

SENATE BILL REPORT

SHB 1200

As of March 16, 2023

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

Committee Activity: Labor & Commerce: 3/21/23.

Brief Summary of Bill

- Requires certain public employers to provide exclusive bargaining representatives employee 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.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

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

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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.

Duty to Provide Information. Parties to a collective bargaining agreement (CBA) have a duty to bargain in good faith. Part of the duty to bargain includes a duty to provide relevant information needed by the other party for the proper performance of its duties in the collective bargaining process. This obligation extends to information that is useful and relevant for contract negotiations, as well as information necessary for the administration of the CBA. Information pertaining to employees in the bargaining unit is presumptively relevant.

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. 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. 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 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:
 1. cellular, home, and work telephone numbers;
 2. work and the most up-to-date personal email addresses; and
 3. 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 bill applies to the following public employers:

- all employers subject to PECBA;
- school district employers;
- 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. 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.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March, 13, 2023.

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

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