

HOUSE BILL REPORT

ESB 6229

As Passed House:
February 27, 2018

Title: An act relating to requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative.

Brief Description: Requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative.

Sponsors: Senators Van De Wege, Chase, Conway, Wellman, Hasegawa, Saldaña, Keiser, Hunt and Kuderer.

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/19/18, 2/20/18 [DP].

Floor Activity:

Passed House: 2/27/18, 58-40.

Brief Summary of Engrossed Bill

- Requires public sector employers to provide exclusive bargaining representatives reasonable access of at least 30 minutes to new employees of the bargaining unit for the purposes of presenting information about the union.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 4 members: Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

Minority Report: Do not pass. Signed by 2 members: Representatives McCabe, Ranking Minority Member; Manweller.

Staff: Trudes Tango (786-7384).

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.

Background:

Some existing collective bargaining agreements between public sector employers and employees have provisions that allow a union representative time to make a presentation to new employees at new employee orientations. Generally, new employee access provisions can be bargained for in the collective bargaining process and the agreement can specify how much time a union representative has and when and where the presentation to new employees must take place.

Last year, California passed legislation that, among other things, requires public sector employers to provide union representatives access to the new employee orientations for the purposes of communicating the rights and obligations created by the contract and the role of the union representative.

Summary of Bill:

Public employers must provide the exclusive bargaining representative reasonable access to new employees of the bargaining unit for the purposes of presenting information about their exclusive bargaining representative. The presentation may occur during a new employee orientation provided by the employer, or at another time agreed to by the employer and the exclusive bargaining representative.

No employee may be mandated to attend the meetings or presentations by the exclusive bargaining representative.

"Reasonable access" means:

1. the access to the new employee occurs within 90 days of the employee's start date within the bargaining unit;
2. the access is for no less than 30 minutes; and
3. the access occurs during the new employee's regular work hours at the employee's regular worksite, or at a location agreed to by the employer and the exclusive bargaining representative.

An employer is not prohibited from agreeing to longer or more frequent access, but in no case may an employer agree to less access than required under the act.

The language regarding reasonable access is added to the statutes governing:

- academic personnel in community and technical colleges;
- educational employees of school districts;
- faculty of public four-year institutions of higher education;
- state employees covered by the civil service laws;
- ferry workers;
- certain symphony musicians; and
- employees of local governments and certain state employees covered by the Public Employees' Collective Bargaining Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is fine as amended by the Senate. One way to ensure that workers exercise their rights is to make sure they are fully informed when they are hired. This bill will standardize the reasonable access process. Early access is particularly important to workers in remote areas.

(Opposed) This is something that should be negotiated in an agreement rather than mandated by state law.

Persons Testifying: (In support) Brenda Wiest, Teamsters Local 117; and Joe Kendo, Washington State Labor Council, American Federation of Labor – Congress of Industrial Organizations.

(Opposed) Dave Arbaugh, Chelan Public Utilities District.

Persons Signed In To Testify But Not Testifying: None.