CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1141

Chapter 106, Laws of 2025

69th Legislature
2025 Regular Session

AGRICULTURAL CANNABIS WORKERS—COLLECTIVE BARGAINING—PUBLIC EMPLOYMENT RELATIONS COMMISSION

EFFECTIVE DATE: July 27, 2025

Passed by the House March 11, 2025
Yeas 55 Nays 40

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate April 14, 2025
Yeas 29 Nays 20

DENNY HECK

President of the Senate

Approved April 22, 2025 9:00 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1141** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 22, 2025

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1141

Passed Legislature - 2025 Regular Session

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) If a single employee 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 the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) If an employer fails to comply with this section, 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.

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

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

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

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

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

(5) Refuse to engage in collective bargaining.

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

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

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

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

(4) Refuse to engage in collective bargaining.

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

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

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

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

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

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

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

Passed by the House March 11, 2025.
Passed by the Senate April 14, 2025.
Approved by the Governor April 22, 2025.
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