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**SUPERIOR COURT OF WASHINGTON
FOR 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,
INTERNATIONAL FEDERATION OF
PROFESSIONAL, TECHNICAL
ENGINEERS LOCAL 17 & TEAMSTERS
LOCAL 117,

Plaintiffs,

v.

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

Defendants,

And

EVERGREEN FREEDOM
FOUNDATION,

Intervener.

NO. 07-2-05431-6SEA

**DECLARATION OF STEVE
MCLAIN IN SUPPORT OF
DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

I, Steve McLain, declare and state as follows:

1. I am over the age of 18 and competent to testify regarding the following facts of
which I have personal knowledge.

1 2. I am the Director of the Labor Relations Office in the Office of Financial
2 Management (OFM) for the State of Washington. In that capacity I serve as the Governor's
3 designee in all collective bargaining matters between the Governor's office and the unions
4 representing state employees and other individuals entitled to collective bargaining with the
5 State of Washington except for those negotiations conducted directly by Higher Education
6 Institutions.

7 3. The collective bargaining statutes require the state to meet with the unions and
8 negotiate the terms of the collective bargaining agreements (CBA). The state and unions must
9 reach agreement on the terms of the CBA by October 1 in the year before the expected
10 implementation of the CBA. The CBA must be submitted to the director of OFM, who
11 certifies that the terms of the CBA are financially feasible for the state.

12 4. On November 30, 2006, The Evergreen Freedom Foundation filed a request under
13 the Public Records Act for the following information: (1) A copy of all bargaining notes made
14 by negotiators and bargaining team members regarding the 2007-2009 collective bargaining
15 agreements; and (2) A copy of all proposals made by the state and made by the unions during
16 negotiations of the 2007-2009 collective bargaining agreements.

17 5. I sent an email to all public employee unions involved in collective bargaining
18 agreement negotiations informing them that on February 12, 2007, OFM planned to release all
19 electronic proposals made by the unions and state agencies. In the same email, I informed the
20 unions that OFM would release all bargaining notes after the Legislature authorized the CBAs.

21 6. The State would agree that disclosure of information while both the State and the
22 public employee unions are at the bargaining table would harm the negotiation process. The
23 State would not release notes from the bargaining session until the CBAs were approved by the
24 Legislature. The requested documents here involve statements that were made during the
25 bargaining process, and do not extend to the strategy of either the union or the state.

26

1 7. Negotiating and bargaining notes have been taken by management since the first
2 statewide CBAs were entered into in 2004. These notes and proposals made during the
3 negotiations are routinely relied upon to shed light upon disputed portions of the contract
4 during grievance arbitrations.

5 I declare the foregoing to be true and accurate to the best of my knowledge under
6 penalty of perjury.

7 DATED this 29th day of May, 2007.

8 
9 STEVE MCLAIN