

SENATE BILL REPORT

SB 5273

As of January 23, 2023

Title: An act relating to requiring public employers to provide employee information to exclusive bargaining representatives.

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

Sponsors: Senators Valdez, Shewmake, Hunt, Kuderer, Lovick, Nguyen, Nobles, Randall, Stanford and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 1/23/23.

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.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

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

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certain employees of institutions of higher education. The 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.

Duty to Provide Information. Parties to a collective bargaining agreement (CBA) have a duty to bargain in good faith. Part of the duty to bargain includes a duty to provide relevant information needed by the other party for the proper performance of its duties in the collective bargaining process. This obligation extends to information that is useful and relevant for contract negotiations, as well as information necessary for the administration of the CBA. Information pertaining to employees in the bargaining unit is presumptively relevant.

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. 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. 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 phone numbers, means of electronic communication, and addresses; and
- employment information, including job title, salary, and work site.

The employer must provide the information to the exclusive bargaining representative in an editable digital format agreed to by the exclusive bargaining representative:

- within ten calendar days from the date of hire for a newly hired employee; and

- every 90 calendar days for all employees.

The exclusive bargaining representative may only use the information provided for representation purposes. When there is a state-level representative of the exclusive bargaining representative for the bargaining unit, the employer may provide the information to the state-level representative.

The exclusive bargaining representative may bring a court action to enforce the provisions of the bill. The court may award costs and reasonable attorneys' fees incurred by the exclusive bargaining representative.

The bill applies to the following public employers:

- all employers subject to the PECBA;
- school district employers;
- community and technical colleges; and
- Western Washington University, Central Washington University, Eastern Washington University, and The Evergreen State College.

Appropriation: None.

Fiscal Note: Requested on January 11, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: The bill prevents receiving outdated or inaccurate information, which makes it difficult to administer collective bargaining. The bill is modeled after Oregon's law. King County already provides this type of information and if an employer that size can adhere to the bill, other employers can do it as well.

CON: Supplying personal contact information is an issue, but providing work contact information is alright. Law enforcement background investigations collect a lot of personal information that would need to be disclosed under the bill, such as personal social media accounts.

OTHER: Providing the information is not an issue, but the bill requires the information to be provided too frequently. Every 90 days is too frequent and burdensome for local governments to administer. The information does not change that frequently.

Persons Testifying: PRO: Senator Javier Valdez, Prime Sponsor; Jenn Hansen; Michael White, King County.

CON: Taylor Gardner, WA Assn of Sheriffs and Police Chiefs.

OTHER: Candice Bock, Association of Washington Cities; Mike Hoover, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: No one.