



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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MINUTES

April 11, 2023

The regular meeting of the Public Employment Relations Commission was called to order
at 10:06 a.m.

PERC Conference Room
112 Henry Street NE, Suite 300
Olympia, Washington 98506

Those present and participating:
Marilyn Glenn Sayan, Chairperson
Mark R. Busto, Commissioner
Elizabeth Ford, Commissioner
Mike Sellars, Executive Director
Charity Atchison, Appeals Administrator
Dario de la Rosa, Unfair Labor Practice/Representation Administrator
Vanessa Smith, Confidential Secretary

Also present in Olympia:

Matt Greer, PERC, Labor Relations Adjudicator/Mediator
Katie Sypher, PERC, Labor Relations Adjudicator/Mediator
Lynn Eccles, PERC, Legal Assistant

Also present via Zoom:

Kristin Lamson, Office of the Attorney General
Margaret (Peggy) Pulse, Department of Social and Health Services
Jamie Siegel, PERC, Labor Relations Adjudicator/Mediator
Page Todd, PERC, Labor Relations Adjudicator/Mediator

Minutes of the Previous Meetings

The minutes of the previous meeting held on January 10, 2023, were adopted as presented.

Report of the Executive Director

1. Like this meeting, any Commission meetings going forward will be hybrid. We are currently considering how to configure the conference room as well as what equipment and changes are needed to maximize the space and provide a mixed modality for all events.
2. Since our last Commission meeting in January, two PERC staff members, Daniel Comeau and Dan Hickey, have left. Jessica Bradley and Page Todd have returned, and it

is gratifying that they wanted to come back. We still have LRAM vacancies, but with our current case volumes, we can handle these fluctuations.

3. Beginning in January, the Labor Relations Adjudicators/Mediators now have the discretion to decide whether an event will be held in person or virtually. There has not been a rush for in-person services, and there have only been a handful of such events since January. Mike and the Commission asked Matt and Katie questions about their experiences with respect to in-person or virtual events.
4. We are currently finishing the Annual Report for 2022. Mike detailed some interesting data points:
 - a. Conflict prevention cases continue to lag; they were the most impacted by the pandemic and PERC going completely virtual. However, we are starting to see things turn around at this point.
 - b. In 2022, 38% of unfair labor practice complaints were filed by self-represented individuals, which is the highest that number has been. We will put more materials on the website regarding causes of action and deficiencies.
 - c. While cases have continued to settle at the same rate over the last three years, agreement was reached in only 34% of grievance mediation cases closed in 2022—a nearly 50% drop. There was a big spike in COVID-related grievance mediation cases, and of those only two have reached agreement to date.
 - d. The year closed out with the fewest number of hearings in a single year as far as we could go back, and the pace of decisions was slower. This is a big difference from when Mike and Charity started and there were over 30 cases on the Commission docket.
 - e. In a post-*Janus* phenomenon, the volume of petitions for new organizing has continued to trend high. Representation cases in general stayed high throughout the pandemic.
5. We continue to stay very active in ALRA. Last month, Mike facilitated a panel in New York. The next ALRA conference will be in Vancouver, BC, this year.
6. Part of The Negotiation Project is The PERColator Podcast, which had 25 episodes last year. Chris Casillas, one of the podcast hosts, recently interviewed Mike and Jennifer Abruzzo, General Counsel for the National Labor Relations Board on the podcast. Chris also serves as an adjunct faculty member at the University of Washington, and Emily Whitney and Mike are also coteaching a labor law class there. Even though our training case volume is down, our outreach is up.
7. The first quarter of 2023 had a lower volume of case filings. April is still low.
8. We are in the last three months of the current biennium. We are considering any tools and technology we may need. Both houses have released their budget proposals, and they are the same as the governor's. All three proposals include a 4% wage increase in 2023 and a 3% wage increase in 2024. They also include a \$1,000 incentive for employees who are up to date on their vaccination.
9. The LERA conference will be held in Tacoma for the first time this year. Attendance was capped at 400 attendees, and the conference is already at full capacity.

Legislative Update

Charity noted that Commissioner Ford's confirmation bill is on the confirmation calendar and gave an overview of other legislation that PERC has been monitoring.

Court Docket

Charity provided updates on the cases currently pending in court. A list of pending cases that have been appealed to court is available on the agency website.

Compliance Docket

Spokane County, Cases 134478-U-21, 134479-U-21, 134480-U-21, 134481-U-21, 134482-U-21, and 134483-U-21. Dario provided a summary of the cases and the Examiner's decision, which had been appealed to and affirmed by the Commission. Dario also described the parties' actions on compliance. Based on these actions and the parties' agreement, Dario recommended that compliance be accepted. The Commission accepted compliance, and the case will be closed.

Review of Law Enforcement Arbitrator Roster Fee Schedule

The Commission is required to review the Law Enforcement Arbitrator Roster fee schedule on an annual basis. Mike summarized the memorandum that was sent to the Commission before this meeting. To date, we have not received any comments from arbitrators regarding the fee schedule. After a brief discussion, the Commission unanimously decided to keep the fee schedule it established in 2021.

Adjournment

There being nothing further to come before the Commission, the public meeting was adjourned at 11:09 a.m.

APPROVED at Olympia, Washington, this 13th day of June, 2023.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


MARK R. BUSTO, Commissioner


ELIZABETH FORD, Commissioner