

# SENATE BILL REPORT

## SB 5705

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As Passed Senate, March 15, 2005

**Title:** An act relating to avoiding fragmentation in bargaining units for classified school employees.

**Brief Description:** Avoiding fragmentation in bargaining units for classified school employees.

**Sponsors:** Senators Rockefeller, Schoesler, Rasmussen, Mulliken and McAuliffe.

**Brief History:**

**Committee Activity:** Early Learning, K-12 & Higher Education: 2/17/05, 2/28/05 [DP].  
Passed Senate: 3/15/05, 40-6.

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### SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

**Majority Report:** Do pass.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair; Weinstein, Vice Chair; Schmidt, Ranking Minority Member; Benton, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Schoesler and Shin.

**Staff:** Ingrid Mungia (786-7423)

**Background:** Under current Washington law, classified school employees bargain over grievance procedures and personnel matters, including wages, hours, and working conditions, under the Public Employees' Collective Bargaining Act (Act). The Act is administered by the Public Employment Relations Commission (PERC). If a union petitions for certification as a bargaining agent, the PERC must decide the unit of employees that is appropriate for bargaining.

In making unit determinations, the PERC must consider:

- the duties, skills, and working conditions of the employees;
- the history of collective bargaining by the employees and their representatives;
- the extent of organization among the employees; and
- the desire of the employees.

Unit decisions are made on a case-by-case basis, with any appropriate unit being permitted. The employer must show that a proposed unit is inappropriate for reasons such as artificially dividing a workforce, being too small (fragmentary), stranding employees, or mixing supervisors with rank-and-file employees.

**Summary of Bill:** The requirements for making determinations of appropriate bargaining units of classified school employees are modified. For units existing on the bill's effective date, the PERC may not divide a unit into more than one unit without the agreement of the school district and the bargaining representative of the employees. The PERC must also

consider the avoidance of excessive fragmentation in making unit determinations for classified school employees.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** This bill provides a policy statement on the part of the legislature that fragmentation is not a healthy process. This bill reassures that before fragmentation can occur there would have to be some serious consideration. This bill makes a big difference for some classified employees. There is currently not a law against fragmentation for bargaining units.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Rockefeller, prime sponsor; Tom Lopp, PSE.