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ENGROSSED SUBSTITUTE HOUSE BILL 1141

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State of Washington

69th Legislature

2025 Regular Session

**By** House Labor & Workplace Standards (originally sponsored by Representatives Ortiz-Self, Fosse, Ryu, Leavitt, Stearns, Farivar, Berry, Reed, Ramel, Fitzgibbon, Macri, Cortes, Obras, Doglio, Bronoske, Gregerson, Simmons, Peterson, Street, Goodman, Wylie, Kloba, Ormsby, Scott, and Hill)

READ FIRST TIME 01/23/25.

1 AN ACT Relating to placing certain agricultural workers who are  
2 engaged in cultivating, growing, harvesting, or producing cannabis  
3 under the jurisdiction of the public employment relations commission  
4 for purposes of collective bargaining; and adding a new chapter to  
5 Title 49 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The definitions in this section apply  
8 throughout this chapter unless the context clearly requires  
9 otherwise.

10 (1) "Bargaining representative" means any lawful organization  
11 that represents employees in their employment relations with their  
12 employers.

13 (2) "Collective bargaining" means the performance of the mutual  
14 obligations of the employer and the exclusive bargaining  
15 representative to meet at reasonable times, to confer and negotiate  
16 in good faith, and to execute a written agreement with respect to  
17 grievance procedures and collective negotiations on personnel  
18 matters, including wages, hours, and working conditions, which may be  
19 peculiar to an appropriate bargaining unit of such employer, except  
20 that by such obligation neither party may be compelled to agree to a

1 proposal or be required to make a concession unless otherwise  
2 provided in this chapter.

3 (3) "Commission" means the public employment relations commission  
4 created in RCW 41.58.010.

5 (4) (a) "Employee" means any person who is employed by an employer  
6 to perform the work of cultivating, growing, harvesting, or producing  
7 cannabis, including defoliating, drying, bucking, precuring, curing,  
8 drying, trimming, sorting, and loading, if performed on a farm.

9 (b) "Employee" does not include any person having authority, in  
10 the interest of the employer, to hire, transfer, suspend, lay off,  
11 recall, promote, discharge, assign, reward, or discipline other  
12 employees, or responsibly to direct them, or to adjust their  
13 grievances, or effectively to recommend such action, if in connection  
14 with the foregoing the exercise of such authority is not of a merely  
15 routine or clerical nature, but requires the use of independent  
16 judgment.

17 (5) (a) "Employer" means an employer that is operating pursuant to  
18 a cannabis producer's license issued under RCW 69.50.325(1), or a  
19 cannabis processor's license issued under RCW 69.50.325(2) if the  
20 licensed premises is colocated on a farm licensed for cannabis  
21 production. "Employer" also includes any person acting as an agent of  
22 an employer, directly or indirectly.

23 (b) In determining whether any person is acting as an agent of  
24 another person to make such other person responsible for their acts,  
25 the question of whether the specific acts performed were actually  
26 authorized or subsequently ratified is not controlling.

27 (6) "Executive director" means the executive director of the  
28 commission.

29 (7) "Labor dispute" includes any controversy concerning terms,  
30 tenure, or conditions of employment, or concerning the association of  
31 representation of persons in negotiating, fixing, maintaining,  
32 changing, or seeking to arrange terms or conditions of employment,  
33 regardless of whether the disputants stand in the proximate relation  
34 of employer and employee. In the event of a dispute between an  
35 employer and an exclusive bargaining representative over the matters  
36 that are terms and conditions of employment, the commission shall  
37 decide which items are mandatory subjects for bargaining.

38 (8) "Labor organization" means an organization of any kind, or an  
39 agency or employee representation committee or plan, in which  
40 employees participate and which exists for the primary purpose of

1 dealing with employers concerning grievances, labor disputes, wages,  
2 rates of pay, hours of employment, or conditions of employment.

3 (9) "Person" includes one or more individuals, labor  
4 organizations, partnerships, associations, corporations, legal  
5 representatives, trustees in bankruptcy, or receivers.

6 (10) "Unfair labor practice" means any activity listed in  
7 sections 14 and 15 of this act.

8 NEW SECTION. **Sec. 2.** No employer or other person may directly  
9 or indirectly interfere with, restrain, coerce, or discriminate  
10 against any employees or group of employees in the free exercise of  
11 their right to organize and designate bargaining representatives of  
12 their own choosing for the purpose of collective bargaining, or in  
13 the free exercise of any other right under this chapter.

14 NEW SECTION. **Sec. 3.** If an employer and its employees are in  
15 disagreement as to the selection of a bargaining representative, the  
16 commission must be invited to intervene as is provided in sections 4  
17 through 6 of this act.

18 NEW SECTION. **Sec. 4.** (1)(a) The commission, upon reasonable  
19 notice, shall decide in each application for certification as an  
20 exclusive bargaining representative, the unit appropriate for the  
21 purpose of collective bargaining.

22 (b) In determining, modifying, or combining the bargaining unit,  
23 the commission shall consider the duties, skills, and working  
24 conditions of the employees; the history of collective bargaining by  
25 the employees and their bargaining representatives; the extent of  
26 organization among the employees; and the desire of the employees.

27 (2) The commission shall determine the bargaining representative  
28 by conducting an election after a showing of interest by employees,  
29 as provided in section 5 of this act.

30 (3) If a single employee organization is the exclusive bargaining  
31 representative for two or more units, upon petition by the employee  
32 organization, the units may be consolidated into a single larger unit  
33 if the commission considers the larger unit to be appropriate. If  
34 consolidation is appropriate, the commission shall certify the  
35 employee organization as the exclusive bargaining representative of  
36 the new unit.

37 (4) No question concerning representation may be raised if:

1 (a) Fewer than 12 months have elapsed since the last  
2 certification or election; or

3 (b) A valid collective bargaining agreement is in effect, except  
4 for that period of no more than 90 calendar days nor less than 60  
5 calendar days before the expiration of the agreement.

6 NEW SECTION. **Sec. 5.** (1)(a) Upon request of a prospective  
7 bargaining representative showing written proof of at least 30  
8 percent representation of the employees within the unit, the  
9 commission shall hold an election by ballot to determine the issue.

10 (b) The ballot must contain the name of the prospective  
11 bargaining representative and of any other bargaining representative  
12 showing written proof of at least 10 percent representation of the  
13 employees within the unit, together with a choice for any employee to  
14 designate that they do not desire to be represented by any bargaining  
15 representative.

16 (c) Where more than one organization is on the ballot and neither  
17 of the three or more choices receives a majority vote of valid  
18 ballots cast, a runoff election must be held. The runoff ballot must  
19 contain the two choices which received the largest and second largest  
20 number of votes.

21 (2)(a) Upon request of a prospective bargaining representative  
22 showing written proof of at least 50 percent representation of the  
23 employees within a bargaining unit for which there is no incumbent  
24 exclusive bargaining representative, the commission shall hold an  
25 election through a cross-check process to determine the issue.

26 (b) The commission must compare the employee organization's  
27 membership records or bargaining authorization cards against the  
28 employment records of the employer.

29 NEW SECTION. **Sec. 6.** (1) The bargaining representative that has  
30 been determined to represent a majority of the employees in a  
31 bargaining unit must be certified by the commission as the exclusive  
32 bargaining representative of, and must represent, all the employees  
33 within the unit without regard to membership in the bargaining  
34 representative.

35 (2) An employee at any time may present their grievance to the  
36 employer and have such grievance adjusted without the intervention of  
37 the exclusive bargaining representative, if the adjustment is not  
38 inconsistent with the terms of a collective bargaining agreement then

1 in effect, and if the exclusive bargaining representative has been  
2 given reasonable opportunity to be present at any initial meeting  
3 called for the resolution of the grievance.

4 NEW SECTION. **Sec. 7.** RCW 41.56.037 applies to this chapter.

5 NEW SECTION. **Sec. 8.** No employer may refuse to engage in  
6 collective bargaining with the exclusive bargaining representative.  
7 Upon the failure of the employer and the exclusive bargaining  
8 representative to conclude a collective bargaining agreement, any  
9 matter in dispute may be submitted by either party to the commission.  
10 If an employer implements its last and best offer where there is no  
11 contract settlement, allegations that either party is violating the  
12 terms of the implemented offer are subject to grievance arbitration  
13 procedures as such procedures are set forth in the parties' last  
14 contract or, should no such contract exist, as set forth in the  
15 implemented offer.

16 NEW SECTION. **Sec. 9.** (1) Upon the authorization of an employee  
17 within the bargaining unit and after the certification or recognition  
18 of the bargaining unit's exclusive bargaining representative, the  
19 employer must deduct from the payments to the employee the monthly  
20 amount of dues as certified by the secretary of the exclusive  
21 bargaining representative and must transmit the same to the treasurer  
22 of the exclusive bargaining representative.

23 (2) (a) An employee's written, electronic, or recorded voice  
24 authorization to have the employer deduct membership dues from the  
25 employee's salary must be made by the employee to the exclusive  
26 bargaining representative. If the employer receives a request for  
27 authorization of deductions, the employer must forward the request to  
28 the exclusive bargaining representative as soon as practicable.

29 (b) Upon receiving notice of the employee's authorization from  
30 the exclusive bargaining representative, the employer must deduct  
31 from the employee's salary membership dues and remit the amounts to  
32 the exclusive bargaining representative.

33 (c) The employee's authorization remains in effect until  
34 expressly revoked by the employee in accordance with the terms and  
35 conditions of the authorization.

36 (d) An employee's request to revoke authorization for payroll  
37 deductions must be in writing and submitted by the employee to the

1 exclusive bargaining representative in accordance with the terms and  
2 conditions of the authorization.

3 (e) After the employer receives confirmation from the exclusive  
4 bargaining representative that the employee has revoked authorization  
5 for deductions, the employer must end the deduction no later than the  
6 second payroll after receipt of the confirmation.

7 (f) The employer must rely on information provided by the  
8 exclusive bargaining representative regarding the authorization and  
9 revocation of deductions.

10 (3) If the employer and the exclusive bargaining representative  
11 of a bargaining unit enter into a collective bargaining agreement  
12 that includes requirements for deductions of other payments, the  
13 employer must make such deductions upon authorization of the  
14 employee.

15 NEW SECTION. **Sec. 10.** A collective bargaining agreement may  
16 provide for binding arbitration of a labor dispute arising from the  
17 application or the interpretation of the matters contained in a  
18 collective bargaining agreement.

19 NEW SECTION. **Sec. 11.** (1) After the termination date of a  
20 collective bargaining agreement, all the terms and conditions  
21 specified in the collective bargaining agreement remain in effect  
22 until the effective date of a subsequent agreement, not to exceed one  
23 year from the termination date stated in the agreement. Thereafter,  
24 the employer may unilaterally implement according to law.

25 (2) This section does not apply to provisions of a collective  
26 bargaining agreement which both parties agree to exclude from the  
27 provisions of subsection (1) of this section and to provisions within  
28 the collective bargaining agreement with separate and specific  
29 termination dates.

30 (3) This section does not apply to collective bargaining  
31 agreements in effect or being bargained on the effective date of this  
32 section.

33 NEW SECTION. **Sec. 12.** In addition to any other method for  
34 selecting arbitrators, the parties may request the commission to  
35 appoint a qualified person who may be an employee of the commission  
36 to act as an arbitrator to assist in the resolution of a labor  
37 dispute between the employer and the bargaining representative

1 arising from the application of the matters contained in a collective  
2 bargaining agreement. The arbitrator must conduct the arbitration of  
3 the dispute in a manner provided for in the collective bargaining  
4 agreement. The commission may not collect any fees or charges from  
5 the employer or the bargaining representative for services performed  
6 by the commission under this chapter. The provisions of chapter 49.08  
7 RCW do not apply to this chapter.

8 NEW SECTION. **Sec. 13.** (1) If the employer has the information  
9 in the employer's records, the employer must provide to the exclusive  
10 bargaining representative the following information for each employee  
11 in an appropriate bargaining unit:

12 (a) The employee's name and date of hire;

13 (b) The employee's contact information, including: (i) Cellular,  
14 home, and work telephone numbers; (ii) work and the most up-to-date  
15 personal email addresses; and (iii) home address or personal mailing  
16 address; and

17 (c) Employment information, including the employee's job title,  
18 salary or rate of pay, and worksite location or duty station.

19 (2) The employer must provide the information to the exclusive  
20 bargaining representative in an editable digital file format:

21 (a) Within 21 business days from the date of hire for a newly  
22 hired employee in an appropriate bargaining unit; and

23 (b) Every 120 business days for all employees in an appropriate  
24 bargaining unit.

25 (3) When there is a state-level representative of the exclusive  
26 bargaining representative for a bargaining unit, the employer may  
27 provide the information to the state-level representative.

28 (4) The exclusive bargaining representative may use the  
29 information provided under this section only for representation  
30 purposes. This section does not give authority to any exclusive  
31 bargaining representative to sell or provide access to lists of  
32 employees or the information provided to the exclusive bargaining  
33 representative pursuant to this section requested for commercial  
34 purposes.

35 (5) If an employer fails to comply with this section, the  
36 exclusive bargaining representative may bring a court action to  
37 enforce compliance. The court may order the employer to pay costs and  
38 reasonable attorneys' fees incurred by the exclusive bargaining  
39 representative.

1        NEW SECTION.    **Sec. 14.**    It is an unfair labor practice for an  
2 employer to:

3        (1) Interfere with, restrain, or coerce employees in the exercise  
4 of their rights guaranteed by this chapter;

5        (2) Control, dominate, or interfere with a bargaining  
6 representative;

7        (3) Engage in or create the impression of surveillance of  
8 activities protected by this chapter;

9        (4) Discriminate against an employee who has filed an unfair  
10 labor practice charge or who has given testimony under this chapter;  
11 or

12        (5) Refuse to engage in collective bargaining.

13        NEW SECTION.    **Sec. 15.**    It is an unfair labor practice for a  
14 bargaining representative to:

15        (1) Interfere with, restrain, or coerce employees in the exercise  
16 of their rights guaranteed by this chapter;

17        (2) Induce the employer to commit an unfair labor practice;

18        (3) Discriminate against an employee who has filed an unfair  
19 labor practice charge or who has given testimony under this chapter;  
20 or

21        (4) Refuse to engage in collective bargaining.

22        NEW SECTION.    **Sec. 16.**    (1) The commission must prevent unfair  
23 labor practices and issue appropriate remedial orders. However, a  
24 complaint may not be processed for an unfair labor practice occurring  
25 more than six months before the filing of the complaint with the  
26 commission or in superior court.

27        (2) If the commission determines that a person has engaged in or  
28 is engaging in an unfair labor practice, the commission must issue  
29 and serve upon the person an order requiring the person to cease and  
30 desist from the unfair labor practice. The commission may take action  
31 to carry out the purposes and policy of this chapter, including  
32 requiring the person to pay damages and reinstate employees.

33        (3) The commission may petition the superior court for the county  
34 in which the main office of the employer is located or in which the  
35 person who has engaged or is engaging in the unfair labor practice  
36 resides or transacts business, for the enforcement of its order and  
37 for appropriate temporary relief.



1        NEW SECTION.    **Sec. 17.**    The commission may adopt rules necessary  
2 to administer this chapter in conformity with the intent and purpose  
3 of this chapter and consistent with the best standards of labor-  
4 management relations.

5        NEW SECTION.    **Sec. 18.**    This chapter may not be interpreted by  
6 any court to apply to or otherwise extend any rights to any employee  
7 who is not specifically employed by an employer to perform the work  
8 of cultivating, growing, harvesting, or producing cannabis, including  
9 defoliating, drying, bucking, precuring, curing, drying, trimming,  
10 sorting, and loading, if performed on a farm.

11       NEW SECTION.    **Sec. 19.**    Sections 1 through 18 of this act  
12 constitute a new chapter in Title 49 RCW.

13       NEW SECTION.    **Sec. 20.**    If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

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