



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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MINUTES

May 14, 2024

The regular meeting of the Public Employment Relations Commission
was called to order at 10:00 a.m.

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

Those present and participating:
Mark S. Lyon, Chairperson
Mark R. Busto, Commissioner
Elizabeth Ford, Commissioner
Mike Sellars, Executive Director
Charity Atchison, Appeals Administrator
Vanessa Smith, Confidential Secretary

Also present:

Jamie Siegel, PERC, Labor Relations Adjudicator/Mediator
Herb Harris, Washington Federation of State Employees

Minutes of the Previous Meetings

The minutes of the previous meeting held on April 9, 2024, were adopted as presented.

Report of the Executive Director

1. Mike thanked Lynn, Robbie, and Vanessa for their continued work on the technology for the hybrid meetings.
2. We have continued to receive a higher rate of case filings since January. Unfair labor practice complaints remain steady, with an elevated percentage of them being filed by self-represented individuals. The number of contract mediations is picking back up from last year's historical low, and we are on pace to meet or exceed last year's historical high number of training requests. Representation cases have remained high since *Janus*, and the number of petitions received through April indicates that it is also on track to be

higher than last year. This presents some challenges for us, as Representation Case Administrator Emily Whitney will be on leave for 6–7 weeks. Mike will step in in her stead, and he and Dario have started to divide the work.

3. There has been a bit of flux in the professional team. Terri Iverson, one of the legal assistants, has been working off and on as she deals with a family illness. Additionally, we recently filled a legal assistant vacancy, and Stephanie Ballou will start next week. In the meantime, we brought Debbie Hobbs back to fill in for a few months.
4. PERC’s administrative services manager, Diane Tucker, has announced that she will be retiring at the end of the year. Diane wears many hats; among other things, she manages the office, coordinates with DES, supervises the professional staff, and serves as the HR manager. We have opened an internal recruitment.
5. Mike and Diane have been working on salary comparables. The results of the 2024 Washington State Employee Compensation Survey are in, and the responses received to the LRAM benchmark indicated that the LRAMs are less than 5% behind their counterparts. Mike noted this does not seem valid and the entities with the most comparable positions did not respond to the survey. Further, the legal assistant classification appears to be 22% behind.
6. At last month’s meeting, we discussed a Dispute Resolution Panel applicant from Florida with no apparent connections to Washington state and whether that concerns the clientele. Mike met with the Clientele Consultation Committee in early May, and this question was one of the topics of the meeting. While travel costs are a concern, some clientele want arbitrators from out of state, and some of the most-used arbitrators are from out of state. This is likely influenced by virtual hearings now being a possibility.
7. Also last month, we finalized and issued the Annual Report for 2023. Mike commended Vanessa for all her work in putting the report together. The report encapsulates what we have talked about at various meetings as well as the current progress on the Strategic Plan for 2023–2025. As previous reports have shown, the percentage of agreements reached in mediation cases is normally high. However, this report reflected the highest percentage that we have seen in several years; agreements were reached in 99% of contract mediation cases closed in 2023. With respect to adjudication case processing, the time to hearing has steadily gone up over the last few years. We will work to address that number. We have some ideas for tackling this, but the results of those efforts won’t show for some time. A discussion about the data showing the time to issue Commission decisions followed.

Court Docket

Charity informed the Commission that one of its decisions was recently affirmed by the Court of Appeals. Two other cases are still pending in court, and the Commission has three cases on its docket. Lists of pending cases that have been appealed to court or the Commission are available on the agency website.

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. After a brief discussion, the Commission unanimously decided to keep the fee schedule established in 2021.

Other Business

Commissioner Ford requested that the Clientele Consultation Committee be invited to a meeting. Mike will extend the invitation.

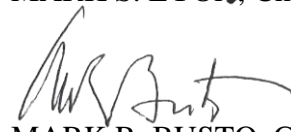
Adjournment

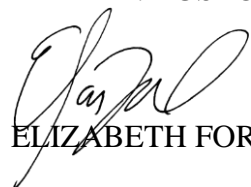
There being nothing further to come before the Commission, the public meeting was adjourned at 10:44 a.m.

APPROVED at Olympia, Washington, this 13th day of June, 2024.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARK S. LYON, Chairperson


MARK R. BUSTO, Commissioner


ELIZABETH FORD, Commissioner