



33rd Annual Report

Public Employment Relations Commission

Fiscal Year Ending June 30, 2008

**PERC was created by Chapter 5,
Laws of 1975; RCW 41.58.005**

**to provide “uniform and impartial...efficient and expert”
administration of state collective bargaining laws.
PERC is a single-program agency, concerned exclusively with
the resolution of labor-management disputes.**

**The Public Employment Relations Commission offices
are located at:**

Olympia office

**112 Henry Street NE, Suite 300
Olympia, Washington**

Kirkland office

**9757 Juanita Drive NE, Suite 204
Kirkland, Washington**

(360) 570-7300 ● Fax (360) 570-7334

www.perc.wa.gov

Public Employment Relations Commission



Chairperson Marilyn Glenn Sayan

Commissioner Pamela G. Bradburn

Commissioner Thomas W. McLane

Our Mission Statement:

It is the mission of the
Public Employment Relations Commission
to prevent or minimize disruptions
to public services by the uniform, impartial, efficient
and expert resolution of labor-management disputes.



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919
(360) 570-7300 • Fax: (360) 570-7334 • E-mail filings: filing@perc.wa.gov • Website: www.perc.wa.gov

November 18, 2008

The Honorable Chris Gregoire
Governor of Washington
Legislative Building
Olympia, Washington 98504-0002

Secretary of the Senate
Washington State Senate
Legislative Building
Olympia, Washington 98504-0482


Chief Clerk
House of Representatives
Legislative Building
Olympia, Washington 98504-0600

Gentlepersons:

We have the honor to submit, pursuant to RCW 41.58.010(4), the Annual Report of the Public Employment Relations Commission, covering the fiscal year ended June 30, 2008.


Very truly yours,

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner


CATHLEEN CALLAHAN, Executive Director



STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In Celebration of a milestone in)
the history of the:)
)
PUBLIC EMPLOYMENT RELATIONS) DECISION 10000 - PERC
COMMISSION)
)
_____)

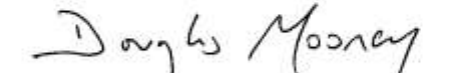
It is with great pleasure that we issue this historic decision, our 10000th, in honor of public employees, labor organizations, and employers across the great State of Washington who engage in the process of collective bargaining. We express our gratitude to the Commission staff who support or provide mediation and adjudication services with extraordinary dedication in keeping with the mission of the Public Employment Relations Commission.

Issued at Olympia, Washington, the 11th day of March, 2008.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


DOUGLAS G. MOONEY, Commissioner


CATHLEEN CALLAHAN, Executive Director

Letter from the Executive Director

Dear Fellow Washingtonians:

The Commission and I were honored to issue the agency's 10,000th decision on March 11, 2008 (see facing page). This decision celebrates a significant milestone for public sector collective bargaining in the State of Washington and a significant milestone for the Commission's staff and clientele. Established in 1976, the Commission's jurisdiction has grown from administering full scope bargaining for local government employers/employees to administering collective bargaining statutes covering employees of public hospital districts, school districts, community colleges, universities, state employees, ports, utility districts, child care providers, home care providers, and adult family home providers. There are now approximately 350,000 public employees in the State of Washington who have full scope collective bargaining rights.

The Commission engaged in significant rule making this past year. After extended discussion and consultation between Commission staff and practitioners from labor and management, 48 existing rules were amended, 3 rules were repealed, and 11 new rules took effect. Notable changes/additions include a 1-year time limitation for union authorization cards, a 50% cross-check rule for state clientele, a 25-page brief limit, adoption of election campaign rules for state clientele, and adoption of a new self-determination election process. Many thanks to our clientele groups who engaged in this collaborative process with Commission staff.

The agency was pleased to announce the hiring of three new mediator/adjudicators in the fall of 2007: Jamie Siegel, Charity Atchison and Jessica Bradley. All are welcome additions to the staff and each brings her own special talent and enthusiasm to the agency.

Commissioner Doug Mooney resigned as Commissioner in order to pursue volunteer work in anti-human trafficking in Tajikistan. On behalf of the agency, I extend our thanks to Doug for his contributions to the Commission and for his efforts to make the world a better place. We were pleased to announce the Governor's appointment of Tom McLane to fill the Commissioner position vacated by Doug Mooney. Mr. McLane is a partner in Allen & McLane, PC, a Spokane management-side law firm with a wealth of experience in collective bargaining issues.

I am proud of the commitment to public service and collective bargaining that is exhibited by the entire staff of the Public Employment Relations Commission. Our mediators/adjudicators have established a fine record. During this past year, the entire staff has worked diligently to eliminate our backlog and provide quality and timely service in all that we do. As we continue to reach out to our clientele, we welcome any input or suggestions for ways we can deliver our services.

Thank you,

Cathy Callahan



Authority and Jurisdiction

Even with the statutory changes implemented in 2002, Washington continues to have a highly-fragmented statutory structure for collective bargaining. As of the year covered by this report, PERC administers ten separate statutes, as follows:

Chapter 28B.52 RCW, Collective Bargaining - Community and Technical Colleges (CCOL), covers community college and technical college faculty. PERC has administered this statute since 1976. Consistent with historical experience, there was only limited activity under this statute in the year covered by this report.

Chapter 41.56 RCW, the Public Employees' Collective Bargaining Act (PECBA), covers all local government employees except school district certificated employees, and specific selected groups of state employees excluded from the civil service system. PERC has administered this statute since 1976. The volume of cases filed with PERC under this statute in the year covered by this report was lower than historical experience.

Chapter 41.58 RCW, Public Employment Relations, created PERC in 1975, sets forth the basic mission of PERC, and contains some substantive provisions applicable to all employers and employees under PERC's jurisdiction.

Chapter 41.59 RCW, the Educational Employment Relations Act (EDUC), covers certificated employees of school districts. PERC has administered this statute since 1976. Consistent with historical experience there was limited activity under this statute in the year covered by this report.

Chapter 41.76 RCW, the Faculty Collective Bargaining Act (FCBA) covers faculty at six state institutions of higher education awarding baccalaureate and higher degrees.

Authority and Jurisdiction

Chapter 41.80 RCW, the Personnel System Reform Act (PSRA), covers classified employees of state general government agencies and classified employees of state institutions of higher education. Administration of this statute was delegated to PERC in 2002.

Chapter 49.08 RCW, Arbitration of Disputes, covers private sector employers/employees. PERC has administered this statute since 1976. Consistent with historical experience, there was very limited activity under this statute in the year covered by this report.

Chapter 53.18 RCW, Employment Relations, covers port district employees in addition to their coverage under Chapter 41.56 RCW. PERC has administered this statute since 1976, and it was amended in 1983 to dove-tail with Chapter 41.56 RCW.

Chapter 54.04 RCW covers public utility districts in addition to their coverage under Chapter 41.56 RCW. Consistent with historical experience, there was very limited activity under this statute in the year covered by this report.

Chapter 74.39A RCW contains some provisions regulating the collective bargaining process for individual providers of home care workers under Chapter 41.56 RCW. PERC has administered those collective bargaining provisions since 2002.

PERC resolves labor-management disputes under provisions contained in ten separate Revised Code of Washington chapters estimated to cover approximately 340,000 public employees.

Services Provided by PERC

PERC implements a legislative purpose *to promote peace and harmony in labor-management relations* in the state, applying a variety of procedures and techniques to resolve disputes arising under state collective bargaining laws. There is no federal regulation of collective bargaining involving any public employees in the State of Washington.

Representation cases involve grouping employees for the purposes of collective bargaining, and determining which organization (if any) has the support of a majority of the employees in an appropriate bargaining unit.

- PERC conducts hearings and issues decisions to rule on procedural issues and to determine appropriate bargaining units; and
- PERC determines questions concerning representation, by conducting elections or cross-checks to determine whether the majority of employees in a bargaining unit wish to be represented by a labor organization for purposes of collective bargaining.

Unit clarification cases involve modifications of existing bargaining units, based on changes of circumstances.

- Providing an administrative dispute resolution process for bargaining unit “eligibility” issues reduces the potential for impasses at the bargaining table.
- PERC conducts hearings and issues decisions to rule on procedural issues and to determine appropriate modifications of bargaining units.

Unfair labor practice cases involve alleged violations of state collective bargaining laws by employers and unions.

- PERC conducts hearings and issues decisions to rule on procedural and substantive issues; and
- PERC orders appropriate remedies where a violation of the law has occurred, and follows up to assure compliance with those orders.

Services Provided by PERC

Mediation cases involve negotiations on the terms of collective bargaining agreements.

- PERC responds to requests from employers and/or unions, but can offer mediation if a dispute threatens to disrupt the public welfare.
- Acting *without power of compulsion*, PERC mediators attempt to effect communications and persuade parties to resolve differences about employees' terms and conditions of employment.

Interest arbitration cases involve uniformed classes of public employees (defined in RCW 41.56.030(7), RCW 41.56.492, and Chapter 74.39A RCW), where the Legislature has provided alternative means to resolve contractual issues.

- PERC certifies the issues remaining in dispute following mediation, and resolves disputes as to whether those issues are mandatory subjects of bargaining; and
- The arbitrator holds a hearing and issues a binding decision establishing the parties' future interests under statutory standards.

Fact-finding cases involve school districts, the state and its civil service employees if parties fail to agree in mediation on a collective bargaining agreement.

- The fact-finder conducts a hearing and issues non-binding recommendations on reasonable resolutions of the parties' contractual disputes; and
- The parties are required to respond to the recommendations, which will be made public after one week if the parties don't settle by that time.

Services Provided by PERC

Grievance mediation cases involve the interpretation or application of existing collective bargaining agreements.

- Acting without power of compulsion, PERC mediators effect communications between parties and attempt to persuade the parties to resolve their differences on contract issues; and
- Unresolved grievances are either dropped or submitted to grievance arbitration.

Grievance arbitration cases also involve the interpretation or application of existing collective bargaining agreements.

- The arbitrator (who may be a member of the PERC staff or a member of the agency's dispute resolution panel) holds a hearing and issues a binding decision on procedural and substantive issues concerning the parties' contractual rights; and
- Grievance arbitration is the legislatively-preferred alternative to strikes and/or lockouts concerning grievance issues.

Nonassociation cases involve employees whose bona fide religious beliefs or tenets/teachings of a church or religious body form the basis for an objection to paying union dues.

- PERC conducts hearings and issues formal decisions to rule on procedural and substantive issues.

The type of service provided by PERC in a particular case depends on the applicable statute and the issue(s) to be resolved.

The Commission and its Staff

The Commission consists of three citizen members appointed by the Governor pursuant to RCW 41.58.010(2):

In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

Serving on a part-time basis, Commissioners adopt rules and consider appeals from decisions issued by staff members or the Executive Director.

The Executive Director is appointed by the Commissioners under RCW 41.58.015-(2) to:

[P]erform such duties and have such powers as the commission shall prescribe in order to implement and enforce the provisions of this chapter. In addition to the performance of administrative duties, the commission may delegate to the executive director authority with respect to, but not limited to, representation proceedings, unfair labor practice proceedings, mediation of labor disputes, arbitration of disputes concerning interpretation or application of a collective bargaining agreement and, in certain cases, fact-finding or arbitration of disputes concerning the terms of a collective bargaining agreement.

The Executive Director has a substantive role in the resolution of labor-management disputes, as well as performing administrative functions.

The day-to-day functions of PERC are performed by full-time staff employed under RCW 41.58.015(3):

The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

All PERC staff members are in the classified service or Washington Management Service under Chapter 41.06 RCW, except the Executive Director, an Executive Assistant, and an Appeals Administrator to the Commission who are exempt from the coverage of the State Civil Service Law.

The Commission and its Staff

Additional details of the basic roles of PERC staff members are as follows:

- The Executive Director is the full-time agency head responsible for the overall operation, the appointing authority for all other PERC employees, and responsible for making substantive rulings on some labor-management disputes.
- The Executive Assistant provides secretarial support to the Executive Director and Commission.
- The Appeals Administrator provides legal research and other assistance to the Commission members in regard to the processing of appeals.
- Labor Relations Adjudicator/Mediator (LRAM) positions in classified service are the primary field staff and production force of the agency. These employees are cross-trained to hold hearings, write decisions, and mediate disputes under all of the laws administered by PERC.
- A Human Resource Consultant position in classified service serves as the representation coordinator and specializes in the preliminary processing of representation cases, and oversees representation elections and cross-checks conducted by PERC.
- A Human Resources Manager position in the WMS serves as supervisor of the clerical employees and is responsible for all personnel matters throughout the agency.
- Office-clerical employees in various classified service positions provide word processing, data entry, and data auditing functions in support of the dispute resolution services, as well as support for PERC's business functions.

The Commission and its Staff

- A “Special Projects Manager” in the WMS serves as the public records officer and is responsible for critical but short term projects such as the Washington State Quality Award and application and development of the Performance Development Plan.
- An “Unfair Labor Practice Manager” position in classified service makes preliminary rulings on whether petitions and complaints state claims for relief available through proceedings before the Commission, monitors compliance with remedial orders issued by PERC, distributes incoming cases to the LRAM teams, monitors interest arbitration proceedings being processed by outside arbitrators, and may make preliminary rulings on petitions and complaints.
- Three “Field Services Manager” positions in classified service supervise teams of PERC’s field staff, and process cases.
- A “Business Manager” in the Washington Management Service is responsible for all budget, accounting, payroll, purchasing, leasing, and contracting functions.
- An “Information Technology Manager” in the classified service is responsible for the operation and maintenance of all PERC computer systems.

In addition to its staff, who may serve as arbitrators, PERC assists its clientele by maintaining and making referrals from a “Dispute Resolution Panel”. The panel consists of professional arbitrators who are not state employees, but who meet qualifications established by the Commission. The Executive Assistant, serving as Panel Coordinator, provides requesting parties with lists of panel members randomly selected by computer. The parties pay the arbitrator they select.

Fulfilling the Intent of the Legislature

The Commission has designed its staff and operations to implement the legislative intent expressed in RCW 41.58.005:

"UNIFORM" RULES AND PROCEDURES under Washington Administrative Code (WAC) rules adopted by PERC make case processing as “uniform” as possible for all parties subject to the jurisdiction of the Commission:

- Chapter 391-08 WAC (general procedural rules);
- Chapter 391-25 WAC (representation cases);
- Chapter 391-35 WAC (unit clarification cases);
- Chapter 391-45 WAC (unfair labor practice cases);
- Chapter 391-55 WAC (mediation, fact-finding and interest arbitration cases);
- Chapter 391-65 WAC (grievance arbitration cases);
- Chapter 391-95 WAC (nonassociation cases).

All of the Commission’s rules are set forth in logical order to facilitate their use and understanding by individual employees as well as by experienced practitioners.

In PERC rules, processes and precedents alike, deviations from uniformity only occur where required by a particular statute, and are clearly identified as exceptions from the general rules on those subjects.

"EFFICIENT" UTILIZATION OF PERSONNEL AND TECHNOLOGY is accomplished by multiple means:

PERC staff members are "multi-functional" professionals, who are cross-trained to provide dispute resolution services in all of the types of cases processed by the Commission. Seasonal patterns normally occur within PERC's case intake, and the multi-functional staffing approach permits the Commission to maximize its utilization of personnel at all times.

PERC offices are strategically located: PERC’s principal office is in Olympia, where the Executive Director, a majority of the professional staff, and all of the support staff are based. A branch office in King County (Kirkland) is located where a large portion of the caseload originates.

PERC offices are linked by a computer system integrating word processing, calendar, case docketing/tracking, correspondence tracking (imaging), and e-mail functions. All members of the PERC staff have immediate access to information concerning the current status of all cases currently pending before PERC, as well as historical information on past cases and precedents.

Fulfilling the Intent of the Legislature

PERC IS "IMPARTIAL" representing the interests of the public in maintaining labor peace.

- As the decision-making and administrative body in all of the cases processed by PERC, the Commission and its staff maintain an impartial posture.
- The Commission does not initiate cases or otherwise have any control over its case intake.
- The Commission and its staff do not become advocates for or against the position of any party in proceedings before the agency.
- Where an unfair labor practice violation is found, the Commission can authorize the Office of the Attorney General to seek enforcement of a remedial order in the courts to protect the public interest.



"EXPERT" - A BODY OF SOUND CASE PRECEDENT PERC decisions are relied upon by both parties and PERC staff, as precedent for future cases.

- PERC has resolved more than 21,000 cases of all types since 1976, and has issued formal orders in more than 10,000 cases since 1976.
- PERC decisions under the state Administrative Procedure Act (APA), Chapter 34.05 RCW, set forth the facts and legal reasoning on which they are based.
- The Supreme Court of the State of Washington has several times acknowledged the Commission's expertise in labor-management relations, and has accorded "great deference" to the Commission's interpretations of the statutes it administers.
- The Commission's decisions have resolved the dispute and/or withstood judicial review in more than 99% of all APA cases decided by PERC.

TABLE I. - ANALYSIS OF CASES DOCKETED BY STATUTE

Case Type	Number Filed	Percent of Total
Chapter 41.56 RCW (Public Employees Collective Bargaining Act)	495	75.69%
Chapter 41.80 RCW (Personnel System Reform Act of 2002)	108	16.51%
Chapter 41.59 RCW (Educational Employment Relations Act)	36	5.50%
Chapter 28B.52 RCW (Academic Faculty of Community and Technical Colleges)	13	1.99%
Chapter 53.18 RCW (Port Districts)	0	0.00%
Chapter 49.08 RCW (Private Sector)	0	0.00%
Chapter 41.76 RCW (Faculty Collective Bargaining Act of 2002)	2	0.31%
	654	100.00%

TABLE II. - REPRESENTATION CASE STATISTICS

CASES PENDING FROM PREVIOUS YEAR	39
CASES DOCKETED.....	92
CASES CLOSED.....	101
Cases dismissed for procedural defects.....	8
Cases dismissed for absence of question concerning representation where voluntary recognition was obtained.....	14
Cases dismissed where incumbent bargaining representative disclaimed bargaining unit under decertification petition.....	2
Cases withdrawn.....	16
Cases dismissed for inappropriate unit.....	4
Cases in which a question concerning representation was determined.....	57
Method:	
Determinations made by secret-ballot election.....	32
Determinations made by cross-check records.....	25
Results:	
Determinations resulting in certification of an organization as exclusive bargaining representative.....	53
Determinations resulting in certification of “no representative” for the bargaining unit.....	4
CASES PENDING AT END OF FISCAL YEAR.....	30

TABLE III. - UNIT CLARIFICATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR.....21

CASES DOCKETED36

CASES CLOSED32

 Cases dismissed for procedural defects.....7

 Cases withdrawn.....14

 Cases in which clarification was agreed upon.....2

 Cases in which a formal order clarifying the bargaining unit
 was issued.....9

CASES PENDING AT END OF FISCAL YEAR.....25

TABLE IV. - REPRESENTATION/UNIT CLARIFICATION TRENDS

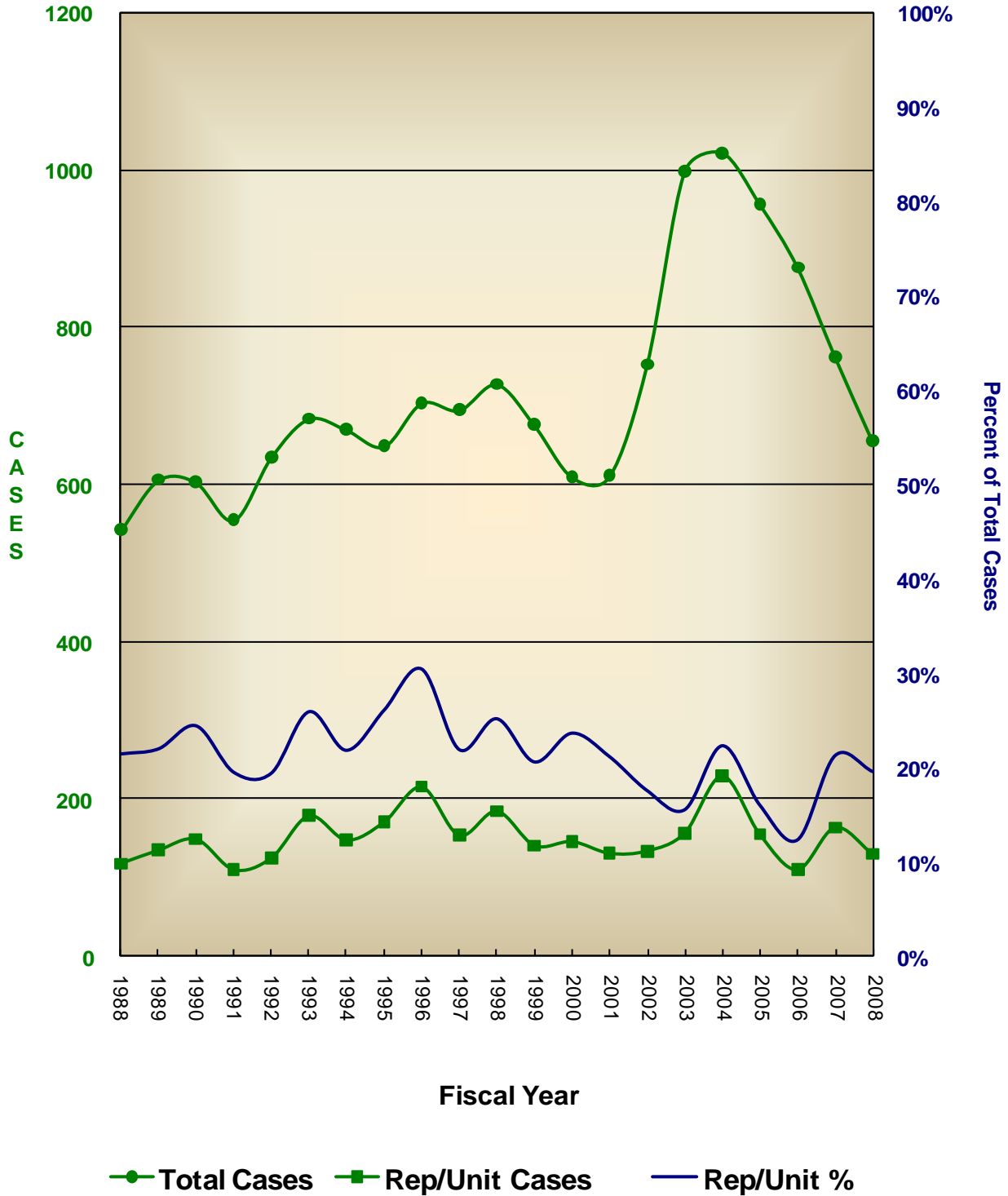


TABLE V. - UNFAIR LABOR PRACTICE CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR	209
CASES DOCKETED.....	195
CASES CLOSED.....	253
Cases dismissed for lack of jurisdiction	3
Cases dismissed for procedural defects	7
Cases withdrawn.....	123
Cases dismissed for failure to allege facts which could constitute an unfair labor practice.....	39
Consent orders entered	16
Cases dismissed where an arbitration award resolved the unfair labor practice issue.....	4
Cases decided "on the merits"	61
Result:	
Decisions in which one or more unfair labor practice violations were found.....	33
Decisions where no unfair labor practice violation was found.....	28
CASES PENDING AT END OF FISCAL YEAR.....	151

TABLE VI. - UNFAIR LABOR PRACTICE TRENDS

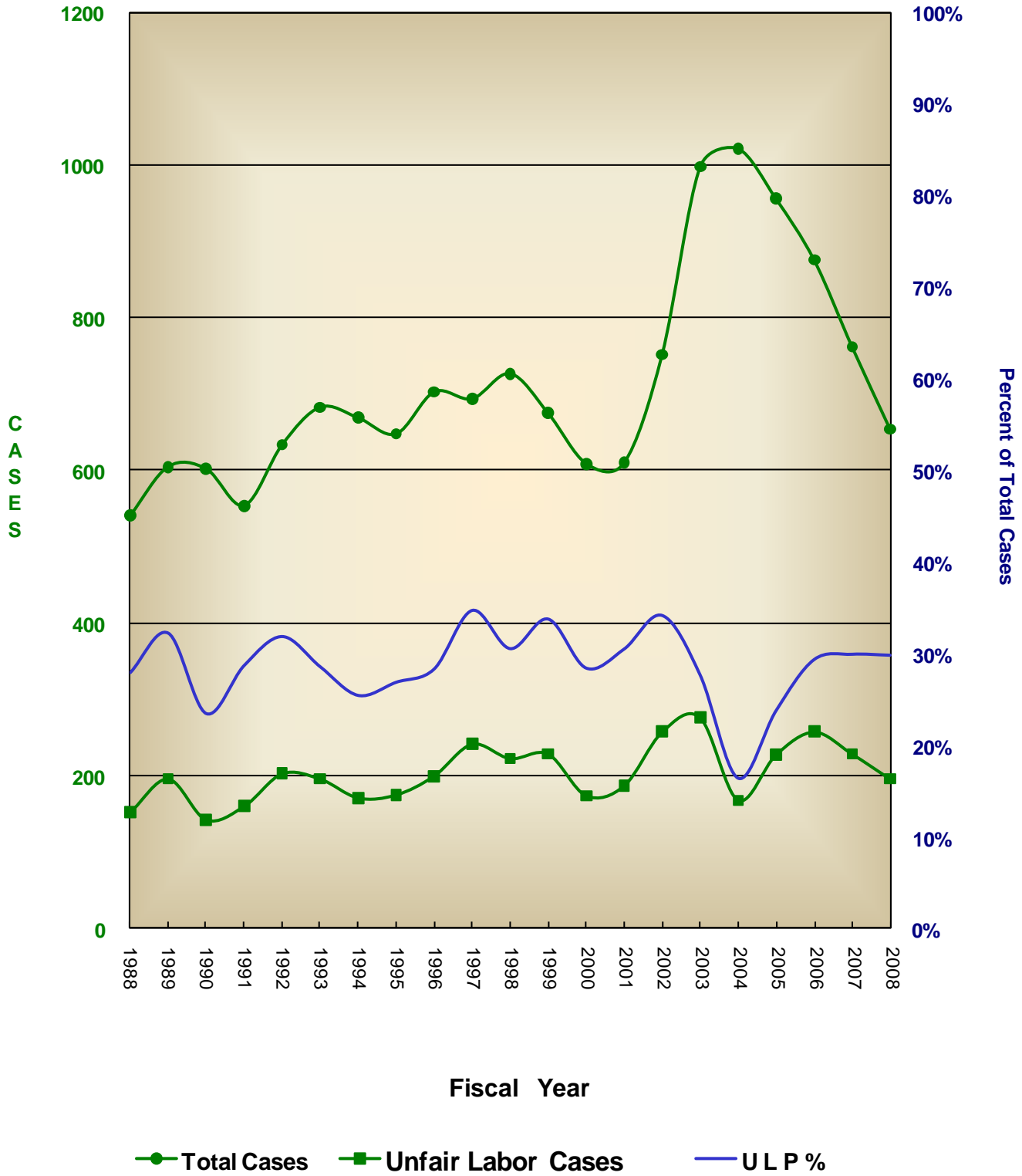


TABLE VII. - MEDIATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR.....	84
CASES DOCKETED.....	148
CASES CLOSED.....	151
Cases withdrawn by the parties prior to intervention of mediator	13
Cases closed by the mediator without an agreement being reached	2
Cases in which unresolved issues were certified for interest arbitration.....	8
Cases where agreement was reached in mediation.....	128
CASES PENDING AT END OF FISCAL YEAR.....	81

TABLE VIII. - MEDIATION TRENDS

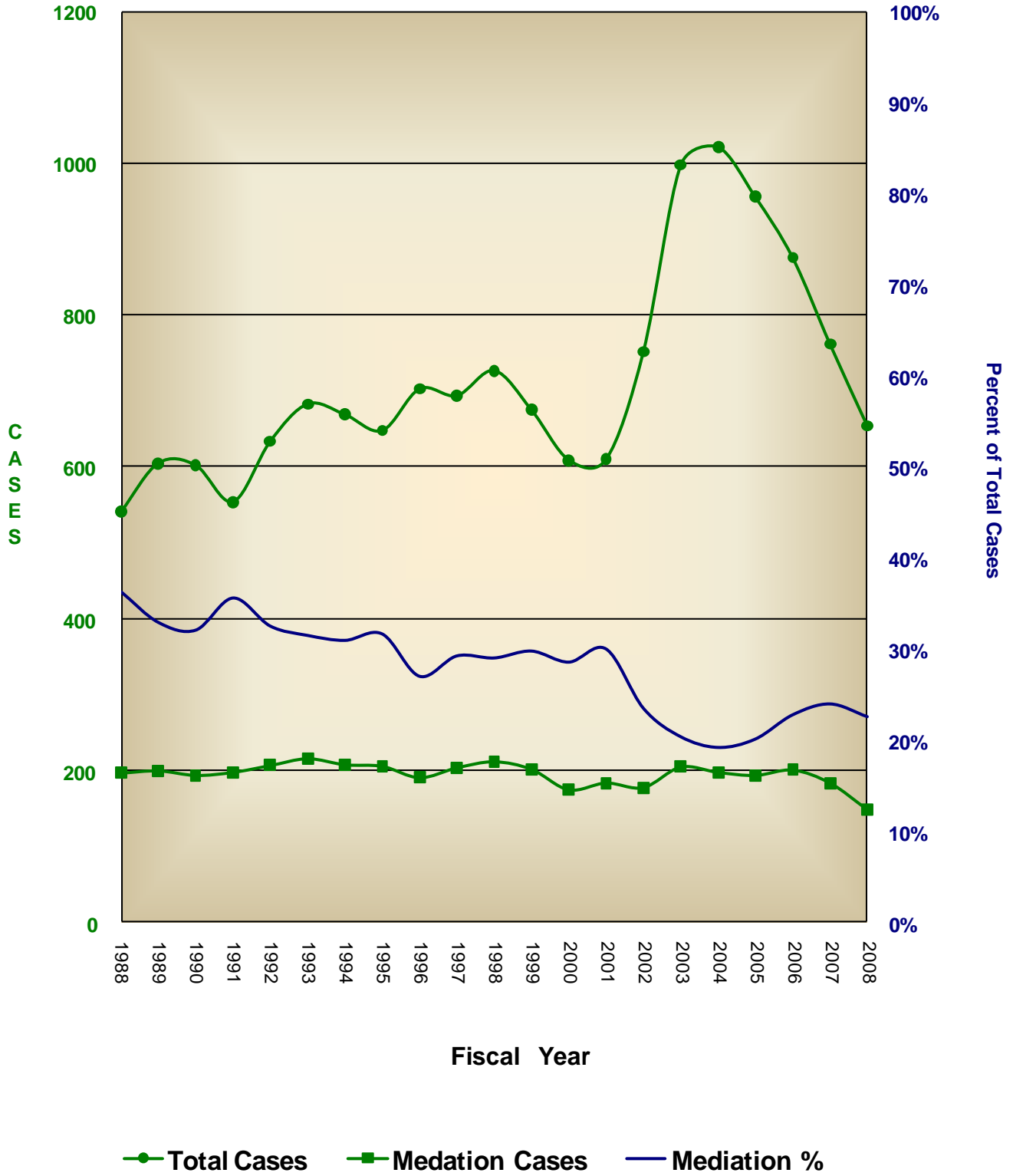


TABLE IX. - FACT-FINDING CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR	0
CASES DOCKETED.....	1
CASES CLOSED.....	0
Cases resolved prior to recommendations.....	0
Cases resolved on the basis of the fact-finder recommendations.....	0
Cases dismissed for lack of jurisdiction.....	0
 CASES PENDING AT END OF FISCAL YEAR	1

TABLE X. - INTEREST ARBITRATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR.....	20
CASES DOCKETED	12
CASES CLOSED	16
Cases withdrawn	2
Cases resolved prior to issuance of a final and binding interest arbitration decision	9
Cases dismissed for procedural defects	0
Agreement reached	5
 PENDING AT END OF FISCAL YEAR.....	16

TABLE XI. - FACT-FINDING/INTEREST ARBITRATION TRENDS

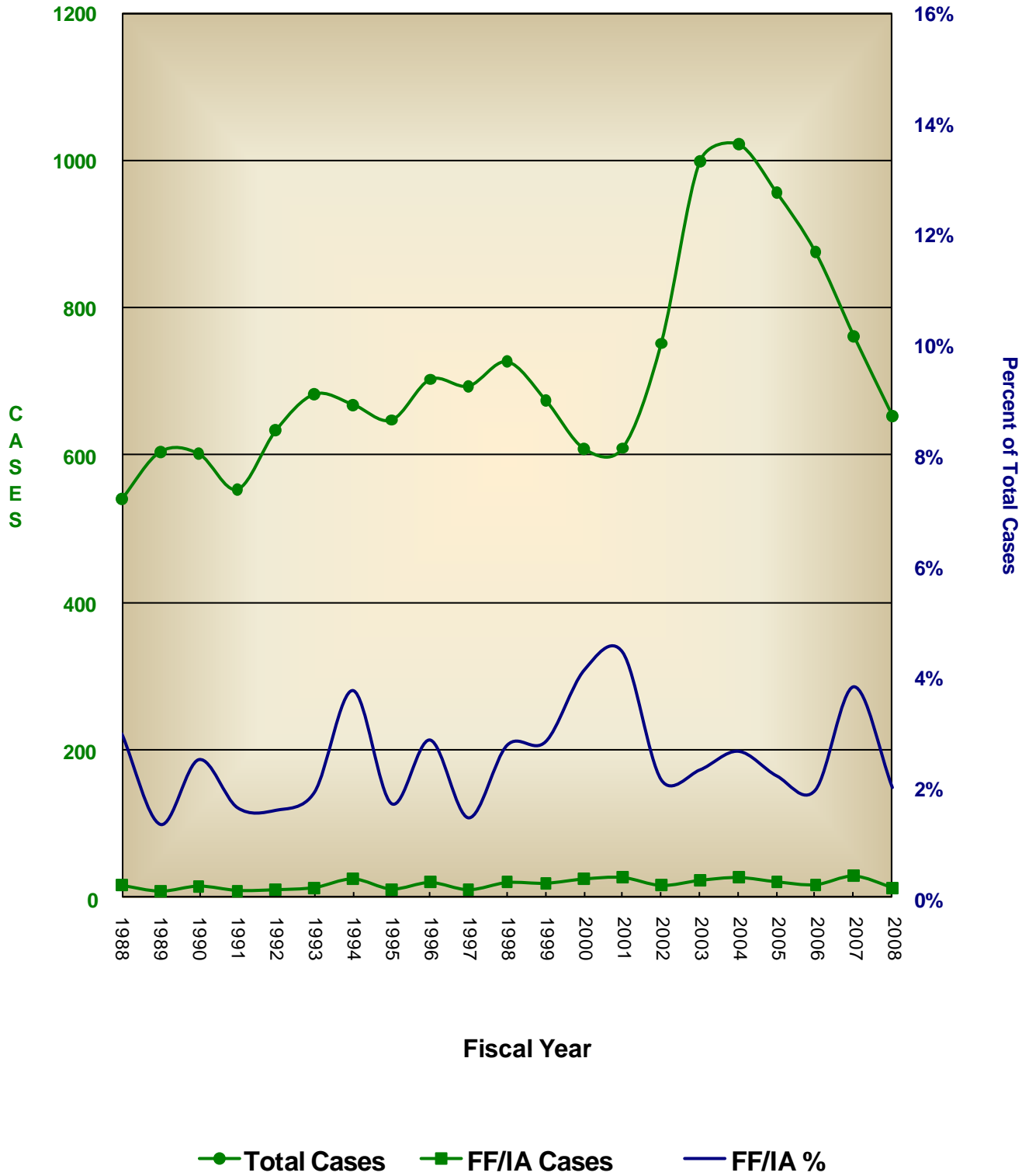


TABLE XII. - GRIEVANCE ARBITRATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR.....	13
CASES DOCKETED	60
CASES CLOSED	66
Cases withdrawn.....	2
PERC appointed a panel member as arbitrator.....	51
Cases dismissed for procedural defects	1
Cases closed due to the refusal of one of the parties to submit the grievance to arbitration	1
Cases resolved after the intervention of a PERC staff member but prior to the issuance of an arbitration award	2
Cases resolved by a PERC staff member issuing a final and binding arbitration award.....	9
CASES PENDING AT END OF FISCAL YEAR	7

TABLE XIII. - GRIEVANCE MEDIATION CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR.....	6
CASES DOCKETED	74
CASES CLOSED	65
Cases where agreement was reached	24
Cases in which employer declined to participate	1
Cases in which one party would not submit to this voluntary process or no agreement was reached in mediation	25
Cases dismissed for procedural defects.....	1
Cases withdrawn	14
CASES PENDING AT END OF FISCAL YEAR	15

TABLE XIV. - GRIEVANCE ARBITRATION/MEDIATION TRENDS

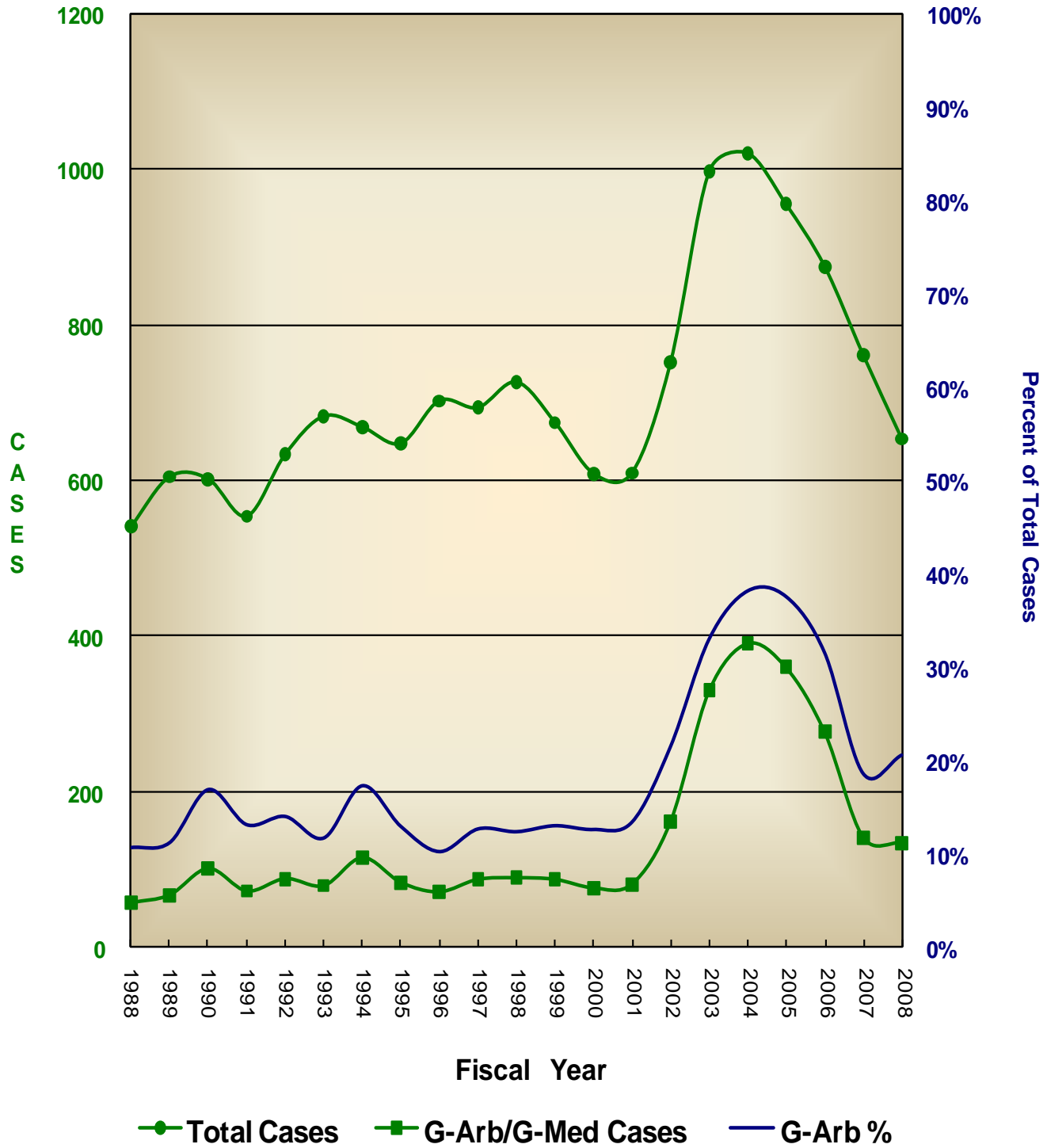


TABLE XV. - TRAINING CASE STATISTICS

CASES PENDING FROM PREVIOUS FISCAL YEAR	15
CASES DOCKETED.....	36
CASES CLOSED.....	29
Cases withdrawn	6
Cases dismissed for procedural defects	0
IBB Training completed	23
CASES PENDING AT THE END OF THE YEAR	22



Activities and Accomplishments

Dissemination of Statutes and Rules

PERC rules, forms, and copies of the statutes are readily available to clientele on the website:

- Persons who have internet access are strongly encouraged to download copies of desired materials from the website. At the same time, due to a potential for obsolescence associated with the frequent changes of statutes and rules during the past few years, our clients are encouraged to avoid reliance on copies previously obtained.
- Paper copies of statutes, forms, or rules will be mailed to clientele, upon request.
- PERC sought clientele input regarding rules. After conducting a series of meetings and receiving written and verbal responses, 11 new rules were adopted, 48 existing rules were amended, and 3 rules were repealed.

Work Stoppages

A primary purpose of collective bargaining laws is to prevent or minimize work stoppages (strikes and lockouts).

- Work stoppages involving uniformed personnel and public transit personnel are prohibited, and interest arbitration is imposed for disputes involving those employees.
- Strikes by other public employees are not “protected” activities, and may be enjoined by the courts under *Port of Seattle v. International Longshoremen's & Warehousemen's Union*, 52 Wn.2d 317 (1958). However, apart from good faith bargaining and mediation, the statutes make no provision for final resolution of bargaining impasses involving these employees.

Strikes or lockouts do occur, and PERC provides mediation and other dispute resolution services to "minimize" their duration and effect. There was one work stoppage during the year covered by this report, marking the first strike in 4 years.

	<u>Average Events/yr</u>	<u>Average Use of Mediation</u>
Since first strike (1967)	4.07	84% of cases
Most recent 20 years	2.15	93% of cases
Most recent 10 years	1.30	93% of cases

Activities and Accomplishments

Internet Presence

PERC maintains a flexible Information Technology program which supports 4 servers, over 45 personal computers and laptops, and a cogent intranet and internet profile. These efforts are essential to serving the needs of our clients, labor relations field staff, and support personnel.

Field staff use agency workstations, e-mail, and networking services to communicate with other staff, clients, and their representatives utilizing laptop computers. These laptops are configured to access network services from remote locations. This capability has improved the effectiveness and efficiency of the field staff by enabling them to take advantage of network and computing resources while on the road.

Last year the agency enhanced its remote access capability by using Secure Access Washington (SAW). This technology provides self-administered single sign-on access to multiple agency applications, and shields online services from harmful activity. As the agency increased its use of SAW, it continued to use Virtual Private Network (VPN) technology as a way to access information from remote locations.

The State Auditor's Office (SAO) conducted an audit of our information technology security plan in July 2006 and found that PERC met all state guidelines, standards, and requirements for securing our information technology service. The next SAO audit will be conducted in 2009.

Our website, located at www.perc.wa.gov, provides our clientele and the public with the following:

- Information about the agency and the services we provide
- Forms and procedures to file a case
- Applicable statutes and rules
- Recently issued decisions
- Commission calendar
- Certifications of bargaining units and pending representation cases
- Search engine to access all PERC decisions

Activities and Accomplishments

The agency collects and analyzes statistics from the web pages within the site to ensure that we are providing information our clientele need. The following chart lists website statistics for 2008. Here are a few definitions that will help explain the data contained in the chart.

- A “Hit” is defined as a single action on the web server as it appears in the log file. A visitor downloading a single file is logged as a single hit, while a visitor requesting a web page including two images registers as three hits on the server.
- Page “Views” are defined as hits to files designated as pages.
- “Visits” are defined as the number of times a visitor came to the web site.

	Hits	Views	Visits
Jul-07	236,764	47,490	17,793
Aug-07	196,904	68,071	16,476
Sep-07	162,612	58,605	15,583
Oct-07	170,052	57,546	15,597
Nov-07	141,566	48,666	12,961
Dec-07	125,397	46,841	13,055
Jan-08	164,166	59,243	15,334
Feb-08	140,865	47,786	13,095
Mar-08	150,140	48,000	14,265
Apr-08	158,990	53,226	18,368
May-08	145,457	50,627	18,821
Jun-08	145,830	52,210	16,051

Personnel Activities and Accomplishments

- **Charity Atchison** was hired as an LRAM 1 after completing internships with NLRB and OSHA.
- **Jessica Bradley** was hired as an LRAM 1 after serving as a Field Examiner at NLRB in Portland OR.
- **Pamela Cooke** was hired as Research Analyst 2 following a 30 year career in corporate accounting.
- **Ed Heiser** departed in October 2007 to become the Network Administrator for the Recreation and Conservation Office.
- **Kenneth Latsch** was appointed Special Projects Manager.
- **James Lohr** was recognized for 25 years of service to the State of Washington.
- **Thomas W. McLane**, partner in the law firm Allen & McLane, was appointed Commissioner, replacing Douglas G. Mooney.
- **Douglas G. Mooney** resigned as Commissioner in May 2008 to devote himself to volunteer work in the war against human trafficking in Tajikistan.
- **Cathleen Naegle** was hired as a Legal Secretary 1 after clerking with the Ellensburg Police Department.
- **Mitch Nelson** began training in the IT Specialist series.
- **Kathryn Palladino** was hired as Fiscal Analyst 3 to create an internal accounting department after working at SACS and DEL.
- **Victoria Potter** left in May 2008 to return to her family home in upstate New York.
- **Lorene Ross** was hired as a Legal Secretary 1, promoting from the Department of Corrections.
- Jamie Siegel was hired as an LRAM 1, after serving as the Executive Director of Human Resources for Franklin Pierce School District.
- **Michelle Trefielo** left the agency in May 2008 to become a full-time mom.
- **Diane Tucker** accepted a promotion to Human Resources Manager, formally joining the management team.

Personnel Monthly Salaries

Charity Atchison, Labor Relations Adjudicator/Mediator (LRAM 1)	\$5,035.00
Katrina I. Boedecker, Labor Relations Adjudicator/Mediator (LRAM 2)	\$6,943.00
Majel C. Boudia, Executive Assistant (exempt)	\$5,165.00
Jessica Bradley, Labor Relations Adjudicator/Mediator (LRAM-1)	\$5,557.00
Cathleen Callahan, Executive Director (exempt)	\$9,166.66
Sally B. Carpenter, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Carlos Carrion-Crespo, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Pamela Cooke, Research Analyst 2	\$3,228.00
Guy O. Coss, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Dario de la Rosa, Appeals Administrator (exempt)	\$6,446.00
Mark S. Downing, Field Services Manager (LRAM 3)	\$8,054.00
Robbie Duffield, Legal Secretary 1	\$1,761.00
Sylvia Freeman, Office Manager	\$3,653.00
David I. Gedrose, Unfair Labor Practice Manager (LRAM 3)	\$8,054.00
Karyl Elinski, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Joel M. Greene, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Lisa A. Hartrich, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Sally J. Iverson, Representation Coordinator (Human Resource Consultant 3)	\$4,792.00
Starr H. Knutson, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Kenneth J. Latsch, Special Projects Manager (WMS Band 2)	\$7,916.66
James E. Lohr, Business Manager (WMS Band 2)	\$8,252.00
Vanessa Lopez, Legal Secretary 1	\$2,547.00
Emily H. Martin, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Cathy Naegle, Legal Secretary 1	\$2,935.00
Mitchell Nelson, IT Specialist 3 (In-Training)	\$4,237.00
Claire Nickleberry, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Martha M. Nicoloff, Field Services Manager (LRAM 3)	\$8,054.00
Kathryn Palladino, Fiscal Analyst 3	\$4,342.00
Joye Rolfer, Human Resource Consultant Assistant 2	\$2,162.76
Robin A. Romeo, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Lorene Ross, Legal Secretary 1	\$3,074.00
Paul T. Schwendiman, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Jamie Siegel, Labor Relations Adjudicator/Mediator (LRAM-1)	\$6,290.00
J. Martin Smith, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Walter M. Stuteville, Field Services Manager (LRAM 3)	\$8,054.00
Diane Thovsen, Legal Secretary 1	\$3,003.00
Diane Tucker, Human Resources Manager (WMS Band 2)	\$4,400.00
Terry N. Wilson, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00
Christy L. Yoshitomi, Labor Relations Adjudicator/Mediator (LRAM-2)	\$6,943.00

The Members of the Commission

The Members of the Commission

The members of the Commission are compensated in accordance with RCW 43.03.250(2), which provides:

Each member of a class four group is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group.

During the period covered by this report, the members of the Public Employment Relations Commission and their compensation were:

	<u>Earnings</u> <u>FY 2008</u>
<u>Marilyn Glenn Sayan, Chairperson</u> Appointed by Governor Mike Lowry, February 5, 1996, to complete a term ending September 8, 2000; appointment withdrawn and re-appointed by Governor Gary Locke for term ending September 8, 2000. Re-appointed by Governor Gary Locke for term ending September 8, 2005. Re-appointed by Governor Gary Locke for term ending September 8, 2010. Appointment confirmed by the Senate.....	\$9,700.00
<u>Pamela G. Bradburn, Commissioner</u> Appointed by Governor Gary Locke, February 25, 2004, for a term ending September 8, 2008; appointment withdrawn and re-appointed by Governor Chris Gregoire.....	\$6,300.00
<u>Douglas G. Mooney, Commissioner</u> Appointed by Governor Gary Locke, December 1, 2004, for a term ending September 8, 2009; appointment withdrawn and re-appointed by Governor Chris Gregoire. Mr. Mooney resigned May 14, 2008.....	\$5,100.00
<u>Thomas W. McLane, Commissioner</u> Appointed by Governor Chris Gregoire, May 15, 2008, for a term ending September 8, 2009.....	\$ 300.00

Public Access to Commission Decisions

Agency Accessibility

PERC has historically had, and continues to emphasize, a policy of making its services readily accessible to employers, unions, and employees.

PERC decisions are disseminated to the public, and indexes of those decisions are available from a commercially-published “reporter” service, either on-line with word-search capability at www.westlaw.com or contact them at:

West Publishing Company
610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526

PERC does not make any financial contribution to, or receive any revenues from, that publishing venture.

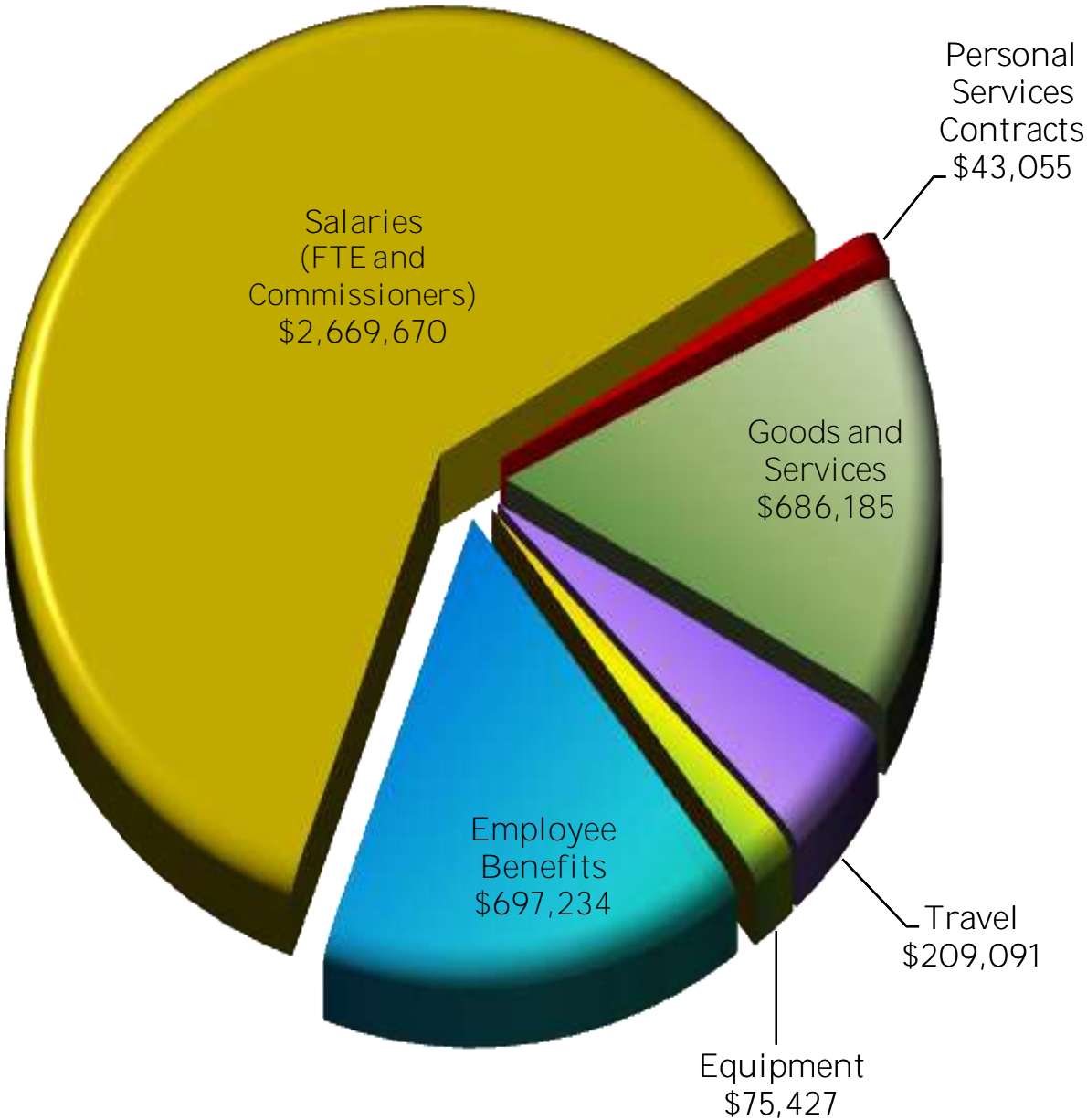
PERC’s website includes a free “search engine” for clientele who desire to do research on all decisions issued by PERC since 1976 at www.perc.wa.gov.



Locations Where Services Are Provided

PERC staff members generally travel to the parties’ location for mediation sessions. Hearings are held at the parties’ locale or in a Commission office, as appropriate to the situation.

- Having a PERC staff member drive to the parties’ locale is often energy-efficient, as compared to having disputant parties drive two or more automobiles to some centralized location for a mediation session or a hearing.
- The hearing room within PERC’s branch office (in Kirkland) is readily accessible for a large segment of Commission clientele, since approximately 27% of all PERC cases arise in King County or Snohomish County.

Disbursements





I long to accomplish
a great and noble task,
but it is my chief duty
to accomplish humble tasks
as though they were great and noble.

The world is moved along, not only by
the mighty shoves of its heroes,
but also by the aggregate
of the tiny pushes of
each honest worker.

▪ Helen Keller



