

HOUSE BILL REPORT

HB 2641

As Passed Legislature

Title: An act relating to collective bargaining for employees of the Washington State Bar Association.

Brief Description: Revising provisions relating to collective bargaining for employees of the Washington State Bar Association.

Sponsors: Representatives Thibaudeau, Chandler, Conway, Anderson, Heavey and Campbell.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 2, 1994, DP;
Passed House, February 15, 1994, 52-45;
Passed Legislature.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 9 members:
Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk,
Ranking Minority Member; Chandler, Assistant Ranking
Minority Member; Conway; Horn; King; Springer and Veloria.

Staff: Edsonya Charles (786-7291) and Chris Cordes (786-7117).

Background: The Public Employees' Collective Bargaining Act provides public employees a uniform basis for implementing their right to join labor organizations of their own choosing and to be represented in matters concerning their employment relations with public employers. The collective bargaining statutes apply in general to political subdivisions of the state but not to the state itself.

Employees of the Washington State Bar Association are not specifically covered by the collective bargaining statutes. In 1993 a clause was added that encouraged and authorized the Washington Supreme Court to provide by rule that the Washington State Bar Association is considered a public employer under the Public Employees' Collective Bargaining Act. The court adopted a rule that gives the Washington Bar Association's Board of Governors discretionary authority to adopt collective bargaining for its employees.

The Washington Supreme Court maintains supervisory and regulatory control over the bar association. The bar association was established by legislative enactment. However, the Supreme Court has held that as a separate, independent branch of government, it has inherent constitutional powers to control the bar association and its functions.

All aspects of employment are controlled by the Board of Governors of the Bar Association and its designated executive director. The dispute-resolving mechanisms of arbitration, mediation and fact finding, accompanied by the right to organize and designate a representative for bargaining purposes, are not available to Bar Association employees. Pursuant to grievance procedures contained in an employee handbook, bar association employees instead may file complaints with a standing grievance committee appointed by the executive director.

In 1975, the Washington Supreme Court found that application of collective bargaining statutes to juvenile court employees, with respect to bargaining for wages with the county, did not affect the judiciary's power to control and administer the courts. The Legislature made collective bargaining statutes fully applicable to district courts in 1989 and superior courts in 1992.

Summary of Bill: The Washington State Bar Association is considered a public employer under the Public Employees' Collective Bargaining Act.

Fiscal Note: Requested January 18, 1994.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Washington State Bar Association employees should have the same rights to collectively bargain as other employees. A majority of the bar association employees have voted to organize to bargain collectively. Last year, when this bill was discussed, there was concern raised about the legislative branch interfering with the judicial branch. In this instance, the separation of powers argument is a diversionary point to mask the substance.

Testimony Against: The Washington Supreme Court has held that the Supreme Court has sole authority to regulate the bar association. The bar association has determined that it is a political subdivision of the state for some purposes. Bar employees are not public employees as contemplated by the collective bargaining statute. However, bar association

employees receive certain benefits as employees of a political subdivision of the state.

Witnesses: (In favor) Jean Kelley McElroy, Washington State Bar Association Employees; and James Webster, United Food and Commercial Workers Union Local 1001. (Opposed) Wayne Blair, Washington State Bar Association.