

SENATE BILL REPORT

SB 6231

As Passed Senate, February 9, 2018

Title: An act relating to the statute of limitations for unfair labor practice complaints filed in superior court.

Brief Description: Concerning the statute of limitations for unfair labor practice complaints filed in superior court.

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

Brief History:

Committee Activity: Labor & Commerce: 1/15/18, 1/17/18 [DP, DNP].

Floor Activity:

Passed Senate: 2/09/18, 27-20.

Brief Summary of Bill

- Provides that the statute of limitations for an unfair labor practice complaint filed in a superior court is six months.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway, Kuderer and Saldaña.

Minority Report: Do not pass.

Signed by Senators Braun, King and Wilson.

Staff: Jarrett Sacks (786-7448)

Background: An unfair labor practice is an action taken by employers or labor organizations that is illegal under state collective bargaining law or the National Labor Relations Act. Examples of unfair labor practices include:

- interfering, restraining, or coercing employees in the exercise of rights guaranteed by collective bargaining laws;
- discriminating against an employee who has filed an unfair labor practice charge; or

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- refusing to engage in collective bargaining.

The Public Employment Relations Commission (PERC) administers and enforces most public sector collective bargaining laws in Washington. PERC issues decisions in representation, unfair labor practice, and unit clarification cases, and the commissioners hear appeals from these decisions.

State law provides that a complaint alleging an unfair labor practice may not be processed if the unfair labor practice occurred more than six months before the filing of the complaint with the commission.

In October of 2017, the state supreme court ruled that the six-month statute of limitations in state law only applies to claims filed with PERC and does not apply to unfair labor practice claims filed in superior court. Instead, the two-year catch-all statute of limitations applies.

Summary of Bill: Under state collective bargaining statutes, the statute of limitations for unfair labor practice complaints filed in superior court is six months.

Appropriation: None.

Fiscal Note: Not requested.

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: PRO: This bill is a technical fix to change the statute of limitations from two years to six months, which is what it was before the state supreme court's decision in October. This aligns the statute of limitations for superior court with the one for PERC, and also aligns the statute of limitations between the public sector and the private sector. The bill will ensure timely resolution to unfair practice complaints.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Joe Kendo, Washington State Labor Council, AFL-CIO; Brenda Wiest, Teamsters 117.

Persons Signed In To Testify But Not Testifying: No one.