

# HOUSE BILL REPORT

## SHB 1200

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### As Amended by the Senate

**Title:** An act relating to requiring public employers to provide employee information to exclusive bargaining representatives.

**Brief Description:** Requiring public employers to provide employee information to exclusive bargaining representatives.

**Sponsors:** House Committee on Labor & Workplace Standards (originally sponsored by Representatives Alvarado, Bronoske, Fitzgibbon, Berry, Bateman, Reed, Simmons, Bergquist, Ramel, Doglio, Ormsby, Ortiz-Self, Fosse, Pollet and Chopp).

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 1/20/23, 1/27/23 [DPS].

**Floor Activity:**

Passed House: 3/2/23, 56-41.

Senate Amended.

Passed Senate: 4/12/23, 29-20.

### Brief Summary of Substitute Bill

- Requires certain public employers to provide exclusive bargaining representatives information, such as contact information, date of hire, salary, and jobsite location, of employees in bargaining units if the employer has that information in its records.
- Allows an exclusive bargaining representative to bring a court action if a public employer fails to comply with the requirement to provide information.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Berry, Chair; Fosse, Vice Chair; Bronoske, Doglio, Ormsby and Ortiz-Self.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Connors.

**Staff:** Trudes Tango (786-7384).

## **Background:**

### Collective Bargaining.

Various statutes provide for collective bargaining between public employers and their employees. The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages, hours, and working conditions with employees of cities, counties, and other political subdivisions, as well as to certain employees of institutions of higher education. The Personnel System Reform Act provides for collective bargaining of wages, hours, and other terms and conditions of employment with classified employees of state agencies and institutions of higher education. Educational employees of school districts and academic employees of Community and Technical Colleges also bargain under their own separate statutes.

### Access to Employees.

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 to the new employee. The access to the new employee must occur within 90 days of the employee's start date within the bargaining unit, must not be for less than 30 minutes, and must occur during the new employee's regular work hours at the employee's regular worksite or at a location mutually agreed to by the employer and exclusive bargaining representative. Employees are not required to attend the meetings or presentations.

### Public Records Act and Privacy.

The Public Records Act (PRA) requires all state and local government entities to make available to the public all public records, unless a specific exemption applies or disclosure is prohibited under other law. The PRA exempts certain information held by any public agency in personnel records, including residential addresses, phone numbers, personal email addresses, emergency contact information, and social security numbers. In addition, private information of public employees may be protected under the PRA to the extent that disclosure would be highly offensive to a reasonable person and is not of legitimate public concern.

## **Summary of Substitute Bill:**

Certain public employers are required to provide employee information to the exclusive bargaining representative for each employee in a bargaining unit, if the employer has the information in the employer's records. The following information must be provided:

- the employee's name and date of hire;
- the employee's contact information, including: (i) cellular, home, and work telephone numbers; (ii) work and the most up-to-date personal email addresses; and (iii) home address or personal mailing address; and
- employment information, including the employee's job title, salary or rate of pay, and work site location or duty station.

The requirement applies to employers subject to PECBA, school district employers, the Community and Technical Colleges, and Western Washington University, Central Washington University, Eastern Washington University, and The Evergreen State College.

The employer must provide the information within 21 business days from the date of hire for new employees in an appropriate bargaining unit, and every 120 business days for all employees in an appropriate bargaining unit. In addition, the employer must provide the information in an editable format. When there is a state-level representative for a bargaining unit, the employer may provide the information to the state-level representative.

The exclusive bargaining representative may use the information only for representation purposes.

If an employer fails to comply with the requirement to provide employee information the exclusive bargaining representative may bring a court action to enforce compliance. The court may order the employer to pay costs and reasonable attorneys' fees incurred by the exclusive bargaining representative.

#### **EFFECT OF SENATE AMENDMENT(S):**

##### The Senate amendment:

1. specifies that the exclusive bargaining representative is not authorized to sell or provide access to lists of employees or other information for commercial purposes;
2. excludes from the bill employers that are specifically prohibited under their requirements as cleared United State Department of Defense (DOD) contractors from providing information on those employees covered by such requirements; and
3. provides that the exclusion for such DOD contractors does not limit the employee information the employer must provide under its duty to bargain in good faith or any other duty under collective bargaining laws, and does not prohibit bargaining over the provision of employee information.

**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) This bill establishes a clear minimum standard and format that employers will follow. Providing employee information is essential for union representation. It is in the best interest of employers to have a harmonious relationship with their employees. Allowing unions to get in touch with employees quickly will help them resolve disciplinary and other issues more efficiently. Unions have a duty to represent all the employees whether the employee is a member of the union or not. It is hard for unions to do their duty if they cannot reach employees in a timely manner. Some employers do not provide information in a consistent, timely, and accurate manner. Employers can comply at very little cost. Oregon has a similar law. For representatives of teachers, it is challenging to keep up with so many employees in large districts. Employees have many different work sites. Often the information provided is incorrect. This bill will require employers to provide contact information regularly.

(Opposed) The bill is unnecessary. Many collective bargaining agreements already have these provisions. If collective bargaining is an effective way to get this information, then a statutory mandate is not needed. Employers already have extensive access to employee information. Law enforcement officers have strong privacy concerns with the bill. Officers often get harassed and having their personal contact information shared is concerning. Employees should have the right to choose whether their information is shared. There is no evidence that this level of personal information is necessary for unions to fulfill their duties of representation. Unions have been able to represent their members for years without this statutory requirement. There is no meaningful way to protect employees' privacy and there is no way for an employee to opt out.

(Other) The time frames and the frequency of providing the information will create a lot of new work for public employers. Much of this information does not change and providing information every 90 days is not needed. It will be redundant and will pose a challenge on public employers that do not have a lot of staff.

**Persons Testifying:** (In support) Representative Emily Alvarado, prime sponsor; Michael White, King County; and Jennifer Hansen.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs; and Maxford Nelsen, Freedom Foundation.

(Other) Mike Hoover, Washington State Association of Counties; and Candice Bock, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** None.