



# ANNUAL REPORT

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## FOR 2018

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## Overview

The Public Employment Relations Commission (PERC) is an independent state agency created to implement the state's collective bargaining laws and resolve public-sector labor relations disputes.

## Mission

To prevent or minimize the disruption to public services through the impartial, timely, and expert resolution of labor-management disputes.

## Vision

Leaders and partners in improving public-sector labor-management relations.

## Values

- ▶ Innovation
- ▶ Excellence
- ▶ Credibility
- ▶ Neutrality
- ▶ Integrity
- ▶ Balance
- ▶ Respect

## Jurisdiction

PERC has jurisdiction over collective bargaining for public employers statewide, including the following:

- ▶ Cities
- ▶ Counties
- ▶ Police Departments
- ▶ Fire Districts
- ▶ State of Washington
- ▶ State Community Colleges
- ▶ State Universities
- ▶ K-12 (Teachers and Classified)
- ▶ Public Transit Systems
- ▶ State Ferry System
- ▶ Ports
- ▶ Home Care Providers
- ▶ Family Child Care Providers
- ▶ Adult Family Home Providers
- ▶ Language Access Providers
- ▶ Symphony Musicians

# Director's Message

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I am pleased to present PERC's Annual Report for 2018. As this report demonstrates, PERC continues to provide quality, unbiased, and expert labor relations and dispute resolution services. This report also reveals the challenges PERC faced in 2018.

For PERC, 2018 was the year of mediations, specifically mediations involving K-12 employees. Recent legislative changes in the school funding model and state appropriation of additional dollars resulted in nearly every one of the approximately 295 school districts in Washington bargaining the impact of those changes. Consequently, the latter part of 2018 was dominated by mediations of collective bargaining agreements covering teachers and other school employees. In fact, K-12 mediations accounted for nearly one third of all mediations initiated in 2018. There were fourteen teacher strikes in 2018, which was the most teacher strikes in any one year since PERC was created in 1976. And with 18 strikes overall, 2018 had the most public-sector strikes since 1978.

The volume and pace of the K-12 work, which largely occurred in August and September, impacted PERC's service delivery to the remainder of its clientele. Even after the K-12 mediations resolved, it took several months to catch up.

PERC was not just sought out to resolve disputes in 2018. PERC was also sought out to educate parties and help prevent disputes. The number of trainings and requests for conflict prevention services continued at a high rate. PERC also again cohosted a very successful Northwest Chapter Labor and Employment Relations Association Conference, which drew over 500 attendees. This all speaks to trust in PERC's expertise and credibility as a neutral labor relations agency.

To accomplish its mission, PERC needs to have qualified staff with the necessary expertise. Fortunately, PERC was able to hire four Labor Relations Adjudicators/Mediators in early 2018. These new staff had labor and employment experience and were able to quickly begin taking on full caseloads and help shoulder the demands on PERC throughout the remainder of the year.

In order to keep providing timely services, PERC must continually look to improve and innovate in the way it delivers services. To that end, the unfair labor practice materials available on the PERC website were revamped to better help parties ensure their filings are more complete, which in turn helps PERC staff process cases more quickly. PERC also further eliminated the unnecessary printing and mailing of documents.

I am proud of what PERC continues to accomplish. I am also proud that PERC remains a credible neutral in implementing the state's collective bargaining laws. Recently, a longtime labor relations neutral complimented PERC as a premier labor relations agency that is respected nationally. This report confirms and reflects all of these sentiments.



Mike Sellers, Executive Director



**“I am proud of what PERC continues to accomplish. I am also proud that PERC remains a credible neutral in implementing the state’s collective bargaining laws.”**

# The Agency

Chairperson Marilyn Glenn Sayan, Mark R. Busto, and Kenneth J. Pedersen currently sit on the Commission.



The Commission's function is to adopt rules and decide appeals of decisions issued by agency staff. Commissioners are part-time and work on a per-diem basis. They are appointed by the governor for five-year terms. Commissioner biographies are available at <https://perc.wa.gov/commission>.

## Executive Director

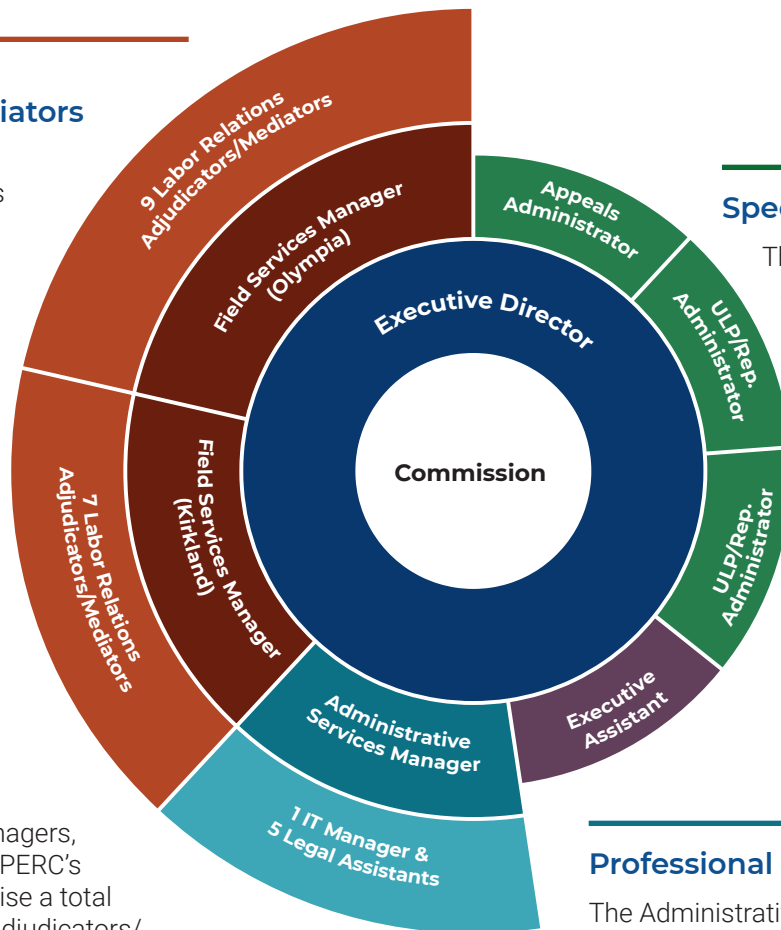
The Commission appoints the Executive Director, who oversees the daily operations of the agency, determines bargaining unit configurations, and certifies bargaining unit representatives. The Executive Director also engages in outreach and training, mediation, and adjudication. Seven staff members report directly to the Executive Director.

### Labor Relations Adjudicators/Mediators

Labor Relations Adjudicators/Mediators are classified state employees cross-trained to conduct both mediations and adjudications. They primarily work in the field, travelling to the parties' locations throughout the state.

### Field Services Managers

Two Field Services Managers, one working in each of PERC's office locations, supervise a total of 16 Labor Relations Adjudicators/Mediators.



### Specialists

Three Labor Relations Adjudicators/Mediators work in specialist positions, one assisting the Commission with its work on appeals, and two jointly overseeing representation matters and managing the intake process for unfair labor practice complaints.

### Professional Staff

The Administrative Services Manager supervises an IT Manager and five Legal Assistants. The Administrative Services Manager and the professional staff provide administrative and technical support.

Employee and salary information is available in the State Employee Salaries database at <http://fiscal.wa.gov/salaries>.

# Milestones

## Overview of PERC's Service Delivery



### Mediation

- ▶ Helped parties mutually reach agreement in 77% of all mediations and in over 90% of mediations over collective bargaining agreements.



### Adjudication

- ▶ Continued to issue timely decisions that remained unchanged on appeal.



### Representation

- ▶ Time to election remained steady in cases without a hearing and rose in cases where contested issues required a hearing or delayed processing.



### Conflict Prevention

- ▶ Requests for customized training comprised the bulk of conflict prevention work.

## Former PERC Executive Director Marv Schurke Awarded the Arvid Anderson Award

Former PERC Executive Director Marv Schurke was awarded the Arvid Anderson Award by the American Bar Association. This award recognizes an attorney whose career substantially contributed to the development of public-sector labor law as exemplified by Arvid Anderson. Arvid Anderson pioneered labor law for public employees at the state and local level, first as Secretary and Commissioner of the Wisconsin Employment Relations Commission from 1948 to 1967 and then as Chairman of the New York City Office of Collective Bargaining from 1968 to 1987. Mr. Anderson was the president of the National Academy of Arbitrators in 1987.



Marv was cited for his many contributions to the development of public-sector labor relations in the United States. In receiving the award, Marv expressed his deep gratitude to the American Bar Association for the honor. Marv noted, "This award is particularly meaningful to me because Arvid Anderson was one of my mentors and our careers had uncanny parallels. . . . He took me under his wing and provided guidance when I became the first Executive Director of PERC in 1976. His advice served me well during my 30+ years at PERC."

## Improved Unfair Labor Practice Guidance Materials Now Available

In late 2017, PERC found that 40% of unfair labor practice complaints filed were receiving deficiency notices. In 2018, PERC published [new content on its website](#) to provide better guidance to parties filing unfair labor practice complaints. Lowering the number of deficient cases continues to be a goal for PERC so that parties can proceed to settlement or hearing faster.

## PERC Continues to Reduce Printing and Postage Costs

In late 2018, PERC began sending more documents via email only and asking parties to do the same. Between mid-October and December 2018, PERC reduced printing by approximately 2,532 pages. Postage was reduced by approximately \$320 in the same period.

## New Logo

In 2018, PERC introduced its new logo and brand that more specifically identifies PERC to Washington State.



# Strategic Service Delivery

PERC administers 10 different laws granting collective bargaining rights to approximately 475,000 public employees.

As a neutral third party, PERC protects these rights through the fair and timely administration of mediation, adjudication, representation, and conflict prevention services.

## Looking Back at 2018

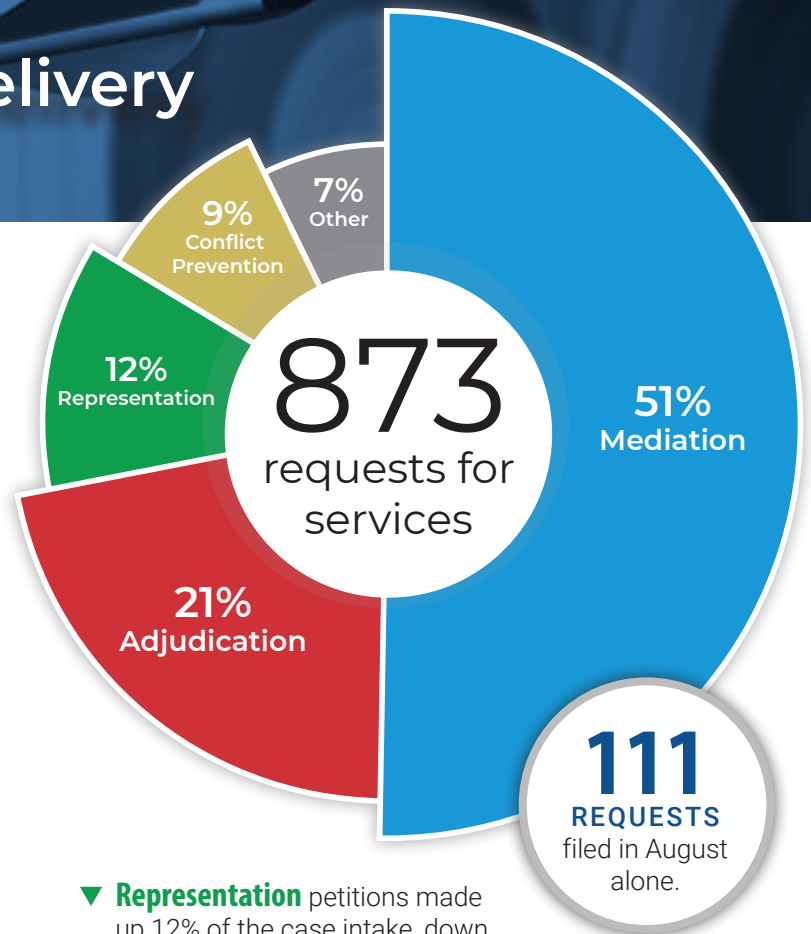
The number of requests for services in 2018 was similar to the number received in 2017. While PERC generally received an average of 73 requests per month, a third of the 873 requests were filed between August and October.

## The balance of the types of services requested shifted markedly toward mediation in 2018:

- ▲ **Mediation** made up 51% of PERC's case intake, compared to 41% in 2017.
 

In mediation, PERC staff members serve as neutrals to help parties in conflict define issues, explore solutions, and reach mutual agreement. Mediation is voluntary and the parties are in control of any agreements that result.
- ▼ **Adjudication** made up 21% of the case intake, down from 26% in 2017.
 

As recognized labor relations experts, PERC and its employees adjudicate unfair labor practice complaints, issues related to representation, and other various labor disputes.



- ▼ **Representation** petitions made up 12% of the case intake, down from 16% in 2017.
 

A cornerstone of the state's collective bargaining laws is the right of employees to decide whether to be represented for purposes of collective bargaining.
- ▶ **Conflict Prevention** requests accounted for 9% of the case intake, with nearly the same number of requests in 2018 as in 2017.
 

PERC's conflict prevention services help parties improve relationships, increase partnerships, and avoid mediation or unfair labor practice proceedings.



### Mediation

- ▶ Collective Bargaining Agreements
- ▶ Grievances
- ▶ Unfair Labor Practice Complaints



### Adjudication

- ▶ Unfair Labor Practice Complaints
- ▶ Grievance Arbitrations
- ▶ Bargaining Unit Configurations



### Representation

- ▶ Elections
- ▶ Bargaining Unit Clarifications



### Conflict Prevention

- ▶ Training
- ▶ Outreach
- ▶ Facilitation
- ▶ Online Resources

## Other

- ▶ **Dispute Resolution Panel Requests**  
Upon request, PERC provides parties with a random list of names from its panel of qualified private arbitrators.
- ▶ **Certification of Issues to Interest Arbitration**  
For employees under certain statutes, PERC certifies any issues remaining in dispute following mediation.



# Representation

## QUICK FACTS

# 101

**PETITIONS**

for representation services

# 28%

**DECREASE IN PETITIONS**

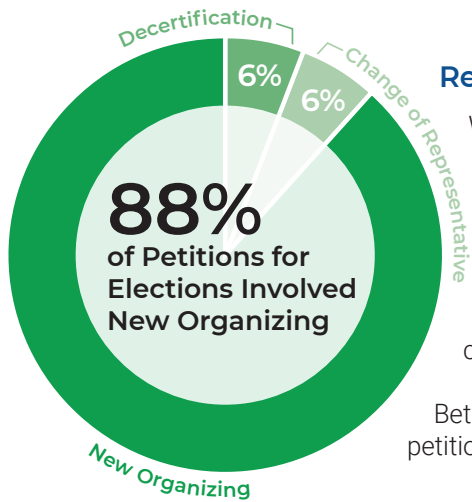
between 2017 and 2018

# 55

**BARGAINING UNITS**

created through election

A cornerstone of the state's collective bargaining laws is the right of employees to decide whether to be represented for purposes of collective bargaining.



### Representation Cases and the Impact of *Janus*

With the widely anticipated United States Supreme Court decision in *Janus v. AFSCME* issued in June 2018, PERC looked to see what impact, if any, the decision had on representation cases.

While there was a 28% decrease in representation petitions filed between 2017 and 2018, the number of new organizing cases was steady. In fact, 88% of the election petitions filed involved new organizing. Fifty-five bargaining units were created through elections or elections by card check.

Between 2017 and 2018, there was a 73% decrease in change of representative petitions and a 67% decrease in decertification petitions.

**66** elections\* or elections by card check conducted by PERC

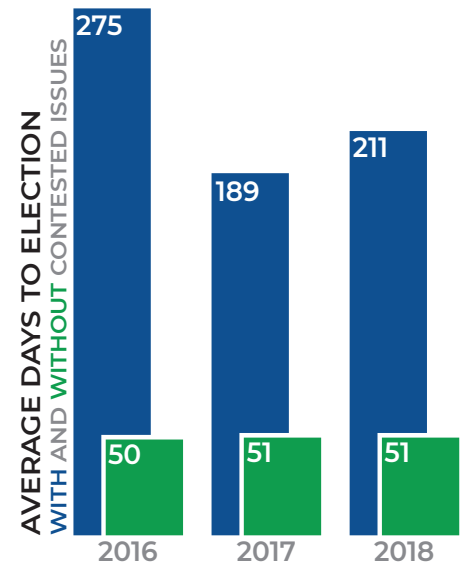
**75%** of new organizing cases resulted in certification

**86%** of eligible employees exercised their right to choose

### Impact of K-12 Mediations on Time to Election

Further reducing the time to election continued to be a goal for PERC in 2018.

PERC maintained the time to election in cases without a hearing. However, the time to election in cases where contested issues required a hearing or delayed processing increased by 22 days on average. As with other adjudicative work, this increase is attributable to the volume of and time spent on K-12 mediations.



\* may include runoff elections in the same case.



# Mediation

24% increase in mediations between 2017 and 2018.

## QUICK FACTS

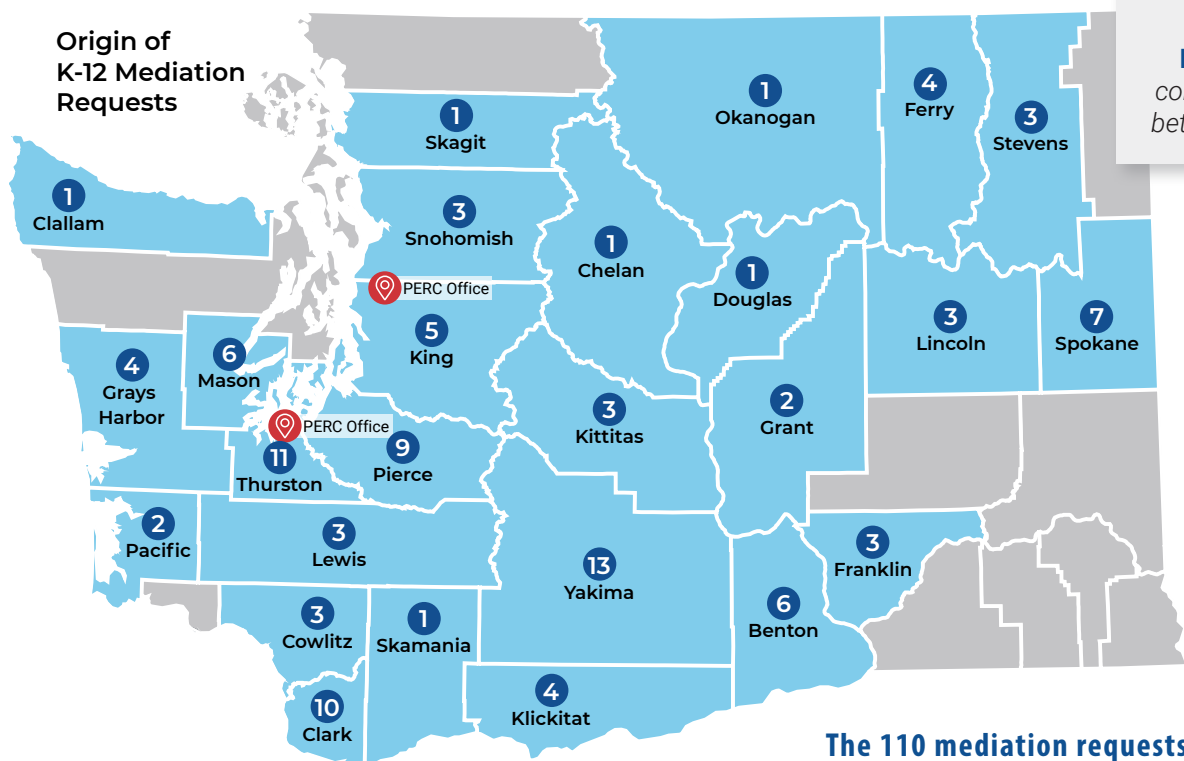


### Mediations Involving K-12 Employees Dominate Mediation Requests

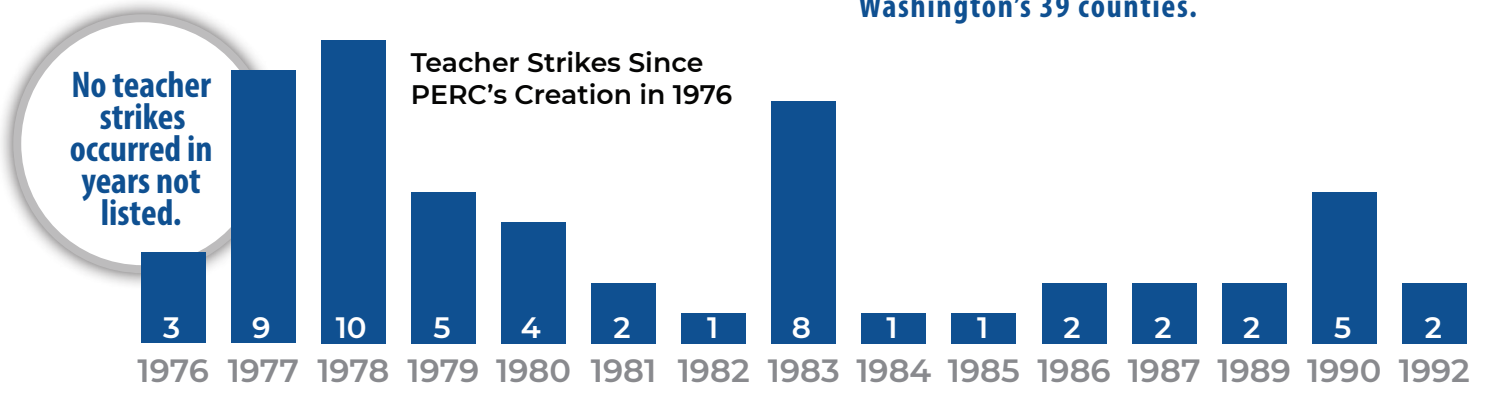
In 2012, the Washington State Supreme Court ruled that the state was not adequately funding K-12 education. In 2017 and 2018, the legislature increased funding for schools and changed the funding model. This caused a large spike in requests to mediate collective bargaining agreements covering teachers and other school employees.

Between 2013 and 2017, PERC averaged 30 requests per year to mediate collective bargaining agreements for teachers and other school employees. These requests accounted for 16% of all collective bargaining agreement mediations. **In 2018, PERC received 51 teacher requests, with 46 filed between July 1 and September 30 alone. Additionally, PERC received 59 requests involving other school employees.** These 110 requests amounted to 44% of all collective bargaining agreement mediations.

**29%** of mediations involved **SCHOOL DISTRICTS** compared to 13% between 2013-17



The 110 mediation requests involving K-12 employees originated from 26 of Washington's 39 counties.







**1,374**  
**ADDITIONAL HOURS**  
 worked by PERC staff in  
 August and September  
 2018 to facilitate  
 resolutions.

**Strikes in 2018**



The overall number of mediation cases opened in 2018 was the highest since 2003 and 2004, when there was a transfer of work to PERC with the passage of chapter 41.80 RCW.

In 2018, the increased demands from the K-12 disputes taxed all of PERC's labor relations professionals: even staff not regularly in the field were assigned to mediate teacher disputes. In a four-week period between August and September, each of the 20 PERC staff who mediated teacher disputes worked on average an additional 72 hours to facilitate resolutions and resumption of work. Staff worked as many 19 days in a row without a day off.

Settlements were unprecedented, with teachers receiving double-digit raises in one year and some districts agreeing to raises over 20%.

**Strikes**

**Eighteen strikes occurred in 2018—the most in any single year since 1978.** These strikes involved the following groups of employees:

- ▶ The undergraduate and graduate student employees at the University of Washington.
- ▶ Teachers in 14 school districts.
- ▶ Classified employees in one school district where the teachers did not strike but honored the picket line, and two bargaining units of classified employees in another school district.

The longest strike lasted 20 days, while the shortest lasted one day.

**Strike Length (Days)**



**2018 had the most teacher strikes in PERC's history.**



# Adjudication

## QUICK FACTS

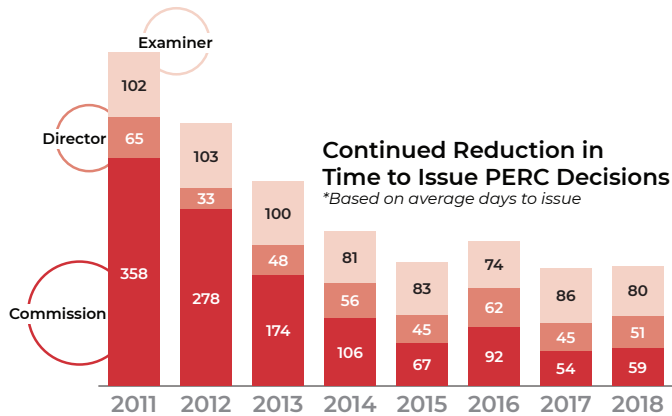
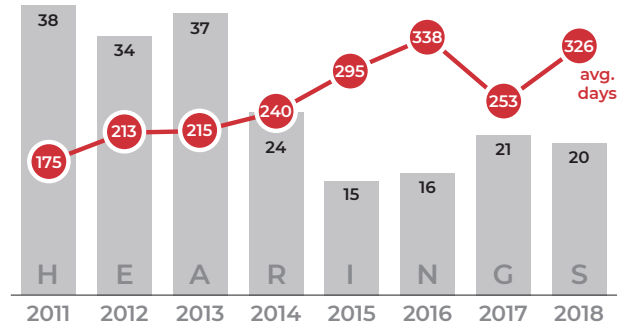
**188**  
REQUESTS  
for adjudication services

**16%**  
DECREASE IN REQUESTS  
between 2017 and 2018

Improved and interactive unfair labor practice guidance materials now available on PERC's website!

### Time to Hearing Continued to Increase—Impacted by K-12 Mediations

From 2011 to 2017, the average number of days from filing to hearing in unfair labor practice cases increased while the number of cases proceeding to hearing decreased. There was a significant jump in 2018 from 2017. That increase is largely attributable to the volume of and time spent in K-12 mediations.



**Continued Reduction in Time to Issue PERC Decisions**  
*\*Based on average days to issue*

### Time to Issue Adjudicative Decisions

In 2018, the Commission continued its successful efforts to issue timely decisions, issuing 20 decisions within an average of 59 days—well below the 358-day average in 2011.

While three examiner decisions were issued over 90 days from the close of the record, the average was comfortably below the 90-day mark. Examiners issued 19 decisions within an average of 80 days.

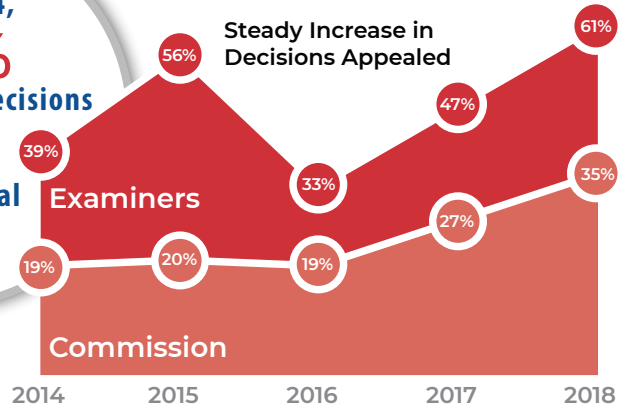
### More Decisions Appealed, but Most Remain Unchanged Following Appeal

In 2018, there was a notable increase in the number of appeals of both examiner and Commission decisions.

The Commission affirmed the examiners in full or in part in 100% of their appealed decisions, with 67% being fully affirmed.

Of the Commission decisions issued and appealed to court in 2018, 57% remained unchanged following the appeal and 43% are still pending.

Since 2014, **89%** of Commission decisions have remained unchanged following appeal to court.



Steady Increase in Decisions Appealed

# Key Decisions in 2018

PERC now also emails decisions so that parties receive them faster.

## King County, Decision 12582-B (PECB, 2018), and Decision 12582-D (PECB, 2018)

King County implemented changes to its vacation leave approval policy without bargaining with the union. During a quarterly staff meeting, the county presented the changes to bargaining unit employees. A bargaining unit employee, who was also a union officer, engaged in a tense and heated exchange with management. The employee accused management of not caring about employee safety, questioned why a supervisor supervised only one employee, and referred to employees who worked in other units but were not present. Following the meeting, the county disciplined the employee by ending her lead status early, investigating her conduct, and issuing a written reprimand.

The union alleged the discipline was in retaliation for the employee's protected activity at the meeting. An employee must go to extremes before their activity loses protection. In determining that the employee did not lose protection, the Commission considered the context and forum of the discussion, the subject of the discussion, and how the county handled the discussion.

While the employee said things that management found offensive, the exchange took place during a staff meeting in which the county created an open forum. The exchange between the county and the union officer covered mandatory subjects of bargaining and the county's recent unilateral change. Some of the employee's comments that the county found offensive were in response to county statements. The employee's behavior, questions, tone, and accusations did not cost her protection of the act.

The Commission concluded that the county could have managed the meeting differently. Ultimately, the Commission found that the county had discriminated against the employee by demoting her, investigating her, and disciplining her because of her protected activity during the staff meeting.

**This case is on appeal before the Washington State Court of Appeals.**

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## Seattle School District, Decision 12842-A (PECB, 2018)

Custodial employees of Seattle School District are supervised from a central facilities department. The school principal is not the direct supervisor of the custodial employees. The principal asked the custodian to perform certain tasks. The custodian told the principal, "I'm not doing it. Not my job. You do it" and "[y]ou can't tell me what to do. You're not my boss." The principal told the custodian, "This is my school. This is my building. So if you not [sic] listening to me, you have to get out of here. You have to find another job."

The Commission found that the principal's statements interfered with employee rights. A statement can interfere with employee rights even when an employee knows the employer official is unable to take any threatened action, because interference chills union activity of the employee or others. The purpose of a comment may not be to carry out a certain action but to cause an employee to change their actions. An employer official need not have the authority to follow through with its statements for those statements to interfere with employee rights.

The union also alleged the district had discriminated against the custodian by creating a hostile work environment. The Commission has jurisdiction over allegations of a hostile work environment in retaliation for protected activity. The protected activity must occur before the hostile work environment begins.

Borrowing from Washington's Law Against Discrimination, the Commission established a standard for an employee to prove a hostile work environment as part of a discrimination claim. The complainant must show that the harassment (1) was unwelcome, (2) was because of the employee's protected union activity, (3) affected the terms or conditions of employment, and (4) was imputable to the employer. Additionally, the harassment must be severe and pervasive. Ultimately, the union did not meet its burden to prove a hostile work environment.

# Key Decisions in 2018

## **Lincoln County (Teamsters Local 690), Decision 12844-A (PECB, 2018)**

This case presented competing unfair labor practice complaints alleging refusal to bargain filed by the county and the union. Lincoln County enacted a resolution to conduct all collective bargaining negotiations in a manner that was open to the public. The county and union began negotiating in an open session. At the next bargaining session, the union stated that it was willing to bargain but would do so in accordance with the parties' prior practice of bargaining in private. The county responded that it was ready to bargain and would do so in accordance with its resolution. Both parties repeated their statements and the union left.

**This case is on appeal before the Superior Court.**

The Commission found that both the county and the union had refused to bargain. Both parties had conditioned their willingness to engage in good-faith negotiations on how negotiations were to be conducted.

How to conduct negotiations relates neither to the employees' interests in wages, hours, and working conditions nor to the employer's entrepreneurial control. The "how" is the framework for discussing wages, hours, and working conditions and is a permissive subject of bargaining. State law does not prescribe how parties will bargain. How to conduct negotiations is something the parties must agree on. Determining how to conduct negotiations required more than the parties saying they were available and ready to bargain but only in a predetermined manner.

To remedy the violations, the Commission ordered the parties to engage in two good-faith negotiation sessions. If the negotiation sessions were unsuccessful, then the parties were required to engage in mediation. If mediation proved unsuccessful, then the parties would negotiate consistent with their previous manner—in private.

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## **King County, Decision 12952 (PECB, 2018), *aff'd*, Decision 12952-A (PECB, 2019)**

King County's Metro Transit Division (Metro) contracted with the King County Sheriff's Office for transit police services. The transit police needed a new facility from which to work and that would be a precinct of the Sheriff's Office.

County code established that the county's Facilities Management Division was responsible for acquiring, disposing, inventorying, leasing, and managing real property. The code also contained a provision addressing Metro's authority to acquire property necessary for metropolitan public transportation and water pollution abatement.

The union represents Metro employees who have experience securing leases for transportation projects. However, Metro did not own a property that would meet the transit police's needs. Thus, the county determined it needed to enter a commercial lease. The county assigned the work of acquiring a lease for the new transit police facility to employees in the Facilities Management Division.

The union alleged the county had skimmed bargaining unit work when the county assigned the acquisition of property for the transit police precinct to employees outside of the bargaining unit. An examiner and the Commission, on appeal, found that the county did not skim bargaining unit work.

The threshold question in a skimming case is whether the employer assigned bargaining unit work to non-bargaining unit employees. While the code gave Metro the authority to acquire and manage transit property, it also reserved the right for the county executive to direct the Facilities Management Division to acquire the property. Bargaining unit work is work that has historically been performed by bargaining unit employees. Both the examiner and Commission concluded that the Facilities Management Division was acquiring property that would not be used for a transportation function and, therefore, was not bargaining unit work.

 **Snohomish County, Decision 12723-B (PECB, 2018)**

To prove discrimination for engaging in activity protected by laws under PERC's jurisdiction, the complainant must establish a prima facie case by showing (1) the complainant participated in protected activity or communicated an intent to do so; (2) the respondent deprived the complainant of some ascertainable right, benefit, or status; and (3) a causal connection between the protected activity and the deprivation.

If a prima facie case is proven, the respondent has the burden of production to state a legitimate nondiscriminatory reason for the adverse action. If the respondent meets its burden, then the complainant has the burden of persuasion to show that the stated reason was a pretext for discrimination.

An employer's stated reason for an action is a pretext for discrimination if it is not the real reason for the adverse action and there is no legitimate justification for the action.

The Commission found that the county's articulated reason for discipline of the union president—that he brought his personal cell phone into a secured area of the jail in violation of the county's directive—was really a pretext for discrimination.

The union president was called to an investigatory interview in a secured area of the jail. He requested and was granted permission to record the interview with his personal cell phone. The county directed the interviewer to wait until after the interview to address the potential violation. An investigation commenced. The investigator recommended no finding of insubordination and a two-year written reprimand. The county disagreed, found insubordination, and imposed a five-day suspension and a five-year written reprimand.

**This case is on appeal before the Superior Court.**

 **Warden School District, Decision 12778 (EDUC, 2017), rev'd in part, Decision 12778-A (EDUC, 2018)**

The district and union had a contentious relationship and were involved in a dispute. As the matter proceeded through the grievance process, a school board member inserted himself into the dispute. The school board member sent the union president an email where he expressed his opinion that the president failed to project leadership and reveled in discontent. He told the president to "get a pair and lead with candor and clarity."

As the grievance process continued, the school board member sat in on a grievance meeting that was best described as tense. During the meeting, the school board member asked an employee of the union, who was assisting the bargaining unit, why he was a "f\*\*\*\*\* victim." The grievance was denied and the parties engaged in a contentious series of email and verbal conversations. In response to one communication, the school board member sent the union employee a response that was hostile, rude, and unprofessional in his characterization of the union employee.

The Commission found that the school board member's statement and actions subjected the district to liability for

an unfair labor practice. The Commission found that the school board member's statements and behavior toward the union employee did not constitute interference because it stooped to the level of contentiousness of remarks from the union employee.

The Commission found that the email from the school board member to the union president constituted interference. The Commission has applied a "thick skin" test to statements made to union officials as opposed to rank-and-file employees. The Commission clarified that the "thick skin" standard is not applicable in every case where an employer has made a statement to a union official. The union official must possess enough years of experience to justify the higher standard.

In this instance, the union president had been president for less than two years and did not lead the interaction with the district. His level of experience did not justify application of the "thick skin" standard.



# Conflict Prevention

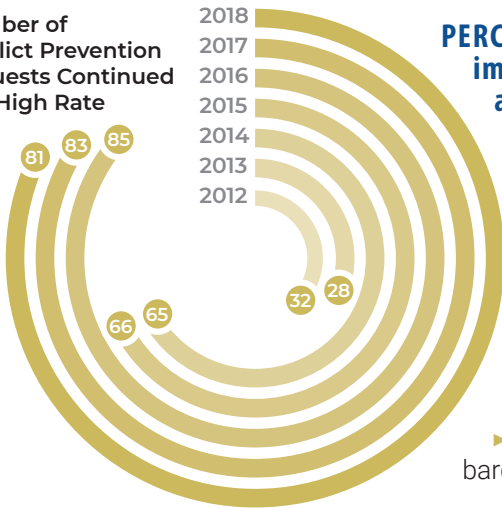
## QUICK FACTS

**81**  
**REQUESTS**  
for conflict prevention services

In 2018, PERC received approximately the same number of requests for conflict prevention services as in 2016 and 2017. The overall volume of requests in the last three years represented a significant increase over previous years.

PERC offers an array of trainings. These offerings range from preexisting modules—Affinity Model, Labor Management Committee, Collective Bargaining, Collaborative Bargaining, Interest Based Bargaining, and Improving Relationships—to custom training tailored to fit the parties' needs.

Number of Conflict Prevention Requests Continued at a High Rate



### PERC's conflict prevention services help parties improve relationships, increase partnerships, and avoid mediation or unfair labor practice proceedings.

The nature of the requests for conflict prevention services in 2018 shows that parties desire to

- ▶ better understand the collective bargaining process and the parties' mutual obligations.
- ▶ improve ongoing communication and working relationships between the employer and labor.
- ▶ learn and apply new, more collaborative approaches to collective bargaining and dispute resolution.

### Clientele Continues to Find Value in PERC-Offered Trainings

As a result of a conference workshop presented by PERC staff, the parties to one labor-management relationship "agreed to bring the PERC ULP training in-house to present a customized version before a joint group of both union stewards and managers. Additionally, there was joint agreement that the training be mandatory."

"The training [received] very appreciative and successful reviews. In fact, it was such a success that [the parties] plan to continue offering it in the future to all new managers and stewards as well as a periodic refresher."

“We are now fans and look forward to working together with PERC on other future training opportunities.”

### Outreach

PERC engaged in significant outreach in 2018, with presentations to classes and several speaking engagements to groups. The volume of requests to speak or present reflects recognition of PERC's expertise in the field.

PERC also copresented the Northwest Chapter Labor and Employment Relations Association (LERA) Conference. This two-day conference is offered to labor relations practitioners, advocates, and neutrals of all levels of experience.

In 2018, over 500 people attended the conference. The conference offered over 20 different sessions, with several presented by PERC staff.



# On the Horizon

## ISSUES

### → K-12 Mediation Season

Approximately 150 contracts will be open in 2019. PERC anticipates the next K-12 mediation season to be demanding.

### → Card Check Threshold

PERC will implement recent legislation that lowered the threshold for card check eligible groups from 70% to 50% plus one.

### → City of Everett

An appeal of the Commission's decision involving minimum shift staffing in *City of Everett*, Decision 12671-A (PECB, 2017), is pending in the Washington State Court of Appeals.

### → Lincoln County

An appeal of the Commission's decision in *Lincoln County (Teamsters Local 690)*, Decision 12844-A (PECB, 2018), finding both parties conditioned bargaining on whether bargaining would be open or closed to the public, is pending in the Superior Court.

## INITIATIVES

### → E-Filing

PERC is developing a true e-filing component for its case management system.

### → Rules Review

PERC will complete its review and improvement of its rules by the end of 2019, with formal adoption procedures slated for 2020.

### → Strategic Plan

PERC will begin formulating its 2020–2023 Strategic Plan and set goals to continuously improve PERC's services and service delivery.

### → Affinity Bargaining Training

In 2019, PERC is conducting training and facilitation with a large state agency, its eleven facilities, and the two unions representing employees at those facilities.

### → Website Update

PERC will continue to utilize technology as a way to serve its clientele. PERC will update its website to simplify the navigation and help users find information more quickly.



**“In order to keep providing timely services, PERC must continually look to improve and innovate in the way it delivers services.”**