

SENATE BILL REPORT

SB 5329

As Reported by Senate Committee On:
Commerce & Labor, February 4, 2015

Title: An act relating to requiring public employee collective bargaining sessions to be open meetings.

Brief Description: Requiring public employee collective bargaining sessions to be open meetings.

Sponsors: Senators Braun, Becker, Schoesler, Padden, Angel, Warnick, Honeyford and Hewitt.

Brief History:

Committee Activity: Commerce & Labor: 1/26/15, 2/04/15 [DPS, DNP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill 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)

Background: The state Open Public Meetings Act requires that all meetings of governing bodies of public agencies, including cities, counties, and special purpose districts, be open and accessible to the public. A meeting generally includes any situation in which a majority of a city council, board of county commissioners, or other governing body meets and discusses the business of that body. Certain types of meetings are exempt from public meeting requirements. Collective bargaining sessions with unions are one such exemption, and include contract negotiations; grievance meetings; discussions relating to the interpretation or application of a labor agreement; and that portion of an otherwise public meeting during which the governing body is planning or adopting the strategy or position to be taken during the course of bargaining, negotiations, grievance or mediation proceedings, or reviewing the proposals made in negotiations or proceedings while in progress.

Summary of Bill (Recommended Substitute): The provision exempting collective bargaining sessions with unions involving contract negotiations from the Open Public

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.

Meetings Act is removed. Language is added to all the collective bargaining chapters, requiring collective bargaining sessions involving contract negotiations to be open to the public.

EFFECT OF CHANGES MADE BY COMMERCE & LABOR COMMITTEE (Recommended Substitute): The substitute adds language to all the collective bargaining chapters, requiring collective bargaining sessions involving contract negotiations to be open to the public.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill allows the public to know what is happening with their tax money. Labor contracts contain a lot more than compensation provisions. There are policies on grievances, duties, and working conditions in contracts, and the public is currently excluded from those discussions. The public cannot tell if their elected officials are acting in the public interest in the negotiations. Many other states open their negotiations to the public, and Washington should join them. This bill will allow the public to see the policy discussions that take place during labor negotiations.

CON: Collective bargaining can be quite a process with lots of ideas, both good and bad. It's important to allow frank conversations between the parties. Opening the meetings will change the dynamics of the negotiations. Difficult conversations will be harder to have in the open, it's the same reason the Legislature has caucuses behind closed doors. Sensitive information can get disclosed during negotiations, and it may be difficult to get to resolution on solutions if that information is open to the public. Negotiating in the newspaper or media will make agreement more difficult.

Persons Testifying: PRO: Senator Braun, prime sponsor; Maxford Nelsen, Freedom Foundation, Labor Policy Analyst; Toby Nixon, WA Coalition for Open Government; Gerald Marsh, Paul Guppy, Nancy C Williams, Pat Tarzwell, Sandy Tarzwell, citizens.

CON: Sofia Aragon, WA State Nurses Assn.; Vince Oliveri, Professional and Technical Employees Local 17.