

# SENATE BILL REPORT

## SB 5602

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As Reported by Senate Committee On:  
Commerce & Labor, February 11, 2015

**Title:** An act relating to prohibiting public entities from giving or loaning public funds to bargaining unit representatives for nongovernment functions.

**Brief Description:** Prohibiting public entities from giving or loaning public funds to bargaining unit representatives for nongovernment functions.

**Sponsors:** Senators Warnick, Braun, Sheldon, Schoesler, Angel, Bailey and Honeyford.

**Brief History:**

**Committee Activity:** Commerce & Labor: 2/09/15, 2/11/15 [DP, DNP].

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### 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:** Collective bargaining agreements may contain provisions regarding the ability of union officers and members to participate in formal negotiations, labor management meetings, and other sorts of activities during work hours and without a loss of pay. This type of practice is known as release time, and provisions regarding release time can vary from agreement to agreement. Bargaining agreements may also contain provisions allowing the union to use the employer's facilities and offices for meetings.

**Summary of Bill:** A public employer cannot enter into or renew a collective bargaining agreement that allows or requires any employee, organization, or third party to receive funds, salary, paid release time, benefits, pension service credit, public facilities, or other forms of public resources from the employer for bargaining representative activities.

A public employer may not enter into an employment contract with any public employee that provides paid leave for bargaining representative activities.

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*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.*

Bargaining representative activities are any activities that advance the bargaining representative's purpose.

The use of compensated personal leave for any personal purpose is not prohibited.

The legislation does not apply to existing employment contracts, but an existing contract may not be renewed or extended if the contract includes terms that conflict with the legislation.

Any bargaining agreement that includes provisions prohibited by the legislation after June 30, 2018, is void.

**Appropriation:** None.

**Fiscal Note:** Requested on February 6, 2015.

**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: Taxpayer subsidy of union officials is a bad idea. Union officials work for private organizations and paid release time is a bad idea. Union officials shouldn't be tax funded, and the cost to citizens is high. The state Constitution prohibits giving public funds for private purposes, and this bill would provide protections for Washington citizens.

CON: When negotiating the contracts, it makes sense that the workers are released without a loss of pay. Shop stewards should be able to enforce the rights of members under the contract without a loss of pay. Labor management meetings are an important tool, and the bill acts as a disincentive to those meetings. Collective bargaining is a public purpose. Happy and healthy employees are more productive and labor unrest only benefits the mediators and litigators. The bill has good intentions but the way the bill is constructed will create problems.

OTHER: The Public Employment Relations Commission (PERC) is neutral on the bill, but has some concerns about the application of the bill. PERC processes often occur during working hours. If the public employees need to use leave for sessions, there may be a push to move sessions into the evening which could impact PERC costs.

**Persons Testifying:** PRO: Jami Lund, Freedom Foundation.

CON: Joe Kendo, WA State Labor Council; Geoff Simpson, WA State Council of Fire Fighters.

OTHER: Dario de la Rosa, PERC.