

SENATE BILL REPORT

SB 5545

As Reported by Senate Committee On:
Commerce, Labor & Sports, February 15, 2017
Ways & Means, February 21, 2017

Title: An act relating to requiring public employee collective bargaining sessions to be open meetings.

Brief Description: Requiring public employee collective bargaining sessions to be open meetings. [**Revised for 1st Substitute:** Requiring public employee collective bargaining proposals, fiscal impact analyses, and agreements to be made public.]

Sponsors: Senators Wilson, Braun, Rossi, Angel, Schoesler and Bailey.

Brief History:

Committee Activity: Commerce, Labor & Sports: 2/06/17, 2/15/17 [DPS-WM, DNP, w/oRec].
Ways & Means: 2/21/17 [w/oRec, DNP].

Brief Summary of Substitute Bill

- Requires public employers to make collective bargaining proposals available to the public.
- Requires public employers to conduct fiscal impact analyses on proposed final collective bargaining agreements.
- Requires public employers to submit final collective bargaining agreements to the Public Employment Relations Commission.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Majority Report: That Substitute Senate Bill No. 5545 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Minority Report: Do not pass.

Signed by Senators Conway, Hasegawa and Saldaña.

Minority Report: That it be referred without recommendation.

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.

Signed by Senator Keiser, Ranking Minority Member.

Staff: Jarrett Sacks (786-7448)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That it be referred without recommendation.

Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey, Becker, Billig, Carlyle, Darneille, Fain, Miloscia, Padden, Pedersen, Rivers, Schoesler, Warnick and Zeiger.

Minority Report: Do not pass.

Signed by Senators Conway, Hasegawa and Keiser.

Staff: Amanda Cecil (786-7460)

Background: The Open Public Meetings Act (OPMA) requires that all meetings of the governing body of a public agency be open to the public and all persons must be allowed to attend. For the purposes of the OPMA, a public agency includes any state board, commission, department, education institution, agency, local government, and special purpose district.

Certain types of meetings are exempt from public meeting requirements. Collective bargaining sessions with unions are one such exemption, and include:

- contract negotiations;
- grievance meetings;
- discussions relating to the interpretation or application of a labor agreement; and
- that portion of an otherwise public meeting during which the governing body is planning or adopting the strategy or position to be taken during the course of bargaining, negotiations, grievance or mediation proceedings, or reviewing the proposals made in negotiations or proceedings while in progress.

Summary of Bill (First Substitute): Public employers, during collective bargaining negotiations, are required to:

- submit current written proposals to the governing body of the public employer or, for state employees, the Joint Committee on Employment Relations. The proposals must be made available to the public within 24 hours; and
- submit a digital copy of the collective bargaining agreement to PERC.

Public employers that conduct collective bargaining negotiations in open meetings are excluded from the requirement to provide current proposals to the public. The Joint Committee on Employment Relations must meet twice during years in which collective bargaining agreements are negotiated to review submitted proposals and make recommendations to the Governor.

Public employers, other than the state of Washington, are required to prepare a fiscal impact analysis of any proposed final collective bargaining agreement. The fiscal impact analysis

must be presented at the public meeting considering adoption of the final collective bargaining agreement.

Written proposals suggesting new terms to a bargaining agreement that are presented to, or received from, a union are not exempt from the Public Records Act.

EFFECT OF CHANGES MADE BY COMMERCE, LABOR & SPORTS COMMITTEE (First Substitute): Provisions requiring public sector collective bargaining negotiations be conducted in open meetings are removed. A requirement is added for public employers, every two weeks until an agreement is adopted, to submit current written proposals to the governing body of the public employer or, for state employees, the Joint Committee on Employment Relations. The proposals must be made available to the public. A public employer must also submit copies of its collective bargaining agreement to PERC.

A provision is added that requires public employers, other than the state of Washington, to prepare a fiscal impact analysis of any proposed final collective bargaining agreement. The fiscal impact statement must be presented at the public meeting considering adoption of the final agreement.

A provision is added providing that written proposals suggesting new terms to a bargaining agreement that are presented to, or received from, a union are not exempt from the Public Records Act.

The Joint Committee on Employment Relations is required to, during years collecting bargaining agreements are negotiated, meet twice a year to review the proposals submitted under the act and make recommendations to the Governor.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Commerce, Labor & Sports): *The committee recommended a different version of the bill than what was heard.* PRO: The bill shines light on the bargaining process and increases fairness and transparency. Contracts cost a lot of money and the public should know how it is being negotiated. Open meetings eliminate the appearance of potential corruption. The bill strikes the right balance by leaving other aspects of collective bargaining exempted. Other states have open meetings and it can help workers rights. Counties in Washington already have open meetings and it works.

CON: The bill forces people to be more discrete and less candid. Subjects need to be brought up in negotiations that could embarrass the parties involved. The public already has access after an agreement has been reached. Localities should decide if meetings are open.

Persons Testifying (Commerce, Labor & Sports): PRO: Senator Lynda Wilson, Prime Sponsor; David Dewhirst, Washington Coalition for Open Government; Gerald Marsh, citizen; Erin Shannon, WA Policy Center; Maxford Nelsen, Freedom Foundation; Rob Coffman, Lincoln County Commissioner.

CON: Josh Weiss, Washington State Association of Counties; Candice Bock, Association of Washington Cities; Joe Kuhn, Teamsters 690; Adrienne Thompson, PTE 17.

Persons Signed In To Testify But Not Testifying (Commerce, Labor & Sports): No one.

Staff Summary of Public Testimony (Ways & Means): No public hearing was held.

Persons Testifying (Ways & Means): N/A.

Persons Signed In To Testify But Not Testifying (Ways & Means): N/A.