

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5614

62nd Legislature
2011 Regular Session

Passed by the Senate April 20, 2011
YEAS 46 NAYS 1

President of the Senate

Passed by the House April 8, 2011
YEAS 95 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5614** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5614

AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators White, Kilmer, Tom, Kohl-Welles, Keiser, Kline, and Conway)

READ FIRST TIME 02/15/11.

1 AN ACT Relating to requests for funds necessary to implement the
2 compensation and fringe benefit provisions of bargaining agreements
3 with the University of Washington under chapter 41.80 RCW; and amending
4 RCW 41.80.010.

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

6 **Sec. 1.** RCW 41.80.010 and 2010 c 104 s 1 are each amended to read
7 as follows:

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

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

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

11 (b) This subsection (2) does not apply to exclusive bargaining
12 representatives who represent employees of institutions of higher
13 education, except when the institution of higher education has elected
14 to exercise its option under subsection (4) of this section to have its
15 negotiations conducted by the governor or governor's designee under the
16 procedures provided for general government agencies in subsections (1)
17 through (3) of this section.

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

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

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

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

36 The legislature shall approve or reject the submission of the
37 request for funds as a whole. The legislature shall not consider a
38 request for funds to implement a collective bargaining agreement unless

1 the request is transmitted to the legislature as part of the governor's
2 budget document submitted under RCW 43.88.030 and 43.88.060. If the
3 legislature rejects or fails to act on the submission, either party may
4 reopen all or part of the agreement or the exclusive bargaining
5 representative may seek to implement the procedures provided for in RCW
6 41.80.090.

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

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

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

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

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

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

33 (c)(i) In the case of bargaining agreements reached between
34 institutions of higher education other than the University of
35 Washington and exclusive bargaining representatives agreed to under the
36 provisions of this chapter, if appropriations are necessary to
37 implement the compensation and fringe benefit provisions of the
38 bargaining agreements (~~reached between institutions of higher~~

1 ~~education and exclusive bargaining representatives agreed to under the~~
2 ~~provisions of this chapter)),~~ the governor shall submit a request for
3 such funds to the legislature according to the provisions of subsection
4 (3) of this section, except as provided in (c)(~~(ii)~~) (iii) of this
5 subsection.

6 (ii) In the case of bargaining agreements reached between the
7 University of Washington and exclusive bargaining representatives
8 agreed to under the provisions of this chapter, if appropriations are
9 necessary to implement the compensation and fringe benefit provisions
10 of a bargaining agreement, the governor shall submit a request for such
11 funds to the legislature according to the provisions of subsection (3)
12 of this section, except as provided in this subsection (4)(c)(ii) and
13 as provided in (c)(iii) of this subsection.

14 (A) If appropriations of less than ten thousand dollars are
15 necessary to implement the provisions of a bargaining agreement, a
16 request for such funds shall not be submitted to the legislature by the
17 governor unless the request has been submitted to the director of the
18 office of financial management by October 1 prior to the legislative
19 session at which the request is to be considered.

20 (B) If appropriations of ten thousand dollars or more are necessary
21 to implement the provisions of a bargaining agreement, a request for
22 such funds shall not be submitted to the legislature by the governor
23 unless the request:

24 (I) Has been submitted to the director of the office of financial
25 management by October 1 prior to the legislative session at which the
26 request is to be considered; and

27 (II) Has been certified by the director of the office of financial
28 management as being feasible financially for the state.

29 (C) If the director of the office of financial management does not
30 certify a request under (c)(ii)(B) of this subsection as being feasible
31 financially for the state, the parties shall enter into collective
32 bargaining solely for the purpose of reaching a mutually agreed upon
33 modification of the agreement necessary to address the absence of those
34 requested funds. The legislature may act upon the compensation and
35 fringe benefit provisions of the modified collective bargaining
36 agreement if those provisions are agreed upon and submitted to the
37 office of financial management and legislative budget committees before

1 final legislative action on the biennial or supplemental operating
2 budget by the sitting legislature.

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

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

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

33 (7) After the expiration date of a collective bargaining agreement
34 negotiated under this chapter, all of the terms and conditions
35 specified in the collective bargaining agreement remain in effect until
36 the effective date of a subsequently negotiated agreement, not to

- 1 exceed one year from the expiration date stated in the agreement.
- 2 Thereafter, the employer may unilaterally implement according to law.

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