



STATE OF WASHINGTON  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

**MICHAEL P. SELLARS, EXECUTIVE DIRECTOR**

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**MINUTES**

November 8, 2022

The regular meeting of the Public Employment Relations Commission was called to order  
at 10:02 a.m. via Zoom

Those present and participating:

Marilyn Glenn Sayan, Chairperson

Mark R. Busto, Commissioner

Mike Sellars, Executive Director

Charity Atchison, Appeals Administrator

Dario de la Rosa, Unfair Labor Practice/Representation Administrator

Chris Casillas, Labor Relations Adjudicator/Mediator

Vanessa Smith, Confidential Secretary

Also present via Zoom:

Herb Harris, Washington Federation of State Employees

Hannah Hollander, Office of Financial Management

Kristin Lamson, Office of the Attorney General

Margaret (Peggy) Pulse, Department of Social and Health Services

Jamie Siegel, PERC, Labor Relations Adjudicator/Mediator

Ed Younglove, Younglove & Coker, P.L.L.C.

**Minutes of the Previous Meetings**

The minutes of the previous meeting held on October 11, 2022, were adopted as presented.

**Report of the Executive Director**

1. A new commissioner, Elizabeth Ford, has been appointed effective November 10.
2. In October, PERC began piloting the return to in-person activities. Any events need to be approved by Mike. Mike has only received two staff requests to conduct in-person events, and both were approved.
3. As previously mentioned, we contracted with RISEWITHKJ earlier this year to provide arbitrators on the Law Enforcement Arbitrator Roster the required training on structural racism, implicit bias, and recognizing and valuing community diversity and cultural

differences. That training was well regarded, and PERC staff will take the same training over the last three weeks of November.

4. The Commission is obligated to review the fee structure for the Law Enforcement Arbitrator Roster annually. This will be on the agenda for the January 2023 meeting.
5. October was a steady month with respect to case filings. The case volume is still on pace to be above that of the last two years.
6. We have filled the two Labor Relations Adjudicator/Mediator positions. Former PERC employees Jessica Bradley and Page Todd are returning, and it will be great to have them back. Jessica starts on November 16, and Page starts in mid-January.

### **Court & Commission Docket**

Charity provided updates on the two cases currently pending in court. No new Commission appeals have been filed. Lists of pending cases that have been appealed to court or the Commission are available on the agency website.

### **Adoption of Revisions to Title 391 WAC**

Dario provided an overview of the reasoning behind the rules revisions and the process leading up to this meeting. He outlined the discussion and adoption process and indicated how clientele could provide input during the meeting.

The Commission then proceeded into conducting rulemaking. Mike presented on chapters 391-08 and 391-45 WAC; Dario presented on chapters 391-15, 391-25, 391-35, and 391-75 WAC; and Chris presented on chapters 391-55 and 391-65 WAC. The Commission discussed and provided input on the more substantive proposals, and Mike, Dario, and Chris answered any remaining questions. Questions and comments were also taken from Peggy Pulse, Herb Harris, Ed Younglove, and Hannah Hollander.

The Commission adopted all staff proposals except the following:

- Elimination of WAC 391-25-096. Staff was directed to seek further input from clientele.
- Changes to WAC 391-35-350. Staff withdrew the proposal for further consideration and work.

The Commission also adopted oral amendments to WAC 391-45-050(1)(c), WAC 391-55-210(3), and WAC 391-55-211(1)(c).


The Commission and Mike thanked and commended staff for all their work on the rules revisions. The revised rules will be effective January 1, 2023. The proposals as adopted are appended to these minutes.

### **Adjournment**

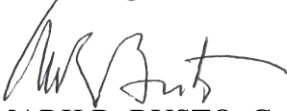
There being nothing further to come before the Commission, the public meeting was adjourned at 11:35 a.m.

APPROVED this 10th day of January, 2023.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

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MARILYN GLENN SAYAN, Chairperson

A handwritten signature in blue ink, appearing to read "Mark R. Busto", written in a cursive style.

MARK R. BUSTO, Commissioner