

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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,

No. 07-2-05431-6 SEA

Plaintiffs,

v.

**DECLARATION OF KIM COOK
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

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

Defendant.

I, Kim Cook, hereby state and declare as follows based on personal knowledge.

1. My name is Kim Cook, and I am President of SEIU Local 925. Our union represents 22,000 public service and non-profit sector workers, primarily in education.

2. I've been privileged to assist workers at bargaining tables in the public sector and in non-profit organizations for over 20 years. I have worked with SEIU 925 members to negotiate and settle scores of contracts.

DECLARATION OF KIM COOK - 1

LAW OFFICES OF
SCHWERIN CAMPBELL
BARNARD & IGLITZIN LLP
18 WEST MERCER STREET SUITE 400
SEATTLE WASHINGTON 98119-3971
(206) 285-2828

1
2 3 A year ago, 10,000 in-home childcare providers across the state won from the
3 legislature the right to form a union. Over the summer, these courageous women came
4 together, voted to join our union, elected a bargaining committee, and prepared to bargain
5 a first contract with the State of Washington. We spent months reviewing and preparing
6 proposals, and began bargaining in July. Our committee of 25 workers convened for
7 twice-monthly sessions throughout the summer, on their own time.

8
9 4. In October we came to impasse in our negotiations with the state and, consistent
10 with the terms of the Public Employee Collective Bargaining Act, (RCW 41.56) we,
11 along with the state, submitted final proposals to an arbitrator for resolution. In
12 November, the arbitrator issued his ruling. Implementation of our agreement awaits
13 approval of necessary appropriations by the Legislature, which we expect to happen later
14 this spring.

15
16 5. Collective bargaining, at its heart, is a process of problem solving that draws
17 together the perspectives, concerns, and best thinking of line workers and managers to
18 solve problems – sometimes very difficult problems – in providing services to the public.
19 It is an exciting and challenging demonstration of workplace democracy, in which the
20 free flow of ideas between workers and managers can lead to new solutions, and more
21 efficient and higher quality services to the community. The tone of our meetings ranges
22 from collaborative to contentious and back again – and always in the end, has led to an
23 agreement between the parties to which all of us agree to be bound.

24
25 6. This system works for the union, it works for the workers, and it works for the
26 state. If the state were required to release all documents and notes that were part of our
bargaining, we see three serious problems that would be created

DECLARATION OF KIM COOK - 2

LAW OFFICES OF
SCHWERIN CAMPBELL
BARNARD & IGLITZIN LLP
18 WEST MERCER STREET SUITE 400
SEATTLE WASHINGTON 98119-3971
(206) 285 2828

1
2 7. First is the impact it would have on our union's ability to fully represent our
3 members. We are very proud of the contract we bargained on behalf of the childcare
4 workers. We have published the highlights to our members, and our members are busy
5 briefing legislators and the early learning community on its details. But bargaining is
6 never "over". We know that this year's contract is only a first step toward raising the
7 standards of our industry. We raised many issues this year in bargaining that have not
8 yet been resolved. We will be working through the administrative implementation of our
9 contract throughout 2007- and we expect to work through some disagreements as we go
10 through that process. Moreover, we will return to the bargaining table with the state by
11 February 1, 2008 [pursuant to RCW 41.56.028(2)(d)(i)], which is less than one year
12 away. We will begin preparing for those negotiations by November 2007, barely six
13 months after the legislature takes action on our pending 2007-2009 contract. We believe
14 it would be prejudicial to our bargaining in the future if every word of our bargaining this
15 year were opened to public scrutiny.

16
17 8. Second, is the negative impact on the bargaining process from the point of view
18 of the public. It is in the best interest of all of us to allow continued confidentiality of
19 bargaining proposals and conversations. In fact, it is routine in public sector bargaining
20 for us to agree that neither the union nor the employer will release information on our
21 bargaining sessions to the public - precisely because we know if anyone at the bargaining
22 table begins posturing for members of the public, who would take our words and ideas
23 out of context, we might never be able to explore options, compromises, and paths to
24 resolution.

25
26
DECLARATION OF KIM COOK - 3

LAW OFFICES OF
SCHWERIN CAMPBELL
BARNARD & IGLITZIN LLP
18 WEST MERCER STREET SUITE 400
SEATTLE, WASHINGTON 98119-3971
(206) 285-2828

1 9. Finally, and perhaps most important, is our obligation to our members to protect
2 their privacy. If we were to lose the right to confidentiality at the bargaining table, it
3 could have a severely chilling effect on the rank and file workers' willingness to
4 participate in bargaining sessions – or even to run for the bargaining team. Our members
5 this year participated in bargaining believing that during our bargaining sessions, “what is
6 said here, stays here”. We owe it to them to ensure that their privacy is protected, and
7 that they are not subject to being quoted in court documents or newspapers without their
8 consent. And if in the future, we are unable to make a commitment of confidentiality to
9 our members, we think it will be hard to obtain our members' active involvement – or
10 even their silent participation – in the bargaining process. And I assure you, without the
11 voices of child care workers at the bargaining table, we would not have been able to
12 explore in detail the best ways to raise the quality of care and early learning we provide
13 our state's neediest kids. It's the providers themselves – our members - who are the real
14 experts on how to provide high quality care, and we have to protect the providers' right to
15 speak clearly and freely.

16 I declare under penalty of perjury under the laws of the State of Washington that
17 the foregoing is true and correct.

18 Executed in Seattle, Washington, this 9 day of February, 2007.

19
20
21 
22 _____
KIM COOK