to stack up. Future topics of discussion with staff will include size of hearing records and an attempt to eliminate duplicate exhibits.

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- 3. A panel discussion for field staff members was held on March 5, 2013. Panel members included Otto Klein, Rod Younker, Cabot Dow, Hillary McClure, Spencer Thal, and James Trefry. There was a good exchange of information between the panel and staff.
  - The field staff meeting scheduled for May 22, 2013, will feature mediation training by Ken Cloke, a well-known mediation expert.
- 4. Mike attended an Association of Labor Relations Agencies Executive Board meeting in Vancouver earlier this month. He and Beth Schindler, FMCS, were present since the 2014 conference will be held in Seattle once again.

# **COURT DOCKET**

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available. (The monthly Court Docket is available on the agency website.)

## **LEGISLATIVE REPORT**

Mike reported on the legislative issues he and Charity Atchison are monitoring. Dario de la Rosa serves as backup to Charity if needed.

## COMPLIANCE DOCKET

There were no cases to report.

#### **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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS/COMMISSION

MARILYN GLENN SAYAN, Chairperson

PAMELA G. BRADBURN, Commissioner

THOMAS W. McLANE, Commissioner

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ATTEST:

MICHAEL P. SELLARS



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#### **MINUTES**

April 9, 2013

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 Michael P. Sellars, Executive Director Majel C. Boudia, Confidential Secretary Charity Atchison, Appeals Administrator David Gedrose, Compliance Officer

Also present and participating:

Herb Harris, Washington Federation of State Employees Gladys Burbank, Washington Federation of State Employees Ed Younglove, Washington Federation of State Employees Laura Wulf, Department of Social and Health Services

# MINUTES OF PREVIOUS MEETING

The minutes of the meeting held March 19, 2013, were adopted as presented.

## REPORT OF THE EXECUTIVE DIRECTOR

- 1. Executive Director Mike Sellars reported on the monthly case statistics.
  - There were 99 cases filed in March. The case types were evenly spread across the spectrum.

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- Eight cases were filed during the PSRA window period.
- Seventy-seven cases were closed during the month.



April 9, 2013 Page 2

- 2. Mike reported on his upcoming Outreach activities:
  - The LERA Conference will be held April 18 and 19, 2013. Mike will announce that the agency forms have been simplified and are available on the website. Mike thanked Joye Rolfer for spearheading the revision of the case filing forms.
  - Mike will be a presenter at the Washington State Association of Municipal Attorneys later this month.
  - He will also speak at the Association of Washington Cities Labor Relations Institute in May structuring his comments on agency services.
- 3. Mike reported on the timeliness of decisions. Although there is a ways to go, 55% of Examiner decisions and 75% of Executive Director's decisions are issued within 90 days as required by the Administrative Procedures Act. The Commission has issued 16 decisions this year. The numbers are incrementally improving. The statistics for Commission decisions are included in the statistical pie chart distributed at each meeting. Ms. Burbank noted that she has noticed the overall improvement.

#### LEGISLATIVE REPORT

Mike reported on the legislative issues he and Charity Atchison are monitoring.

House Bill 1608 would maintain the Marine Employees' Commission. The bill has been moved to the Senate Commerce and Labor Committee, but has not been scheduled for hearing.

The Senate budget is not much different than the budget previously proposed. The House budget will be released next week. The session is scheduled to end on April 28<sup>th</sup>.

#### **COMPLIANCE DOCKET**

The Commission was updated on the following cases.

*University of Washington*, Case 22273-U-09-5681. The Commission reviewed the positions of the parties on compliance issues regarding the remedies.

King County, Case 23840-U-11-6085. Compliance Officer David Gedrose notified the Commission that the parties are requesting amendment of the Order.

Following a short Executive Session, the Commission announced they would reply to the parties in both matters by letter at a later date.

#### COURT DOCKET

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available. The monthly Court Docket is available on the agency website.

## <u>ADJOURNMENT</u>

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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN/SAYAN, Champerson

PAMELA G. BRADBURN, Commissioner

THOMAS W. McLANE, Commissioner

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ATTEST:

MICHAEL P. SELLARS



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#### **MINUTES**

May 14, 2013

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 Michael P. Sellars, Executive Director Majel C. Boudia, Confidential Secretary Charity Atchison, Appeals Administrator

Also present and participating:

Debbie Grady, SNOCOM

#### MINUTES OF PREVIOUS MEETING

The minutes of the meeting held April 9, 2013, were adopted as presented.

## REPORT OF THE EXECUTIVE DIRECTOR

- 1. Executive Director Mike Sellars thanked Debbie Grady for attending the meeting.
- 2. Mike reported on the monthly case statistics.
  - There were 67 cases filed in April, compared to 99 in March. Mike noted the yo-yo effect in the month-by-month case filings. The workload continues to be spread across the spectrum.
  - The PSRA decertification window period was open from the beginning of March through the beginning of April. Eight cases were filed. Five cases proceeded to the ballot stage, one case was pending, one was blocked, and one was dismissed.

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May 14, 2013 Page 2

- Forty-eight cases were closed during the month.
- The Red List (cases ready for decision more than 90 days) has been reduced to one case.
- The Yellow List (cases ready for decision 45 89 days) has eight cases awaiting decision.

# 3. Mike reported on his Outreach activities:

- The LERA Conference was held April 18 and 19, 2013. It was a successful regional conference, with 400 attendees. Mike will work with Beth Schindler from the Federal Mediation and Conciliation Service on long-term planning of the conference. They will also discuss the success of the Northwest Chapter of LERA.
- On April 25<sup>th</sup>, Mike spoke at the Spring Conference of the Washington State Association of Municipal Attorneys about the trends of cases before the agency and mandates.
- On May 9<sup>th</sup>, Mike spoke at the Washington Association of Cities' Labor Relations Institute about the goals of the agency and moving forward.
- 4. Kudos were received from the Kettle Falls Education Association thanking Dianne Ramerman for her assistance in grievance mediation with the Kettle Falls School District.
- 5. Kudos were received from the Employee Relations Negotiations Network (ERNN) thanking Claire Nickleberry and Jamie Siegel for their recent presentation. This is the second year they have been invited to speak to this organization.

#### 6. Other:

- Mike announced that he promoted staff member Robbie Duffield to an in-training IT position. We will hire to fill his previous position.
- Mike asked Diane Tucker to evaluate the LEAN process for the agency. This project will eventually lead to rules and process changes within a year or two.
- The new forms were introduced at the LERA Conference. Joye Rolfer spearheaded the revisions using Plain Talk to simplify the forms.

#### LEGISLATIVE REPORT

Mike reported on the legislative issues he and Charity Atchison are monitoring. The Special Session began on Monday, May 13, to focus on the budget. The House and Senate budgets are similar.

House Bill 1608 would maintain the Marine Employees' Commission. The bill has been moved to the Senate Commerce and Labor Committee, but has not been scheduled for hearing. We will monitor the bill for further action during the Special Session.

#### COURT DOCKET

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available. The monthly Court Docket is available on the agency website.

## **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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN SAYAN, Chairperson

PAMELA G. BRADBURN, Commissioner

THOMAS W. McLANE, Commissioner

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ATTEST

MICHAEL P. SELLARS



#### MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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#### **MINUTES**

June 5, 2013

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 Michael P. Sellars, Executive Director Majel C. Boudia, Confidential Secretary Charity Atchison, Appeals Administrator David I. Gedrose, Compliance Officer

Also present and participating:

Spencer Daniels, Assistant Attorney General
William R. Kenny, Mason County
Ron Dahl, International Union of Operating Engineers, Local 302
Bob Franssen, International Union of Operating Engineers, Local 302
Thomas A. Leahy, on behalf of Teamsters Local 252 and IUOE, Local 302

#### **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held May 14, 2013, were adopted as presented.

#### REPORT OF THE EXECUTIVE DIRECTOR

- 1. Executive Director Mike Sellars thanked Spencer Daniels for attending the meeting. Mr. Daniels has served as Assistant Attorney General for the agency for 23 years. Mike acknowledged Mr. Daniels' service to the agency and the citizens of the State of Washington. Chairperson Sayan read a Resolution and presented him with the document. Mr. Daniels thanked the agency for recognizing his service and noted he has enjoyed working with the staff over the years.
- 2. There were 61 cases filed during the month of May. This is less than the five year average. Ninety cases were closed in May.





- 3. The Red List (cases ready for decision more than 90 days) has one case awaiting decision.
- 4. The Yellow List (cases ready for decision 45 89 days) has five cases awaiting decision.
- 5. Mike reviewed the list of decisions issued by the Commission this year (2013) noting the agency is improving on the timeliness of issuing decisions. His focus is on making sure Commission cases do not go over 360 days before a decision is issued. Examiner decisions have improved but are not all timely. Clientele have confirmed the need for timeliness of decisions with the Executive Director. Chairperson Sayan emphasized that the number of days of hearing has increased.

Commissioner Bradburn asked about a case involving a private employer. Mike explained that the case involving public defenders was filed in May. These employees remain under our jurisdiction until July. The parties have signed a stipulation to continue. The election and certification will be completed in July.

- 6. A one-day strike was held at The Evergreen State College on May 22, 2013. The unit includes 53 exempt employees. The employer and the Washington Federation of State Employees have met for nine days. Mike and Steve Irvin are serving as mediators.
- 7. Mike reported the agency is gearing up for teacher mediation season. He is aware of two potential hot spots in the state.
- 8. Commissioner Bradburn asked about the recent number of "P" cases. Panel Coordinator Majel Boudia reported that these are grievance arbitration cases. Ms. Bradburn also noted the steady number of grievance arbitration cases assigned to staff involving the Washington State Ferries.
- 9. The Association of Labor Relations Agencies Conference will be held July 20 24 in Washington, D.C. Mike will attend, and he asked Christy Yoshitomi to attend as the lead for next year's conference in Seattle. Mike has been asked to be a member of the ALRA Executive Committee. Chairperson Sayan said she would like to attend, and she is pleased that Mike will be involved in this organization. She noted that Washington is one of the more active states involved in ALRA.

#### LEGISLATIVE REPORT

Mike reported on the special session of the Legislature which ends June 11<sup>th</sup>. There has been no agreement on the state budget and there has been no bill activity.

## **COMPLIANCE DOCKET**

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

King County, Case 23840-U-11-6085. All compliance requirements have been met and the posting period ended in early May. Mr. Gedrose has heard nothing further from the parties, and recommended the case be closed. The Commission unanimously accepted compliance. The case will now be closed.

Mason County, Cases 22423-U-09-5722, 22424-U-09-5723, 22425-U-09-5724, 22426-U-09-5725 and 22427-U-09-5726. Chairperson Sayan recused herself from participating in discussion of this compliance

matter. Mr. Gedrose reviewed the case. Comments were received from the parties regarding the salary survey and the overpayment issue. Tom Leahy presented comments on behalf of Teamsters Local 252. Bill Kenny presented comments on behalf of the employer. Following discussion in Executive Session, Commissioner Bradburn reported that compliance will remain open until the end of July awaiting resolution of the salary overpayment. The salary survey will not be included in the resolution of compliance in the matter. The parties were asked to notify Mr. Gedrose by August 13<sup>th</sup>, the Commission's next meeting, regarding the resolution of the overpayment issue. The Commission will reconsider the Compliance Officer's recommendation at that time.

#### **COURT DOCKET**

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available. The monthly Court Docket is available on the agency website.

State – Language Access Providers, Case 23334-E-10-3570. King County Superior Court entered an Order on May 22, 2013. The case will now be closed.

#### **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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN SAYAN, Chairperson

PAMELA G. BRADBURN, Commissioner

THOMAS W. McLANE, Commissioner

ATTEST

MICHAEL P. SELLARS



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## **MINUTES**

July 9, 2013

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
Michael P. Sellars, Executive Director
Diane M. Tucker, Administrative Services Manager
Charity Atchison, Appeals Administrator
David I. Gedrose, Compliance Officer

Also present and participating:

Debbie Grady, SNOCOM

#### MINUTES OF PREVIOUS MEETING

The minutes of the meeting held June 5, 2013, were adopted as presented.

## REPORT OF THE EXECUTIVE DIRECTOR

- 1. Executive Director Mike Sellars acknowledged that the state budget passed late in the day on June 28, and that legislation restored the 2 year 3% temporary salary reduction, effective July 1. Mike also noted that Step M, a longevity step, was implemented for employees who have been at step L, in the same classification, for at least 6 years.
- 2. There were 82 cases filed during the month of June. This is higher than the five year average. Ninety cases were closed in June. Pamela acknowledged 35 of the closed cases were ULPs and recognized the effort involved in processing those cases.

July 9, 2013 Page 2

3. The Red List (cases ready for decision more than 90 days) and Yellow List (cases ready for decision 45 – 89 days) were reviewed.

- 4. Mike recognized the work of Charity Atchison and the Commission in issuing 32 decisions so far this year. Seventy-eight percent (78%) of those decisions were issued within one year of ready decision. Eighty-two percent (82%) of executive director level decisions have been issued within 90 days of ready decision, and sixty percent (60%) of examiner decisions are issued within 90 days of ready decision. Mike noted that the current goal is to issue eighty percent (80%) of Commission decisions within 360 days of ready decision and eighty percent (80%) of executive director and examiner decisions within 90 days of ready decision.
- 5. Mike noted that he and Steve Irvin mediated at The Evergreen State College. Mike was requested to participate by the parties. The parties eventually reached agreement.
- 6. Mike has had preliminary conversations with WEA about teacher mediation season. Several school districts are in negotiation at this time.
- 7. Last week Mike met with Debbie Grady at SNOCOM, and will be meeting with their 11 member board in August. Debbie was in attendance and commented on how meaningful these outreach efforts have been to SNOCOM. Marilyn acknowledged Mike's efforts.
- 8. Mike confirmed that the MEC expired, effective July 1. He has had conversations with marine clientele, welcoming them to future PERC Commission meetings.
- 9. Marilyn asked about the status of open MEC cases. Mike said we will begin calling them marine cases. Commissioner Bradburn asked if the marine clientele wants to inform PERC of any particular processing information. Mike confirmed that those discussions have already taken place.
- 10. Mike mentioned the kudos our staff received from the University of Washington for their work in mediations. The university specifically singled out Karyl Elinski, Emily Whitney and Kristi Aravena for their work.
- 11. Mike expressed his appreciation to the professional staff for all their work de-cluttering the Olympia office.

#### COMPLIANCE DOCKET

Compliance Officer David I. Gedrose reported on the following two cases:

Central Washington University, Case 24687-U-12-6313. All compliance requirements have been met and the posting period ended May 1, 2013. Mr. Gedrose recommended the case be closed. The Commission unanimously accepted compliance. The case will now be closed.

City of Sunnyside, Case 24860-U-12-6348. All compliance requirements have been met. Mr. Gedrose recommended the case be closed. The Commission unanimously accepted compliance. The case will now be closed.

## **COURT DOCKET**

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available. The monthly Court Docket is available on the agency website.

# **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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN SAYAN, Chairperson

PAMELA G. BRADBURN, Commissioner

THOMAS W. McLANE, Commissioner

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ATTEST:



#### STATE OF WASHINGTON

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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#### **MINUTES**

August 13, 2013

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 Michael P. Sellars, Executive Director Majel C. Boudia, Confidential Secretary Charity Atchison, Appeals Administrator David I. Gedrose, Compliance Officer

Also present and participating:

Harry Thompson, Puget Sound Metal Trades Council/IBEW
William R. Kenny, Mason County
Scott Nicholson, Washington State Department of Transportation
Susan Moriarty, Washington State Department of Transportation

#### MINUTES OF PREVIOUS MEETING

The minutes of the meeting held July 9, 2013, were adopted as presented.

#### REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Mike Sellars welcomed the visitors attending today's meeting. He reported that for the first time since his arrival there was a drop in filings below the five year average. There were 54 cases filed in July and 66 cases closed. Eighteen cases have been filed so far in August. Last year 91 cases were filed in August; however, this year is

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the off year for state employee bargaining. The year 2009 would be more representative for filing statistics. A freeze regarding annual leave begins next week for staff mediators because of potential school mediations. He expects at least one or two requests for mediation to be filed that we are aware of.

- 2. Mike reported that he, Chairperson Sayan, and Field Services Manager Christy Yoshitomi attended this year's Association of Labor Relations Agencies (ALRA) Conference in Washington, DC. PERC has been an active member of ALRA. Mike noted it is clear our role needs to be that of a leader. For state agencies, Washington is one of the largest members. We are apolitical and vibrant.
  - Chairperson Sayan explained that ALRA is an organization of Canadian and U.S. agencies. This year Mike was asked to be a member of the Executive Board. The Washington PERC will host the 2014 conference in Seattle.
- 3. Timeliness of issuance of decisions continues to be a high priority. Mike commended Charity Atchison and the Commission for leading the way with the issuance of 37 decisions since January. The focus is on issuing Commission decisions within 360 days of the record being ready for decision and Examiner and Executive Director decisions within 90 days of the record being ready for decision. The goal is 80% of decisions should be issued within that period. The Commission is currently at 82%, the Executive Director is at 80%, and Examiners are at 60%.
- 4. The Red List (cases ready for decision more than 90 days) and Yellow List (cases ready for decision 45 89 days) were reviewed. The Red List contained four cases in which a consolidated decision will be issued today.
- 5. The management team is working on the strategic plan for the agency, including the Vision, Mission, and Values. Mike said the word "timely" may be added when the Vision, Mission, and Values are finalized in September. The next step will be to set enduring goals and then to work on strategies.
- 6. The Commission reviewed the list of open cases for the Washington State Ferries. The list describes each case. This list will eventually be available on the agency website. Harry Thompson (PSMTC/IBEW), Susan Moriarty (Labor Relations Manager for Washington State Ferries), and Scott Nicholson (Department of Transportation) were in attendance and introduced themselves to the Commission.

## **COMPLIANCE DOCKET**

Compliance Officer David I. Gedrose reported on the following two cases:

Mason County, Cases 22423-U-09-5722, 22424-U-09-5723, 22425-U-09-5724, 22426-U-09-5725 and 22427-U-09-5726. Mr. Gedrose reported that the overpayment issue has been

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resolved. The collective bargaining agreements have been signed, and the parties agree that the cases can be closed. Mr. Gedrose recommended closure. The Commission unanimously accepted compliance. The cases will now be closed. Commissioner Bradburn expressed her sincere gratitude to David Gedrose, Mark Downing, Steve Irvin, and Karyl Elinski for their work with the parties in this matter. Chairperson Sayan and Commissioner McLane also extended their thanks to the staff. Mr. Kenney said he was pleased to attend the meeting. The parties have collective bargaining agreement through 2015. He expressed his appreciation to the Commission and the four staff members mentioned above for a great job. Commissioner Bradburn noted that the Commission appreciates hearing from clientele.

## COURT DOCKET

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available. The monthly Court Docket is available on the agency website.

# OTHER BUSINESS

Mike announced that Commission Bradburn's term ends next month following a long and storied career with the agency. Research compiled by Robbie Duffield offered the following statistics for Ms. Bradburn. She was involved in 455 cases as a representative, 344 cases as an examiner, and 354 cases as a Commissioner. At least 300 decisions were issued under her signature, and 241 decisions have issued since she joined the Commission in 2004. Mike said she has definitely had an impact on this agency. Mike said, "We thank you and recognize you for your work." Charity Atchison presented Commissioner Bradburn with copies of her notable decisions before the agency, as a staff member, and as a Commissioner. On behalf of Commissioner McLane and herself, Chairperson Sayan thanked Ms. Bradburn for her writing and editing skills involved in Commission decisions. Commissioner McLane added that he learned a lot from her.

Commissioner Bradburn thanked everyone for their kind words and said it seems odd that this day is here. She added she has many good feelings regarding public sector collective bargaining and the opportunities and intellectual challenges. She will miss it all.

Chairperson Sayan noted that a successor has not been named.

#### **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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN SAYAN Chairperson

PAMELA G. BRADBURN, Commissioner

THOMAS W. McLANE, Commissioner

ATTEST:

MICHAEL P. SELLARS



#### STATE OF WASHINGTON

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919 (360) 570-7300 • Fax: (360) 570-7334 • E-mail filings: filing@perc.wa.gov • Website: www.perc.wa.gov

#### **MINUTES**

September 10, 2013

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 Michael P. Sellars, Executive Director Majel C. Boudia, Confidential Secretary Charity Atchison, Appeals Administrator

Also present and participating:

Debbie Grady, SNOCOM

## MINUTES OF PREVIOUS MEETING

The minutes of the meeting held August 13, 2013, were adopted as presented.

## REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Mike Sellars reported that case filings are at the lowest since his arrival at the agency. This is the second month where filings are below the five year average. There were 46 cases opened in August, as compared to 60 last year. There were 80 cases closed in August, compared to 66 cases in July. There has already been an increase in September filings.

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Teacher mediations kept staff very busy. Four requests were filed in the window period, involving 16 field staff. Those districts were: South Kitsap, Kennewick, Seattle, and Snoqualmie Valley. All staff were kept aware of progress. At least one district is still in mediation, but no disruption is expected. Additional mediation cases may still be filed.

Mike indicated he would like to get to a point where the agency has a rotation of field staff to assign to teacher mediations. Ideally, if 10 field staff are ready to be assigned, the remaining six field staff could be off during the Labor Day weekend. Mike clarified that weekends are not included in assignments except for Labor Day weekend. Mike also reported that mediators were assigned this year in pairs, with one mediator as the lead. Commissioner Bradburn noted that assigning double mediators is a good idea. Mike added that this practice is highly effective.

- 2. The Red List (cases ready for decision more than 90 days) and Yellow List (cases ready for decision 45 89 days) were reviewed. The Red List contained one case.
- 3. Mike reported that Chairperson Sayan received a letter from UNITE HERE! Local 8 regarding a labor dispute at the Space Needle. The Commission delegated the request to the Executive Director. A letter was sent offering Mike's services to the parties. The Space Needle responded declining to submit to jurisdiction under RCW 49.08.010.
- 4. Timeliness of decision was discussed. It is a high priority for the agency. The goal is to issue 80% of Commission decisions within 365 days of the close of the record. The goal for the examiners and Executive Director is to issue a decision within 90 days of the close of the record. Through September, 83% of the Commission's decisions have been issued within 365 days of the close of the record; 80% of the Executive Director's decisions and 54% of the examiner's decisions have been issued within 90 days of the close of the record.
- 5. The management team is working on the strategic plan for the agency, including the Vision, Mission, and Values. The Vision, Mission, and Values should be finalized in September. The next step will be to set enduring goals and then to work on strategies.
- 6. The Commission reviewed the list of open cases for the Washington State Ferries.

## **COMPLIANCE DOCKET**

There were no cases to report.

#### COURT DOCKET

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available. The monthly Court Docket is available on the agency website.

Mike/Charity reported that Mark Lyon has been appointed as our Assistant Attorney General.

## **OTHER BUSINESS**

- 1. The Commission reviewed a letter from SNOCOM 911 Chair Jerry Smith thanking Mike for visiting with their Board of Directors at the August 8<sup>th</sup> regular board meeting. SNOCOM Director Debbie Grady reported that the Board was happy and pleased to have Mike attend their meeting. The Commission thanked Ms. Grady for the letter of appreciation.
- 2. Mike announced that this was Commissioner Bradburn's last meeting. Chairperson Sayan conveyed her thanks to Ms. Bradburn for all of her service, her long history with the agency, and how much she enjoyed having her as a member of the Commission. Commissioner Bradburn responded that she had a lovely time at the staff picnic held in August and noted her appreciation for everything the agency has done to acknowledge her time involved in labor relations.

## **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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN SAYAN, Chairperson

PAMELA G. BRADBURN, Commissioner

THOMAS W. McLANE, Commissioner

ATTEST:

MICHAEL P. SELLARS



#### STATE OF WASHINGTON

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

#### MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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#### **MINUTES**

October 8, 2013

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 Thomas W. McLane, Commissioner Michael P. Sellars, Executive Director Majel C. Boudia, Confidential Secretary Charity Atchison, Appeals Administrator David I. Gedrose, Compliance Officer

Also present and participating:

Debbie Grady, SNOCOM Scott Nicholson, Washington State Department of Transportation Susan Moriarty, Washington State Department of Transportation Harry Thompson, Puget Sound Metal Trades Council/IBEW

Chairperson Sayan called the meeting to order and noted this was the first meeting without Commissioner Pamela Bradburn. We are awaiting appointment of a new Commission member from Governor Inslee.

#### MINUTES OF PREVIOUS MEETING

The minutes of the meeting held September 10, 2013, were adopted as presented.

## REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Mike Sellars reported that case filings for September were up over the past two months, but below the five year average. There were 59 cases opened in September. Eighty cases were closed during the month.

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October 8, 2013 Page 2

2. One more teacher mediation case was filed late in September involving Bellingham Technical College and the Washington Education Association. Lisa Hartrich and Casey King were assigned after a strike vote was taken and Mike offered our services. The parties settled after nine days of bargaining. The fall field staff meeting will debrief this year's teacher mediation cases.

- 3. Mike is tracking timeliness of decisions. The Commission outpaces all staff. Staff members are not close to issuing decisions within 90 days. Mike will learn why after individual staff reviews. Review of all employees ends this month. Data indicates staff are issuing decision within 98 102 days.
- 4. The federal government shutdown was discussed.
  - We have provided service to federal clientele during the shutdown. Kristi Aravena was assigned to several contract mediations involving private employers. Mike understands that a private sector panel request may come in if the shutdown continues. The decline in case filings will allow us to fill in with cases involving federal clientele.
- 5. Mike reported that the Association of Labor Relations Agencies (ALRA) fall board meeting will be held in Toronto this month. He asked the Commission for permission for himself and Christy Yoshitomi to attend. The 2014 ALRA Conference will be held in Seattle. Commissioner McLane made a motion to approve travel to the meeting for Mike and Christy. Chairperson Sayan seconded the motion. The motion carried.
- 6. The Red List (cases ready for decision more than 90 days) and Yellow List (cases ready for decision 45 89 days) were reviewed. The Red List contained one case.
- 7. The Commission reviewed the list of open cases for the Washington State Ferries.

#### **COMPLIANCE DOCKET**

Compliance Officer David Gedrose reviewed the following cases:

University of Washington, Case 23818-U-11-6079. Mr. Gedrose reviewed the case and recommended acceptance of compliance. Commissioner McLane made a motion to accept compliance. Chairperson Sayan seconded the motion. The motion carried. The case will now be closed

SNOCOM, Case 23032-U-10-5865. Mr. Gedrose reviewed the case which involved complicated compliance requirements regarding back pay and removal of letters of reprimand. He noted that this was one of the best organized compliance presentations the agency has ever received. Mr. Gedrose recommended acceptance of compliance. Commissioner McLane made a motion to accept compliance. Chairperson Sayan seconded the motion. The motion carried. The case will now be closed

## **COURT DOCKET**

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available. The monthly Court Docket is available on the agency website.

## **OTHER BUSINESS**

Herb Harris reported that Sue Henrickson was elected president at the recent Washington Federation of State Employees convention in Seattle.

# **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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS' COMMISSION

MARILYN GILENN SAYAN, Chairperson

THOMAS W. McLANE, Commissioner

ATTEST:

MICHAEL P. SELLARS



#### STATE OF WASHINGTON

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MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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## **MINUTES**

November 12, 2013

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 Thomas W. McLane, Commissioner Mark E. Brennan, Commissioner Michael P. Sellars, Executive Director Majel C. Boudia, Confidential Secretary Charity Atchison, Appeals Administrator David I. Gedrose, Compliance Officer

Also present and participating:

Jason Holland, Washington Public Employees Association

#### MINUTES OF PREVIOUS MEETING

The minutes of the meeting held October 8, 2013, were adopted as presented.

#### REPORT OF THE EXECUTIVE DIRECTOR

- 1. Executive Director Mike Sellars welcomed Mark Brennan to the Commission. Governor Inslee appointed Mr. Brennan to fill the position previously held by Pamela Bradburn.
- 2. Mike reported that case filings for October rebounded from the past two months. There were 60 cases filed through the third week in October, but there were 35 cases filed during the last week of the month. Thus, a total of 95 cases were opened in October. October is the window period for Public Employees Collective Bargaining and petitions for decertification were received for a number of these units. Although there were no discernible trends, a number of requests for mediation and unfair labor practice complaints were filed.
- 3. One hundred cases were closed during the month.

November 12, 2013 Page 2

4. Mike continues to track the timeliness of decisions. Decisions should be issued within 90 days of receipt of briefs and transcripts. The Commission outpaces the staff with 81% of their decisions issued within the 365 days. Examiners are not as close to issuing decisions within 90 days; at this time 53% of their decisions are timely. Labor Relations Adjudicator/Mediators (LRAMs) average 97.5 days to issue a decision. Mike and the Field Services Managers are revising the expectations language in the performance and development plan for use in examiner evaluations. Chairperson Sayan commended Executive Director Sellars for keeping the agency up to date on staff evaluations.

It was noted that the Commission Docket totaled 35 cases when Mike became Executive Director. The Commission Docket is now at 14 cases. Chairperson Sayan thanked Appeals Administrator Charity Atchison for incorporating smaller cases into their workload so the decisions are issued earlier.

- 5. The agency's Strategic Plan is being worked on. The Mission, Vision and Values have been written and the goals will be completed by the end of the year.
- 6. Mike reported that Diane Tucker is working on IT changes within the agency. The IT work was reevaluated when Mitch Nelson resigned. Robbie Duffield was moved into the IT position, and duties for the professional staff have been assigned to existing staff. Diane Thousen will begin editing decisions and Joye Rolfer will address website issues. Robbie's previous position will eventually be filled as an Office Assistant 3 position.
- 7. Executive Director Sellars thanked Chairperson Sayan for her recent presentation to the Network of Adjudicatory Agencies.
- 8. Mike and Christy Yoshitomi continue to work on the 2014 Association of Labor Relations Agencies (ALRA) Conference to be held in Seattle next June.
- 9. Tomorrow Mike will speak at the No Secrets Labor Management Symposium sponsored by the Washington Fire Chiefs and the Washington State Council of Fire Fighters. This will be his first invitation to speak to this audience.
- 10. The Red List (cases ready for decision more than 90 days) and Yellow List (cases ready for decision 45 89 days) were reviewed. The Red List had no cases this month.
- 11. The Commission reviewed the list of open cases for the Washington State Ferries.
- 12. Mike told the Commission that he has reformatted and shortened the letter that certifies issues to interest arbitration. Last spring agency forms were revised for easier use.
- 13. An All Staff Meeting including staff recognition will be held on December 10, 2013.

#### **COMPLIANCE DOCKET**

Compliance Officer David Gedrose reviewed the following cases:

Yakima Valley Community College, Case 24080-U-11-6160. Mr. Gedrose reviewed the case and said he has not received any further comment from the union. There were no posting issues.

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Mr. Gedrose recommended acceptance of compliance. The Commission unanimously accepted compliance and the case will now be closed.

Skagit Valley College, Cases 24857-U-12-6345 and 24859-U-12-6347. Mr. Gedrose reviewed the case and noted the employer was diligent in posting the notices. There have been no objections regarding compliance. The Commission unanimously accepted compliance and the cases will now be closed.

Columbia Basin College, Case 25018-U-12-6400. Mr. Gedrose reviewed the case and reported there have been no objections regarding compliance. Mr. Gedrose recommended acceptance of compliance. The Commission unanimously accepted compliance and the case will now be closed.

#### **COURT DOCKET**

Appeals Administrator Charity Atchison reviewed the pending court cases and offered updated information where available. The monthly Court Docket is available on the agency website.

#### OTHER BUSINESS

Dates for 2014 Commission meetings were reviewed. Four meetings will be held in the Kirkland office. The January meeting was moved to Friday, January 17, 2014. These dates will be published in the Washington State Register.

# <u>ADJOURNMENT</u>

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 cases before the Commission.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN SAYAN, Chairperson

THOMAS W. McLANE, Commissioner

MARK E. BRENNAN, Commissioner

ATTEST:

MICHAEL P. SELLARS Executive Director