

HOUSE BILL REPORT

HB 1913

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to certifying an employee organization for the purposes of state collective bargaining.

Brief Description: Certifying an employee organization for the purposes of state collective bargaining.

Sponsors: Representatives Conway, Hunt, Appleton, Moeller, Green and Ormsby.

Brief History:

Committee Activity:

Commerce & Labor: 2/13/07, 2/26/07 [DPS].

Brief Summary of Substitute Bill

- Authorizes a cross-check if an application for certification of an organization as an exclusive bargaining representative is submitted along with a majority showing of interest.
- Provides for certification of an organization as the exclusive bargaining representative if there are valid cards for a majority of the employees in the unit.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Do not pass. Signed by 2 members: Representatives Condotta, Ranking Minority Member and Chandler, Assistant Ranking Minority Member.

Staff: Jill Reinmuth (786-7134).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Various collective bargaining laws govern the manner in which the Public Employees' Relations Commission (Commission) determines the exclusive bargaining representative of a bargaining unit of public employees. Several laws authorize the Commission to conduct either an election or a cross-check of organization membership records or bargaining authorization cards with employment records. These laws include the Public Employees' Collective Bargaining Act, the Personnel System Reform Act, and the state law governing collective bargaining for faculty at public four-year institutions of higher education.

Rules adopted by the Commission specify the manner in which cross-checks are conducted. If an application for certification of an organization as an exclusive bargaining representative is submitted to the Commission, along with a 70 percent showing of interest, a cross-check may be conducted. First, the organization provides the Commission with authorization cards signed and dated by employees in the bargaining unit. Next, the employer provides the Commission with employment records containing the names and signatures of employees in the bargaining unit. Finally, the Commission compares the records furnished by the parties, and then gives the parties a tally sheet containing the number of employees in the bargaining unit, the number of records examined, and the number of employee records counted as valid evidence of representation. If there are valid cards for a majority of the employees in the bargaining unit, the Commission certifies the organization as the exclusive bargaining representative.

Summary of Substitute Bill:

The manner in which cross-checks are conducted under the Public Employees' Collective Bargaining Act, the Personnel Service Reform Act, and the state law governing collective bargaining for faculty at public four-year institutions of higher education is modified. A cross-check may be conducted if the application for certification of an organization as an exclusive bargaining representative is submitted along with a majority (more than 50 percent) showing of interest. An organization is certified as the exclusive bargaining representative of the bargaining unit if there are valid cards for a majority (more than 50 percent) of the employees in the bargaining unit.

Substitute Bill Compared to Original Bill:

Bargaining authorization cards are compared to the employer's (rather than the Department of Personnel's) records.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill provides for majority rule in the selection of an organization as the exclusive representative of a bargaining unit. The current showing that is required is unnecessarily high. It puts a damper on organizing and is inconsistent with majority rule. The majority rule standard enhances participation.

There is talk of the need for a cushion in case of a calamity. But history shows that a cushion is not necessary. If the list of employers is bad, it is management's job to provide a good list. If a dispute arises, we operated with majority rule under the pre-Personnel System Reform Act code. Three other states (Illinois, New Jersey, and New York) also use majority rule without any concern.

Our national labor laws encourage organizing and collective bargaining. Majority rule works in other states, and works for private companies.

(In support with amendments) Fifty percent could be used in some circumstances, but not in very small groups. Seventy percent is a real safeguard for small employers. The cards need sufficient information so people know what they are voting on. There should be minimum qualifications for an organization to be the bargaining representative. For example, the organization should have experience representing the employees and in fiscal matters. The organization should not have conflicts of interest. The organization should not represent both the case managers and the providers.

(With concerns) The current system is not broken. There have been 152 petitions, of which 149 petitions resulted in selection of an exclusive bargaining representative. Cross-checks were used in 85 cases, and elections were used in the others.

(Opposed) This bill eliminates the secret ballot, which increases the potential for coercion. It also makes it easier to certify an exclusive bargaining representative, but does not change the process for decertification. The process should be even-handed.

Persons Testifying: (In support) Dennis Eagle, Washington Federation of State Employees; and Jeff Johnson, Washington State Labor Council.

(In support with amendments) Terry Kohl and Aaron Mountain, Washington State Residential Care Council of Adult Family Home Providers.

(With concerns) Cathy Callahan, Public Employment Relations Commission.

(Opposed) Deborah Johnson.

Persons Signed In To Testify But Not Testifying: None.