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**SUBSTITUTE SENATE BILL 5503**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Valdez, Alvarado, Bateman, Conway, Hasegawa, Nobles, and Saldaña)

AN ACT Relating to public employee collective bargaining processes; amending RCW 41.56.050; adding new sections to chapter 41.58 RCW; and adding a new section to chapter 49.36 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 41.58 RCW to read as follows:

(1) 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, the public employment relations commission must require employers and employee organizations to submit an offer of proof on challenged employees, either concurrent with the employer's submission of a list of employees or at a date determined by the commission after a showing of interest.

(2) If an employee organization files a petition to represent a unit of currently unrepresented employees, and the commission determines the petitioned-for unit is inappropriate, but that the bargaining unit would be appropriate if it included employees currently represented by another employee organization, the commission must determine whether the bargaining unit currently represented by the other employee organization is an appropriate bargaining unit and:

(a) If the commission determines the bargaining unit represented by the other employee organization is appropriate, the commission must dismiss the petition; or

(b) If the commission determines the bargaining unit represented by the other employee organization is inappropriate, the commission must determine the new bargaining unit and hold an election.

NEW SECTION. **Sec.**  A new section is added to chapter 41.58 RCW to read as follows:

(1) The commission or presiding officer may:

(a) Set a hearing date without consent from the involved parties so long as the involved parties may submit motions to move the hearing date; and

(b) Draw an adverse inference from the refusal of a party to comply with subpoenas issued by the commission or presiding officer, subject to subsection (2) of this section.

(2) If a union invokes privilege under RCW 5.60.060(11) and 49.36.040 when refusing to comply with a subpoena request, the commission or presiding officer may not draw an adverse inference from the union's refusal to comply. When a union invokes such privilege, the commission or presiding officer must conduct an in camera review to determine if the records are privileged.

**Sec.**  RCW 41.56.050 and 2011 c 222 s 1 are each amended to read as follows:

(1) In the event that a public employer and public employees are in disagreement as to the selection of a bargaining representative, the commission shall be invited to intervene as is provided in RCW 41.56.060 through 41.56.090.

(2) ((~~In the event that a public employer and a bargaining representative are in disagreement as to the merger of two or more bargaining units in the employer's workforce that are represented by the same bargaining representative, the commission shall be invited to intervene as is provided in RCW 41.56.060 through 41.56.090.~~)) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit.

NEW SECTION. **Sec.**  A new section is added to chapter 49.36 RCW to read as follows:

(1) A public employer may not require a worker to waive any statutory right to make a claim arising out of state or federal law as a condition of settling a grievance under a collective bargaining agreement.

(2) "Public employer" has the same meaning as in RCW 49.44.170.

**--- END ---**