

SENATE BILL REPORT

SB 5105

AS PASSED SENATE, JANUARY 31, 1992

Brief Description: Revising collective bargaining provisions for superior court employees.

SPONSORS: Senators Rasmussen, Moore and West.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Matson, Chairman; McMullen, Moore, Murray, and Skratek.

Staff: Jonathan Seib (786-7427)

Hearing Dates: February 11, 1991; March 6, 1991

BACKGROUND:

The Public Employees Collective Bargaining Act covers all municipal and county employees, with specified exceptions. In 1975, the Washington State Supreme Court decided that certain employees of the superior courts who are paid by the county are only covered under the collective bargaining act with respect to bargaining over wages. The court determined that the judicial branch was the employer for purposes of hiring, firing and working conditions.

In a 1986 decision, the Public Employment Relations Commission applied the court's reasoning to district court employees. The commission held that district court employees are state employees for personnel matters other than wages. Therefore, those employers are entitled to collectively bargain with the county employer only over wages and wage related matters. The commission did not find a requirement for district court judges to collectively bargain over other personnel matters.

In 1987, the Legislature passed a bill making agreements executed under the collective bargaining act applicable to all executive heads of bargaining units, including judges. The meaning of the term "public employer" was amended to include judges. The Governor vetoed the bill.

A bill passed in 1989, making the collective bargaining laws applicable to district courts. The employer with respect to wage matters is the county; with respect to non-wage matters, it is the judge. Each judge may exclude one personal assistant from the bargaining unit.

SUMMARY:

The Public Employees Collective Bargaining Act is made applicable to superior courts for all matters. The public employer of the court employees for collective bargaining over wage issues is the county legislative authority. The public employer for collective bargaining over non-wage issues is the judge or judge's designee. Each judge or court commissioner may exclude one personal assistant from the bargaining unit.

Appropriation: none

Revenue: none

Fiscal Note: requested February 6, 1991

TESTIMONY FOR:

The bill is necessary to address a 1975 State Supreme Court decision. Superior court employees can already bargain as to wage related matters; this would simply allow bargaining as to non-wage matters. A similar bill was passed in 1987, but was vetoed by the Governor. The bill passed in 1989 suggests the Governor no longer has concerns.

TESTIMONY AGAINST:

Collective bargaining is not in the public interest. It costs the state a lot of money and should not be expanded.

TESTIFIED: Sam Kinville, County and City Employees (pro); Paul W. Locke (con)