
HOUSE BILL 2896

State of Washington

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By Representatives Fromhold, Crouse, Conway, Pearson, B. Sullivan, O'Brien, Appleton, Sells, Hunt, Dunshee, Kessler, Campbell, Simpson and Ormsby

Read first time 01/16/2006. Referred to Committee on Appropriations.

1 AN ACT Relating to bargaining for employee paid supplemental
2 pension programs under chapter 41.80 RCW; amending RCW 41.80.020 and
3 41.80.040; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Currently, state employees are prohibited
6 from collectively bargaining any aspect of the state pension programs
7 provided by the state for its employees. The intent of this
8 legislation is to maintain the state's pension programs, benefits, and
9 systems as items not subject to collective bargaining between the state
10 and the representatives of its various employee units, but to expressly
11 allow negotiation for collectively bargained employee paid supplemental
12 pension programs provided by nonstate entities.

13 **Sec. 2.** RCW 41.80.020 and 2002 c 354 s 303 are each amended to
14 read as follows:

15 (1) Except as otherwise provided in this chapter, the matters
16 subject to bargaining include wages, hours, and other terms and
17 conditions of employment, and the negotiation of any question arising
18 under a collective bargaining agreement.

1 (2) The employer is not required to bargain over matters pertaining
2 to:

3 (a) Health care benefits or other employee insurance benefits,
4 except as required in subsection (3) of this section;

5 (b) Any retirement system or retirement benefit administered by the
6 department of retirement systems; or

7 (c) Rules of the director of personnel or the Washington personnel
8 resources board adopted under section 203, chapter 354, Laws of 2002.

9 (3) Matters subject to bargaining include the number of names to be
10 certified for vacancies, promotional preferences, and the dollar amount
11 expended on behalf of each employee for health care benefits. However,
12 except as provided otherwise in this subsection for institutions of
13 higher education, negotiations regarding the number of names to be
14 certified for vacancies, promotional preferences, and the dollar amount
15 expended on behalf of each employee for health care benefits shall be
16 conducted between the employer and one coalition of all the exclusive
17 bargaining representatives subject to this chapter. Any such provision
18 agreed to by the employer and the coalition shall be included in all
19 master collective bargaining agreements negotiated by the parties. For
20 institutions of higher education, promotional preferences and the
21 number of names to be certified for vacancies shall be bargained under
22 the provisions of RCW 41.80.010(4).

23 (4) The employer and the exclusive bargaining representative shall
24 not agree to any proposal that would prevent the implementation of
25 approved affirmative action plans or that would be inconsistent with
26 the comparable worth agreement that provided the basis for the salary
27 changes implemented beginning with the 1983-1985 biennium to achieve
28 comparable worth.

29 (5) The employer and the exclusive bargaining representative shall
30 not bargain over matters pertaining to management rights established in
31 RCW 41.80.040.

32 (6) Except as otherwise provided in this chapter, if a conflict
33 exists between an executive order, administrative rule, or agency
34 policy relating to wages, hours, and terms and conditions of employment
35 and a collective bargaining agreement negotiated under this chapter,
36 the collective bargaining agreement shall prevail. A provision of a
37 collective bargaining agreement that conflicts with the terms of a
38 statute is invalid and unenforceable.

1 (7) This section does not prohibit bargaining that affects
2 contracts authorized by RCW 41.06.142.

3 **Sec. 3.** RCW 41.80.040 and 2002 c 354 s 305 are each amended to
4 read as follows:

5 The employer shall not bargain over rights of management which, in
6 addition to all powers, duties, and rights established by
7 constitutional provision or statute, shall include but not be limited
8 to the following:

9 (1) The functions and programs of the employer, the use of
10 technology, and the structure of the organization;

11 (2) The employer's budget and the size of the agency work force,
12 including determining the financial basis for layoffs;

13 (3) The right to direct and supervise employees;

14 (4) The right to take whatever actions are deemed necessary to
15 carry out the mission of the state and its agencies during emergencies;
16 and

17 (5) Retirement plans and retirement benefits provided by any state
18 retirement plan, but not including supplemental pension programs that
19 are provided other than by the state, and purchased entirely through
20 collectively bargained employee contributions.

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