

SENATE BILL REPORT

SSB 6060

As Passed Senate, February 6, 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 & Commerce: 1/16/24, 1/23/24 [DPS, DNP].

Floor Activity: Passed Senate: 2/6/24, 31-18.

Brief Summary of First Substitute Bill

- Requires the Public Employment Relations Commission (PERC) to accept electronic signatures for new organizing petitions to form a new bargaining unit or to add unrepresented workers to an existing bargaining unit, subject to rules established by PERC.
- Establishes requirements for electronic signature submissions and requires petitioning parties to provide a declaration related to the technology used to obtain and verify signatures, the methods used to ensure authenticity of signatures, and confirmation that the information provided to the signer was the same information to which the signer assented.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 6060 be substituted therefor, and the substitute bill do pass.

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.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; Hansen and Stanford.

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Braun, MacEwen and Schoesler.

Staff: Jarrett Sacks (786-7448)

Background: State collective bargaining law establishes processes by which employees select, change, or remove a labor organization as their exclusive bargaining representative. To initiate one of these processes, a representation petition is filed with the Public Employment Relations Commission (PERC). A petition for new organizing may be filed to form a new bargaining unit of unrepresented employees or to add unrepresented employees to an existing bargaining unit. Petitions must be filed with a showing of interest demonstrating at least 30 percent of the employees in the bargaining unit support the petition. If the showing of interest is sufficient, PERC conducts an election or a card check.

When more than 50 percent of employees sign showing of interest cards, PERC may conduct a card check, also known as a cross-check. A card check is where the signatures on employer records are compared to the signatures on the showing of interest cards, with each matching signature counted as a vote in support of representation. PERC rule allows for an employee to withdraw their showing of interest card for the purposes of the card check. Certain employee groups cannot have an election by card check, including certificated employees of school districts, academic employees at community colleges, individual providers, family child care providers, adult family home providers, and language access providers. When the showing of interest is less than 50 percent of employees, PERC conducts an election by mail ballot, electronically, or telephonically.

Summary of First Substitute Bill: For any new organizing petition to form a new bargaining unit of currently unrepresented workers or to add unrepresented workers to an existing bargaining unit, regardless of whether the election is by mail ballot or cross-check, PERC must accept electronic signatures, subject to rules adopted by PERC.

At a minimum, electronic signature submissions must include:

- name of the signer;
- phone number, email address, or social media account of the signer;
- the exact authorization language to which the signer assents;
- the date of submission of the electronic signature; and
- the 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 Employees' Collective Bargaining Act requiring PERC to determine the bargaining representative by comparing signatures on organization bargaining authorization cards for cross-checks is removed.

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 First Substitute: PRO: Allowing electronic signatures is becoming universal and this bill will bring a level of modernization for public employees and uphold the rights of workers. The bill will allow efficiencies and remove logistical hurdles. Signing union cards is sometimes more difficult than it should be when employees do not live in one location.

CON: There are some concerns over the process to verify authenticity to prevent fraudulent signatures. The bill should allow electronic signatures for all types of petitions, which is what the NLRB allows.

Persons Testifying: PRO: Senator Joe Nguyen, Prime Sponsor; Chelsea Nesvig, SEIU 925; Ivan Cruz, UAW 4121; Derya Ruggles, Washington Public Employees Association.

CON: Maxford Nelsen, Freedom Foundation.

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