
SENATE BILL 5503

State of Washington

69th Legislature

2025 Regular Session

By Senators Valdez, Alvarado, Bateman, Conway, Hasegawa, Nobles, and Saldaña

Read first time 01/27/25. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to public employee collective bargaining
2 processes; amending RCW 41.56.050; adding new sections to chapter
3 41.58 RCW; and adding a new section to chapter 49.36 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.58
6 RCW to read as follows:

7 (1) For any new organizing petition to form a new bargaining unit
8 of currently unrepresented workers or to add unrepresented workers to
9 an existing bargaining unit, regardless of whether the election is by
10 mail ballot or cross-check, the public employment relations
11 commission must:

12 (a) Require employers and employee organizations to submit an
13 offer of proof on challenged employees, either concurrent with the
14 employer's submission of a list of employees or at a date determined
15 by the commission after a showing of interest; and

16 (b) Enforce a 10 calendar day deadline for employers to provide
17 the required names and addresses of employees. If an employer misses
18 the deadline, the commission may presume that the employees have met
19 the applicable threshold for a showing of interest. An employer who
20 has missed the deadline has until 14 calendar days prior to an
21 election to show that the applicable threshold was not met, and the

1 burden of proof is on the employer to show that the applicable
2 threshold was not met.

3 (2) If an employee organization files a petition to represent a
4 unit of currently unrepresented employees, and the commission
5 determines the petitioned-for unit is inappropriate, but that the
6 bargaining unit would be appropriate if it included employees
7 currently represented by another employee organization, the
8 commission must determine whether the bargaining unit currently
9 represented by the other employee organization is an appropriate
10 bargaining unit and:

11 (a) If the commission determines the bargaining unit represented
12 by the other employee organization is appropriate, the commission
13 must dismiss the petition; or

14 (b) If the commission determines the bargaining unit represented
15 by the other employee organization is inappropriate, the commission
16 must determine the new bargaining unit and hold an election.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.58
18 RCW to read as follows:

19 (1) The commission's hearing officers may:

20 (a) Set a hearing date without consent from the involved parties
21 so long as the involved parties may submit motions to move the
22 hearing date; and

23 (b) Draw an adverse inference from the refusal of a party to
24 comply with subpoenas issued by the commission or hearing officer,
25 subject to subsection (2) of this section.

26 (2) If a union invokes privilege under RCW 5.60.060(11) and
27 49.36.040 when refusing to comply with a subpoena request, the
28 commission or hearing officer may not draw an adverse inference from
29 the union's refusal to comply. When a union invokes such privilege, a
30 hearing examiner must conduct an in camera review to determine if the
31 records are privileged.

32 **Sec. 3.** RCW 41.56.050 and 2011 c 222 s 1 are each amended to
33 read as follows:

34 (1) In the event that a public employer and public employees are
35 in disagreement as to the selection of a bargaining representative,
36 the commission shall be invited to intervene as is provided in RCW
37 41.56.060 through 41.56.090.

1 (2) ~~((In the event that a public employer and a bargaining~~
2 ~~representative are in disagreement as to the merger of two or more~~
3 ~~bargaining units in the employer's workforce that are represented by~~
4 ~~the same bargaining representative, the commission shall be invited~~
5 ~~to intervene as is provided in RCW 41.56.060 through 41.56.090.)) If
6 a single employee organization is the exclusive bargaining
7 representative for two or more units, upon petition by the employee
8 organization, the units may be consolidated into a single larger unit
9 if the commission considers the larger unit to be appropriate. If
10 consolidation is appropriate, the commission shall certify the
11 employee organization as the exclusive bargaining representative of
12 the new unit.~~

13 NEW SECTION. Sec. 4. A new section is added to chapter 49.36
14 RCW to read as follows:

15 (1) A public employer may not require a worker to waive any
16 statutory right to make a claim arising out of state or federal law
17 as a condition of settling a grievance under a collective bargaining
18 agreement.

19 (2) "Public employer" has the same meaning as in RCW 49.44.170.

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