

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2722

Chapter 19, Laws of 2000

56th Legislature
2000 Regular Session

HIGHER EDUCATION EMPLOYEES--BARGAINING UNITS

EFFECTIVE DATE: 6/8/00

Passed by the House February 9, 2000
Yeas 97 Nays 0

CLYDE BALLARD
Speaker of the House of
Representatives

FRANK CHOPP
Speaker of the House of
Representatives

Passed by the Senate February 29, 2000

Yeas 48 Nays 0
BRAD OWEN
President of the Senate

Approved March 17, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2722** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 17, 2000 - 2:25 p.m.

Secretary of State
State of Washington

HOUSE BILL 2722

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By Representatives Kenney, Carlson and Esser; by request of University of Washington

Read first time 01/19/2000. Referred to Committee on Higher Education.

1 AN ACT Relating to bargaining units for employees of institutions
2 of higher education governed by chapter 41.56 RCW; and amending RCW
3 41.56.030 and 41.56.201.

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

5 **Sec. 1.** RCW 41.56.030 and 1999 c 217 s 2 are each amended to read
6 as follows:

7 As used in this chapter:

8 (1) "Public employer" means any officer, board, commission,
9 council, or other person or body acting on behalf of any public body
10 governed by this chapter, or any subdivision of such public body. For
11 the purposes of this section, the public employer of district court or
12 superior court employees for wage-related matters is the respective
13 county legislative authority, or person or body acting on behalf of the
14 legislative authority, and the public employer for nonwage-related
15 matters is the judge or judge's designee of the respective district
16 court or superior court.

17 (2) "Public employee" means any employee of a public employer
18 except any person (a) elected by popular vote, or (b) appointed to
19 office pursuant to statute, ordinance or resolution for a specified

1 term of office by the executive head or body of the public employer, or
2 (c) whose duties as deputy, administrative assistant or secretary
3 necessarily imply a confidential relationship to the executive head or
4 body of the applicable bargaining unit, or any person elected by
5 popular vote or appointed to office pursuant to statute, ordinance or
6 resolution for a specified term of office by the executive head or body
7 of the public employer, or (d) who is a personal assistant to a
8 district court judge, superior court judge, or court commissioner, or
9 (e) excluded from a bargaining unit under RCW 41.56.201(2)(a). For the
10 purpose of (d) of this subsection, no more than one assistant for each
11 judge or commissioner may be excluded from a bargaining unit.

12 (3) "Bargaining representative" means any lawful organization which
13 has as one of its primary purposes the representation of employees in
14 their employment relations with employers.

15 (4) "Collective bargaining" means the performance of the mutual
16 obligations of the public employer and the exclusive bargaining
17 representative to meet at reasonable times, to confer and negotiate in
18 good faith, and to execute a written agreement with respect to
19 grievance procedures and collective negotiations on personnel matters,
20 including wages, hours and working conditions, which may be peculiar to
21 an appropriate bargaining unit of such public employer, except that by
22 such obligation neither party shall be compelled to agree to a proposal
23 or be required to make a concession unless otherwise provided in this
24 chapter.

25 (5) "Commission" means the public employment relations commission.

26 (6) "Executive director" means the executive director of the
27 commission.

28 (7) "Uniformed personnel" means: (a) Law enforcement officers as
29 defined in RCW 41.26.030 employed by the governing body of any city or
30 town with a population of two thousand five hundred or more and law
31 enforcement officers employed by the governing body of any county with
32 a population of ten thousand or more; (b) correctional employees who
33 are uniformed and nonuniformed, commissioned and noncommissioned
34 security personnel employed in a jail as defined in RCW 70.48.020(5),
35 by a county with a population of seventy thousand or more, and who are
36 trained for and charged with the responsibility of controlling and
37 maintaining custody of inmates in the jail and safeguarding inmates
38 from other inmates; (c) general authority Washington peace officers as
39 defined in RCW 10.93.020 employed by a port district in a county with

1 a population of one million or more; (d) security forces established
2 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW
3 41.26.030; (f) employees of a port district in a county with a
4 population of one million or more whose duties include crash fire
5 rescue or other fire fighting duties; (g) employees of fire departments
6 of public employers who dispatch exclusively either fire or emergency
7 medical services, or both; or (h) employees in the several classes of
8 advanced life support technicians, as defined in RCW 18.71.200, who are
9 employed by a public employer.

10 (8) "Institution of higher education" means the University of
11 Washington, Washington State University, Central Washington University,
12 Eastern Washington University, Western Washington University, The
13 Evergreen State College, and the various state community colleges.

14 **Sec. 2.** RCW 41.56.201 and 1993 c 379 s 304 are each amended to
15 read as follows:

16 (1) At any time after July 1, 1993, an institution of higher
17 education and the exclusive bargaining representative of a bargaining
18 unit of employees classified under chapter 28B.16 or 41.06 RCW as
19 appropriate may exercise their option to have their relationship and
20 corresponding obligations governed entirely by the provisions of this
21 chapter by complying with the following:

22 (a) The parties will file notice of the parties' intent to be so
23 governed, subject to the mutual adoption of a collective bargaining
24 agreement permitted by this section recognizing the notice of intent.
25 The parties shall provide the notice to the (~~higher education~~)
26 Washington personnel resources board or its successor and the
27 commission;

28 (b) During the negotiation of an initial contract between the
29 parties under this chapter, the parties' scope of bargaining shall be
30 governed by this chapter and any disputes arising out of the collective
31 bargaining rights and obligations under this subsection shall be
32 determined by the commission. If the commission finds that the parties
33 are at impasse, the notice filed under (a) of this subsection shall be
34 void and have no effect; and

35 (c) On the first day of the month following the month during which
36 the institution of higher education and the exclusive bargaining
37 representative provide notice to the (~~higher education~~) Washington
38 personnel resources board or its successor and the commission that they

1 have executed an initial collective bargaining agreement recognizing
2 the notice of intent filed under (a) of this subsection, chapter 28B.16
3 or 41.06 RCW as appropriate shall cease to apply to all employees in
4 the bargaining unit covered by the agreement.

5 (2) All collective bargaining rights and obligations concerning
6 relations between an institution of higher education and the exclusive
7 bargaining representative of its employees who have agreed to exercise
8 the option permitted by this section shall be determined under this
9 chapter, subject to the following:

10 (a) The commission shall recognize, in its current form, the
11 bargaining unit as certified by the (~~higher education~~) Washington
12 personnel resources board or its successor (~~and~~). For purposes of
13 determining bargaining unit status, positions meeting the criteria
14 established under RCW 41.06.070 or its successor shall be excluded from
15 coverage under this chapter. An employer may exclude such positions
16 from a bargaining unit at any time the position meets the criteria
17 established under RCW 41.06.070 or its successor. The limitations on
18 collective bargaining contained in RCW 41.56.100 shall not apply to
19 that bargaining unit.

20 (b) If, on the date of filing the notice under subsection (1)(a) of
21 this section, there is a union shop authorized for the bargaining unit
22 under rules adopted by the (~~higher education~~) Washington personnel
23 resources board or its successor, the union shop requirement shall
24 continue in effect for the bargaining unit and shall be deemed
25 incorporated into the collective bargaining agreement applicable to the
26 bargaining unit.

27 (c) Salary increases negotiated for the employees in the bargaining
28 unit shall be subject to the following:

29 (i) Salary increases shall continue to be appropriated by the
30 legislature. The exclusive bargaining representative shall meet before
31 a legislative session with the governor or governor's designee and the
32 representative of the institution of higher education concerning the
33 total dollar amount for salary increases and health care contributions
34 that will be contained in the appropriations proposed by the governor
35 under RCW 43.88.060;

36 (ii) The collective bargaining agreements may provide for salary
37 increases from local efficiency savings that are different from or that
38 exceed the amount or percentage for salary increases provided by the
39 legislature in the omnibus appropriations act for the institution of

1 higher education or allocated to the board of trustees by the state
2 board for community and technical colleges, but the base for salary
3 increases provided by the legislature under (c)(i) of this subsection
4 shall include only those amounts appropriated by the legislature, and
5 the base shall not include any additional salary increases provided
6 under this subsection (2)(c)(ii);

7 (iii) Any provisions of the collective bargaining agreements
8 pertaining to salary increases provided under (c)(i) of this subsection
9 shall be subject to modification by the legislature. If any provision
10 of a salary increase provided under (c)(i) of this subsection is
11 changed by subsequent modification of the appropriations act by the
12 legislature, both parties shall immediately enter into collective
13 bargaining for the sole purpose of arriving at a mutually agreed upon
14 replacement for the modified provision.

15 (3) Nothing in this section may be construed to permit an
16 institution of higher education to bargain collectively with an
17 exclusive bargaining representative concerning any matter covered by:
18 (a) Chapter 41.05 RCW, except for the related cost or dollar
19 contributions or additional or supplemental benefits as permitted by
20 chapter 492, Laws of 1993; or (b) chapter 41.32 or 41.40 RCW.

Passed the House February 9, 2000.

Passed the Senate February 29, 2000.

Approved by the Governor March 17, 2000.

Filed in Office of Secretary of State March 17, 2000.