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SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

SERVICE EMPLOYEES INTERNATIONAL)
UNION 775, WASHINGTON PUBLIC)
EMPLOYEES ASSOCIATION/UNITED FOOD)
AND COMMERCIAL WORKERS LOCAL)
365, SERVICE EMPLOYEES)
INTERNATIONAL UNION LOCAL 925,)
SERVICE EMPLOYEES INTERNATIONAL)
UNION DISTRICT 1199NW,)
INLANDBOATMEN'S UNION OF THE)
PACIFIC/ILWU, UNITED FOOD AND)
COMMERCIAL WORKERS LOCAL 21, and)
WASHINGTON STATE NURSES)
ASSOCIATION,)

No. 07-2-05431-6 SEA

DECLARATION OF
EDWARD J. MADDEN JR.
IN SUPPORT OF EVERGREEN
FREEDOM FOUNDATION'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT

Plaintiffs,

v.

STATE OF WASHINGTON, OFFICE OF)
FINANCIAL MANAGEMENT, and STEVE)
MCLAIN, Director of Labor Relations, in his)
official capacity,)

Defendant.

EDWARD J. MADDEN JR. declares and states as follows:

1. I am over the age of eighteen and competent to testify to the matters herein.
2. I am not a party to this action.
3. I am an employee at the Department of Labor and Industries. I have been employed at my current position for 11 years. I am not a union member.

1 4. I am currently an Apprenticeship Consultant for the Department of Labor and
2 Industries (L&I). Before this I was a Job Service Specialist starting in 1995 with of the
3 Employment Security Department in the Labor Liaison office. While with the Employment
4 Security Department Labor Liaison I reviewed the collective bargaining agreement between the
5 International Association of Machinist and the Boeing Airplane Company to assist in
6 Administrative Law Judge hearings in determinations of unemployment insurance during the
7 "Boeing Strike of 1995."

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9 5. Apprenticeship programs associated with a labor organization are jointly
10 sponsored ventures between a signatory employer or a group of signatory employers and the
11 labor organization as a bona fide collective bargaining agent(s) with a collective bargaining
12 agreement. These types of apprenticeship program committees and their sponsors are called Joint
13 Apprenticeship and Training Committees (JATC's). JATC's normally operate under a training
14 trust funded by union members and signatory employer(s) to provide training for their industry.
15 In addition to other apprenticeship programs that do not involve a labor organization, I currently
16 am assigned and provide technical assistance to 29 JATCs involving 15 Building and
17 Construction labor unions, 1 Machinist and 1 Pulp & Paper labor union.

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19 6. As and Apprenticeship Consultant I provide consultation services to JATCs on
20 establishment, registration, and operation of apprenticeship programs and proper procedures,
21 rules, and policies of the Apprenticeship Council. I assist JATCs in drafting new and revising
22 existing apprenticeship standards, provide liaison services between educational institutions and
23 JATCs to develop and maintain state and federal programs regarding apprenticeship training,
24 school-to-work and technical preparation. I also review collective bargaining agreements on
25 conditions of employment, wages, training and selection. Sometimes I must settle agreement
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1 interpretation disputes at the local level, enforce state and federal laws applying to apprenticeship
2 and coordinate and develop programs as provided by state and federal law. Finally, I conduct
3 compliance reviews on operation and affirmative action of program sponsors, investigate
4 established programs for conformity to standards and investigate complaints of individual
5 apprentices.

6 7. Article I Section I of the Washington State Constitution pronounces that
7 governments are established to protect and maintain individual rights. Open government laws
8 allow me to gain personal knowledge of the government's activities and what it is doing or not
9 doing to protect and maintain my individual rights.
10

11 8. Prior to July 2005, state workers had a choice to exercise their rights to be
12 represented by exclusive collective bargaining agents or not. The majority of state workers chose
13 not to.

14 9. In 2004, the State of Washington, a government established to protect and
15 maintain individual rights, and an employer, entered into secret negotiations with "exclusive
16 bargaining agents." In the resulting collective bargaining agreement, I believe the state agreed to
17 contract out the civil and human rights of state workers and their freedom of association to the
18 exclusive bargaining agents. They did this by granting "union security" and requiring state
19 workers to pay the exclusive bargaining agents on a monthly bases just to keep their job.
20 Additionally, the state agreed to provide free financial services to the exclusive collective
21 bargaining agents by automatically deducting the monthly payment from the pay checks of state
22 workers and deposition that money into their bank accounts.
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25 10. The state and bargaining representatives signed another agreement to allow all
26 state works covered by the contract to vote on ratification. The state did not inform its
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1 employees that it had changed their condition of employment and that they were able to vote on
2 ratification of this new contract.

3 11. The unions also failed to adequately inform employees covered by the agreement
4 of their right to vote, as well as the dates, time and locations of where to vote. As a result, of the
5 38,000 employees represented under one contract, only 6,133 voted. Both parties violated the
6 agreement. The union ignored its duty of fair representation and the government did nothing
7 about it. I believe this was a violation of Article I Section I of the Washington State Constitution.
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9 12. If open collective bargaining were to exist in Washington state in some form,
10 including the release of the bargaining notes and proposals held by the state, citizens and
11 taxpayers could see for themselves how their elected state officials are carrying out their
12 responsibilities. Employees who pay mandatory fees or dues to exclusive bargaining agents
13 could also see the value of the services the bargaining representatives claim they provide.
14

15 13. I do not believe open collective bargaining would harm the collective bargaining
16 relationships between the state and its employee unions. I do not believe it would impede the free
17 flow of ideas or politicize the process. State workers would not be shamed into not participating
18 in collective bargaining sessions if the requested documents were made public and I don't think
19 their release would chill employee participation in the negotiation process either.

20 14. I am all for collective bargaining when there are profits to bargain over because
21 the stakeholders, company owners, sitting at the table and sign the agreement. Taxes, though, are
22 not profit and unions are trying to keep the stakeholders, taxpayers, away from the bargaining
23 table. The citizens of Washington state must be free to learn why and how their money is being
24 spent.
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26 Executed this 24th day of May, 2007, at Ridgefield, Washington.

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