



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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MINUTES

July 13, 2021

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

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

Also present:

Michael Snyder, PERC, Labor Relations Adjudicator/Mediator
Katelyn Sypher, PERC, Labor Relations Adjudicator/Mediator

Minutes of the Previous Meetings

The minutes of the previous meeting held on June 8, 2021, were adopted as presented.

Report of the Executive Director

1. June had the highest volume of cases in a single month since December 2019. The number of contract mediation cases is still well below the previous five years' average.
2. The office is currently scheduled to reopen on September 13. We are waiting for more state guidelines, but verification of vaccination, social distancing, and masks will be required. We expect many staff members will continue to telecommute regularly, and we are rewriting our telecommuting policy. The minimum required number of days in the office will depend on the type of work each individual performs. We will not conduct any in-person events with clientele until at least January 2022.

Discussion on Senate Bill 5055 Implementation

The attached memorandum outlining the developments and progress made in implementing SB 5055 was provided to the Commission prior to this meeting. As noted in that document, we recently began soliciting and accepting applications for appointment to the new Law Enforcement Personnel Disciplinary Grievance Arbitrator Roster. At the time of this meeting, 10 applications had been received and other individuals had indicated interest. Depending on the number of applications received, Mike recommended that the Commission hold some of the 18 roster spots open in August so we can continue to increase our outreach and diversify the pool of arbitrators.

Also presented to the Commission in the memorandum was the implementation committee's recommended fee schedule. After some discussion, the Commission adopted the following fee schedule:

Per Diem: \$1,750 – applied to travel to and from the hearing location, hearing, research, study, and preparation of the award.

Cancellation Fee: No cancellation fee if cancelled more than 30 days before scheduled hearing date. \$1,000 per scheduled day of hearing if cancelled within 30 days but more than 15 days of the scheduled hearing date. \$1,750 per scheduled day of hearing if cancelled within 15 days of the scheduled hearing date.

Travel & Other Costs: Airfare, lodging, meals, parking, copying, and mailing as incurred. Automobile mileage to be reimbursed at the IRS rate.

Mike expressed thanks to Charity Atchison, Chris Casillas, Dario de la Rosa, and Jamie Siegel for their work on the implementation committee.

Court Docket

Charity reviewed the pending court cases and provided updated information where available. Pending Commission cases that have been appealed to court are available on the agency website.

Other Business

The Commission reviewed the application of George E. Larney for membership on the Dispute Resolution Panel. Since the applicant only provided two letters of recommendation, a decision on the application was tabled and the Commission directed staff to request a third letter. The Commission will make its decision upon receipt of that letter.

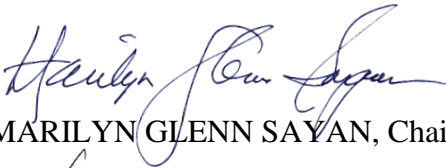
Adjournment

There being nothing further to come before the Commission, the public meeting was adjourned. Marilyn Glenn Sayan, Mark Busto, and Kenneth Pedersen went into closed session to deliberate over the motion for discretionary review in *City of Mill Creek*, Case 132886-U-20, and the

appeals of *Washington State Liquor and Cannabis Board (Washington Federation of State Employees)*, Decision 13333 (PSRA, 2021), and *Kitsap County*, Decision 13306 (PECB, 2021). The closed session concluded with a discussion on the remand in the Lincoln County/Teamsters Local 690 cases, from which Commissioner Pedersen recused himself. Appeals Administrator Charity Atchison joined the Commission in closed session.

APPROVED this 11th day of August, 2021.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



MARK R. BUSTO, Commissioner



KENNETH J. PEDERSEN, Commissioner

DATE: July 9, 2021
TO: Public Employment Relations Commission
FROM: Mike Sellars, Executive Director
RE: SB 5055 Implementation

At last month's meeting, we discussed Senate Bill 5055 and the requirements of the new Law Enforcement Personnel Disciplinary Grievance Arbitrator Roster. We continue to work on implementation of the new law, including soliciting proposals to meet the training requirements, developing a proposed rules package, and updating materials for the website.

We have begun soliciting and accepting applications for appointment to the roster. We placed a notice on our website that we are accepting applications for appointment for Commission consideration at its August 10, 2021, meeting. We also sent that notice to the Pacific Northwest Chapter of the National Arbitrators Association (NAA). That message was then forwarded to all NAA members. We continue to explore other avenues of outreach for qualified individuals who may be interested in applying for appointment to the roster. The deadline for any applications for consideration at the August meeting is August 3, 2021.

We continue to explore rules development. As mentioned at last month's meeting, we are of the opinion that few, if any, rules are required to implement the new roster. However, we are recommending a rule that prohibits members of the roster from serving as a representative or advocate for either an employer or a union—similar to the prohibition for members of the Dispute Resolution Panel and contained in WAC 391-55-110(7). We are in the process of drafting proposed rules for consideration by the Commission.

Finally, we are submitting a recommended fee schedule for consideration and action by the Commission at the July 13, 2021, meeting. The Commission is required to annually set a fee schedule for arbitrations conducted under SB 5055. We have reviewed the fee schedule set by the Minnesota Bureau of Mediation Services in implementing the Peace Officer Arbitration statute and the fee schedules of the members of PERC's Dispute Resolution Panel. As mentioned at last month's meeting, Minnesota set their fee schedule as follows:

Per Diem: \$2,000 – applied to travel to and from hearing location if overnight stay required before or after hearing; hearing; research; study; and preparation of award.

Cancellation Fee: \$1,000 – if hearing is cancelled or postponed less than twenty-one calendar days before scheduled hearing date.

Expenses: Parking, meals, lodging, copying, postage, and travel from listed address to hearing location by automobile at IRS mileage rate.

No Docketing Fee.

With respect to the members of PERC's Dispute Resolution Panel, the average charge for a grievance arbitration was \$1,500. The average cancellation fee was a per diem charge for cancellations within 21 days of the hearing.

We are recommending the following fee schedule:

Per Diem: \$2,000 – applied to travel to and from the hearing location, hearing, research, study, and preparation of the award.

Cancellation Fee: No cancellation fee if cancelled more than 30 days before scheduled hearing date. \$1,000 per scheduled day of hearing if cancelled within 30 days but more than 15 days of the scheduled hearing date. \$2,000 per scheduled day of hearing if cancelled within 15 days of the scheduled hearing date.

Travel & Other Costs: Airfare, lodging, meals, parking, copying, and mailing as incurred. Automobile mileage to be reimbursed at the IRS rate.