

SENATE BILL REPORT

HB 2641

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, FEBRUARY 25, 1994

**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

HOUSE COMMITTEE ON COMMERCE & LABOR

SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** Do pass.

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

**Minority Report:** Do not pass.

Signed by Senator Newhouse.

**Staff:** Jonathan Seib (786-7427)

**Hearing Dates:** February 24, 1994; February 25, 1994

**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:**

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

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

**TESTIMONY FOR:**

The Bar Association employees should have the same right to collectively bargain as do most other employees. The right should not be subject to the discretion of Bar Association management. The courts have already allowed other laws requiring courts to collectively bargain.

**TESTIMONY AGAINST:**

Bar Association employees are not public employees. If passed, the bill will be found to be an unconstitutional violation of the separation of powers clause.

**TESTIFIED:** Representative Thibaudeau, prime sponsor; Representative Heavey (pro); Joe Peterson, UFCW Local 1001 (pro); Randy Beitel, Ad-Hoc Union Organizing Committee (pro); Paul Stritmatter, WA State Bar Assn.