

SENATE BILL REPORT

HB 2921

As Reported By Senate Committee On:
Commerce & Trade, February 27, 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: Representatives Fromhold, Conway, McIntire, Campbell, Blake and G. Simpson.

Brief History:

Committee Activity: Commerce & Trade: 2/25/04, 2/27/04 [DPA, DNP].

SENATE COMMITTEE ON COMMERCE & TRADE

Majority Report: Do pass as amended.

Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; and Mulliken.

Minority Report: Do not pass.

Signed by Senator Franklin.

Staff: Jennifer Strus (786-7316)

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

In making unit determinations, 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 Amended 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, 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. Five years after the effective date of the bill, the bargaining unit may opt out of the agreement by providing 30-days' written notice to the employer and PERC. PERC must also consider the avoidance of excessive fragmentation in making unit determinations.

Amended Bill Compared to Original Bill: The amendment provides that five years after the effective date of the bill, the bargaining units can opt out of the agreement with the public employer by providing notice to the employer and PERC.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is needed to prohibit continued fragmentation of the bargaining units of classified school staff. Certificated education staff currently has this protection and want to extend the same protection to classified staff.

Testimony Against: None.

Testified: PRO: Rep. Bill Fromhold, prime sponsor; Kim Peery, PSE of WA; Frank Warnke, Advocates, Inc.