

HOUSE BILL REPORT

EHB 1152

As Passed House
March 17, 1993

Title: An act relating to public employees' collective bargaining.

Brief Description: Authorizing and encouraging the state supreme court to denominate the Washington state bar association a public employer for collective bargaining purposes.

Sponsors: Representatives Thibaudeau, Heavey, King, Vance, Veloria, G. Cole, Riley and J. Kohl.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 10, 1993, DP;
Passed House, March 17, 1993, 73-23.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 6 members:
Representatives Heavey, Chair; G. Cole, Vice Chair; Conway;
King; Springer; and Veloria.

Minority Report: Do not pass. Signed by 3 members:
Representatives Lisk, Ranking Minority Member; Chandler,
Assistant Ranking Minority Member; and Horn.

Staff: Marc Greenough (786-5793) and Chris Cordes
(786-7117).

Background: The Public Employees' Collective Bargaining Act provides public employees a uniform basis for implementing their right to join labor organizations of their own choosing and to be represented in matters concerning their employment relations with public employers. The collective bargaining statutes apply in general to political subdivisions of the state but not to the state itself.

Employees of the Washington State Bar Association are not specifically covered by the collective bargaining statutes. The Washington Supreme Court maintains supervisory and regulatory control over the Bar Association. Although the Bar Association was established by legislative enactment, the Supreme Court has held that as a separate, independent

branch of government, it has inherent constitutional powers to control the Bar Association and its functions.

All aspects of employment are controlled by the Board of Governors of the Bar Association and its designated executive director. The dispute-resolving mechanisms of arbitration, mediation and fact finding, accompanied by the right to organize and designate a representative for bargaining purposes, are not available to Bar Association employees. Pursuant to grievance procedures contained in an employee handbook, Bar Association employees instead may file complaints with a standing Grievance Committee appointed by the executive director.

In 1975 the Washington Supreme Court found that application of collective bargaining statutes to juvenile court employees, with respect to bargaining for wages with the country, did not affect the judiciary's power to control and administer the courts. The Legislature made collective bargaining statutes fully applicable to district courts in 1989 and superior courts in 1992.

Summary of Bill: The Washington Supreme Court is encouraged and authorized to provide by rule that the Washington State Bar Association is considered a public employer under the Public Employees' Collective Bargaining Act.

Fiscal Note: Available.

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

Testimony For: Washington State Bar Association employees have voted in an election supervised by a certified public accountant to organize to bargain collectively with the Bar Association Board of Governors. However, their requests for certification to the National Labor Relations Board, the Public Employment Relations Commission, and the Washington Supreme Court have been denied based on lack of jurisdiction. Bar Association employees should have the same right to bargain collectively as employees of the district and superior courts.

Testimony Against: The Washington Supreme Court has held that the Bar Association is only responsible to the Supreme Court, which is in a separate, independent branch of government. As such, the Legislature has no authority to control the functions of the Bar Association.

Witnesses: (in favor) James H. Webster and Joe Daniels, United Food and Commercial Workers Union; Randy Beitel; and Jean McElroy. (opposed) Stephen E. DeForest, Washington

State Bar Association.