



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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MINUTES

September 14, 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

Vanessa Smith, Confidential Secretary

Mark Lyon, Assistant Attorney General, Office of the Attorney General

Also present:

Dianne Ramerman, PERC, Field Services Manager

Jamie Siegel, PERC, Labor Relations Adjudicator/Mediator

Katie Sypher, PERC, Labor Relations Adjudicator/Mediator

Sean Leonard, PERC, Labor Relations Adjudicator/Mediator

Patrick Halter

Minutes of the Previous Meetings

The minutes of the previous regular meeting held on August 11, 2021, and of the special meeting held on September 9, 2021, were adopted as presented.

Report of the Executive Director

1. We are in the process of confirming who of our staff have complied with the Governor's vaccine mandate. There have been no issues implementing the mandate, and as of this meeting the vaccination status of only one staff member had not been confirmed.
2. Two cases regarding the vaccine mandate—one unfair labor practice complaint and one mediation request—have been filed. A lawsuit related to the vaccine mandate was also filed in Thurston County Superior Court.

3. We have received 10 K-12 mediation requests this year, three involving certificated employees and seven involving classified employees. There has been no word about potential work stoppages.
4. We are still planning to reopen on November 1. However, we will continue to see how it goes. If we have to move the reopening date again, it will be in 2022. PERC continues to be able to offer all of its services virtually.

Court Docket

Mike 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.

Senate Bill 5055 Implementation: Consideration of Roster Applications

Chairperson Sayan opened this portion of the meeting by reading the attached statement outlining the process for the Commission's selection of arbitrators for the new Law Enforcement Arbitrator Roster. Chairperson Sayan, Commissioner Busto, and Commissioner Pedersen each expressed how impressed and pleased they were with the number and caliber of the applicants.

At the Commission's June meeting, it decided to apply to this roster the requirement in WAC 391-55-110(7), which prohibits active members of PERC's Dispute Resolution Panel from serving in any capacity as an advocate or representative for either labor or management. At the Commission's August meeting, it also decided to apply the requirements of WAC 391-55-110(2) and request that roster applicants who were not members of PERC's Dispute Resolution Panel submit letters of recommendation from one neutral, one management representative, and one labor representative. Because members of the Dispute Resolution Panel had already provided letters of recommendation, they were not required to do so again.

Before this meeting, each commissioner individually reviewed the 30 applications received by the August 3, 2021, deadline and developed a list of their top 18 candidates. Those lists were provided to Executive Assistant Vanessa Smith, who then created three lists of candidates: one list showing which candidates all three commissioners had selected; one showing which candidates just two commissioners had selected; and one showing which candidates only one commissioner had selected.

The commissioners briefly discussed how they wanted to proceed with making the appointments. To begin, the Commission asked Vanessa to show the list of candidates who had been selected by all three commissioners. That list, comprised of seven names, was as follows:

1. Bauman, Susan
2. Diamond, Barbara
3. Goldman, Barry
4. Jacobs, Jeff
5. Lundberg, James
6. Lurie, Donna
7. Mayne, Renée

No discussion ensued. Next, the Commission asked Vanessa to show the list of candidates who had been chosen by just two commissioners. That list consisted of 14 names and was as follows:

1. Clauss, Brian
2. Cure, Ira
3. Eide, Audrey
4. Gordon, Paul
5. Greenberg, Keith
6. Grey, Robert
7. Halter, Patrick
8. Khoury, Najeeb
9. Michelstetter, Stanley
10. Miller, Richard John
11. Miller, Yuval
12. Nelson, Elinor
13. Romeo, Robin
14. Torosian, Herman

The Commission discussed each of these applicants in turn and agreed upon 11 applicants from the second list of 14. The Commission noted that this task was especially difficult, given the quality of each applicant. The Commission did not review the list of candidates who had been selected by only one commissioner.

After this discussion, the Commission asked Vanessa to read aloud the list of the remaining 18 names, which were as follows:

1. Bauman, Susan
2. Diamond, Barbara
3. Goldman, Barry
4. Jacobs, Jeff
5. Lundberg, James
6. Lurie, Donna
7. Mayne, Renée
8. Clauss, Brian
9. Eide, Audrey
10. Gordon, Paul
11. Grey, Robert
12. Halter, Patrick
13. Khoury, Najeeb
14. Michelstetter, Stanley
15. Miller, Richard John
16. Miller, Yuval
17. Romeo, Robin
18. Torosian, Herman

The 18 agreed-upon applicants met the criteria described above in addition to the requirements set forth in RCW 41.58.070. The Commission adopted this list of arbitrators for appointment to

the roster, and Chairperson Sayan once again expressed thanks to all who applied. After a brief discussion about the next steps, the Commission directed that the roster appointment term expiration dates be set by lot.

Adjournment

There being nothing further to come before the Commission, the public meeting was adjourned at 11:35 a.m.

APPROVED this 19th day of October, 2021.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



MARK R. BUSTO, Commissioner



KENNETH J. PEDERSEN, Commissioner

PROCESS FOR COMMISSION SELECTION OF ARBITRATION PANEL

Pursuant to Senate Bill 5055 enacted this 2021 legislative session, the Commission is required to create a roster of nine to eighteen arbitrators to arbitrate disciplinary grievances of law enforcement personnel. Except for initial appointments that have staggered expiration dates, appointments are for three-year terms.

The Commission Executive Director recruited for such positions and received timely applications from 30 individuals. The ED has provided the Commission with an alphabetical listing of those individuals along with copies of the application materials each has submitted.

Each Commissioner has individually reviewed those application materials and developed an initial list of the top 18 candidates he/she determined to be among the most qualified for appointment to the roster. That list was provided to the Commission's Executive Assistant this morning prior to the Commission's monthly meeting.

The Executive Assistant has reviewed the names included on the list, identified the common overlapping names from the 3 lists, and will report this to the full Commission in open meeting. The Commission members will then discuss those results and express any individual opinions as to the qualifications of the candidates, if necessary. A Commission vote on which of those 18 candidates will be appointed to the roster will then be taken.

Presuming that the initial identification of the top 18 candidates does not result in the Commission agreeing on 18 appointees, the Commission members may then propose the names of additional applicants from the listing, discuss the qualifications of those applicants, and ultimately vote on their inclusion on the roster.

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