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

SEIU 775, WPEA, SEIU LOCAL 925, SEIU  
DISTRICT 1199NW, IBU, UFCW LOCAL  
21, and WSNA,

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 SEA**

**DECLARATION OF DAVID ROLF  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

I, David Rolf, declare and state as follows:

1. I am President of SEIU 775 which represents 29,000 long-term care workers in Washington State.
2. I have worked for SEIU for 15 years. In my capacity as a union representative and official I have had 11 years of experience bargaining contracts in both the public and private sector.

DECLARATION OF DAVID ROLF - 1

1 3. SEIU 775 has one bargaining unit with a collective bargaining relationship with  
2 the state. We represent 23,000 individual provider home care workers for whom the state  
3 is the employer for collective bargaining purposes. I am the chief negotiator with the  
4 state.

5 4. Collective bargaining for individual provider home care workers was established  
6 through Initiative 775 in November 2001. After the workers voted to form a union in  
7 August 2002, we began our first round of negotiations in the late summer and fall of  
8 2002. At the time we bargained directly with the Home Care Quality Authority (HCQA),  
9 a public authority established by Initiative 775. We reached agreement with the Home  
10 Care Quality Authority on a contract, but funding for the contract was rejected by the  
11 legislature in Spring 2003. We went back to the bargaining table and renegotiated the  
12 contract over the summer of 2003 with the HCQA, reached agreement on a contract, and  
13 the contract covering July 2004-June 2005 was funded by the legislature in 2004.

14  
15 5. In 2004 the legislature directed the Office of Financial Management (OFM),  
16 rather than HCQA to be the state's bargaining agent. We began bargaining for a second  
17 agreement covering July 1, 2005-June 30, 2007 (the 2005-07 biennium) with OFM in the  
18 summer of 2005. We reached impasse and the agreement went to binding arbitration. The  
19 arbitrator's award was funded by the legislature in 2005

20  
21 6. In 2006 we bargained for a third contract covering July 2007-June 2009 with  
22 OFM. We reached agreement on some elements, went to impasse on others on and those  
23 items went to binding arbitration. Funding for the contract is now pending approval  
24 before the Legislature.

1 7. In my 11 years of negotiating contracts, I have never released my notes to the  
2 public and have never suggested that an employer do so.

3  
4 8. We have found that open communications and trust have been critical to building  
5 a positive relationship at the bargaining table. We have been able to have open and honest  
6 conversations based on an understanding that things said at the bargaining table are  
7 confidential. Developing this relationship between the bargaining teams is critical for  
8 success. If all our statements and proposals were immediately available for public and  
9 media scrutiny it would thoroughly undermine our ability to establish and maintain the  
10 necessary level of trust with the state in bargaining. We typically agree to keep aspects  
11 of the negotiations confidential until completion in order to facilitate the process.

12  
13 9. Improvements in wages and benefits are often made only after years of  
14 negotiations. We often make bargaining proposals in one contract negotiation session  
15 that we don't anticipate winning that year but submit to begin the process of education  
16 and discussion that will lead to success after several years. For example, we have  
17 proposed for several years a wage scale for home care workers based on acuity. We have  
18 not anticipated winning this in the short-term but do anticipate continuing to bring up this  
19 proposal and eventually win this victory for workers.

20 10. The premature release of proposals and bargaining unit notes will unnecessarily  
21 politicize the collective bargaining process by revealing detailed information about the  
22 unions' and State's bargaining positions. The release of unresolved proposals will invite  
23 media scrutiny regarding the parties' bargaining positions and proposals, and impede the  
24 unions' ability to negotiate effectively during future negotiations. Bargaining is an  
25 ongoing process that doesn't end once the contract is adopted by the legislature.

26  
DECLARATION OF DAVID ROLF - 3

LAW OFFICES OF  
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1 11. Bargaining is an on-going process. Issues arise during the term of the CBA that  
2 require the parties' attention. Given the two year nature of the bargaining cycle, a very  
3 short time elapses between approval by the legislature and preparation for the next  
4 collective bargaining session. Our 2007-2009 contract goes into effect July 1, 2007 and  
5 expires June 30, 2009. However negotiations for the 2009-2011 contract take place  
6 during 2008 and must be concluded and submitted to the Governor's office by October 1,  
7 2008 in anticipation of the 2009 legislative session. I anticipate the legislature will act  
8 on, and hopefully approve, the 2007-09 contract by May of 2007. By December 2007,  
9 we are already preparing for negotiations for the next contract.

10  
11 12. It is common for both parties, and each bargaining team member, to record their  
12 own notes. These notes will often reflect both the statements made at the table, as well as  
13 the note-taker's reaction to those statements. The notes may also reveal opinions about  
14 the speaker or opinions about the proposals. Each party also typically assigns someone to  
15 record all the statements made at the bargaining table. In addition, it is the Union's  
16 practice, and I assume the Employer's as well, to record notes during caucus periods  
17 when the bargaining team meets privately to confer on strategy.

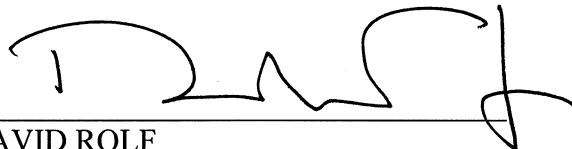
18 13. We have serious concerns about opening up all bargaining proposals and notes to  
19 public disclosure. This will put a significant chill over the bargaining process and halt the  
20 free, open, and honest discussion of ideas that makes the bargaining process work. We  
21 could not speak openly and honestly if we knew that anything we said could appear on  
22 the front page of the Seattle Times.

23  
24 14. Opening up proposals and notes to disclosure will especially impact rank and file  
25 member participation in the bargaining process. Members play a critical role at the  
26 bargaining table representing their fellow union members and describing the importance

1 of improving wages and benefits. Members would be particularly concerned that the  
2 things they said could end up in the newspaper and would be much more reluctant to  
3 speak.

4 I certify under the penalty of perjury under the laws of the State of Washington  
5 that the foregoing is true and correct.

6  
7  
8 Executed in Seattle, Washington, this 13 day of February, 2007.

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11   
12 \_\_\_\_\_  
13 DAVID ROLF