
HOUSE BILL 1560

State of Washington 61st Legislature 2009 Regular Session

By Representatives Conway, Wood, and Simpson

Read first time 01/23/09. Referred to Committee on Commerce & Labor.

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)(i) Except as provided in (a)(ii) of this subsection, the
27 governor shall submit a request for funds necessary to implement the
28 compensation and fringe benefit provisions in the master collective
29 bargaining agreement or for legislation necessary to implement the
30 agreement.

31 (ii) With respect to institutions of higher education only, if the
32 parties to a collective bargaining agreement have not reached agreement
33 by October 1st, and they have engaged the mediation or fact finding
34 services of the public employment relations commission, or both, the
35 governor shall submit a request for funds equivalent to the employer's
36 last pre-October 1st offer. If the eventual settlement exceeds the
37 request for funds, the governor shall submit a supplementary request

1 for the balance to the legislature in conjunction with the governor's
2 supplementary budget request for the following legislative session.

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

6 ~~((a))~~ (i) Have been submitted to the director of the office of
7 financial management by October 1st prior to the legislative session at
8 which the requests are to be considered; and

9 ~~((b))~~ (ii) Have been certified by the director of the office of
10 financial management as being feasible financially for the state.

11 (c) The legislature shall approve or reject the submission of the
12 request for funds as a whole. The legislature shall not consider a
13 request for funds to implement a collective bargaining agreement unless
14 the request is transmitted to the legislature as part of the governor's
15 budget document submitted under RCW 43.88.030 and 43.88.060. If the
16 legislature rejects or fails to act on the submission, either party may
17 reopen all or part of the agreement or the exclusive bargaining
18 representative may seek to implement the procedures provided for in RCW
19 41.80.090.

20 (d) In the case of a bargaining unit of employees in which the
21 exclusive bargaining representative is certified during or after the
22 conclusion of a legislative session, the legislature may act upon the
23 compensation and fringe benefit provisions of the unit's initial
24 collective bargaining agreement if those provisions are agreed upon and
25 submitted to the office of financial management and legislative budget
26 committees before final legislative action on the budget or
27 supplementary budget by the sitting legislature or the succeeding
28 legislature as the case may be.

29 (4) For the purpose of negotiating agreements for institutions of
30 higher education, the employer shall be the respective governing board
31 of each of the universities, colleges, or community and technical
32 colleges or a designee chosen by the board to negotiate on its behalf.
33 A governing board may elect to have its negotiations conducted by the
34 governor or governor's designee under the procedures provided for
35 general government agencies in subsections (1), (2), and (3) of this
36 section. Prior to entering into negotiations under this chapter, the
37 institutions of higher education or their designees shall consult with
38 the director of the office of financial management regarding financial

1 and budgetary issues that are likely to arise in the impending
2 negotiations. If appropriations are necessary to implement the
3 compensation and fringe benefit provisions of the bargaining agreements
4 reached between institutions of higher education and exclusive
5 bargaining representatives agreed to under the provisions of this
6 chapter, the governor shall submit a request for such funds to the
7 legislature according to the provisions of subsection (3) of this
8 section.

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

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

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

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