

# SENATE BILL REPORT

## SB 5503

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As of February 10, 2025

**Title:** An act relating to public employee collective bargaining processes.

**Brief Description:** Concerning public employee collective bargaining processes.

**Sponsors:** Senators Valdez, Alvarado, Bateman, Conway, Hasegawa, Nobles and Saldaña.

**Brief History:**

**Committee Activity:** Labor & Commerce: 2/11/25.

**Brief Summary of Bill**

- Makes changes to Public Employment Relations Commission procedures related to representation petitions, hearings, and the merging of bargaining units under the Public Employees' Collective Bargaining Act.
- Prohibits public employers from requiring a worker to waive any federal or state statutory right to make a claim as a condition of settling a grievance under a collective bargaining agreement.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Staff:** Jarrett Sacks (786-7448)

**Background:** The Public Employment Relations Commission (PERC) administers and enforces most public sector collective bargaining laws in Washington. PERC issues decisions in representation, unfair labor practice, and unit clarification cases, and the commissioners hear appeals from these decisions.

State collective bargaining law establishes processes by which employees select, change, or remove a labor organization as their exclusive bargaining representative. To initiate one of these processes, a representation petition is filed with PERC. A petition for new organizing

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may be filed to form a new bargaining unit of unrepresented employees or to add unrepresented employees to an existing bargaining unit. Petitions must be filed with a showing of interest demonstrating at least 30 percent of the employees in the bargaining unit support the petition. If the showing of interest is sufficient, PERC conducts an election or a card check.

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. Under PECBA, if an employer and a bargaining representative disagree on the merger of two or more bargaining units, PERC must be invited to intervene to resolve the disagreement.

**Summary of Bill:** Representation Petitions. For new organizing petitions to form a new bargaining unit of unrepresented workers or add unrepresented workers to an existing bargaining unit, PERC must:

- require employers and employee organizations submit an offer of proof on challenged employees, either concurrent with the employer's submission of a list of employees, or at a date determined by PERC after a showing of interest; and
- enforce a 10-day deadline for employers to provide the required names and addresses of employees.

If an employer misses the deadline, the commission may presume that the employees have meet the applicable threshold for a showing of interest. An employer who has missed the deadline has until 14 calendar days prior to an election to show that the applicable threshold was not met. The burden of proof is on the employer to show that the applicable threshold was not met.

If an employee organization files a petition to represent a unit of currently unrepresented employees, and PERC determines the petitioned-for unit is inappropriate, but that the bargaining unit would be appropriate if it included employees currently represented by another employee organization, PERC must determine whether the bargaining unit currently represented by the other employee organization is an appropriate bargaining unit and:

- dismiss the petition if PERC determines the bargaining unit represented by the other employee organization is appropriate; or
- determine the new bargaining unit and hold an election if PERC determines the bargaining unit represented by the other employee organization is inappropriate.

PERC Hearings. A PERC hearing officer may:

- set a hearing date without consent from the involved parties so long as the involved parties may submit motions to move the hearing date; and
- draw an adverse inference from the refusal of a party to comply with subpoenas issued by PERC or a hearing officer.

A hearing officer may not draw an adverse inference from a union's refusal to comply with

a subpoena if the union is invoking union privilege. When union privilege is invoked, a hearing examiner must conduct an in-camera review of the records.

Merger of Bargaining Units. Under PECBA, if a single organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if PERC considers the larger unit to be appropriate. A provision in PECBA stating that PERC must intervene when a public employer and a bargaining representative disagree on the merger of bargaining units is removed.

Waiver of Claims. Public employers are prohibited from requiring a worker to waive any federal or state statutory right to make a claim as a condition of settling a grievance under a collective bargaining agreement.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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