
SUBSTITUTE SENATE BILL 5503

State of Washington

69th Legislature

2025 Regular Session

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

READ FIRST TIME 02/21/25.

1 AN ACT Relating to public employee collective bargaining
2 processes; amending RCW 41.56.050; adding new sections to chapter
3 41.58 RCW; and adding a new section to chapter 49.36 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.58
6 RCW to read as follows:

7 (1) For any new organizing petition to form a new bargaining unit
8 of currently unrepresented workers or to add unrepresented workers to
9 an existing bargaining unit, regardless of whether the election is by
10 mail ballot or cross-check, the public employment relations
11 commission must require employers and employee organizations to
12 submit an offer of proof on challenged employees, either concurrent
13 with the employer's submission of a list of employees or at a date
14 determined by the commission after a showing of interest.

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

1 represented by the other employee organization is an appropriate
2 bargaining unit and:

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

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

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.58
10 RCW to read as follows:

11 (1) The commission or presiding officer may:

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

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

18 (2) If a union invokes privilege under RCW 5.60.060(11) and
19 49.36.040 when refusing to comply with a subpoena request, the
20 commission or presiding officer may not draw an adverse inference
21 from the union's refusal to comply. When a union invokes such
22 privilege, the commission or presiding officer must conduct an in
23 camera review to determine if the records are privileged.

24 **Sec. 3.** RCW 41.56.050 and 2011 c 222 s 1 are each amended to
25 read as follows:

26 (1) In the event that a public employer and public employees are
27 in disagreement as to the selection of a bargaining representative,
28 the commission shall be invited to intervene as is provided in RCW
29 41.56.060 through 41.56.090.

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

1 consolidation is appropriate, the commission shall certify the
2 employee organization as the exclusive bargaining representative of
3 the new unit.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.36
5 RCW to read as follows:

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

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

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