

## POLICY NOTE

### Key Findings

1. If approved by Spokane voters, Proposition 1 would end secret government union negotiations in the city.
2. Collective bargaining transparency is currently the norm in nearly half of the states across the country.
3. There are also several examples of collective bargaining transparency requirements at the local level in Washington State.
4. Examples include efforts for transparency of government union negotiations in Gig Harbor, Lincoln County, Kittitas County, Ferry County, Spokane County, the Pullman School District and the Kennewick School District.
5. A statewide poll of 500 Washington voters conducted in 2015 found that 76% supported “requiring collective bargaining negotiations for government employers to be open to the public.”

# Citizens’ Guide to Spokane Proposition 1, to end secrecy in public negotiations with government unions

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## Introduction

This November, voters in the city of Spokane will consider ballot measure Proposition 1, a proposed amendment to the city charter that would require collective bargaining talks between the city and government unions to be transparent and open to public observation, like other city meetings.

Collective bargaining transparency is currently the norm in nearly half of the states across the country. There are also several examples of collective bargaining transparency requirements at the local level in Washington State. The Washington Policy Center has long recommended public officials embrace collective bargaining openness. If approved, Proposition 1 would end secret government union negotiations in Spokane.

## Text of Spokane Proposition 1 and comments from sponsors

Here is the official ballot title for Proposition 1:<sup>1</sup>

### Ballot Title

“Shall the Spokane City Charter be amended to require all collective bargaining negotiations be transparent and open to public observation, requiring public notification of such meetings as required by the Washington State Open Public Meetings Act and require all contracts be available for public review and observation on the City’s website?”

Proposition 1 is sponsored by a citizen group called Better Spokane. Discussing why the group proposed this charter amendment, Better Spokane said in a statement:<sup>2</sup>

This popular reform requires public notification of all collective bargaining negotiations and ends the ‘behind closed doors’ secret negotiating policy currently in effect for what are some of the largest line-items in the City budget—granting the public and the media the right to know and observe how their elected representatives are negotiating on their behalf.

1 “Initiative Petition To The Citizens Of The City Of Spokane Initiative No. 2019 – 1,” accessed on August 5, 2019, at <https://tinyurl.com/y3za5s9g>.

2 “Better Spokane’s Smart Reform Initiatives Qualify For The Ballot,” by Michael Cathcart, June 28, 2019, at <https://www.washingtonpolicy.org/library/docLib/spokanep.pdf>.

Notably it means that our public service workers will now finally have the opportunity to observe how their own labor negotiators are working on their behalf. Everyone would have the opportunity to see the process for themselves if they so choose. It's basic transparency.

According to state law, government collective bargaining is the requirement for public officials and union representatives to meet and negotiate an agreement relating to work conditions and employee compensation.<sup>3</sup> These government-union contract talks occur every two years at the state level and generally more frequently at the local level.

Proposition 1 would bring transparency to these Spokane government-union negotiations in the future, so that the public, the media, government employees, and elected officials could see what tradeoffs and promises are being proposed before the final agreements are reached. This charter amendment proposes a transparent process similar to the one used in several other states when deciding the compensation of government employees and the amount of tax dollars required to fund the agreements.

### **Collective bargaining transparency is common in other states**

Some level of collective bargaining transparency is currently standard policy in nearly half of the states across the country.<sup>4</sup> Some states open the entire negotiation process to the public, while others include an exemption when government officials are strategizing among themselves. Once public officials meet with union negotiators, however, the public is allowed to be informed and monitor the process.

Washington state has one of the strongest open government laws in the country. The state's Open Public Meetings Act (OPMA) says:

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.<sup>5</sup>

Despite this strong mandate for government transparency, however, government employee contracts are usually negotiated in secret, meaning an important and costly taxpayer expense is hidden until the final bill comes due. Proposition 1 would end this secret practice in the city of Spokane.

If the measure passes, Spokane would not be unique in Washington. There are several examples of efforts for collective bargaining transparency that already exist at the local level in Washington state. Examples include government-union

3 "Revised Code of Washington 41.56.030 – Public Employees' Collective Bargaining," Washington State Legislature, accessed on August 5, 2019, at <https://app.leg.wa.gov/RCW/default.aspx?cite=41.56.030>

4 "Transparency in public employee collective bargaining: How Washington compares to other states," by Erin Shannon, Policy Brief, Washington Policy Center, December 2018, at <https://www.washingtonpolicy.org/library/doclib/Shannon-Transparency-in-public-employee-collective-bargaining.pdf>.

5 "Revised Code of Washington 42.30.010 – Open Public Meetings Act," Washington State Legislature, accessed on August 5, 2019, at <http://app.leg.wa.gov/RCW/default.aspx?cite=42.30.010>.

negotiations in Gig Harbor, Lincoln County, Kittitas County, Ferry County, Spokane County, the Pullman School District and the Kennewick School District. <sup>6</sup>,  
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Explaining why the Pullman School District embraces collective bargaining transparency, the district's finance manager Diane Hodge said, "We just think it's fair for all of the members to know what's being offered on both sides."<sup>8</sup>

Ending secrecy in government employee contract negotiations is popular. A statewide poll of 500 Washington voters conducted in 2015 found that 76% supported "requiring collective bargaining negotiations for government employers to be open to the public."<sup>9</sup>

Several newspaper editorials have also been written which call for government officials to open the doors to the public concerning government employment contracts. One such example is this editorial by *The Spokesman Review*:<sup>10</sup>

Bargainers say an open process would politicize the process and prevent frank discussions. These arguments are unpersuasive.

It's already a political process, with the heavy influence of unions on the minds of governors, mayors and commissioners seeking re-election. The people left outside the door are paying for the decisions made by those inside. And we highly doubt honesty would go by the wayside if the public were watching. More likely, it would be cringe-inducing negotiating points that would go unspoken . . .

The key question for government is: Do you trust the public? If the answer is no, don't expect it in return.

## Conclusion

Since government employee contracts account for such a large portion of spending, Proposition 1 sponsors believe they should not be negotiated in secret. They note that the public provides the money for these agreements. They say taxpayers should be allowed to follow the process and hold government officials accountable for the spending decisions they make on our behalf.

A policy of openness would bring other public benefits. Government employees would be able to see firsthand what offers and counteroffers are being made by union executives in their name. A policy of open public meetings would identify

6 "Kennewick School District opens the doors to collective bargaining," by Erin Shannon, blog post, Washington Policy Center, June 27, 2019, at <https://www.washingtonpolicy.org/publications/detail/kennewick-school-district-opens-the-doors-to-collective-bargaining>.

7 "Gig Harbor council asks for open labor negotiations," by Jake Gregg, *Tacoma News Tribune*, July 23, 2019, at <https://www-1.thenewstribune.com/news/local/community/gateway/article233013217.html>.

8 "Teacher-contract process needs transparent bargaining," editorial, *The Seattle Times*, August 29, 2018, at <https://www.seattletimes.com/opinion/editorials/seattle-stalemate-shows-need-for-open-bargaining/>.

9 Wickers Group statewide poll of 500 Washington voters, June 2015, copy available on request.

10 "Lincoln County leads way on government transparency," editorial, *The Spokesman Review*, September 18, 2016, at <http://www.spokesman.com/stories/2016/sep/18/editorial-lincoln-county-leads-on-transparency/>.



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whether one side or the other is being unreasonable and would quickly reveal who, if anyone, is acting in bad faith.

The state Open Public Meetings Act proclaims that the people “do not give their public servants the right to decide what is good” for them to know, and “the people insist on remaining informed so that they may retain control over the instruments they have created.”

The people have a right to know how public spending decisions are made on their behalf. Ending collective bargaining secrecy and opening government union contract negotiations to the public, as other states and cities have done, is a practical and ethical way to achieve that standard.

If successful, Proposition 1 would help to fulfill these open government principles for Spokane collective bargaining agreements.

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