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HOUSE BILL 1127

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Moeller and Sells

1 AN ACT Relating to certified exclusive bargaining representatives;  
2 and amending RCW 41.56.060 and 41.56.140.

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

4 **Sec. 1.** RCW 41.56.060 and 2005 c 232 s 1 are each amended to read  
5 as follows:

6 (1) The commission, after hearing upon reasonable notice, shall  
7 decide in each application for certification as an exclusive bargaining  
8 representative, the unit appropriate for the purpose of collective  
9 bargaining. In determining, modifying, or combining the bargaining  
10 unit, the commission shall consider the duties, skills, and working  
11 conditions of the public employees; the history of collective  
12 bargaining by the public employees and their bargaining  
13 representatives; the extent of organization among the public employees;  
14 and the desire of the public employees. The commission shall determine  
15 the bargaining representative by: (a) Examination of organization  
16 membership rolls; (b) comparison of signatures on organization  
17 bargaining authorization cards; or (c) conducting an election  
18 specifically therefor.

1 (2) For classified employees of school districts and educational  
2 service districts:

3 (a) Appropriate bargaining units existing on July 24, 2005, may not  
4 be divided into more than one unit without the agreement of the public  
5 employer and the certified bargaining representative of the unit; and

6 (b) In making bargaining unit determinations under this section,  
7 the commission must consider, in addition to the factors listed in  
8 subsection (1) of this section, the avoidance of excessive  
9 fragmentation.

10 (3) Bargaining units must be consolidated when the employer and the  
11 certified exclusive bargaining representative of the units agree to the  
12 consolidation.

13 **Sec. 2.** RCW 41.56.140 and 1969 ex.s. c 215 s 1 are each amended to  
14 read as follows:

15 It shall be an unfair labor practice for a public employer:

16 (1) To interfere with, restrain, or coerce public employees in the  
17 exercise of their rights guaranteed by this chapter;

18 (2) To control, dominate, or interfere with a bargaining  
19 representative;

20 (3) To discriminate against a public employee who has filed an  
21 unfair labor practice charge;

22 (4) To refuse to engage in collective bargaining with the certified  
23 exclusive bargaining representative; or

24 (5) To attempt to bargain directly with anyone not authorized to  
25 bargain by the certified exclusive bargaining representative.

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