

# SENATE BILL REPORT

## SHB 1127

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As Reported by Senate Committee On:  
Labor, Commerce & Consumer Protection, March 24, 2011

**Title:** An act relating to certified exclusive bargaining representatives.

**Brief Description:** Addressing bargaining with certified exclusive bargaining representatives.

**Sponsors:** House Committee on Labor & Workforce Development (originally sponsored by Representatives Moeller and Sells).

**Brief History:** Passed House: 2/23/11, 93-2.

**Committee Activity:** Labor, Commerce & Consumer Protection: 3/21/11, 3/24/11 [DP].

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Majority Report:** Do pass.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry, Ranking Minority Member; King, Assistant Ranking Minority Member; Hewitt, Keiser and Kline.

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

**Background:** Under the Public Employees' Collective Bargaining Act (Act), local government and certain other public employees have the right to organize and designate collective bargaining representatives. The Public Employment Relations Commission (Commission) decides the unit appropriate for the purpose of collective bargaining. In determining, modifying, or combining a bargaining unit, the Commission is required to consider: the duties, skills, and working conditions of the employees; the history of collective bargaining by the employees and their bargaining representatives; the extent of organization among the employees; and the desire of the employees.

Unfair labor practices for employers and bargaining representatives are enumerated in the Act. The Commission is directed to prevent unfair labor practices and issue appropriate remedial orders. It is an unfair labor practice for a public employer to:

- interfere with, restrain, or coerce public employees in the exercise of their rights;
  - control, dominate, or interfere with a bargaining representative;
  - discriminate against a public employee who has filed an unfair labor practice charge;
- or

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- refuse to engage in collective bargaining.

**Summary of Bill:** Bargaining units must be consolidated when the employer and the representative units agree to the consolidation. The employer and the bargaining representative must also consider the same statutory factors that the Commission considers when the Commission determines whether a bargaining unit is appropriate.

It is an unfair labor practice for a public employer to refuse to bargain with the bargaining representative, or to attempt to bargain with anyone not authorized to bargain by the bargaining representative.

**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.

**Staff Summary of Public Testimony:** PRO: This bill is fairly straightforward. When employees and employers agree to combine bargaining units they do that. It is not at the purview of the Commission as long as these units follow the law. It also states that it is an unfair labor practice if an employer does not want to bargain with the unit representative, but with someone else. There are two parts to the bill, one part deals with unit clarification. One union may represent a number of units. Our effort is for the employer and the employees to get together and see if they want to consolidate as a matter of efficiency at the local level. Recently we have become concerned with the Commission's decisions on the consolidation of units. The second part talks about unfair labor practices. We are primarily in favor of section two of the bill. Over the last few years there has been a lack of consistency in terms of enforcing direct dealing elements of the existing statute. That has led to an increasing tendency toward direct dealing with the employer. This makes the process of collaboration impossible because it goes counter to the statutory charge of the Commission.

OTHER: The Legislature has delegated authority to the Commission to establish bargaining units based on certain criteria. The Commission is a neutral third party with experience in determining bargaining units. Units can currently consolidate under rule by a vote of the employees. The Commission often works with unions and employers to clean up their bargaining units to make them appropriate. This bill undermines the rights of employees to have a say and undoes 35 years of sound collective bargaining law. Section one of the bill is not necessary. The bill is not needed and the process is already there.

**Persons Testifying:** PRO: Representative Moeller, prime sponsor; Pat Thompson, Washington Council of County and City Employees; David Westberg, Joint Council of Stationary Engineers.

OTHER: Cathy Callahan, Public Employment Relations Commission.