

SENATE BILL REPORT

SB 6244

As of February 10, 2014

Title: An act relating to restrictions on when representation under a public collective bargaining agreement may be challenged.

Brief Description: Placing restrictions on when representation under a public collective bargaining agreement may be challenged.

Sponsors: Senators Hewitt, King and Honeyford.

Brief History:

Committee Activity: Commerce & Labor: 1/31/14.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Jessica Stevenson (786-7465)

Background: Employees have the right to organize and to designate a representative for collective bargaining. A person cannot raise a question of representation within one year of certification. If a valid collective bargaining agreement (CBA) is in place, a person can question representation during a 30-day window, which has a start and end date relative to the expiration date of the CBA. When a valid CBA is in effect for public employees, educational employees, faculty of four-year public institutions of higher education, and symphony musicians, a person can question representation only between 60 and 90 days prior to the expiration date of the CBA. When a valid CBA is in effect for state and marine employees, a person can question representation only between 90 and 120 days prior to expiration date of the CBA.

If a valid CBA, with any renewals or extensions, has been or will be in place for three years for educational employees or faculty of four-year institutions of higher education, the question of representation can be raised only between 60 and 90 days prior to the third anniversary date of the CBA for any renewals or extensions.

Within the 30-day period, a petition may be filed by any person in the bargaining unit to decertify the current bargaining representative and name a new bargaining representative. The Public Employment Relations Commission (PERC) must conduct an election by secret ballot to ascertain the bargaining representative.

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.

Summary of Bill: The 30-day window for questioning representation is changed to a 90-day window. When a valid CBA is in effect for public employees, educational employees, faculty of four-year public institutions of higher education, symphony musicians and state employees, a person can question representation only between 60 and 150 days prior to the expiration date of the CBA. When a valid CBA is in effect for marine employees, a person can question representation only between 90 and 180 days prior to expiration date of the CBA.

If a valid CBA, with any renewals or extensions, has been or will be in place for three years for educational employees or faculty of four-year institutions of higher education, the question of representation can be raised only between 60 and 150 days prior to the third anniversary date of the CBA for any renewals or extensions.

Academic employees may petition PERC for an election to change or reject their exclusive bargaining representative. The petitioner must show written proof of at least 30 percent representation of the academic employees within the bargaining unit. A person cannot raise a question concerning representation within one year of the last certification or election. When a valid CBA is in effect, a person can question representation only between 60 and 150 days prior to the expiration date of the CBA.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: A 30-day window for challenging representation is not long enough for multi-year contracts, and workers may end up having the same representation for longer than they want. Because of the short period of time, employees may miss the 30-day period, not have the opportunity to fix defects in their paperwork, and have a difficult time decertifying representation for larger bargaining units. Other states have larger filing time periods and Oregon does not have any restrictions on challenging representation.

CON: Extending the time period will interfere with the bargaining process, destabilize labor management, and create planning and budgeting challenges for public employers. There is no reason to believe the 30-day period is inadequate when it mirrors federal law. A longer time period would not benefit workers because it would create uncertainty for them. Current law provides a balance between fostering stability and free exercise of choice by the employees.

Persons Testifying: PRO: Maxford Nelsen, Freedom Foundation; Daniel Varey, citizen.

CON: J Pat Thompson, County and City Employees; Tim Sears, WA State Nurses Assn.