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HOUSE BILL 1804

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Reykdal, Hunt, Green, Fey, Sells, Pollet, Appleton, McCoy, Ryu, Ormsby, and Moeller

Read first time 02/11/13. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to supplemental bargaining under the personnel  
2 system reform act; and reenacting 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 2011 1st sp.s. c 50 s 938 and 2011 c 344  
5 s 1 are each reenacted and amended to 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)~~) shall enter into supplemental bargaining of agency-specific issues  
4 for 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)~~) upon request of any party.  
7 This section does not prohibit cooperation and coordination of  
8 bargaining between two or more 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 colleges or a designee chosen by the board to negotiate on its behalf.

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

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

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

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

26 (b) 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.

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

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

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

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

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

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

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

35 (iii) In the case of a bargaining unit of employees of institutions  
36 of higher education in which the exclusive bargaining representative is  
37 certified during or after the conclusion of a legislative session, the  
38 legislature may act upon the compensation and fringe benefit provisions

1 of the unit's initial collective bargaining agreement if those  
2 provisions are agreed upon and submitted to the office of financial  
3 management and legislative budget committees before final legislative  
4 action on the biennial or supplemental operating budget by the sitting  
5 legislature.

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

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

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

33 (8) For the 2011-2013 fiscal biennium, a collective bargaining  
34 agreement related to employee health care benefits negotiated between  
35 the employer and coalition pursuant to RCW 41.80.020(3) regarding the  
36 dollar amount expended on behalf of each employee shall be a separate  
37 agreement for which the governor may request funds necessary to  
38 implement the agreement. If such an agreement is negotiated and funded

1 by the legislature, this agreement will supersede any terms and  
2 conditions of an expired 2009-2011 biennial master collective  
3 bargaining agreement under this chapter regarding health care benefits.

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