

Conner Edwards

From: Lutz, Diane (OFM)
Sent: Monday, June 30, 2014 4:18 PM
To: Moss, Heather (DEL); Moss, Heather (DEL); Blondin, Amy (DEL); Kiboneka, Grace (DSHS/AL TSA); Thomas, Ralph (OFM); Lashway, Patricia (DSHS/PER); Shanafelt, Lynne (DEL); Bailey, Frances (DEL); Costello, Jody (HCA); Smallwood, Jan (HCA); Otter-Johnson, Michael (HCA); McDonald, Patty (DSHS/AL TSA); Reed, Jason (DSHS); Stevenson, Jim (HCA); Shults, Johnny (HCA)
Cc: Kerins, Aisling (GOV); Christopherson, Glen (OFM); Plaistowe, Franklin (OFM); Peterson, Tina (OFM)
Subject: Harris v Quinn contacts

There are a lots of questions coming in to various folks in various agencies about the effects of the Harris v Quinn decision on Washington State workers. At this point, all we are prepared to say to press inquiries is that we are in the process of reviewing the decision to determine how or whether it will affect Washington's workers.

Please refer requests and questions from affected unions about the Harris v Quinn decision to me so that we can have one point of contact. This will allow us to be sure we have full information, in one place, of all the related requests and can give consistent responses once we have done the work to analyze the decision and have a better idea of the next steps. If for some reason you are unable to reach me, please contact Franklin Plaistowe (phone: 725-5166; email: franklin.plaistowe@ofm.wa.gov). At this point it looks like the groups that may be affected are the non-state employee ones: Homecare workers, family child care providers, adult family home owners, and language access providers.

Thanks, and don't hesitate to contact me if you have any questions.

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Conner Edwards

From: Brown, Nicholas (GOV)
Sent: Monday, June 30, 2014 8:26 AM
To: Marcus, Roselyn (OFM); Postman, David (GOV); Kerins, Aisling (GOV); Shimomura, Joby (GOV); Smith, Jaime (GOV); Avalos, Paulette (GOV)
Cc: Wonhoff, Taylor (GOV)
Subject: RE: Harris v. Quinn - Monday

I agree. The case should not have the fully negative impact that the public employees were fearing, but does carve out those nontraditional employees.

Still reading ...

From: Marcus, Roselyn (OFM)
Sent: Monday, June 30, 2014 8:22 AM
To: Postman, David (GOV); Kerins, Aisling (GOV); Shimomura, Joby (GOV); Brown, Nicholas (GOV); Smith, Jaime (GOV); Avalos, Paulette (GOV)
Subject: RE: Harris v. Quinn - Monday

On first reading, it appears that the court found that it unconstitutional to require the home care providers to pay an agency fee to the union for those who do not wish to be members. The court found that these workers are not full fledge public employees so the holding in the Abood case did not apply nor was the court willing to extend the Abood case to these nontraditional public employees. The court did not overturn the Abood holding so this ruling does not appear to affect full fledge public employees. It does seem to impact our nontraditional employee groups who are "employees" of the state solely for collective bargaining purposes.

That is my first read. Nick - do you have any additional insight?

From: Postman, David (GOV)
Sent: Monday, June 30, 2014 7:51 AM
To: Kerins, Aisling (GOV); Shimomura, Joby (GOV); Brown, Nicholas (GOV); Marcus, Roselyn (OFM); Smith, Jaime (GOV); Avalos, Paulette (GOV)
Subject: RE: Harris v. Quinn - Monday

Looks unions lost.

<http://www.thedailybeast.com/cheats/2014/06/30/scotus-lets-employees-not-pay-unions.html>

The Supreme Court ruled Monday in *Harris v. Quinn* that some employees are not required to contribute to unions. Pamela Harris sued that compulsory union dues from her job as an Illinois health care worker are tantamount to forced association and forced speech, both of which are prohibited by the First Amendment. In a 5-4 decision, the court ruled that "partial public employees" like Harris cannot be required to contribute union bargaining fees. The ruling does not extend to all public employees or all unions. As SCOTUSBlog's Tom Goldstein writes, "The unions have lost a tool to expand their reach. But they have dodged a major challenge to their very existence."

From: Kerins, Aisling (GOV)

Sent: Friday, June 27, 2014 3:11 PM

To: Shimomura, Joby (GOV); Brown, Nicholas (GOV); Marcus, Roselyn (OFM); Postman, David (GOV); Smith, Jaime (GOV); Avalos, Paulette (GOV)

Subject: Harris v. Quinn - Monday

Team – the Harris v. Quinn ruling is expected to come out Monday morning. Nick and Ro will be looking at the case on Monday morning and we should plan to regroup after they do.

David Rolf has requested a call with the Governor on Monday and it's scheduled for 12 so we will need to brief him on the content of the ruling before then. Joby – there isn't much free time on his schedule, so can we plan to use a few minutes of your time with him at 10 to catch him up?

I'll touch base with the unions in the morning to get their take on the ruling and Jaime can you touch base with their communications folks so we know what they're going to be saying in response.

Thanks all,

AK

Conner Edwards

From: Marcus, Roselyn (OFM)
Sent: Wednesday, July 02, 2014 12:08 PM
To: Kerins, Aisling (GOV)
Subject: RE: next steps

Just left you a voice message but want to make sure you get this info. Spoke with Andrew this morning. He confirmed that the Language Access Providers would also fall under the Harris decision, so all 4 of our nontraditional units would be affected by the decision.

Here's an idea of how to convey the message:

Based on the Harris decision, the state can no longer compel workers to pay agency fees to the union. This means that the state can no longer withhold agency fees from the worker's payment. We will need to a list of the union's members, as we can withhold the union dues. For everyone not on the member list, we will need to turn off the withholding.

Or something to that effect. Also, Diane is preparing the letters that will go to each of the 4 unions informing them of the decision and inviting them to meet over the impacts. After the AGO reviews the letter, we will send to you and Nick for final approval before it is sent.

Do you need anything else? Ro

From: Kerins, Aisling (GOV)
Sent: Wednesday, July 02, 2014 8:17 AM
To: Marcus, Roselyn (OFM)
Subject: RE: next steps

Perfect, thanks!

From: Marcus, Roselyn (OFM)
Sent: Wednesday, July 02, 2014 8:14 AM
To: Kerins, Aisling (GOV)
Subject: RE: next steps

I listened to your voice message. Will confirm answers to your two questions and will be in my office beginning right before noon so we can talk. Ro

From: Kerins, Aisling (GOV)
Sent: Tuesday, July 01, 2014 6:11 PM
To: Brown, Nicholas (GOV); Marcus, Roselyn (OFM)
Cc: Guerin, Tracy (OFM)
Subject: next steps

Nick – I'm planning to call the unions tomorrow afternoon between 12 and 2 per our discussion with the governor today. Please give the AGs office a heads up that I'll be making those calls so we're staying on the same page as them.

Ro – I just left you a message to catch you up on our meeting with the governor today, and have two questions I'm hoping you can answer before I call the unions tomorrow. I'm in Seattle tomorrow so if you need me call my cell 360-701-2091.

Aisling