



DIGITAL UNION SIGNATURES

The Public Employment Relations Commission believes current statute does not permit digital signatures for union authorization cards, which creates a significant barrier to unionization. The Legislature should modernize this process and recognize public employees' digital signatures when they seek union recognition.

THE PROBLEM



Today, electronic signatures are accepted throughout the U.S. and worldwide for payment processing, contracts and much more. However, Washington's Public Employee Relations Commission (PERC) does NOT permit electronic signatures from workers to show their interest in joining a union, creating a significant barrier to workers who wish to organize in hybrid and remote settings.

THE SOLUTION



The Legislature should approve SB 6060, sponsored by Sen. Joe Nguyen, to modernize PERC by allowing the agency to accept digital signatures from public employees seeking to join together in unions. The National Labor Relations Board already accepts electronic signatures for private sector union drives, and multiple states — including Oregon, California, and Minnesota — accept the same for public employees. Washington should allow this, as well.



We should modernize PERC's union authorization card signing practices.

- Today, electronic signatures are accepted in the United States and worldwide for payment processing, contracts, and much more.
- However, Washington's Public Employee Relations Commission (PERC) does NOT permit electronic signatures from workers to show their interest in joining a union,¹ creating a significant barrier to workers who wish to organize in hybrid and remote settings. Under PERC's current interpretation of law, PERC accepts a worker's showing of interest ONLY with a physical signature, which it then checks, or verifies, against employer records.
- **PERC's process diverges from federal National Labor Relations Board practice, which has allowed workers to express interest in unionization via electronic signatures since 2015.** California², Oregon³, and Minnesota⁴ have since followed suit for workers governed by their public employee labor relations bodies.
- **The NLRB and other states have made safe the acceptance of workers' electronic signatures by building verifications into the process.** Under the NLRB, submissions supported by electronic signatures must include the signer's name, email, phone, and more for verification; California includes these items and requires a receipt be sent to the worker of their showing of interest in joining a union. The party which files these showings of interest (usually a union) must include a declaration explaining which digital signature technology was used and background on the security features of that technology.
- In 2020, the Legislature passed the Uniform Electronic Transactions Act (ESSB 6028) which, in part, clarifies and facilitates acceptance of electronic signatures. Despite this, and the



Public workers face post-pandemic barriers to union organizing.

- During the COVID pandemic, the barriers to forming a union increased for the public sector. Many workers continue to work remotely or in hybrid situations, which reduces physical interaction with co-workers.
- But workers are still trying to join together in unions. In fact, interest in union organizing is higher now than it's been in decades.⁵
- Workers are using text messages, online meetings and other digital technology to build support for unionization. It makes no sense that this technology is restricted when collecting union authorization cards.

processes enacted by the NLRB and other States, PERC believes current statute does not allow for electronic signatures.

- Ultimately, allowing organizing workers to submit their electronic signature to show interest in joining a union, with verification, recognizes and accounts for the barriers posed by today's hybrid and remote workplaces.

1. Showing of interest" means a designated percentage of public employees in an allegedly appropriate negotiations unit, or a negotiations unit determined to be appropriate, who are members of an employee organization or have designated it as their exclusive negotiations representative or have signed a petition requesting an election..." PERC "Representation FAQ" — 2. NLRB General Counsel Sets Rules for Electronic Signatures Used to Support a Showing of Interest for Union Elections (9-9-15) — 3. CA Public Employment Relations Board (4-5-21) — 4. Oregon State Legislature overview of HB 2573 (2023) — 5. Minnesota Legislature Chapter 53; S.F. No. 3035 (2023) 5. Economic Policy Institute (1-19-23)



In addition to Digital Union Signatures, the Washington State Labor Council, AFL-CIO is supporting a range of issues that address economic opportunity and justice. Learn more at www.wslc.org or www.TheStand.org.

906 Columbia St. SW, Olympia, WA, 98501 — 360-943-0608

WSLC Government Affairs Director **Sybill Hyppolite** at shyppolite@wslc.org or 206-475-5783
WSLC Legislative Director **John Traynor** at jtraynor@wslc.org or 206-484-2062
WSLC Communication Director **David Groves** at dgroves@wslc.org or 206-434-1301
WSLC President **April Sims** at asims@wslc.org
WSLC Secretary Treasurer **Cherika Carter** at ccarter@wslc.org