

---

HOUSE BILL 2770

---

State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Conway, Simpson, G., Wallace, Flannigan, Chase, McCoy, O'Brien, Hudgins, Moeller, Dickerson, Darneille and Morrell

Read first time 01/20/2004. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to the right to engage in activities related to  
2 collective bargaining; adding a new section to chapter 49.60 RCW; and  
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The legislature finds that:

6            (1) Respect for human rights includes respect for fundamental  
7 worker rights;

8            (2) The foundation of worker rights is freedom of association and  
9 the effective recognition of the right to collectively bargain over  
10 terms and conditions of employment;

11           (3) These rights have been adopted and proclaimed by the General  
12 Assembly of the United Nations and the International Labor  
13 Organization, of which the United States is a member state;

14           (4) As a member state, the United States has pledged to ensure that  
15 its domestic labor law fully protects these fundamental worker rights;

16           (5) These fundamental worker rights are also a statutory right  
17 under the law of the state of Washington;

18           (6) These worker rights are not adequately protected when

1 enforcement under the federal law is ineffective because of lengthy  
2 delays and procedural barriers; and

3 (7) To ensure that workers are free of discrimination when  
4 exercising their rights, a mechanism for supporting these rights is  
5 necessary in state law.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.60 RCW  
7 to read as follows:

8 (1) A petition may be filed with the commission by a person  
9 claiming to be aggrieved because the exercise of his or her right under  
10 RCW 49.36.010, or under any statute, treaty, or agreement of the United  
11 States, to form, join, or assist, or to seek to form, join, or assist,  
12 a labor organization, has been interfered with, restrained, or coerced  
13 by another. Such a petition must be filed within six months of the  
14 alleged interference, restraint, or coercion.

15 (2) Upon receiving a petition under this section, the chair of the  
16 commission shall request the appointment of an administrative law judge  
17 under Title 34 RCW to hear the petition in accordance with chapter  
18 34.05 RCW, and shall cause to be issued and served in the name of the  
19 commission a written notice, together with a copy of the petition,  
20 requiring the respondent to appear at a hearing before the  
21 administrative law judge, at a time and place to be specified in the  
22 notice.

23 (3) The administrative law judge, within thirty days after the  
24 conclusion of the hearing, shall issue and file with the commission  
25 findings of fact determining whether the petitioner's rights have been  
26 interfered with, restrained, or coerced. The commission shall cause  
27 the findings to be served to the petitioner and respondent in an order  
28 in the name of the commission.

29 (4) If the petitioner or the respondent is aggrieved by the order  
30 issued under this section by the commission, the aggrieved party may  
31 ask for reconsideration of the order by the commission within twenty  
32 days of the party's receipt of the order. The commission shall review  
33 the findings based on the record of the administrative law judge and  
34 issue a further determinative order. The further determinative order  
35 issued by the commission is final and not subject to further commission

1 or judicial review.

--- END ---