

SENATE BILL REPORT

SB 5545

As of February 6, 2017

Title: An act relating to requiring public employee collective bargaining sessions to be open meetings.

Brief Description: Requiring public employee collective bargaining sessions to be open meetings.

Sponsors: Senators Wilson, Braun, Rossi, Angel, Schoesler and Bailey.

Brief History:

Committee Activity: Commerce, Labor & Sports: 2/06/17.

Brief Summary of Bill

- Requires public employee collective bargaining sessions involving contract negotiations to be open to the public.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Staff: Jarrett Sacks (786-7448)

Background: The Open Public Meetings Act (OPMA) requires that all meetings of the governing body of a public agency be open to the public and all persons must be allowed to attend. For the purposes of the OPMA, a public agency includes any state board, commission, department, education institution, agency, local government, and special purpose district.

Certain types of meetings are exempt from public meeting requirements. Collective bargaining sessions with unions are one such exemption, and include:

- contract negotiations;
- grievance meetings;
- discussions relating to the interpretation or application of a labor agreement; and
- that portion of an otherwise public meeting during which the governing body is planning or adopting the strategy or position to be taken during the course of bargaining, negotiations, grievance or mediation proceedings, or reviewing the proposals made in negotiations or proceedings while in progress.

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 provision exempting collective bargaining sessions with unions involving contract negotiations from the OPMA is removed. Language is added to the OPMA and the collective bargaining chapters requiring collective bargaining sessions involving contract negotiations to be open to the public.

Public employers are not required to permit public comment during the negotiations. Public employers may choose to video tape the negotiations instead of permitting firsthand observation of the negotiations by the public, so long as the videos of the negotiations are made available online within 24 hours.

Appropriation: None.

Fiscal Note: Requested on January 27, 2017.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: The bill shines light on the bargaining process and increases fairness and transparency. Contracts cost a lot of money and the public should know how it is being negotiated. Open meetings eliminate the appearance of potential corruption. The bill strikes the right balance by leaving other aspects of collective bargaining exempted. Other states have open meetings and it can help workers rights. Counties in Washington already have open meetings and it works.

CON: The bill forces people to be more discreet and less candid. Subjects need to be brought up in negotiations that could embarrass the parties involved. The public already has access after an agreement has been reached. Localities should decide if meetings are open.

Persons Testifying: PRO: Senator Lynda Wilson, Prime Sponsor; David Dewhirst, Washington Coalition for Open Government; Gerald Marsh, citizen; Erin Shannon, WA Policy Center; Maxford Nelsen, Freedom Foundation; Rob Coffman, Lincoln County Commissioner.

CON: Josh Weiss, Washington State Association of Counties; Candice Bock, Association of Washington Cities; Joe Kuhn, Teamsters 690; Adrienne Thompson, PTE 17.

Persons Signed In To Testify But Not Testifying: No one.