

# HOUSE BILL REPORT

## HB 2326

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**As Reported by House Committee On:**  
Commerce & Labor

**Title:** An act relating to protecting the integrity of collective bargaining for public sector employees.

**Brief Description:** Protecting the integrity of collective bargaining for public sector employees.

**Sponsors:** Representatives Williams, Conway, Hunt, Kirby, Green, Sells, Hasegawa, Campbell, Appleton, Wood, Goodman and Ormsby.

**Brief History:**

**Committee Activity:**

Commerce & Labor: 2/26/07, 2/27/07 [DP].

**Brief Summary of Bill**

- Makes records from any public employee collective bargaining, labor negotiations, or grievance or mediation, that would reveal strategies or positions taken by any employer or labor organization during the pendency of those proceedings exempt from public disclosure.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Crouse.

**Staff:** Joan Elgee (786-7106).

**Background:**

With some exceptions, public employees may collectively bargain over wages and other terms and conditions of employment. The Labor Relations Office within the Office of Financial Management negotiates on behalf of the Governor with union-represented employees. Higher education institutions have the option to negotiate labor agreements through their own

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governing boards, or they may ask the Governor's Office to negotiate on their behalf. The Labor Relations Office also negotiates individual home care workers (individual providers) and family child care provider agreements.

The Public Employment Relations Commission (Commission) is responsible for resolving disputes involving most public employers and employees, and the unions that represent those employees. Responsibilities of the Commission include mediation of disputes in negotiations of collective bargaining agreements, and resolution of grievances involving the interpretation of agreements. The Marine Employees' Relation Commission has similar responsibilities with respect to ferry workers.

The Public Records Act requires state and local government agencies to make all public records available for public inspection and copying unless they fall within certain statutory exemptions. There is an exemption for preliminary drafts, notes, and recommendations.

The Office of Financial Management received a public records request for bargaining notes and proposals made during negotiations of 2007-09 collective bargaining agreements. Some unions have sought an injunction to prohibit the release of the records.

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**Summary of Bill:**

Records from any public employee collective bargaining, labor negotiations, or grievance or mediation, that would reveal strategies or positions taken by any employer or labor organization during the pendency of those proceedings are exempt from public disclosure.

Any rights afforded to any employer or labor organization under existing collective bargaining statutes or ordinances are not disturbed.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) It is our intent that the notes would remain confidential even after the bargaining is over. This bill does not stop public inspection, support, and criticism of contracts that are a result of bargaining. We have a very strong policy of employee rights to participate in collective bargaining. That policy is mirrored in exemptions in the public disclosure law. To make those notes public will chill the willingness of persons to participate and politicize the process. People fear having their statements in the media. It will disrupt the bridge-building that is part of the master agreement process. I have 20 years experience and I've never disclosed my notes. We might inadvertently disclose confidential information about a client.

(Opposed) If the bill prohibits disclosure of records after the proceedings, we oppose it. After the fact, disclosure allows you to see whether public officials have been responsible and whether negotiations have been conducted in good faith, at least by the public employer. This is a huge change in the law.

There is no need for any negotiation records to be confidential. Any government entity or union that really serves the people would want everything out in the open. What are they concealing? Help the citizens maintain their right to know what is going on. The Governor has called for increased transparency in government and this reverses that. This bill puts another shroud of secrecy around state employee unions.

**Persons Testifying:** (In support) Representative Williams, prime sponsor; Lawrence Schwerin, Schwerin, Campbell, and Barnard; Kent Stanford, Washington Public Employee's Association; Suzanne Wall, Service Employees International Union; and Gordon Baxter, InlandBoatmens Union, Masters Mates & Pilots Union, MEBA, and Office and Professional Employees International Union.

(Opposed) Roland Thompson, Allied Daily Newspapers; Deborah Johnson, Free Conscience; and Michael Farley, Fair Washington Labor Association.

**Persons Signed In To Testify But Not Testifying:** None.