

HOUSE BILL REPORT

SSB 6060

As Passed House:
February 27, 2024

Title: An act relating to the acceptance of electronic signatures by the public employment relations commission for new organizing petitions.

Brief Description: Concerning the acceptance of electronic signatures by the public employment relations commission for new organizing petitions.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Nguyen, Hasegawa, Keiser, Saldaña, Stanford, Valdez and Wilson, C.).

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/14/24, 2/16/24 [DP].

Floor Activity:

Passed House: 2/27/24, 92-4.

Brief Summary of Substitute Bill

- Requires the Public Employment Relations Commission to accept electronic signatures for new organization petitions to form a new bargaining unit of unrepresented workers or to add unrepresented workers to an existing bargaining unit.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Schmidt, Ranking Minority Member; Bronoske, Doglio, Ormsby, Ortiz-Self, Rude and Ybarra.

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

Background:

Under state collective bargaining laws, employees may select, change, or remove a labor organization as their exclusive bargaining representative for collective bargaining. To initiate a representation proceeding, the petitioner must submit to the Public Employment Relations Commission (PERC) showing of interest cards demonstrating that a certain percentage of the employees in the bargaining unit support the petition. Showing of interest cards must be signed by employees.

If there is sufficient showing of interest, the PERC will conduct either a mail ballot election or a card check, also known as a cross-check. A card check requires the PERC to compare the employee's signature on the showing of interest card against the employee's signature on employer-held documents. If the signature matches, the employee who signed the showing of interest card is considered to be in support of the petition. The PERC rules allow employees to withdraw their showing of interest card for the purposes of a card check.

Summary of Bill:

The PERC must accept electronic signatures for any new organization petitions to form a new bargaining unit of currently unrepresented workers or to add unrepresented workers to an existing bargaining unit. The PERC must accept electronic signatures subject to rules adopted by the PERC, regardless of whether the election is by mail ballot or cross-check.

At a minimum, electronic signature submissions must include the:

- signer's name;
- signer's phone number, email address, or social media account;
- exact authorization language to which the signer assents;
- date of submission of the electronic signature; and
- name of the signer's employer.

The petitioning party must provide a declaration that:

- identifies the technology used to obtain and verify the signature;
- provides the methods used to ensure the authenticity of the signature; and
- confirms the information transmitted to the signer was the same information to which the signer assented.

A provision in the Public Employee's Collective Bargaining Act requiring the PERC to determine the bargaining representative by comparing signatures on authorization cards for cross-check is removed.

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) People who want to join a union could do it digitally. Many employees work remotely and far away, and this bill makes it easier for them to show their support in organizing. Organizers go to great lengths to get those working remotely to sign showing of interest cards.

(Opposed) The bill should allow for electronic signatures on decertifications and changes to the labor representative as well. It only allows electronic signatures for new organizing petitions. There is no practical or legal reason to limit it just to new organizing petitions.

(Other) The PERC would continue to allow withdrawal of signatures for card checks. The PERC would be able to authenticate electronic signatures.

Persons Testifying: (In support) Derya Ruggles, Washington Public Employees Association; and Iván Cruz, The Union of Academic Student Employees, Postdocs and Researchers at the University of Washington 4121.

(Opposed) Maxford Nelsen, Freedom Foundation.

(Other) Mike Sellars, Public Employment Relations Commission.

Persons Signed In To Testify But Not Testifying: None.