

HOUSE BILL REPORT

HB 2921

As Passed House:

February 16, 2004

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, McIntire, Campbell, Blake and G. Simpson.

Brief History:

Committee Activity:

Commerce & Labor: 2/2/04, 2/5/04 [DP].

Floor Activity:

Passed House: 2/16/04, 97-0.

Brief Summary of Bill

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

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 9 members: Representatives Conway, Chair; Wood, Vice Chair; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse, Holmquist, Hudgins, Kenney 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.

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.

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: In teacher bargaining, there is no fragmentation issue because there is only one unit of teachers for the school district. But the situation for classified employees is different. The PERC should consider the impact of fragmenting bargaining units. Classified employees in a school district share a common interest, no matter what job they do in the schools. Recently the PERC has allowed secretarial units to be pulled out of larger units. The PERC found these employees to have a different interest than the janitors, for example, because the secretarial staff supports management. But the PERC does not use this approach when deciding on the appropriate unit initially. If too

many units are formed, it can be confusing to employees and administratively difficult for management. Allowing unions to compete for these units can cause labor unrest.

Testimony Against: None.

Persons Testifying: Representative Fromhold, prime sponsor; and Kim Peery and Frank Warnke, Public School Employees of Washington.

Persons Signed In To Testify But Not Testifying: None.