

SENATE BILL REPORT

SB 5210

As Reported By Senate Committee On:
Labor, Commerce & Trade, February 22, 1995

Title: An act relating to unfair labor practices in public employee collective bargaining.

Brief Description: Enumerating unfair labor practices.

Sponsors: Senators Pelz, Heavey, Prentice, Roach, C. Anderson, Prince, Kohl, Snyder and Winsley.

Brief History:

Committee Activity: Labor, Commerce & Trade: 2/22/95 [DP, DNP]

SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

Majority Report: Do pass.

Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Minority Report: Do not pass.

Signed by Senators Deccio, Hale, Newhouse and Palmer.

Staff: Jonathan Seib (786-7427)

Background: Under the Public Employees' Collective Bargaining Act (PECBA), an employer commits an unfair labor practice if the employer interferes with or coerces an employee who is exercising his or her rights under the act. However, the PECBA states that it does not permit or grant the right to strike. Employers therefore do not commit an unfair labor practice when they discipline employees for engaging in a strike. The Washington Supreme Court has held that, unless the Legislature provides otherwise, strikes by public employees are subject to injunction.

Summary of Bill: It is an unfair labor practice for a public employer or a bargaining representative to discipline a public employee because of activities related to a labor dispute, other than criminal activities, which were authorized by the bargaining representative for the employee's bargaining unit.

Appropriation: None.

Fiscal Note: Requested on January 25, 1995.

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

Testimony For: This bill does not grant the right to strike. It simply prevents employees from being disciplined by their employer in certain cases. Such discipline should not occur in the first place.

Testimony Against: The bill creates an implicit right to strike for local government employees. PERC already provides adequate recourse for employees to address problems with their employers. This bill is an inappropriate response to an isolated incident and could have substantial unintended consequences.

Testified: PRO: J. Pat Thompson, AFSCME; CON: Randy Scott, Spokane County; Bill Vogler, Washington Association of Counties; Jim Justin, Association of Washington Cities; Jay Covington, City of Renton.