

**PUBLIC EMPLOYMENT RELATIONS COMMISSION
TRANSITION BRIEFING PAPER**

Agency Name: Public Employment Relations Commission (PERC)
112 Henry Street NE
Olympia WA 98504-0919
Phone: (360) 570-7300 Website: <http://www.perc.wa.gov/>

Agency Responsibilities

Created in 1975, PERC is responsible for the uniform, impartial, efficient, and expert administration of nine collective bargaining statutes covering more than 300,000 public employees in all local governments, all common school districts, all state institutions of higher education, and all state agencies (except Washington State Ferries and Washington Management Service) in Washington.

To accomplish PERC's mission, PERC staff member regularly:

- Conduct hearings and issue decisions on labor-management disputes, including representation and unit clarification cases, union security disputes, and unfair labor practice complaints;
- Provide mediation to assist labor and management to resolve impasses in their collective bargaining negotiations and in grievance processing;
- Arbitrate grievances arising out of interpretation and application of existing contracts, to implement the legislative preference set forth in RCW 41.58.020(4);
- Provide practical training on "Interest Based Bargaining" and similar techniques, to assist interested labor and management groups to improve their bargaining processes;
- Provide labor, management and employees with agency forms, statutes, rules, updates on agency activities, and full-text decisions through the PERC website.

Chapter 41.58 RCW created PERC, and also sets forth basic agency responsibilities. The specific statutes administered by PERC are:

1. Chapter 28B.52 RCW - covers only academic faculty of community colleges;
2. Chapter 41.56 RCW -covers local government, the classified employees of common school districts, State Patrol troopers, and some University of Washington employees;
3. Chapter 41.59 RCW- covers only certificated employees of common school districts;
4. Chapter 41.76 RCW - covers only faculty at state "four year" higher education institutions;
5. Chapter 41.80 RCW - covers only state civil service employees;
6. Chapter 49.08 RCW - covers labor-management disputes in the private sector;
7. Chapter 53.18 RCW - covers only employees of port districts;
8. Chapter 54.04 RCW - covers only employees of public utility districts; and
9. Chapter 74.39A RCW - adds individual "home care" providers to Chapter 41.56 RCW.

Organization and Budget

PERC operates under the policy direction of three Commission members appointed by the Governor and confirmed by the Senate. The agency currently has 36 employees with authorization to grow to 42 FTEs, and has its management staff structured as follows:

- Executive Director (statutory position) reports to the Commission and is responsible for all daily operations.
- Operations Manager (a Washington Management Service (WMS) position) reports to the Executive Director; supervises six support staff members; serves as personnel officer, rules coordinator, legislative liaison, records officer, and public information officer; backup to Executive Director on certain representation and unit clarification cases.
- Compliance Manager (WMS) reports to the Executive Director; makes preliminary rulings on incoming unfair labor practice and non-association cases; backup to Executive Director and Operations Manager on certain representation and unit clarification cases.
- Field Services Managers (4 WMS positions) report to the Executive Director; perform some direct dispute resolution activities (meetings and hearings); direct teams of four to five Labor Relations Adjudicator/Mediators (LRAMs) who perform dispute resolution activities.
- Business Manager (WMS) reports to the Executive Director; supervises information technology coordinator and one support staff member; prepares agency budget requests, directs payroll function, oversees all agency purchasing and expenditures.

In 2003-2005, PERC's operations are funded by a \$4,856,300 appropriation from the state General Fund (GF-S) and a \$2,546,700 appropriation from the Personnel Services Revolving Account.

Most Pressing Issues

State employee bargaining is in transition to include wages and wage-related benefits (full-scope bargaining). PERC is closely monitoring the negotiations.

This is controversial because it affects a large number of employees and there was no full-scope bargaining before enactment of the Personnel System Reform Act of 2002. Employees are likely to have very high expectations which will be difficult for the employer to meet.

The key stakeholders are the Governor (through his/her chief negotiator) and the unions representing the employees of state agencies and state institutions of higher education.

The urgency is high, because of an October 1, 2004 deadline for negotiations and a requirement for legislative ratification in the 2005 session. PERC will assign a high priority to providing assistance if parties encounter difficulty in their negotiations for first contracts.

The timeline is indeterminate, because last-minute insertion of the October 1 deadline in the PSRA did not remove conflicting dispute resolution mechanisms/deadlines from the legislation.

Faculty collective bargaining is in transition in the state institutions of higher education that award four-year degrees, implementing a new statute enacted in 2002. Bargaining may be in progress at up to 3 of the 6 institutions by the time a new Governor takes office.

Home Care Providers bargaining under Initiative 775 (as amended to have the Governor's designee bargain for the employer) is in mediation as of July 2004. The interest arbitration process has been invoked for this bargaining unit of 25,000+ employees.

Staff contact on these issues is Executive Director Marvin L. Schurke at (360) 570-7312.

Board Member Listing by Board Position

PUBLIC EMPLOYMENT RELATIONS COMMISSION (GS145)

Agency 275 - Public Employment Relations Comm	Senate Conf. Y	Positions: Maximum 003
Authority Governor	Public Disc. N	Minimum 000
Authoriztn. RCW 41.58.010	Term Length 060	Actual 003
Rem. Auth. GC	Meetings/Yr. 25	

<u>Pos. #</u>	<u>Name and Address</u>	<u>Status</u>	<u>Race</u>	<u>Appointed</u>	<u>Expires</u>
001	Glenn Sayan, Marilyn East 360 Libby Road Shelton, WA 98584	A	C	11/15/2000	09/08/2005
		Terms Served	02		
		Position	Chair		
		Comments	Labor Relations Experience		

<u>Pos. #</u>	<u>Name and Address</u>	<u>Status</u>	<u>Race</u>	<u>Appointed</u>	<u>Expires</u>
002	Duffy, Joseph W. (Mr.) Post Office Box 12217 Seattle, WA 98102	A	C	09/15/1999	09/08/2004
		Terms Served	02		
		Position	a member		
		Comments	Labor Relations Experience		

<u>Pos. #</u>	<u>Name and Address</u>	<u>Status</u>	<u>Race</u>	<u>Appointed</u>	<u>Expires</u>
003	Bradburn, Pamela 6727 41st Ave. SW Seattle, WA 98136	A	C	02/25/2004	09/08/2008
		Terms Served	01		
		Position	a member		
		Comments	Labor Relations Experience		