
SUBSTITUTE HOUSE BILL 1560

State of Washington

61st Legislature

2009 Regular Session

By House Commerce & Labor (originally sponsored by Representatives Conway, Wood, and Simpson)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to collective bargaining for employees of
2 institutions of higher education; and amending RCW 41.80.010.

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

4 **Sec. 1.** RCW 41.80.010 and 2002 c 354 s 302 are each amended to
5 read as follows:

6 (1) For the purpose of negotiating collective bargaining agreements
7 under this chapter, the employer shall be represented by the governor
8 or governor's designee, except as provided for institutions of higher
9 education in subsection (4) of this section.

10 (2)(a) If an exclusive bargaining representative represents more
11 than one bargaining unit, the exclusive bargaining representative shall
12 negotiate with each employer representative as designated in subsection
13 (1) of this section one master collective bargaining agreement on
14 behalf of all the employees in bargaining units that the exclusive
15 bargaining representative represents. For those exclusive bargaining
16 representatives who represent fewer than a total of five hundred
17 employees each, negotiation shall be by a coalition of all those
18 exclusive bargaining representatives. The coalition shall bargain for
19 a master collective bargaining agreement covering all of the employees

1 represented by the coalition. The governor's designee and the
2 exclusive bargaining representative or representatives are authorized
3 to enter into supplemental bargaining of agency-specific issues for
4 inclusion in or as an addendum to the master collective bargaining
5 agreement, subject to the parties' agreement regarding the issues and
6 procedures for supplemental bargaining. This section does not prohibit
7 cooperation and coordination of bargaining between two or more
8 exclusive bargaining representatives.

9 (b) This subsection (2) does not apply to exclusive bargaining
10 representatives who represent employees of institutions of higher
11 education(~~(, except when the institution of higher education has~~
12 ~~elected to exercise its option under subsection (4) of this section to~~
13 ~~have its negotiations conducted by the governor or governor's designee~~
14 ~~under the procedures provided for general government agencies in~~
15 ~~subsections (1) through (3) of this section)). Employees of
16 institutions of higher education may not be compelled to engage in
17 multiemployer bargaining, but may do so upon mutual agreement of all
18 parties concerned.~~

19 (c) If five hundred or more employees of an independent state
20 elected official listed in RCW 43.01.010 are organized in a bargaining
21 unit or bargaining units under RCW 41.80.070, the official shall be
22 consulted by the governor or the governor's designee before any
23 agreement is reached under (a) of this subsection concerning
24 supplemental bargaining of agency specific issues affecting the
25 employees in such bargaining unit.

26 (3)(a) The governor shall submit a request for funds necessary to
27 implement the compensation and fringe benefit provisions in the master
28 collective bargaining agreement or for legislation necessary to
29 implement the agreement.

30 (b) Requests for funds necessary to implement the provisions of
31 bargaining agreements shall not be submitted to the legislature by the
32 governor unless such requests:

33 ((+a)) (i) Have been submitted to the director of the office of
34 financial management by October 1st prior to the legislative session at
35 which the requests are to be considered; and

36 ((+b)) (ii) Have been certified by the director of the office of
37 financial management as being feasible financially for the state.

1 (c) The legislature shall approve or reject the submission of the
2 request for funds as a whole. The legislature shall not consider a
3 request for funds to implement a collective bargaining agreement unless
4 the request is transmitted to the legislature as part of the governor's
5 budget document submitted under RCW 43.88.030 and 43.88.060. If the
6 legislature rejects or fails to act on the submission, either party may
7 reopen all or part of the agreement or the exclusive bargaining
8 representative may seek to implement the procedures provided for in RCW
9 41.80.090.

10 (d) In the case of a bargaining unit of employees in which the
11 exclusive bargaining representative is certified during or after the
12 conclusion of a legislative session, the legislature may act upon the
13 compensation and fringe benefit provisions of the unit's initial
14 collective bargaining agreement if those provisions are agreed upon and
15 submitted to the office of financial management and legislative budget
16 committees before final legislative action on the biennial or
17 supplemental operating budget by the sitting legislature or the
18 succeeding legislature as the case may be.

19 (4) For the purpose of negotiating agreements for institutions of
20 higher education, the employer shall be the respective governing board
21 of each of the universities, colleges, or community and technical
22 colleges or a designee chosen by the board to negotiate on its behalf.
23 A governing board may elect to have its negotiations conducted by the
24 governor or governor's designee under the procedures provided for
25 general government agencies in subsections (1), (2), and (3) of this
26 section. Prior to entering into negotiations under this chapter, the
27 institutions of higher education or their designees shall consult with
28 the director of the office of financial management regarding financial
29 and budgetary issues that are likely to arise in the impending
30 negotiations. If appropriations are necessary to implement the
31 compensation and fringe benefit provisions of the bargaining agreements
32 reached between institutions of higher education and exclusive
33 bargaining representatives agreed to under the provisions of this
34 chapter, the governor shall submit a request for such funds to the
35 legislature according to the provisions of subsection (3) of this
36 section.

37 (5) There is hereby created a joint committee on employment
38 relations, which consists of two members with leadership positions in

1 the house of representatives, representing each of the two largest
2 caucuses; the chair and ranking minority member of the house
3 appropriations committee, or its successor, representing each of the
4 two largest caucuses; two members with leadership positions in the
5 senate, representing each of the two largest caucuses; and the chair
6 and ranking minority member of the senate ways and means committee, or
7 its successor, representing each of the two largest caucuses. The
8 governor shall periodically consult with the committee regarding
9 appropriations necessary to implement the compensation and fringe
10 benefit provisions in the master collective bargaining agreements, and
11 upon completion of negotiations, advise the committee on the elements
12 of the agreements and on any legislation necessary to implement the
13 agreements.

14 (6) If, after the compensation and fringe benefit provisions of an
15 agreement are approved by the legislature, a significant revenue
16 shortfall occurs resulting in reduced appropriations, as declared by
17 proclamation of the governor or by resolution of the legislature, both
18 parties shall immediately enter into collective bargaining for a
19 mutually agreed upon modification of the agreement.

20 (7) After the expiration date of a collective bargaining agreement
21 negotiated under this chapter, all of the terms and conditions
22 specified in the collective bargaining agreement remain in effect until
23 the effective date of a subsequently negotiated agreement, not to
24 exceed one year from the expiration date stated in the agreement.
25 Thereafter, the employer may unilaterally implement according to law.

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