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THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

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,

Plaintiffs,

v.

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

Defendant.

No. 07-2-05431-6 SFA

COMPLAINT FOR INJUNCTIVE
RELIEF UNDER RCW 42.56.540
(PUBLIC RECORDS ACT)

1 COMES NOW Plaintiffs Service Employees International Union 775,
2 Washington Public Employees Association/UFCW Local 365, Service Employees
3 International Union Local 925, Service Employees International Union District
4 1199NW, Inlandboatmen's Union Of The Pacific/ILWU, United Food And Commercial
5 Workers Local 21, and Washington State Nurses Association, acting jointly and on behalf
6 of tens of thousands of state employees to request that the Court issue an order enjoining
7 the State of Washington and its Agencies from disclosing bargaining notes made by state
8 negotiators and state bargaining team members and from disclosing proposals made by
9 the state and unions during negotiations for the 2007-2009 collective bargaining
10 agreements.
11

12 I. PARTIES

13 1.1 Plaintiff Service Employees International Union 775 ("SEIU 775") is a labor
14 organization representing approximately 29,000 employees in the long term care
15 industry, including 23,000 individual provider home care workers for whom the
16 state is the employer for collective bargaining purposes. SEIU 775's main offices
17 are located in King County.
18

19 1.2 Plaintiff Washington Public Employees Association/UFCW Local 365 ("WPEA")
20 is a labor organization and the exclusive bargaining representative for
21 approximately 4,200 members of the Washington General Service classified staff
22 employed in twenty-five bargaining units in ten general government state
23 agencies, and twenty-one bargaining units in twelve state community colleges.
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- 1 1.3 Plaintiff Service Employees International Union Local 925 (“Local 925”), is a
2 labor organization and represents approximately 22,000 public service and non-
3 profit sector workers, primarily in education. This includes approximately 10,000
4 family child care providers who bargain collectively with the state. SEIU Local
5 925 has offices throughout the state but is headquartered in King County.
- 6
7 1.4 Plaintiff Service Employees International Union District 1199NW (“1199NW”) is
8 a labor organization and represents nine state sector bargaining units, including
9 two at the Department of Health, two at the Department of Social and Health
10 Services, and five at Harborview Medical Center, totaling approximately 2,400
11 represented employees. SEIU 1199NW has offices throughout the state but is
12 headquartered in King County.
- 13
14 1.5 Plaintiff Inlandboatmen’s Union Of The Pacific/ILWU (“IBU”), is a labor
15 organization and represents approximately 800 employees at the Washington
16 State Ferries. The IBU has had a collective bargaining relationship with the state
17 ferry system for over fifty years. The IBU represents maritime workers in both
18 the passenger ferry and the towboat industries along the entire west coast
19 including Alaska and Hawaii. The National and the Puget Sound Regional
20 offices are located in King County.
- 21
22 1.6 Plaintiff United Food And Commercial Workers Local 21 (“Local 21”) has one
23 collective bargaining agreement with the State of Washington, which covers
24 approximately 650 retail employees working for the Washington State Liquor
25
26

1 Control Board at State liquor stores. This bargaining relationship has existed for
2 over 30 years. Local 21 has offices in King County.

3 1.7 Plaintiff Washington State Nurses Association (“WSNA”), is a labor organization
4 representing registered nurses (RN) throughout the state. The WSNA is the
5 exclusive bargaining representative for approximately 1,500 RNs employed at the
6 University of Washington and at state veteran facilities. WSNA is headquartered
7 in King County.
8

9 1.8 Defendant State of Washington and its Agencies and Institutions, employ, for
10 collective bargaining purposes, thousands of workers represented by Plaintiffs.
11 The state is signatory to dozens of collective bargaining agreements, and engages
12 in numerous negotiations with Plaintiff Unions pursuant to public sector
13 collective bargaining laws, including but not limited to RCW 41.56 et seq., RCW
14 41.80 et seq., RCW 47.64 et seq., and RCW 74.39A et seq. (“Public Sector
15 Collective Bargaining Statutes”)
16

17 1.9 The Governor has designated the Office of Financial Management (OFM) to
18 negotiate on her behalf with the state’s unionized employees. The Labor
19 Relations Office was created within OFM following the passage of the Personnel
20 Service Reform Act of 2002 to coordinate collective bargaining for all state
21 agencies. It is directed by Steve McLain. OFM maintain records related to
22 collective bargaining negotiations.
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1 categories of workers. For the Washington State Ferry System (WSF), the letter
2 sought the above information for collective bargaining agreements from the
3 period 2001 to 2009, but did not list each of the unions representing WSF
4 employees.

5
6 3.5 A subsequent email dated January 26, 2007 from EFF to the OFM stated that it
7 did not request the bargaining notes be provided to it until after the Legislature
8 approved a state budget "sometime in April."

9 3.6 The February 01, 2007 email from OFM to the Plaintiffs, among other unions,
10 stated that the OFM would release "all the electronic proposals we have from the
11 employer and the union on February 12th." It further stated that it would release
12 all the notes from bargaining "after the legislature has approved funding for the
13 agreements."

14
15 3.7 The requested records fall within exemptions to the Public Records Act, including
16 but not limited to RCW 42.56.280.

17 3.8 The release of the proposals and negotiation notes will politicize the bargaining
18 process, impede the free exchange of views, opinions, and proposals, and disrupt
19 the parties' ability to maintain the candid, open, long-term and constructive
20 relationship necessary for future collective bargaining negotiations.

21
22 3.9 Revealing draft proposals that never became part of a labor agreement reveals
23 insight into a union's collective bargaining strategy.

24 3.10 The release of the proposals and negotiations notes will chill participation by rank
25 and file union members on union bargaining committees and accordingly
26

1 threatens the right of Plaintiffs and its members to organize and enjoy
2 representation under public sector bargaining laws, including but not limited to
3 RCW 41.56 et seq., RCW 41.80 et seq., and RCW 47.64. (“public sector
4 collective bargaining statutes”)

5 3.11 The information sought is of no legitimate concern to the public and not in the
6 public interest.
7

8 3.12 The release of the proposals and negotiation notes will undermine collective
9 bargaining by inviting the public, the media and other non-parties into the
10 negotiation process. Such disclosure will unduly delay and impede the Unions’
11 and the state’s ability to effectively negotiate collective bargaining agreements.
12

13 3.13 Disclosing the information in question will fundamentally and irreparably harm
14 the Plaintiffs’ collective bargaining relationship with the state.
15

16 IV. CLAIMS

17 4.1 The Plaintiffs herein reallege each and every fact set forth above.

18 4.2 Plaintiffs allege that the records and information proposed to be released is
19 exempt from disclosure under the Public Records Act, RCW 42.56.

20 4.3 Plaintiffs further allege that such a release of records and information is in
21 violation of rights provided to employees under public sector collective
22 bargaining statutes, RCW 41.56 et seq., RCW 41.80 et seq., RCW 47.64 (“public
23 sector collective bargaining statutes”) and furthermore violates the rights of
24 association afforded by the Washington constitution.
25
26

1 4.4 Release of information contravenes the public sector collective bargaining
2 statutes.

3 **V. REQUESTED RELIEF**

4 WHEREFORE Plaintiffs hereby pray for the following relief:

5
6 5.1 That this Court issue an order, pursuant to RCW 42.56.540, permanently
7 enjoining the State, including its Agencies and Institutions, from releasing the
8 bargaining notes and proposals described herein;

9 5.2 That this Court issue an order declaring the release of requested bargaining notes
10 and proposals as exempt from disclosure under the Public Records Act;

11 5.3 That this Court issue an order declaring the release of requested bargaining notes
12 and proposals as an unlawful interference with and infringement upon employees'
13 rights under public sector collective bargaining laws;

14 5.4 That this Court issue an order declaring the release of requested bargaining notes
15 and proposals contravenes the policy embedded in Washington's public sector
16 collective bargaining statutes;

17
18 5.5 That this Court issue an order declaring the release of requested bargaining notes
19 and proposals as violating Plaintiffs' rights under the state Constitution;

20 5.6 Attorneys' fees and costs; and

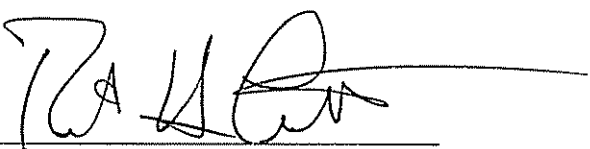
21 5.7 Any and all such further relief as the Court may deem equitable and just.

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Respectfully submitted this 8th day of February 2007.



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