



ASSOCIATION
of LABOR RELATIONS
AGENCIES

ALRA Advisor



June 2024

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Submit all material to

Travis Kearns
travis.kearns@ontario.ca

Special thanks to

Travis Kearns
Ontario Labour Relations Board

Vanessa Smith
Executive Assistant,
Washington State Public
Employment Relations
Commission



On the Cover: Detroit Skyline / Photo Credit: Charles Falsetti

FROM THE PRESIDENT



Greetings from Washington, D.C.! As you can see from this edition of the *Advisor* we have spent this spring finalizing this year's 72nd ALRA Conference in Detroit, Michigan. The theme for the 2024 Conference is *Serving the Public Interest*. Changes brought about by the Covid-19 pandemic, technology, and demographic shifts are rapidly redesigning the world of work. ALRA's 2024 conference will examine how we best serve the public interest while navigating these changes.

We have a busy agenda planned. We will lead off the conference on July 28th with a discussion on the topic of *Balancing Our Role as Public Servants to Meet the Changing Needs of the Public*. From there we have three full days of programming with topics ranging from legislation and case updates, to harnessing technology and Artificial Intelligence for labor relations. The Conference Planning Committees know that our member agencies have been

navigating rapidly changing landscapes often with the added challenge of budget or staffing cuts. With that in mind, as we planned this year's conference, we placed a particular emphasis on providing our members with tools that they can take away from Detroit that will help them navigate whatever challenges their agencies are facing.

The conference registration open at alra.org. Check back at the ALRA website for updates to the agendas: one for the conference open to ALRA member delegates (Saturday's ALRA Academy, Sunday and Tuesday) and the other for Advocate's Day (Monday's Program), which is open to advocates on all sides practicing primarily in the Detroit area as well as agency delegates.

As I write this letter to you all, I am reflecting on the first ALRA conference I attended in 1997 in Washington, D.C. I was a newly practicing attorney and was attending to expand my labor law education, and really, to develop professional connections. Little did I know then that the '97 conference would be the start of a decades long association with ALRA and that those initial expectations would be achieved ten-fold. I was amazed then and continue to be amazed at the enthusiasm and expertise on display at ALRA's annual conferences. Having worked on a number of these programs over the years, I have seen first-hand the energy and professionalism that committee members and the Executive Board bring to planning sessions. They work together with the single goal of providing colleagues with valuable information and contacts that they can take home with them. It has been my honor to share in this work over the years and to serve as both an Executive Board Member and President.

I want to take a moment to extend my thanks to several people who have been instrumental in this year's conference planning. Let me start with Sidney McBride. There can be no better ambassador for Detroit and the Michigan Employment Relations Commission than Sidney. This year's conference has been many years in the making, with Sidney enthusiastically taking on the role of Arrangements Chair. Starting with hotel selection, negotiating the contract, event planning, and working with local advocates and practitioners in focus groups. All the way through to helping develop a conference

agenda that is packed with useful sessions. Through it all, Sidney's guiding principle has been providing ALRA members with the tools they need to better serve the public and local advocates with the tools they need to better serve their clients and members.

I also want to thank the Program Committee lead by Sarah Cudahy and Natalie Zawadowsky and the Professional Development Committee chaired by Christy Yoshitomi and Julie Beauchesne. These committees have really gone above and beyond this year to plan an outstanding conference. I would also like to thank Travis Kearns, ALRA VP of Administration, and Vanessa Smith of Washington PERC for all the great work they do in putting out the *ALRA Advisor*.

I look forward to seeing all of you at the conference and catching up in person.

—Eileen Hennessey



Photo Credit:
Motown
Museum

Registration:
\$550 Full / \$295
Single Day

To register for the
conference, click
here or go to
alra.org.

72nd Annual ALRA Conference Serving the Public Interest in the Post-Pandemic World Detroit, Michigan | July 27–30, 2024



Photo Credit: Charles Falsetti

Join over 100 mediators, adjudicators, and advocates from across North America to hear innovative ideas for the workplace and engaging speakers.

The conference will be held at the [Greektown Casino Hotel](#) in downtown Detroit. Room rates are \$180 USD/night for ALRA conference delegates.

SOME FACTS ABOUT DETROIT

- Detroit is the only city in the lower 48 where you can actually look south and see Canada. It's also the site of the Detroit Windsor Tunnel, the first traffic tunnel between two nations.
- Detroit derives its nickname, the Motor City, from its role as the center of the U.S. automotive industry. The "Big Three" auto manufacturers—General Motors, Ford, and Stellantis North America (Chrysler)—are all headquartered in Metro Detroit.
- MLK made his "I Have a Dream" speech famous at the March on Washington, but the speech made its debut in Detroit. Though the actual speech was delivered during the March on Washington in August 1963, King also said some of the speech during Detroit's Walk to Freedom in June 1963.
- In 1959 Berry Gordy Jr. developed a little outfit called Motown Records in the city. Are you a fan of Marvin Gaye, Diana Ross, or Stevie Wonder? You're welcome.
 - The Detroit Industry Murals (1932–1933), designated by the Department of Interior as a National Historic Landmark, are a series of frescoes by the Mexican artist Diego Rivera in the 1930s. Consisting of 27 panels depicting industry at the Ford Motor Company and in Detroit, they surround the interior Rivera Court in the Detroit Institute of Arts.

UNITED STATES



FEDERAL MEDIATION AND CONCILIATION SERVICE

FMCS Convenes Parties Involved in Work Stoppages for Mediation

The Federal Mediation and Conciliation Service (FMCS) instituted a new policy effective Jan. 1, 2024, to better assist parties in minimizing and ending work stoppages.

The new policy intends to convene parties involved in private sector work stoppages for the purposes of mediating the dispute. It comes on the heels of FMCS' rule [29 CFR 1406](#) published Dec. 7 that provides that "FMCS may convene the parties for a threatened or actual work stoppage whenever in its judgment such dispute threatens to cause a substantial interruption of commerce" and that "FMCS will determine the date, time, place, and manner (virtual, in-person, or hybrid) of services."

FMCS will convene parties for work stoppages that proceed unabated for 30 continuous calendar days or fewer, if the parties are in certain critical industries, including defense, health care, and power generation. Exceptions will apply if the work stoppage does not threaten to cause a substantial interruption of commerce. Parties will be provided written notice of the date, time, place, and manner (virtual, in-person, or hybrid) of the mediation. The parties will continue to be convened at regular intervals until the work stoppage is resolved.

"Although historically we have avoided requiring parties involved in a work stoppage to mediate without both sides of the table agreeing to participate in negotiations, FMCS does have the authority to convene parties in labor disputes before, or regardless of whether, the parties accept our offer of assistance," said FMCS Deputy Director for Field Operations Javier Ramirez. "When we offer our services to parties

in a dispute, [we are required](#) to use our best efforts, by mediation and conciliation, to bring them to agreement. In some cases, when there is a potential for serious impact to commerce and the economy, these best efforts mean convening parties to the table despite their initial inclination."

Statute [29 USC 174\(a\)\(3\)](#) also dictates that, as such, the parties must "participate fully and promptly in such meetings as may be undertaken by the Service under this chapter for the purpose of aiding in a settlement of the dispute."

Below are details of the policy:

- Effective January 1, 2024, Field Operations Managers will assign a mediator to every known work stoppage under FMCS' purview.
- After the work stoppage has occurred for 30 continuous calendar days, the assigned mediator will contact both parties and convene a mediation session.
- The mediator will convene the parties every 15 calendar days that the work stoppage continues.
- If the work stoppage concludes but the parties do not have a ratified agreement, the mediator will continue to convene the parties every 15 calendar days until there is a ratified agreement.
- If there is an additional work stoppage on this same matter, the mediator will convene the parties every 15 calendar days during the stoppage.
- Mediators may convene parties earlier and more frequently than the timelines provided above if the parties are in certain critical industries, including defense, healthcare, and

power generation, or if the bargaining unit is of a significant size.

- Exceptions will apply if the stoppage does not threaten to cause a substantial interruption of commerce.

"FMCS works to build better, more effective workplace relationships and mitigate the damage from inevitable conflict through preventive dialogue, honest communication, and responsive strategies," Ramirez said. "This policy preserves the integrity of our mission with a more proactive strategy to encourage parties to take advantage of our provided services all at zero cost, as always."

FMCS Unveils 12-Part Video Series Showcasing Its Mission and Services in a Brand-New Way

The Federal Mediation and Conciliation Service (FMCS) is proud to announce the launch of its newest educational initiative: the "FMCS 101" video series. Designed to provide a comprehensive overview of the Agency's mission, services, and history, the series aims to become an invaluable public resource, aiding those who seek a deeper understanding of the role FMCS plays in labor relations.

Established in 1947, FMCS serves as a vital resource for parties involved in labor disputes, providing mediation, training, and other conflict resolution services. The Agency has been at the forefront of promoting labor-management harmony and a cornerstone of peaceful conflict resolution and dispute management in the United States for more than seven decades.

As an independent agency of the federal government, FMCS is dedicated to facilitating productive dialogue, negotiation, and collaborative solutions between labor and management, thereby averting work stoppages such as strikes and lockouts, minimizing disruptions to commerce, and preserving economic stability.

The 12-part FMCS 101 video series comprise a collection of engaging standalone episodes, each focusing on different aspects of the Agency's operations, role, and impact. From

its foundational principles to its contemporary initiatives, the series offers viewers an easy-to-digest explanation of FMCS' mission and functions, including interviews with federal mediators, all in just a few minutes per episode.

"We are excited to launch the FMCS 101 video series as part of our ongoing efforts to promote public education and understanding about our Agency," said FMCS Deputy Director for Field Operations, Javier Ramirez. "These videos serve as a gateway for those seeking to gain knowledge about FMCS operations and our contributions to labor relations and fostering workplace stability in the United States."

The release of this video series comes at a time when labor relations are increasingly complex, underscoring the need for accessible resources to support constructive dialogue and negotiation. By leveraging the power of digital media, FMCS aims to reach a broader audience, including labor unions, employers, government officials, students, and the public.

The series covers topics such as the role of mediation and conciliation in resolving labor disputes, the history of FMCS and its landmark achievements, the training and expertise of FMCS mediators, and the Agency's innovative approaches to conflict resolution in the modern era. Through interviews, narration, informative graphics, and other visual content, the videos provide an accessible and engaging platform for learning about FMCS.

"Whether you are a union representative, an employer, a government official, or a member of the public interested in labor relations, the FMCS 101 video series offers something for everyone," said Ramirez.

The FMCS 101 series episodes are as follows and can be viewed in any order:

1. FMCS History and Mission
2. How Does Mediation Work?
3. What Services Does FMCS Provide a New Bargaining Unit?

4. Preparing For Mediation
5. What Is Collective Bargaining Mediation?
6. Alternative Bargaining
7. Public Policy and Negotiated Rulemaking
8. Building Stronger, More Functional, Labor-Management Relationships
9. Arbitration
10. FMCS Training and Conferences
11. Employment Mediation
12. FMCS Mediators

The FMCS 101 video series is available for streaming on the [FMCS website](#) and [YouTube](#).

FMCS Awaits Congressional Funding of 2025 Budget

FMCS is requesting \$53,705,000 in its 2025 budget, which represents no change from its enacted 2023 appropriation.

With its deep and long-standing relationships with both labor and management, FMCS is uniquely positioned to assist parties with collective bargaining and their legal obligation to negotiate in good faith. Starting in 2023, FMCS has augmented its standard outreach and providing mediator assignments for all newly organized bargaining units. A concerted effort by FMCS to train and assist these new units will provide them the skills and knowledge to effectively communicate, problem-solve, and negotiate agreements in a less contentious environment.

In 2025, FMCS will continue to play a significant role in carrying out more than 25 specific recommendations of the first and second White House Task Force Reports on Worker Organizing and Empowerment (Task Force) issued pursuant to Executive Order 14025.ⁱ FMCS will also expand its role in resolving administrative disputes and mediating regulatory negotiations.

Beginning in 2024, FMCS instituted a national strategic approach for convening private sector parties in labor disputes with work stoppages that have occurred for 30 continuous calendar days. Mediators will continue to convene parties and offer FMCS services while the work stoppage remains in effect. This approach positions the agency to serve its mission of minimizing disruptions to the economy more efficiently and effectively.

FMCS will also continue to meet administration initiatives relating to equity and operational security. In 2023, FMCS consolidated responsibilities for physical security, personnel security, controlled unclassified information (CUI), and continuity of operations (COOP) into a new office of operational security and emergency management. FMCS has also undertaken significant programming, training, and travel investments in more fully developing its equal employment opportunity (EEO) program. Activities include increased recruiting outreach and internal training and programming.

FMCS is proud of its past accomplishments and looks forward, in 2025, to intensifying its efforts to educate and inform business and labor of the value and benefits of the Agency's training, facilitation, and conflict management services.

FMCS' Path Forward Discussion

"Those who cannot remember the past are condemned to repeat it."—Philosopher George Santayana

One of the challenges facing collective bargaining is a failure of negotiating parties to reflect on and learn from successive rounds of negotiation. This represents a lost opportunity to take action to improve future negotiation. The net effect is that negotiating parties oftentimes proceed time after time in the same vein with the expectation of a different result and stumbling into an agreement.

This failure on the part of negotiating parties to reflect on and draw learnings from successive negotiations contributes to process ineffectiveness in collective bargaining that

is characterized by inordinately lengthy negotiations, poor problem-solving, and escalating conflict.

One effective way to address this problem is through the utilization of a Path Forward Discussion (PFD) provided by FMCS. We recommend doing so shortly after a negotiation has ended.

A PFD is a structured process and facilitated discussion that enables all parties to reflect on the immediate past negotiation process, identify areas for improvement, and develop strategies to enhance their negotiation effectiveness. By looking back on the negotiation process and analyzing both successes and challenges, all parties can learn valuable lessons that can be applied during the life of the current contract and to future negotiations.

A PFD can provide new and unrealized benefits for parties during the upcoming term of the contract and the next round of contract negotiations. Benefits include the following:

1. Improved Negotiation Processes

By reflecting on the negotiation process, parties can identify what worked well and what did not and make adjustments accordingly. This can help to improve overall negotiation skills and increase the chances of successful outcomes in future negotiations.

2. Improved Problem-Solving & Addressed Underlying Issues

Collective bargaining negotiations can often bring up underlying issues or conflicts between parties. A PFD can help to identify and address these issues head-on, preventing them from becoming bigger problems down the road. Through improved processes, it will help you better solve problems moving forward.

3. Improved Relationships Between Parties

By reflecting on past negotiations and identifying areas for improvement, parties can work to improve working relationships with the other

party and create a more valuable negotiation process.

Overall, the importance of conducting a PFD cannot be overstated. By taking the time to reflect on and learn from past negotiations, parties can improve their negotiation skills, enhance value of their time, better handle future challenges, and significantly increase the odds of improving subsequent negotiations.

For more information, please contact your local FMCS mediator or FMCS National Projects Manager Michael Franczak at mfranczak@fmcs.gov.

2024 FMCS National Labor-Management Conference

"Challenges and Choices at Work in a Time of Heightened Worker Activism"

June 26-30, 2024, the Federal Mediation and Conciliation Service (FMCS), the Labor and Employment Relations Association (LERA), and the International Labor and Employment Relations Association (ILERA) bring you a unique joint conference that brings together the finest practitioners, academics, and neutrals in the world of labor relations at the Hilton Midtown Manhattan, New York.

The "2024 Triad" in Manhattan combines 3 events:

- FMCS 2024 National Labor-Management Conference
- LERA 76th Annual Meeting
- ILERA 20th Triennial World Congress

You will not want to miss this one-of-a-kind event. LERA's mission bridges research, practice, policy, and stakeholders. ILERA's general purpose is to promote the study of labor and employment relations throughout the world in the relevant academic disciplines. FMCS works to build better, more effective workplace relationships and mitigate the damage from inevitable conflict through preventive dialogue, honest communication, and responsive strategies.

**2024
Triad**
"Challenges and Choices at Work in a Time of Heightened Worker Activism"

FMCS 2024 National Labor-Management Conference



LERA 76th Annual Meeting LERA

ILERA 20th Triennial World Congress



Hilton Midtown Manhattan, New York

June 26 - 30, 2024

For complete information, registrations, hotel details, and speaker/panelist info, please visit <https://www.leraweb.org/triad-2024-nyc>.

Change and Impact of Federal Sector Mediation

The Labor-Management Relations Act of 1947 (Taft-Hartley Act) created the Federal Mediation and Conciliation Service (FMCS) as an independent agency of the U.S. government. The Agency was given the mission of preventing or minimizing the impact of labor-management disputes on the free flow of commerce by providing mediation, conciliation, and voluntary arbitration in the private sector.

However, the role of FMCS was expanded to include federal sector collective bargaining services and assistance under Title VII of the Civil Service Reform Act of 1978 (also known as the Federal Service Labor-Management Relations Statute). 5 U.S. Code § 7119 (a) provides in part "The Federal Mediation and Conciliation Service shall provide services and assistance to agencies and exclusive representatives in the resolution of negotiation impasses."

In early 2023, FMCS began to look more closely at its service delivery in the federal sector as it appeared that its federal parties may not have been seeing the same level of success in

reaching agreements in mediation as its private sector parties were. As FMCS looked further into this, it became clear that many mediators in the Agency received very few federal cases and would often go years between mediations in the federal sector. As a result, mediators were often less familiar with current issues in federal negotiations.

FMCS took several steps to address the situation. First, FMCS set up a small team of mediators that would handle all federal sector bargaining mediations going forward. This group, made up of many of our most experienced mediators, was chosen from volunteers who sought to focus on, and gain expert knowledge of, bargaining issues specific to the federal sector. Because of the small size, FMCS could assure that this group of mediators was consistently in the room with federal negotiators and the issues currently in dispute.

Additionally, this team of mediators meet virtually at a monthly roundtable to discuss current issues and challenges they are seeing. These monthly meetings also provided an opportunity to partner with our colleagues at the Federal Service Impasses Panel (FSIP) and the Federal Labor Relations Authority's Collaboration and Alternative Dispute Resolution Office (CADRO), so that those agencies could provide specialized training and insight into the federal

bargaining process. Advanced training and the opportunity to ask questions and seek guidance among these groups has drastically increased the effectiveness of the FMCS mediators.

Finally, by providing most of our federal sector mediation services virtually (similar to our partners at FSIP and CADRO), the federal sector team can cover all of our federal collective bargaining negotiation cases nation-wide, and also leverage that platform to provide mentoring by pairing less experienced team members with more experienced mediators on the team. We are also able to provide an opportunity for co-mediators where appropriate.

In only a few months, the results of this project have been incredibly successful. The percentage

of cases where full agreement could not be reached in mediation and were subsequently referred to FSIP, was nearly 50% prior to 2023. That number has now fallen to 20 - 25%. In those cases that are still referred to FSIP, mediators work very hard to focus and decrease the issues still in dispute. Additionally, we have seen an increase in the number of requests for FMCS assistance. Not only for end-of-term collective bargaining negotiations, but also for mid-term bargaining, alternative and compressed work schedule disputes, impact and implementation disputes, as well as numerous requests for relationship development trainings across the country relating to enhanced bargaining skills, steward and supervisor skills, and the establishment and facilitation of Labor Management Partnership Forums. ■



NATIONAL MEDIATION BOARD

Loren E. Sweatt Sworn in as National Mediation Board Member

The National Mediation Board (NMB) is pleased to announce that Member Loren E. Sweatt was sworn in and assumed her position with the NMB on April 2, 2024. Ms. Sweatt was confirmed by the United States Senate on March 7, 2024.

Ms. Sweatt transitions to the Board from the U.S. Senate Committee on Health, Education, Labor, and Pensions where she most recently was a Senior Professional Staff Member. Prior to the Senate position, Ms. Sweatt served as the Principal Deputy Assistant Secretary with the Occupational Safety and Health Administration at the U.S. Department of Labor for almost four years. For 15 years, Ms. Sweatt was a Senior Policy Advisor at the Committee on Education and the Workforce in the U.S. House of Representatives.

Her experience includes all facets of labor policy. Ms. Sweatt holds a Bachelor of Arts from Texas Christian University and a Master of Business Administration from Marymount University.

McGuckin Appointed as Supervisory Mediator in the Office of Mediation Services

Gerry McGuckin was selected as one of two new Supervisory Mediators, effective December 3, 2023. Mr. McGuckin joined the National Mediation Board as a Mediator in September of 2007. During his sixteen-year tenure, he has served the Board in airline and railroad cases, including grievance mediation cases.

Prior to joining the NMB, Mr. McGuckin completed a career as a commercial airline pilot for a number of major airlines, retiring in October 2006 from US Airways. During his twenty-nine-year airline career, he gained extensive labor relations experience, including over twelve years as ALPA chief negotiator and negotiator for the pilots at US Airways. In addition to his civilian airline career, Mr. McGuckin had a military flying career that spanned over twenty-seven years.

Tosi Appointed as Supervisory Mediator in the Office of Mediation Services

Anthony M. (Mike) Tosi was selected as one of two new Supervisory Mediators for effective

December 3, 2023. Mr. Tosi joined the National Mediation Board in March 2005, as a Mediator. During his tenure with the NMB, he has served the Board in airline and railroad cases, including grievance mediation cases.

Prior to joining the NMB, Mr. Tosi completed a career as a commercial pilot flying for several major airlines. He retired in March, 2005, from US Airways. In addition to his civilian flying, Mr. Tosi completed more than three decades of military aviation in the United States Air Force and with the Delaware Air Guard.

Christopher Beebe Joins the National Mediation Board

Christopher Beebe joined the National Mediation Board in July 2023 as the NMB's Director of

Mediation Services. A long-time proponent of utilizing Interest Based Bargaining (IBB) and ADR in dispute resolution, Mr. Beebe will manage the NMB's Mediation programs to assist in the negotiations of collective bargaining agreements, resolution of minor disputes through grievance mediation, and training and utilization of Alternative Dispute Resolution (ADR) in the airline and railroad industries.

Mr. Beebe has over 35 years of labor relations experience including contract negotiations and mediation, and in grievance and discipline representation. He has had numerous union leadership positions in the US and served as a National Officer for the Air Line Pilots Association, Intl. and as the General Secretary of pilot unions in the United States, Asia, Australia, and Europe. ■



NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION

On January 5, 2024, Mary E. Hennessy-Shotter ("Mary Beth") was sworn in as Chair of the New Jersey Public Employment Relations Commission (PERC). Mary Beth has been involved with ALRA since 2008, attending her first ALRA conference when NJ PERC co-hosted with NY PERB in 2011.



Mary Beth has worked at PERC since 2007, first serving as Deputy General Counsel on the legal staff, and then transferring to the Conciliation & Arbitration section to serve as a mediator for several years. Mary Beth was named as Director of Conciliation and Arbitration in 2018. Mary Beth actively mediated several strikes and strike potential situations, including the 2023 strike at Rutgers University involving a coalition of five unions. Prior to joining PERC, Mary Beth

worked in a private law firm for several years, practicing labor law.

Mary Beth succeeded Joel Weisblatt, who served as PERC's Chair since March of 2018. Joel was active in ALRA since attending his first ALRA conference in 1980 in Vancouver, British Columbia. Joel has attended 21 ALRA conferences during his career.

Joel came back to PERC (after having served as a PERC mediator at the beginning of his career) from a thriving thirty-five-year private arbitration practice in which he arbitrated thousands of private and public sector cases. During Joel's term as Chair, he navigated the agency through the pandemic when unfair practice filings soared. PERC continued all its operations throughout the entire pandemic. Joel also steered PERC through vacancies on the Commission, challenges to the interest arbitration process, and the issues emanating from the issuance of the Janus decision. Additionally, Joel worked behind the

scenes to make sure mediation services were ready and available in several negotiation crises.

Joel also implemented new agency processes in response to major legislative changes that amended the New Jersey Employer-Employee Relations Act, which is the Act PERC is charged with administering. Those legislative changes included the 2018 Workplace Democracy Enhancement Act in (WDEA), the 2021 and 2022 subcontracting amendments, and the 2022 Responsible Collective Negotiations Act (RCNA). The WDEA provides greater workplace access for unions in the workplace, a proscription against public employers encouraging employees to resign union membership and broadens the scope of unit work thereby making more public employees eligible for union

membership. The subcontracting amendments provide that all aspects relating to an employer's decision to subcontract are mandatorily negotiable and provide for certain notice and required meetings before an employer makes the decision to subcontract. The RCNA provides for a panoply of expanded rights regarding the negotiations process.

In his time as Chair, Joel firmly cemented PERC's neutrality. With Mary Beth's well-rounded labor relations background and expertise, Joel left the agency in very capable hands. We wish Joel much success as he returns to his private arbitration practice and equally positive sentiments for Mary Beth as she leads PERC into its next chapter. ■



WASHINGTON STATE PUBLIC EMPLOYMENT RELATIONS COMMISSION

New Chair Appointed

In March, Governor Jay Inslee appointed Mark Lyon as chair of the Washington State Public Employment Relations Commission (PERC). Lyon replaces Marilyn Glenn Sayan, who resigned from the Commission in December after serving as chair for 27 years. Lyon has been practicing law in Washington State with an emphasis on labor and administrative law for over 40 years. From January 2005 to December 2021, he served as an assistant attorney general for the State of Washington and provided litigation services and legal advice to state agencies, including the Department of Transportation, the Department of Enterprise Services, and the Consolidated Technology Services Agency. Lyon retired from the Attorney General's Office at the end of 2021.

Between 1981 and 2004, Lyon served as general counsel to the Washington Public Employees Association, UFCW Local 365, where he acted as the primary legal advisor to a public employee labor union representing state and

local government workers and appeared before administrative tribunals, trial courts, and appellate courts throughout Washington State.

Lyon received a Juris Doctor degree in 1981 from Seattle University School of Law. His term expires in September 2026.



Electronic Signatures in Representation Matters

In 2024, the Washington State Legislature passed legislation authorizing the use of electronic signatures in representation cases. The legislation was modeled on similar provisions passed in Oregon in 2023. Any showing of interest card containing an electronic signature must be accompanied by a declaration indicating the technology used to obtain and

verify the signature, explaining the method(s) used to ensure the authenticity of the signature, and confirming the information transmitted to the signer was the same information to which the signer assented. Critically, the legislation also removed the requirement that PERC physically compare signatures when conducting card checks. The legislation took effect on June 6.

Legislative Employee Collective Bargaining

Also in 2024, the Washington State Legislature passed legislation completing prior legislation

that grants collective bargaining rights to approximately 400 employees of the Washington State Legislature. The collective bargaining rights became effective on May 1. Currently, four representation petitions are being processed.

Annual Report

PERC's Annual Report for 2023 is now available at <https://perc.wa.gov/forms-guides-and-publications/>. ■



72nd Annual ALRA Conference
**Serving the Public Interest in the
Post-Pandemic World**
Detroit, Michigan | July 27–30, 2024

We hope to see you in Detroit!

Photo
Credits:
Vito
Palmisano (above
& left) and Visit
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