

# HOUSE BILL REPORT

## HB 1432

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### As Passed House:

March 9, 2005

**Title:** An act relating to avoiding fragmentation in bargaining units for classified school employees.

**Brief Description:** Avoiding fragmentation in bargaining units for classified school employees.

**Sponsors:** By Representatives Fromhold, Conway, Cox, Haigh, Campbell, Strow, Hunt, Ormsby, Moeller, Morrell, O'Brien, Chase and Hasegawa.

### Brief History:

#### Committee Activity:

Commerce & Labor: 2/3/05, 2/21/05 [DP].

#### Floor Activity:

Passed House: 3/9/05, 96-0.

### Brief Summary of Bill

- Prohibits the Public Employment Relations Commission (PERC) from dividing an existing appropriate bargaining unit of classified school employees unless the parties agree.
- Requires the PERC to avoid excessive fragmentation in determining classified school employee bargaining units.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 7 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Crouse, Hudgins and McCoy.

**Staff:** Chris Cordes (786-7103).

#### Background:

Classified school employees bargain over grievance procedures and personnel matters, including wages, hours, and working conditions, under the Public Employees' Collective Bargaining Act (Act). The Act is administered by the Public Employment Relations Commission (PERC). If a union petitions for certification as a bargaining agent, the PERC must decide the unit of employees that is appropriate for bargaining.

In making unit determinations, the PERC must consider:

- the duties, skills, and working conditions of the employees;
- the history of collective bargaining by the employees and their representatives;
- the extent of organization among the employees; and
- the desire of the employees.

According to PERC decisions, the purpose of these requirements is to group together employees who have sufficient similarities to indicate that they will be able to bargain collectively with their employer. The starting point for analysis is the unit proposed by the petitioning union, although the union is not entitled to a presumption of appropriateness. Unit decisions are made on a case-by-case basis, with any appropriate unit, not necessarily the most appropriate unit, being permitted. The employer must show that a proposed unit is inappropriate for reasons such as artificially dividing a workforce, being too small (fragmentary), stranding employees, or mixing supervisors with rank-and-file employees.

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**Summary of Bill:**

The requirements are modified for making determinations of appropriate bargaining units of classified school employees. For units existing on the bill's effective date, the PERC may not divide a unit into more than one unit without the agreement of the school district and the bargaining representative of the employees. The PERC must also consider the avoidance of excessive fragmentation in making unit determinations for classified school employees.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill is about comparability; it provides school district classified employees the same collective bargaining provisions that teachers already have with respect to keeping bargaining units from being fragmented. Collective bargaining is more efficient when units are not fragmented. Both sides find it easier to share common points of view, and a single unit has a stronger ability to communicate among the bargaining unit members. This saves time and makes bargaining more efficient.

**Testimony Against:** None.

**Persons Testifying:** Representative Fromhold, prime sponsor; and Tom Lopp, Public Service Employees.

**Persons Signed In To Testify But Not Testifying:** None.