

**SENATE BILL REPORT**

**EHB 2161**

**AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, FEBRUARY 24, 1994**

**Brief Description:** Prohibiting disciplining public employees because of labor disputes.

**SPONSORS:** Representatives Conway, King, Veloria, Heavey, Campbell, Orr, Wineberry, J. Kohl, Chappell and Anderson

**HOUSE COMMITTEE ON COMMERCE & LABOR**

**SENATE COMMITTEE ON LABOR & COMMERCE**

**Majority Report:** Do pass as amended.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

**Staff:** Jeff Gombosky, Jonathan Seib (786-7427)

**Hearing Dates:** February 22, 1994; February 24, 1994

**BACKGROUND:**

Under the Public Employees' Collective Bargaining Act (PECBA), an employer commits an unfair labor practice if the employer interferes with or coerces an employee who is exercising his or her rights under the act. The PECBA states that it does not permit or grant the right to strike. The Washington Supreme Court has held that, unless the Legislature provides otherwise, strikes by public employees are subject to injunction. An injunction may be granted if there is: (1) a clear legal right; (2) fear of immediate invasion of that right; and (3) actual and substantial injury.

The Public Employment Relations Commission has interpreted the PECBA to prohibit employers from disciplining employees who are engaging in activities protected by the act. The commission has the power and duty to prevent unfair labor practices and to use appropriate remedial orders.

**SUMMARY:**

The Public Employment Relations Commission is directed to establish an expedited review and hearing process for a disciplinary action against a public employee for participating in a strike or for honoring a picket line.

**SUMMARY OF PROPOSED COMMITTEE AMENDMENT:**

It is clarified that a disciplinary action against a public employee for participating in a strike or for honoring a picket line is prohibited.

It is provided that the expedited review and hearing process will be available when the disciplinary action rises to the level of an unfair labor practice.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

This bill does not grant the right to strike. It simply will prevent employees from being disciplined by their employer in certain cases. No employees had ever been disciplined until a recent case in Spokane where an employer refused to sign an "amnesty" agreement after a strike ended.

**TESTIMONY AGAINST:**

The bill gives implicit recognition of a right-to-strike without any limitations. It is broadly written and would apply to all employees, union or not. It will allow judges to determine when discipline may occur.

**TESTIFIED:** Representative Conway, prime sponsor; Sam Kinville, County and City Employees; Kathleen Collins, Mike Reynvaan, Assn. of WA Cities (con); Bill Vogler, Assn. of WA Counties; Randy Scott, Spokane County