

---

**SUBSTITUTE HOUSE BILL 1287**

---

**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Thibaudeau, Franklin, Flemming, G. Cole, Riley and H. Myers)

Read first time 03/03/93.

1 AN ACT Relating to agricultural labor relations; adding a new  
2 chapter to Title 49 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** Unless the context clearly indicates  
5 otherwise, the definitions in this section apply throughout this  
6 chapter.

7 (1) "Agriculture" includes farming in all its branches, and among  
8 other things, includes the cultivation and tillage of the soil,  
9 dairying, the production, cultivation, growing, and harvesting of any  
10 agricultural or horticultural commodities, including commodities  
11 defined as agricultural commodities in 12 U.S.C. Sec. 1141j(g) in  
12 effect on the effective date of this act, the raising of livestock,  
13 bees, furbearing animals, or poultry, and any practices, including any  
14 forestry or lumbering operations, performed by a farmer or on a farm as  
15 an incident to or in conjunction with the farming operations, including  
16 preparation for market and delivery to storage or to market or to  
17 carriers for transportation to market.

18 (2) "Board" means the state agricultural relations board created in  
19 section 4 of this act.

1 (3) "Collective bargaining" means the performance of the mutual  
2 obligation of the employer and the representative of the employees to  
3 meet at reasonable times and confer in good faith with respect to  
4 wages, hours, and other terms and conditions of employment, or the  
5 negotiation of an agreement or any question arising under the  
6 agreement, and the execution of a written contract incorporating any  
7 agreement reached if requested by either party, but the obligation does  
8 not compel either party to agree to a proposal or require the making of  
9 a concession unless otherwise provided in this chapter.

10 (4) "Employee" means one engaged in agriculture and includes any  
11 individual whose work has ceased as a consequence of, or in connection  
12 with, any current labor dispute or because of any unfair labor  
13 practice. However, "employee" does not include any person covered by  
14 the national labor relations act, individuals employed in the domestic  
15 service of a family or person at his or her home, any individual having  
16 the status as an independent contractor, or supervisors, unless  
17 included within a separate bargaining unit under this chapter.

18 (5) "Employee organization" means any organization, union,  
19 association, agency, committee, council, or group of any kind in which  
20 employees participate and that exists for the purpose, in whole or in  
21 part, of dealing with employers concerning grievances, labor disputes,  
22 wages, rates of pay, hours of employment, or conditions of employment.

23 (6) "Employer" must be liberally construed to include any person  
24 acting directly or indirectly in the interest of an employer in  
25 relation to an agricultural employee, any individual grower, corporate  
26 grower, cooperative grower, harvesting association, hiring association,  
27 land management group, any association of persons or cooperatives  
28 engaged in agriculture, and includes any person who owns or leases or  
29 manages land used for agricultural purposes, but does not include any  
30 person supplying agricultural workers to an employer, any farm labor  
31 contractor, and any person functioning in the capacity of a labor  
32 contractor. The employer engaging such a labor contractor or person is  
33 the employer for purposes of this chapter.

34 (7) "Labor dispute" means any controversy concerning terms, tenure,  
35 or conditions of employment, or concerning the association or  
36 representation of persons in negotiating, fixing, maintaining,  
37 changing, or seeking to arrange terms or conditions of employment,  
38 regardless of whether the disputants stand in the proximate relation of  
39 employer and employee.

1 (8) "Person" means one or more individuals, labor organizations,  
2 partnerships, associations, corporations, legal representatives,  
3 trustees, trustees in bankruptcy, receivers, employers, or any other  
4 legal entity.

5 (9) "Supervisor" means any individual having authority, in the  
6 interest of the employer, to hire, transfer, suspend, layoff, recall,  
7 promote, discharge, assign, reward, or discipline other employees, or  
8 responsibility to direct them, or to adjust their grievances, or  
9 effectively to recommend such an action, if the exercise of the  
10 authority is not of a merely routine or clerical nature but requires  
11 the use of independent judgment.

12 (10) "Unfair labor practice" means any of the enumerated practices  
13 set forth in section 6 of this act.

14 NEW SECTION. **Sec. 2.** Employees have the right to self-  
15 organization, to form, join, or assist employee organizations, to  
16 bargain collectively through representatives of their own choosing, and  
17 to engage in other concerted activities for the purpose of collective  
18 bargaining or other mutual aid or protection, and shall also have the  
19 right to refrain from any or all such activities except that employees  
20 may be required to pay a fee for an exclusive bargaining representative  
21 under a union security provision authorized under this chapter.

22 NEW SECTION. **Sec. 3.** (1) Representatives designated or selected  
23 for the purposes of collective bargaining, by a majority of the  
24 employees by secret ballot in a unit appropriate for these purposes  
25 shall be certified as the exclusive bargaining representative for all  
26 the employees in the unit for the purpose of collective bargaining in  
27 respect to rates of pay, wages, hours of employment, or other terms and  
28 conditions of employment. However, an individual employee or group of  
29 employees has the right at any time to present grievances to their  
30 employer and to have the grievances adjusted without the intervention  
31 of the certified bargaining representative, as long as the adjustment  
32 is not inconsistent with the terms of a collective bargaining agreement  
33 then in effect, and as long as the certified bargaining representative  
34 has been given the opportunity to be present at the adjustment.

35 (2) The board shall determine, after hearing upon reasonable  
36 notice, to assure the employees the fullest freedom in exercising their  
37 rights contained in this chapter, the unit appropriate for the purposes

1 of collective bargaining in each petition for certification. In  
2 determining, modifying, or combining any bargaining unit, the board  
3 shall consider the duties, skills, and working conditions of the  
4 employees, the extent of organization of the employees, and the desire  
5 of the employees. In order to carry out the duties set forth in this  
6 subsection and at the same time recognize the need for prompt  
7 determinations from the board, the board shall make its determination  
8 within seven days from receipt of the petition for certification.

9       Within five days after an election, any person may file with the  
10 board a signed petition asserting that allegations made in the petition  
11 filed under this subsection were incorrect, or that the board  
12 improperly determined the bargaining unit, or raising objections to the  
13 conduct of the election or conduct affecting the results of the  
14 election.

15       (3) Employers shall maintain accurate and current payroll lists  
16 containing the names and addresses of all their employees, and shall  
17 release the lists to any requesting employee organization upon  
18 reasonable notice of intent to organize the employers' employees. The  
19 employer shall make the list available to the board upon request. If  
20 the employer does not furnish a full and accurate list to the board  
21 within a reasonable time prior to an election, the board may proceed to  
22 determine eligibility on the basis of such other evidence as is  
23 available to the board at that time. The board shall adopt rules for  
24 the implementation of this subsection and set forth, among other  
25 things, appropriate timetables and procedural guidelines consistent  
26 with this chapter.

27       (4) If a petition is filed, in accordance with such rules as may be  
28 adopted by the board:

29       (a) By an employee, or group of employees, any individual, or  
30 employee organization acting in their behalf, alleging that a  
31 substantial number of employees wish to be represented for collective  
32 bargaining; and

33       (b) No valid election under this section has been held among the  
34 employees of the employer named in the petition within the twelve  
35 months immediately preceding the filing of the petition,  
36 the board shall investigate the petition, and if it has reasonable  
37 cause to believe that a question of representation exists, it shall  
38 direct that a representation election, by secret ballot, be held upon  
39 due notice to all interested parties.

1 (5) The board shall, consistent with this section, adopt rules to  
2 provide for elections to occur as soon as reasonably possible from the  
3 date a petition is filed in accordance with subsection (4) of this  
4 section.

5 (6) Upon the filing of a representation petition by an employee  
6 organization under this section, the employee organization may meet  
7 with the employees of the bargaining unit determined by the board, upon  
8 twenty-four hours notice not later than twenty-four hours before the  
9 election, at the workplace of the employee for one-half hour during the  
10 workday during nonworking hours, or immediately after the conclusion of  
11 the workday for one-half hour. Notice must be posted by the employer  
12 immediately upon receipt from the employee organization in three  
13 different locations that are conspicuous and most likely to be viewed  
14 by the greatest number of employees.

15 (7) All employees of the unit, determined by the board under this  
16 section, are eligible to vote, except those employees hired to replace  
17 striking or locked-out employees. Employees engaged in an economic  
18 strike are eligible to vote under such rules as the board finds are  
19 consistent with the purposes and provisions of this chapter, in any  
20 election conducted within twelve months after the commencement of the  
21 strike. Employees terminated due to employer unfair labor practices  
22 remain eligible to vote.

23 (8) Any other employee organization, not already on the ballot, is  
24 qualified to appear on the ballot if it presents authorization cards  
25 signed by at least fifteen percent of the employees in a bargaining  
26 unit within a reasonable time, set forth by the board, before the  
27 election.

28 (9) In any election in which none of the choices receives a  
29 majority, a run-off must be conducted, the ballot providing for a  
30 selection between all the choices other than that which received the  
31 least number of votes cast in the election. For purposes of this  
32 section, all initial ballots must contain the choice of no employee  
33 organization representation, available to all voting employees.

34 (10) Nothing in this section may be construed to prohibit the  
35 waiving of hearings by stipulation for the purpose of a consent  
36 election in conformity with the rules and decisions of the board.

37 (11) An employee organization qualified to participate in an  
38 election may file with the board any symbol or trademark it wishes to  
39 appear on the ballot used by the board. The ballots of the board must

1 then contain the symbols or trademarks of the employee organization  
2 qualified to appear on the ballot. On request by a qualified employee  
3 organization, for an election the board shall make available within a  
4 reasonable time period before the election, as determined by the board,  
5 ballots printed in English and Spanish, or any other language used by  
6 employees voting in the election.

7 (12) A question concerning representation may not be raised within  
8 one year following issuance of a certification under this section.

9 (13) If there is a valid collective bargaining agreement in effect,  
10 a question concerning representation, including, but not limited to  
11 petitions for decertification, may not be raised during the period not  
12 more than ninety, nor less than sixty days prior to the expiration date  
13 of the agreement and must be raised in a petition signed by at least  
14 thirty percent of the employees.

15 NEW SECTION. **Sec. 4.** (1) There is created the state agricultural  
16 labor relations board to administer this chapter. The board shall  
17 consist of three members appointed by the governor. The first member  
18 shall be a representative of the public and shall be the chair of the  
19 board. The members shall be appointed from a list of not less than six  
20 persons mutually agreed upon submitted by the employee and employer  
21 organizations described in this subsection. The employer organization  
22 shall be a recognized state-wide employer organization, representing a  
23 majority of employers. The employee organization shall be a farm labor  
24 employee organization registered as a labor organization with the  
25 United States department of labor, state-wide in scope, whose  
26 membership represents a majority of the organized agricultural workers  
27 of the state. One original member shall be appointed for a term of six  
28 years, another original member for a term of two years, and the  
29 remaining original member for a term of four years, respectively.  
30 Their successors shall be appointed for terms of six years each, except  
31 that any person chosen to fill a vacancy shall be appointed only for  
32 the unexpired term of the member whom he or she succeeds. Board  
33 members are eligible for reappointment and shall hold office until the  
34 successor is appointed. A member of the board may be removed by the  
35 governor, upon notice and hearing, for neglect of duty or malfeasance  
36 in office, but for no other cause.

37 For the purposes of this subsection, the list submitted for the  
38 original first member must be submitted no later than sixty days from

1 the effective date of this act. For all successors of the first  
2 member, the list must be submitted no later than thirty days from the  
3 termination date of the predecessor. In either case, original or  
4 successor, if a list is not submitted within the deadlines in this  
5 subsection, the presiding judge of the superior court of Thurston  
6 county shall make the appointment, consistent with this chapter, within  
7 fifteen days after the deadlines in this subsection.

8 (2) A vacancy in the board does not impair the right of the  
9 remaining members to exercise all of the powers of the board, and two  
10 members of the board, at all times, constitute a quorum of the board.

11 (3) The board shall, at the close of each fiscal year, make a  
12 report in writing to the legislature and to the governor stating the  
13 cases it has heard, the decisions it has rendered, the names, salaries,  
14 and duties of all employees and officers in the employ or under the  
15 supervision of the board, and an account of all moneys it has  
16 disbursed.

17 (4) Each member of the board shall be compensated in accordance  
18 with RCW 43.03.250. Members of the board, employees of the board, and  
19 mediators or arbitrators appointed by the board under this chapter,  
20 shall be reimbursed for all expenses, including travel expenses,  
21 subject to RCW 43.03.050 and 43.03.060.

22 (5) The board shall appoint an executive director in the same  
23 manner as set forth in RCW 41.58.015. The executive director shall  
24 have those duties, authorities, and powers of the executive director of  
25 the public employment relations commission as further set forth in RCW  
26 41.58.015 consistent with this chapter.

27 (6) If necessary to carry out or enforce any action or decision of  
28 the board, the executive director may petition a court for an order  
29 requiring compliance with the board action or decision.

30 (7) The board may employ employees, including attorneys, as it  
31 finds necessary for the proper performance of its duties, consistent  
32 with this chapter.

33 (8) The payment of all of the expenses of the board, including  
34 travel expenses incurred by the members or employees of the board under  
35 its orders, is subject to RCW 43.03.050 and 43.03.060.

36 (9) The board may adopt, in the manner prescribed by the  
37 administrative procedure act, chapter 34.05 RCW, rules necessary to  
38 carry out this chapter.

1 (10) The board may, as provided in this chapter, prevent any person  
2 from engaging in any unfair labor practice set forth in section 6 of  
3 this act. The board shall comply with, use the procedures of, and have  
4 the authorities contained in the administrative procedure act, chapter  
5 34.05 RCW. The board may conduct adjudication proceedings to enforce  
6 the provisions of this chapter.

7 (11) If the board determines that any person has engaged in, or is  
8 engaging in, any unfair labor practice as defined in section 6 of this  
9 act, the board shall cause to be served upon the person an order  
10 requiring the person to cease and desist from the unfair labor  
11 practice, and to take such affirmative action, including reinstatement  
12 of employees with or without back pay, as will effectuate the purposes  
13 and policies of this chapter.

14 (12) The board may petition the superior court for the county in  
15 which the main office of the employer is located, or in which the  
16 person who has engaged, or is engaging in, the unfair labor practice  
17 resides or transacts business, for the enforcement of its order for  
18 appropriate relief or restraining order.

19 (13) The board shall consider the applicable precedents of the  
20 national labor relations board, if the precedents are relevant to  
21 particular issues of labor relations in an agricultural context, and if  
22 consistent with this chapter.

23 (14) The board shall, in recognition of the unique nature of the  
24 agricultural industry and the need for prompt and speedy  
25 determinations, within one year of the effective date of this act,  
26 create a procedure whereby decisions rendered as a result of complaints  
27 filed under section 6 of this act be completed on an expedited basis  
28 and within thirty days of the filing of the complaint. At the end of  
29 one year from the effective date of this act, the board shall report to  
30 the legislature on the status of the expedited procedure with specific  
31 recommendations regarding its implementation.

32 NEW SECTION. **Sec. 5.** (1) As it is the policy of the state of  
33 Washington, in order to prevent or minimize interruptions of the  
34 agricultural economy arising from labor disputes, to assist parties to  
35 settle disputes through mediation, the board may appoint any competent,  
36 impartial, disinterested person to act as a mediator upon its own  
37 initiative or at the request of the parties. If making an appointment  
38 for a mediator the board shall be cognizant of the knowledge and



1 experience of the person and endeavor to appoint those with expertise  
2 in alternative dispute resolution and labor relations in the state.

3 (2) Nothing in this section prohibits the parties to a labor  
4 dispute from agreeing, independent of the board, and at their own  
5 expense, to any mediator or arbitrator to settle any part or all of the  
6 dispute.

7 (3) Upon a finding by the board, under section 6 of this act after  
8 a complaint filed by a certified bargaining representative no sooner  
9 than one hundred twenty days after certification, if no bargaining  
10 agreement has ever been signed by the parties, or no sooner than ninety  
11 days after the expiration of a collective bargaining agreement between  
12 the parties, that the employer has not bargained in good faith, the  
13 board may order that the certification of the certified bargaining  
14 representative continues for one year from the date the employer begins  
15 to bargain in good faith, the certification to entitle the certified  
16 bargaining representative to the protections afforded in section 3 of  
17 this act.

18 NEW SECTION. **Sec. 6.** (1) It is an unfair labor practice for an  
19 employee organization, or its agents:

20 (a) To restrain, coerce, or interfere with:

21 (i) Employees in the exercise of the rights guaranteed in this  
22 chapter. However, nothing in this chapter impairs the right of an  
23 employee organization to prescribe its own rules with respect to the  
24 organization or retention of its membership; or

25 (ii) An employer in the selection of its representatives for the  
26 purposes of collective bargaining or the adjustment of grievances;

27 (b) To cause or attempt to cause an employer to discriminate  
28 against an employee in violation of subsection (2) of this section or  
29 to discriminate against an employee with respect to whom membership in  
30 the organization has been denied or terminated on some ground other  
31 than his or her failure to tender the periodic dues and the initiation  
32 fees uniformly required as a condition of acquiring or retaining  
33 membership;

34 (c) To refuse to bargain collectively with an employer, provided it  
35 is the certified bargaining representative of the bargaining unit under  
36 this chapter;

37 (d) To threaten, restrain, coerce, or impose any fine or other  
38 economic sanction against: (i) Any person who invokes the procedures

1 of the board, or of a court; or (ii) an employer, in the selection of  
2 his or her representatives for the purposes of collective bargaining or  
3 the adjustment of grievances;

4 (e) To require of employees covered by an agreement authorized  
5 under this chapter, the payment, as a condition precedent to becoming  
6 a member of the collective bargaining representatives, of a fee in an  
7 amount that the board finds excessive or discriminatory under all of  
8 the circumstances. In making the determination the board shall  
9 consider, among other relevant factors, the practices and customs of  
10 employee organizations in the state and the wages currently paid to the  
11 employees affected;

12 (f) To do either of the following: To engage in, or to induce or  
13 encourage an individual employed by any person to engage in, a strike,  
14 or a refusal in the course of his or her employment to use,  
15 manufacture, process, transport, or otherwise handle or work on any  
16 goods, articles, materials, or commodities, or to perform any services  
17 in a normal and expeditious manner; or to threaten, coerce, or restrain  
18 any person, if, in either case, an object is any of the following:

19 (i) Forcing or requiring an employer or self-employed person to  
20 join an employee or employer organization;

21 (ii) Forcing or requiring a person to cease using, selling,  
22 handling, transporting, or otherwise dealing in the products of any  
23 other producer, processor, or manufacturer, or to cease doing business  
24 with any other person, or forcing or requiring any other employer to  
25 recognize or bargain with an employee organization as the  
26 representative of his or her employees unless such employee  
27 organization has been certified as the representative of the employees  
28 under section 11 of this act. However, nothing contained in this  
29 subsection (1)(f) may be construed to make unlawful, where not  
30 otherwise unlawful, a primary strike or primary picketing;

31 (iii) Forcing or requiring an employer to bargain with a particular  
32 employee organization as the representative of employees if another  
33 employee organization has been certified as the representative of the  
34 employees under section 11 of this act; or

35 (iv) Forcing or requiring an employer to assign particular work to  
36 employees in a particular employee organization or in a particular  
37 trade, craft, or class rather than to employees in another employee  
38 organization or in another trade, craft, or class, unless the employer  
39 is failing to conform to an order or certification of the board

1 determining the bargaining representative for employees performing the  
2 work.

3 Nothing in this subsection (1)(f) may be construed to prohibit  
4 publicity, including picketing, for the purposes of truthfully advising  
5 the consumers and employees of another employer that a product is  
6 produced by an employer with whom the employee organization has a  
7 primary labor dispute, whether or not distributed by the primary  
8 employer, as long as the object of the publicity is not to request the  
9 public to cease patronizing the other employer;

10 (g) To refuse to bargain with or to refuse to cooperate with or  
11 assist an employer regarding compliance with the conditions of an  
12 affirmative action program or a program or plan designed to assure  
13 compliance by the employer with state or federal laws relating to equal  
14 employment opportunity for all persons regardless of race, creed,  
15 color, national origin, age, sex, marital status, or physical or mental  
16 handicap;

17 (h) To cause, induce, threaten, or compel another, to strike during  
18 the harvest period unless the following occurs:

19 (i) At least five days before an intended strike, the employee  
20 organization files with the board a notice of intent to strike with a  
21 copy simultaneously delivered to the employer; and

22 (ii) The board, after attempting to mediate the labor dispute,  
23 during the five-day period, is unsuccessful.

24 Nothing contained in this subsection (1) may be construed to  
25 prohibit any picketing or other publicity for the purposes of  
26 truthfully advising the public that an employer does not employ members  
27 of, or have a contract with, an employee organization.

28 (2) It is an unfair labor practice for an employer:

29 (a) To interfere with, restrain, or coerce employees in the  
30 exercise of the rights guaranteed under this chapter;

31 (b) To control, dominate, or interfere with the formation or  
32 administration of any employee organization or to contribute financial  
33 or other support to it. However, subject to rules adopted by the board  
34 under this chapter, an employer is not prohibited from permitting  
35 employees to confer with him or her during working hours without loss  
36 of time or pay;

37 (c) To discriminate in regard to hiring or tenure of employment or  
38 by any term or condition of employment, in order to discourage or  
39 encourage membership in any employee organization.

1 Nothing in this subsection (2)(c) precludes an employer from making  
2 an agreement with an employee organization, not established,  
3 maintained, or assisted by any action defined in this section or as an  
4 unfair labor practice, to require as a condition of employment  
5 membership in the organization on or after the seventh day following  
6 the beginning of the employment or the effective date of the agreement,  
7 whichever is later, so long as the employee organization is the  
8 representative of the employees as provided in section 3 of this act in  
9 the appropriate collective bargaining unit covered by the agreement.

10 For purposes of this subsection (2)(c), any union fees which must  
11 be paid by an employee as a condition of employment resulting from an  
12 agreement between the employer and the employee organization made in  
13 compliance with this chapter may be deducted from the employee as a  
14 payroll deduction;

15 (d) To discharge, or otherwise discriminate against an employee  
16 because the employee has filed charges or given testimony under this  
17 chapter, or has opposed an unfair labor practice as defined in this  
18 chapter;

19 (e) To refuse to bargain collectively with the certified bargaining  
20 representatives of its employees; or

21 (f) To promise, threaten, or take other action:

22 (i) To hire a permanent replacement for an employee who:

23 (A) At the commencement of a labor dispute was an employee of the  
24 employer in a bargaining unit in which an employee organization was the  
25 certified representative; and

26 (B) In connection with that dispute has engaged in concerted  
27 activities for the purpose of collective bargaining or other mutual aid  
28 or protection through that employee organization; or

29 (ii) To withhold or deny any other employment right or privilege to  
30 an employee, who meets the criteria of (f)(i)(A) and (B) of this  
31 subsection and who is working for or has unconditionally offered to  
32 return to work for the employer, out of a preference for any other  
33 individual that is based on the fact that the individual is performing,  
34 who has performed, or has indicated a willingness to perform bargaining  
35 unit work for the employer during the labor dispute.

36 Notwithstanding the provisions set forth in this subsection (2)(f),  
37 an employer may hire permanent replacement workers if a strike exists  
38 in excess of one year.

1        NEW SECTION.    **Sec. 7.** Any person who willfully resists, prevents,  
2 impedes, or interferes with members of the board or its agents in the  
3 performance of duties under this chapter is guilty of a gross  
4 misdemeanor punishable under chapter 9A.20 RCW.

5        NEW SECTION.    **Sec. 8.** Nothing in this chapter, except as  
6 specifically provided, may be construed to interfere with or impede, or  
7 diminish in any way, the right to strike or lock out.

8        NEW SECTION.    **Sec. 9.** Any individual employed as a supervisor may  
9 become, or remain, a member of an employee organization, unless to do  
10 so would result in supervisors and nonsupervisors in the same  
11 bargaining unit. No employer may be compelled to recognize supervisors  
12 as employees for the purpose of collective bargaining.

13       NEW SECTION.    **Sec. 10.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17       NEW SECTION.    **Sec. 11.** Except as otherwise expressly provided in  
18 this chapter, nothing in this chapter may be construed to annul,  
19 modify, or preclude the renewal or continuation of any lawful agreement  
20 entered into prior to the effective date of this act, between an  
21 employer and an employee organization covering wages, hours, and terms  
22 and conditions of employment. If there is a conflict between any  
23 collective bargaining agreement and any resolution, rule, policy, or  
24 regulation of the employer or its agents, the terms of the collective  
25 bargaining agreement prevails.

26       NEW SECTION.    **Sec. 12.** Sections 1 through 11 of this act shall  
27 constitute a new chapter in Title 49 RCW.

--- END ---