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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1560

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State of Washington

61st Legislature

2010 Regular Session

By House Ways & Means (originally sponsored by Representatives Conway, Wood, and Simpson)

READ FIRST TIME 03/03/09.

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 elected  
12 to exercise its option under subsection (4) of this section to have its  
13 negotiations conducted by the governor or governor's designee under the  
14 procedures provided for general government agencies in subsections (1)  
15 through (3) of this section.

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

23 (3) The governor shall submit a request for funds necessary to  
24 implement the compensation and fringe benefit provisions in the master  
25 collective bargaining agreement or for legislation necessary to  
26 implement the agreement. Requests for funds necessary to implement the  
27 provisions of bargaining agreements shall not be submitted to the  
28 legislature by the governor unless such requests:

29 (a) Have been submitted to the director of the office of financial  
30 management by October 1 prior to the legislative session at which the  
31 requests are to be considered; and

32 (b) Have been certified by the director of the office of financial  
33 management as being feasible financially for the state.

34 The legislature shall approve or reject the submission of the  
35 request for funds as a whole. The legislature shall not consider a  
36 request for funds to implement a collective bargaining agreement unless  
37 the request is transmitted to the legislature as part of the governor's  
38 budget document submitted under RCW 43.88.030 and 43.88.060. If the

1 legislature rejects or fails to act on the submission, either party may  
2 reopen all or part of the agreement or the exclusive bargaining  
3 representative may seek to implement the procedures provided for in RCW  
4 41.80.090.

5 (4)(a)(i) For the purpose of negotiating agreements for  
6 institutions of higher education, the employer shall be the respective  
7 governing board of each of the universities, colleges, or community  
8 (~~and technical~~) colleges or a designee chosen by the board to  
9 negotiate on its behalf.

10 (ii) A governing board of a university or college may elect to have  
11 its negotiations conducted by the governor or governor's designee under  
12 the procedures provided for general government agencies in subsections  
13 (1) through (3) of this section, except that:

14 (A) The governor or the governor's designee and an exclusive  
15 bargaining representative shall negotiate one master collective  
16 bargaining agreement for all of the bargaining units of employees of a  
17 university or college that the representative represents; or

18 (B) If the parties mutually agree, the governor or the governor's  
19 designee and an exclusive bargaining representative shall negotiate one  
20 master collective bargaining agreement for all of the bargaining units  
21 of employees of more than one university or college that the  
22 representative represents.

23 (iii) A governing board of a community college may elect to have  
24 its negotiations conducted by the governor or governor's designee under  
25 the procedures provided for general government agencies in subsections  
26 (1)(~~, (2), and~~) through (3) of this section.

27 (b) Prior to entering into negotiations under this chapter, the  
28 institutions of higher education or their designees shall consult with  
29 the director of the office of financial management regarding financial  
30 and budgetary issues that are likely to arise in the impending  
31 negotiations.

32 (c)(i) If appropriations are necessary to implement the  
33 compensation and fringe benefit provisions of the bargaining agreements  
34 reached between institutions of higher education and exclusive  
35 bargaining representatives agreed to under the provisions of this  
36 chapter, the governor shall submit a request for such funds to the  
37 legislature according to the provisions of subsection (3) of this  
38 section, except as provided in (c)(ii) of this subsection.

1        (ii) In the case of a bargaining unit of employees of institutions  
2 of higher education in which the exclusive bargaining representative is  
3 certified during or after the conclusion of a legislative session, the  
4 legislature may act upon the compensation and fringe benefit provisions  
5 of the unit's initial collective bargaining agreement if those  
6 provisions are agreed upon and submitted to the office of financial  
7 management and legislative budget committees before final legislative  
8 action on the biennial or supplemental operating budget by the sitting  
9 legislature.

10        (5) There is hereby created a joint committee on employment  
11 relations, which consists of two members with leadership positions in  
12 the house of representatives, representing each of the two largest  
13 caucuses; the chair and ranking minority member of the house  
14 appropriations committee, or its successor, representing each of the  
15 two largest caucuses; two members with leadership positions in the  
16 senate, representing each of the two largest caucuses; and the chair  
17 and ranking minority member of the senate ways and means committee, or  
18 its successor, representing each of the two largest caucuses. The  
19 governor shall periodically consult with the committee regarding  
20 appropriations necessary to implement the compensation and fringe  
21 benefit provisions in the master collective bargaining agreements, and  
22 upon completion of negotiations, advise the committee on the elements  
23 of the agreements and on any legislation necessary to implement the  
24 agreements.

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

31        (7) After the expiration date of a collective bargaining agreement  
32 negotiated under this chapter, all of the terms and conditions  
33 specified in the collective bargaining agreement remain in effect until  
34 the effective date of a subsequently negotiated agreement, not to  
35 exceed one year from the expiration date stated in the agreement.  
36 Thereafter, the employer may unilaterally implement according to law.

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