



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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MINUTES

September 12, 2023

The regular meeting of the Public Employment Relations Commission
was called to order at 10:05 a.m.

Via Zoom &
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
Vanessa Smith, Confidential Secretary

Also present:

Herb Harris, Washington Federation of State Employees
Peggy Pulse, Department of Social and Health Services
Dario de la Rosa, PERC, Unfair Labor Practice/Representation Administrator
Sean Leonard, PERC, Labor Relations Adjudicator/Mediator
Kristin Lamson, Office of the Attorney General
Jamie Siegel, PERC, Labor Relations Adjudicator/Mediator

Minutes of the Previous Meetings

The minutes of the previous meeting held on June 13, 2023, were adopted as presented.

Report of the Executive Director

1. We have been working on implementing new technology in the conference room to allow for hybrid hearings and meetings, like this one. We continue to test and become familiar with the technology.

2. August is usually the peak for K-12 mediation cases. Four such cases were filed in August for the Griffin, Yelm, Camas, and Evergreen School Districts. Camas went on strike on August 28. Labor Relations Adjudicator/Mediator Page Todd mediated with the parties from August 30 through September 6, when an agreement was reached. Evergreen went on strike on August 30, and they settled on September 10. Yelm and Griffin remain open.
3. We have made changes to our monthly case and decision report to address the Commission's questions at previous meetings. The report now shows the year-to-date percentage of unfair labor practice cases filed by self-represented individuals and the percentage differences between the current year's volume and the previous five-years' average per case type. The bottom right corner of the report will also be used for rotating charts that are of more topical interest. The reports for June, July, and August 2023 were discussed.
4. We are currently in the process of recruiting up to two legal assistants to fill the positions previously held by Amy Riggs, who left in August, and Lorene Ross, who retired at the end of May. We hope to make at least one offer in the next 10 days.
5. The e-filing project is now at the point of being tested by external users, and we have invited our frequent filers to test. So far, the feedback has been very good and helpful. Our goal is to fully open the system to external users by the end of the year.
6. All the Labor Relations Adjudicators/Mediators are taking a one-day legal writing training offered by Bryan Garner. This is the first legal writing training the field staff has taken since one conducted by Timothy Terrell a few years ago. The feedback has been good so far.
7. Based on the increase in remote work, the 2023–2025 state operating budget contained a provision requiring agencies with leases expiring in 2024 through June 30, 2025, to reduce leased office space by a minimum of 20% upon lease renewal or when requesting office relocation. The reduction requirement increased to 30% for leases expiring in the second half of 2025 through 2026. This provision was vetoed by the Governor. However, the Governor directed the Office of Financial Management and the Department of Enterprise Services to work together to identify expiring leased office space that needs to be reduced and to determine agencies' space needs based on actual in-office usage. The Olympia office lease expires in June 2024, but we have already extended it through June 2029. The Kirkland office lease expires in 2025, and we have been looking at our space and Kirkland office needs.
8. With respect to unfair labor practice cases filed by self-represented individuals, we always offer our mediation services and have discussed ways to encourage the use of those services. During the recent rule-making process, we explored a rule that would allow the executive director to order mediation, but that rule was not adopted. While not ordering the parties to mediate, we have begun identifying unfair labor practice cases that we believe would benefit from mediation and assigning mediators to those cases. The parties may still refuse to mediate, but the assignment will at least give a mediator a

chance to explore solutions or explain applicable limitations to remedies. So far, we have assigned a mediator to one case filed by a self-represented individual.

9. We are in the process of creating a space on Decisia, our decision search engine, to upload advisory opinions and make them available to the public. Only one advisory opinion has been issued to date. The Commission would like to discuss advisory opinions at a future meeting to assess how the process is going for clientele.

Court & Commission Docket

Charity provided an update on the case currently pending in court and a brief overview of the cases before the Commission. Lists of pending cases that have been appealed to court or the Commission are available on the agency website.

Expiring Law Enforcement Arbitrator Roster Appointments


RCW 41.58.070 requires the Commission to create and maintain a Law Enforcement Arbitrator Roster and appoint 9–18 arbitrators to arbitrate disciplinary grievances for law enforcement personnel. In September 2021, the Commission appointed 18 arbitrators for staggered terms decided by lot. Mike notified the Commission that six of those appointments will expire after December 31, 2023. The question before the Commission at this meeting was whether it would like to keep the roster at 12 members or solicit applications. A discussion ensued, and the Commission carried a motion to solicit three applications in order to maintain a total of 15 arbitrators on the roster.

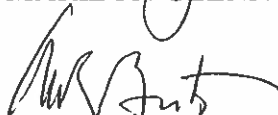
Adjournment

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

APPROVED at Olympia, Washington, this 10th day of October, 2023.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


MARK R. BUSTO, Commissioner

ELIZABETH FORD, Commissioner