

**SSB 5763** - H COMM AMD

By Committee on Labor

ADOPTED 04/14/2015

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 41.80.010 and 2013 2nd sp.s. c 4 s 971 are each  
4 amended to read as follows:

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

9 (2)(a) If an exclusive bargaining representative represents more  
10 than one bargaining unit, the exclusive bargaining representative  
11 shall negotiate with each employer representative as designated in  
12 subsection (1) of this section one master collective bargaining  
13 agreement on behalf of all the employees in bargaining units that  
14 the exclusive bargaining representative represents. Except as  
15 provided in (d) of this subsection, 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  
19 for a master collective bargaining agreement covering all of the  
20 employees represented by the coalition. The governor's designee and  
21 the exclusive bargaining representative or representatives are  
22 authorized to enter into supplemental bargaining of agency-specific  
23 issues for inclusion in or as an addendum to the master collective  
24 bargaining agreement, subject to the parties' agreement regarding  
25 the issues and procedures for supplemental bargaining. This section  
26 does not prohibit cooperation and coordination of bargaining between  
27 two or more exclusive bargaining representatives.

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

8 (c) If five hundred or more employees of an independent state  
9 elected official listed in RCW 43.01.010 are organized in a  
10 bargaining unit or bargaining units under RCW 41.80.070, the  
11 official shall be consulted by the governor or the governor's  
12 designee before any agreement is reached under (a) of this  
13 subsection concerning supplemental bargaining of agency specific  
14 issues affecting the employees in such bargaining unit.

15 (d) For those exclusive bargaining representatives who represent  
16 commissioned officers, except for lieutenants and captains, of the  
17 department of fish and wildlife, negotiation shall be by a coalition  
18 of exclusive bargaining representatives who represent the  
19 commissioned officers. When negotiating, the parties must reference  
20 the wages, hours, and conditions of employment of like personnel of  
21 like state employers on the west coast of the United States for  
22 comparables in the bargaining process. If the commission determines  
23 that there has been bad faith bargaining or other unfair labor  
24 practices by the employer or the employee organizations representing  
25 commissioned officers, except for lieutenants and captains, of the  
26 department of fish and wildlife, the commission may order interest  
27 arbitration, in addition to other remedies provided under RCW  
28 41.80.120, to effectuate the purposes and policy of this chapter.

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

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

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

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

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

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

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

29 (B) If the parties mutually agree, the governor or the  
30 governor's designee and an exclusive bargaining representative shall  
31 negotiate one master collective bargaining agreement for all of the  
32 bargaining units of employees of more than one university or college  
33 that the representative represents.

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

5 (b) Prior to entering into negotiations under this chapter, the  
6 institutions of higher education or their designees shall consult  
7 with the director of the office of financial management regarding  
8 financial and budgetary issues that are likely to arise in the  
9 impending negotiations.

10 (c)(i) In the case of bargaining agreements reached between  
11 institutions of higher education other than the University of  
12 Washington and exclusive bargaining representatives agreed to under  
13 the provisions of this chapter, if appropriations are necessary to  
14 implement the compensation and fringe benefit provisions of the  
15 bargaining agreements, the governor shall submit a request for such  
16 funds to the legislature according to the provisions of subsection  
17 (3) of this section, except as provided in (c)(iii) of this  
18 subsection.

19 (ii) In the case of bargaining agreements reached between the  
20 University of Washington and exclusive bargaining representatives  
21 agreed to under the provisions of this chapter, if appropriations  
22 are necessary to implement the compensation and fringe benefit  
23 provisions of a bargaining agreement, the governor shall submit a  
24 request for such funds to the legislature according to the  
25 provisions of subsection (3) of this section, except as provided in  
26 this subsection (4)(c)(ii) and as provided in (c)(iii) of this  
27 subsection.

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

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

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

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

10 (C) If the director of the office of financial management does  
11 not certify a request under (c)(ii)(B) of this subsection as being  
12 feasible financially for the state, the parties shall enter into  
13 collective bargaining solely for the purpose of reaching a mutually  
14 agreed upon modification of the agreement necessary to address the  
15 absence of those requested funds. The legislature may act upon the  
16 compensation and fringe benefit provisions of the modified  
17 collective bargaining agreement if those provisions are agreed upon  
18 and submitted to the office of financial management and legislative  
19 budget committees before final legislative action on the biennial or  
20 supplemental operating budget by the sitting legislature.

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

30 (5) There is hereby created a joint committee on employment  
31 relations, which consists of two members with leadership positions  
32 in the house of representatives, representing each of the two  
33 largest caucuses; the chair and ranking minority member of the house  
34 appropriations committee, or its successor, representing each of the

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

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

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

24 (8) For the 2013-2015 fiscal biennium, a collective bargaining  
25 agreement related to employee health care benefits negotiated  
26 between the employer and coalition pursuant to RCW 41.80.020(3)  
27 regarding the dollar amount expended on behalf of each employee  
28 shall be a separate agreement for which the governor may request  
29 funds necessary to implement the agreement. The legislature may act  
30 upon a 2013-2015 collective bargaining agreement related to employee  
31 health care benefits if an agreement is reached and submitted to the  
32 office of financial management and legislative budget committees  
33 before final legislative action on the biennial or supplemental  
34 operating appropriations act by the sitting legislature.

1       **Sec. 2.** RCW 41.80.120 and 2002 c 354 s 313 are each amended to  
2 read as follows:

3       (1) The commission is empowered and directed to prevent any  
4 unfair labor practice and to issue appropriate remedial orders:  
5 PROVIDED, That a complaint shall not be processed for any unfair  
6 labor practice occurring more than six months before the filing of  
7 the complaint with the commission. This power shall not be affected  
8 or impaired by any means of adjustment, mediation, or conciliation  
9 in labor disputes that have been or may hereafter be established by  
10 law.

11       (2) If the commission determines that any person has engaged in  
12 or is engaging in an unfair labor practice, the commission shall  
13 issue and cause to be served upon the person an order requiring the  
14 person to cease and desist from such unfair labor practice, and to  
15 take such affirmative action as will effectuate the purposes and  
16 policy of this chapter, such as the payment of damages, the ordering  
17 of interest arbitration as provided under RCW 41.80.010(2)(d), and  
18 the reinstatement of employees.

19       (3) The commission may petition the superior court for the  
20 county in which the main office of the employer is located or in  
21 which the person who has engaged or is engaging in such unfair labor  
22 practice resides or transacts business, for the enforcement of its  
23 order and for appropriate temporary relief."  
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25       Correct the title.

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EFFECT: (1) Excludes lieutenants (not just captains) from the coalition of bargaining representatives of Department of Fish and Wildlife (DFW) officers who must bargain as a separate coalition. (2) Requires the parties, when negotiating, to reference the wages, hours, and employment conditions of like employees of like state employers on the west coast of the United States for comparables in the bargaining process. (3) Statutorily authorizes the Public Employment Relations Commission to order interest arbitration if it determines that there has been bad faith bargaining or other unfair labor practices by the employer or employee organizations representing the officers subject to the act.

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