

WSR 25-03-064
PERMANENT RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed January 14, 2025, 9:09 a.m., effective February 14, 2025]

Effective Date of Rule: Thirty-one days after filing.

Purpose: When an unfair labor practice violation is found, the public employment relations commission (PERC) issues an order requiring the respondent to take certain steps to remedy the violation of state law. PERC assigns a staff member to monitor the compliance process to ensure that the order is complied with. The purpose of WAC 391-45-400 is to provide procedural structure to the compliance process.

Citation of Rules Affected by this Order: New WAC 391-45-400.

Statutory Authority for Adoption: RCW 28B.52.080, 41.58.050, 41.56.090, 41.59.110, 41.76.060, 47.64.135, and 49.39.060.

Adopted under notice filed as WSR 24-20-121 on October 1, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 14, 2024 [2025].

Dario de la Rosa
Rules Coordinator

OTS-5765.1

NEW SECTION

WAC 391-45-400 Compliance. (1) After issuance of a remedial order or entry of a court judgment enforcing an order, an agency compliance officer will work with the parties to facilitate compliance with the terms of the order.

(2) The compliance officer will regularly report to the executive director on the parties' progress toward compliance with the order. After a reasonable amount of time, the compliance officer will make a recommendation as to whether the parties have achieved compliance or whether disputed issues regarding compliance remain.

(a) If the compliance officer recommends that the parties have achieved compliance and neither party disputes compliance, the executive director may accept compliance and close the case.

(b) If the compliance officer identifies that disputed issues regarding compliance remain, the executive director will assign the mat-

ter to an examiner under WAC 391-45-130 to conduct a hearing on the disputed issues. If the matter is assigned to an examiner for a hearing, the compliance officer may continue compliance facilitation efforts with the parties.

(3) Hearings on whether the parties have complied with the terms of the order will be governed by WAC 391-45-270 and 391-45-290. The issues will be limited to the disputed issues regarding compliance. Unless appealed to the commission under WAC 391-45-350, a decision issued on the disputed issues under this section is the final order of the agency with the same force and effect as if issued by the commission.