

SENATE BILL REPORT

SB 5045

As Reported by Senate Committee On:
Commerce & Labor, January 28, 2015
Ways & Means, February 24, 2015

Title: An act relating to the deauthorization of union security provisions by public employees.

Brief Description: Concerning the deauthorization of union security provisions by public employees.

Sponsors: Senators Angel and Hewitt.

Brief History:

Committee Activity: Commerce & Labor: 1/21/15, 1/28/15 [DP, DNP].
Ways & Means: 2/16/15, 2/24/15 [DP, DNP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King and Warnick.

Minority Report: Do not pass.

Signed by Senators Hasegawa, Ranking Minority Member; Conway and Keiser.

Staff: Mac Nicholson (786-7445)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey, Becker, Brown, Hewitt, O'Ban, Padden, Parlette, Schoesler and Warnick.

Minority Report: Do not pass.

Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Billig, Conway, Fraser, Hasegawa, Hatfield, Kohl-Welles and Rolfes.

Staff: Pete Cutler (786-7474)

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.

Background: A union security clause is a provision in a collective bargaining agreement that requires employees to maintain union membership or pay union dues as a condition of continued employment, or for those asserting a right of non-association, an amount equivalent to dues and initiation fees to a charitable organization. Union security clauses typically obligate the employer to deduct dues and fees from the salary of employees and transmit the funds to the union.

Collective bargaining agreements in Washington are statutorily authorized to include union security provisions that can be enforced through paycheck deductions from the salary of employees. Union security provisions in Washington must provide for the right of non-association.

The Public Employment Relations Commission (PERC) conducts representation elections to determine whether public employees want to be represented by a union, whether employees want to be represented by a different union, or whether employees want to decertify their union. Petitions for an election must be signed by at least 30 percent of the employees in the bargaining unit.

Summary of Bill: Public employees can petition PERC to de-authorize union security provisions in collective bargaining contracts. Petitions must be signed by at least 30 percent of the employees in the bargaining unit affirming the desire to de-authorize the union security provision. Signatures must be collected within 12 months of petition submission. Petitions can be submitted at any time, though no more than one petition may be filed in any calendar year.

PERC must conduct an election upon submission of a petition determined to be sufficient, and if a majority of the votes cast do not favor the union security provision, the provision ceases to be in effect within 30 days of PERC's certification of de-authorization. PERC must provide notices of election to the public employer, who must promptly post the notices in areas granting maximum access to affected employees.

Public employees may petition to reinstate a previously de-authorized union security provision using the same petition and election provisions.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Commerce & Labor): PRO: This bill simply extends rights to public sector workers that private workers have had for decades under federal law. This bill copies federal law into state law. This bill would empower public workers to better control their workplace representation. The only way to eliminate union security provisions today is to decertify the union, which is a complicated process. This bill

provides basic protections for Washington workers, and allows employees to choose whether to support their union.

CON: A collective bargaining agreement is a contract negotiated and agreed upon by all at the bargaining table. This bill would restrict negotiations in a manner neither side has asked for. This bill is a solution in search of a problem. Union members have the ability vote on contracts already, and an ability to help determine what is in the contract. This bill limits the functional ability of unions to enforce important terms of their contracts. This bill is harmful to the middle class.

Persons Testifying (Commerce & Labor): PRO: Senator Angel, prime sponsor; Maxford Nelsen, Freedom Foundation; Michael Drew, Kitsap Public Health District; Debbie Johnson, Grant Pelesky, Gerald Marsh, Jim Johnson, citizens.

CON: Seamus Petrie, WA Public Employee Assn.; Adrienne Thompson, Professional & Technical Employees Local 17; Celeste Trembanis, Restore the American Dream; Robert Underwood, citizen.

Staff Summary of Public Testimony (Ways & Means): PRO: Employees should be able to ratify a collective bargaining agreement without being forced to accept a union security agreement provision in the agreement. The National Labor Relations Board and some other states provide a process similar to the bill. The fiscal note overstates the fiscal impact – the experience in California and Oregon is that very few decertification cases are brought. The bill sets a high standard for decertification cases and PERC probably already has enough staff to handle the workload.

CON: The bill is not necessary and would create an ongoing cost and impact on PERC to handle an unnecessary process. It would not be a good investment of taxpayer funds to spend \$700,000 to promote a policy that promotes divisiveness and conflict in the workplace.

Persons Testifying (Ways & Means): PRO: Dennis Redmon, state employee, Dept. of Revenue; Maxford Nelsen, Freedom Foundation, Labor Policy Analyst; John Berry, citizen.

CON: Joe Kendo, WA State Labor Council; Adrienne Thompson, Professional and Technical Employees, Local 17.