
Labor & Workplace Standards Committee

HB 1200

Brief Description: Requiring public employers to provide employee information to exclusive bargaining representatives.

Sponsors: Representatives Alvarado, Bronoske, Fitzgibbon, Berry, Bateman, Reed, Simmons, Bergquist, Ramel, Doglio, Ormsby, Ortiz-Self, Fosse, Pollet and Chopp.

Brief Summary of Bill

- Requires certain public employers to provide exclusive bargaining representatives information, such as contact information, date of hire, salary, and jobsite location, of employees in bargaining units if the employer has that information in its records.
- Allows an exclusive bargaining representative to bring a court action if a public employer fails to comply with the requirement to provide information.

Hearing Date: 1/20/23

Staff: Trudes Tango (786-7384).

Background:

Collective Bargaining.

Various statutes provide for collective bargaining between public employers and their employees. The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages, hours, and working conditions with employees of cities, counties, and other political subdivisions, as well as to certain employees of institutions of higher education. The

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Personnel System Reform Act provides for collective bargaining of wages, hours, and other terms and conditions of employment with classified employees of state agencies and institutions of higher education. Educational employees of school districts and academic employees of Community and Technical Colleges also bargain under their own separate statutes.

Access to Employees.

Public employers must provide the exclusive bargaining representative reasonable access to new employees of the bargaining unit for the purposes of presenting information about their exclusive bargaining representative to the new employee. The access to the new employee must occur within 90 days of the employee's start date within the bargaining unit, must not be for less than 30 minutes, and must occur during the new employee's regular work hours at the employee's regular worksite or at a location mutually agreed to by the employer and exclusive bargaining representative. Employees are not required to attend the meetings or presentations.

Public Records Act and Privacy.

The Public Records Act (PRA) requires all state and local government entities to make available to the public all public records, unless a specific exemption applies or disclosure is prohibited under other law. The PRA exempts certain information held by any public agency in personnel records, including residential addresses, phone numbers, personal email addresses, emergency contact information, and social security numbers. In addition, private information of public employees may be protected under the PRA to the extent that disclosure would be highly offensive to a reasonable person and is not of legitimate public concern.

Summary of Bill:

Certain public employers are required to provide employee information to the exclusive bargaining representative for each employee in a bargaining unit, if the employer has the information in the employer's records. The following information must be provided:

- the employee's name and date of hire;
- the employee's contact information, including: (i) cellular, home, and work telephone numbers; (ii) any means of electronic communication, including work and personal email addresses; and (iii) home address or personal mailing address; and
- employment information, including the employee's job title, salary, and work site location.

The requirement applies to employers subject to PECBA, school district employers, the Community and Technical Colleges, and Western Washington University, Central Washington University, Eastern Washington University, and The Evergreen State College.

The employer must provide the information within 10 calendar days from the date of hire for new employees in an appropriate bargaining unit, and every 90 calendar days for all employees in an appropriate bargaining unit. In addition, the employer must provide the information in an editable format agreed to by the exclusive bargaining representative. When there is a state-level representative for a bargaining unit, the employer may provide the information to the state-level representative.

The exclusive bargaining representative may use the information only for representation purposes.

If an employer fails to comply with the requirement to provide employee information the exclusive bargaining representative may bring a court action to enforce compliance. The court may order the employer to pay costs and reasonable attorneys' fees incurred by the exclusive bargaining representative.

Appropriation: None.

Fiscal Note: Requested on January 12, 2023.

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