

SENATE BILL REPORT

SB 5237

As Reported by Senate Committee On:
Commerce & Labor, January 30, 2015

Title: An act relating to restrictions on when representation under a public collective bargaining agreement may be challenged.

Brief Description: Placing restrictions on when representation under a public collective bargaining agreement may be challenged.

Sponsors: Senators Hewitt, Baumgartner, King, Braun and Honeyford.

Brief History:

Committee Activity: Commerce & Labor: 1/26/15, 1/30/15 [DP, DNP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King and Warnick.

Minority Report: Do not pass.

Signed by Senators Hasegawa, Ranking Minority Member; Conway and Keiser.

Staff: Mac Nicholson (786-7445)

Background: Public employees in Washington have the statutory right to organize and to designate a representative for collective bargaining. Employees covered by a current collective bargaining agreement (CBA) who seek to decertify or change unions must file a petition to do so during a 30-day window, which has a start and end date relative to the expiration date of the CBA. For state and marine employees, the 30-day window begins 120 days and ends 90 days prior to contract expiration. For all other employees with statutory collective bargaining rights, the 30-day window begins 90 days and ends 60 days prior to contract expiration.

Summary of Bill: The 30-day window for questioning representation is changed to a 90-day window as follows:

- for state employees, from 120–90 days to 150–60 days;
- for marine employees, from 120–90 days to 180–90 days; and
- for all other employees, from 90–60 days to 150–60 days.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Specific language is added to RCW 28B.52 granting academic employees the ability to petition the Public Employment Relations Commission for an election to change or reject their union in a manner similar to other public 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.

Staff Summary of Public Testimony: PRO: Unions never have to seek the approval of the employees they represent after the initial election, which could have happened years or decades earlier. The 30-day window provides very little time to cure any defect in paperwork that must be filed. The added filing time is a positive change and gives employers greater control over their workplace representation.

CON: This bill is a solution in search of a problem. Extending the length of the window from 30 to 120 days will add to the conflict and chaos surrounding the decertification process. This bill creates problems rather than solving problems.

Persons Testifying: PRO: Maxford Nelsen, Freedom Foundation, Labor Policy Analyst; Gerald Marsh, Paul Guppy, citizens.

CON: Bernal Baca, American Federation of Teachers WA; Dennis Eagle, WA Federation of State Employees.