
ENGROSSED SUBSTITUTE SENATE BILL 5295

State of Washington

66th Legislature

2019 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Keiser, Hasegawa, and Saldaña)

READ FIRST TIME 02/20/19.

1 AN ACT Relating to ensuring contractor compliance and continuity
2 of public services for certain contracted service providers; adding
3 new sections to chapter 43.20A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to prevent or
6 mitigate service disruptions caused by employee disaffection or labor
7 unrest within private sector providers contracted to provide certain
8 essential state services that, if disrupted, could harm vulnerable
9 members of the community, compromise the efficient delivery of
10 essential state services, and burden taxpayers with additional costs.

11 The legislature further intends to spend scarce taxpayer
12 resources for the efficient delivery of certain essential state
13 services by law-abiding private sector providers. Contracting with
14 providers with multiple legal violations represents wasteful
15 government spending on remedying legal wrongs. Private sector
16 providers of certain state services must certify their legal
17 compliance with state, federal, and local laws before earning a
18 contract involving government funds.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A
20 RCW to read as follows:

1 Any contract entered into by the department with a private
2 contractor for adult care, behavioral health, disability support, or
3 youth services must contain a provision that requires the private
4 contractor to certify its compliance with federal, state, and local
5 laws in the provision of such care or services.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A
7 RCW to read as follows:

8 (1) Any contract entered into by the department with a private
9 contractor for adult care, behavioral health, disability support, or
10 youth services must contain an assurance of the contractor's
11 commitment to ensuring the uninterrupted delivery of services subject
12 to the contract.

13 (2) The assurance required under subsection (1) of this section
14 is a condition of contracting with the state for the provision of
15 such services. The assurance may be made by offering one or more of
16 the following commitments:

17 (a) A commitment that, upon receiving an award of the contract,
18 the contractor will remain neutral in its policies, practices, and
19 activities with regard to its employees performing the services
20 required under the contract in the event such employees seek to
21 exercise rights guaranteed by the national labor relations act, 29
22 U.S.C. Sec. 151 et seq.

23 (b) Inclusion of no-strike, no-lockout, or arbitration clauses in
24 a collective bargaining agreement with a labor organization
25 representing the contractor's employees covered by this section. In
26 the event such collective bargaining agreement is due to expire
27 during the term of the contract, the contracting employer must
28 establish the parties have committed to resolving negotiation of
29 disputes as to the terms of a successor collective bargaining
30 agreement through a process that ensures neither party will engage in
31 economic action.

32 (c) A commitment not to strike or engage in workplace or service
33 disruptions on the part of the representative of the employees
34 performing the services contracted by the state through the term of
35 the contract with the state.

36 (d) Any other similar assurances or commitments that provide
37 equivalent assurances that continuity of services will be maintained
38 through the life of the contract with the state.

1 (3) A contractor's assurances under this section made to the
2 state are a binding provision of any contract awarded by the state,
3 and constitute a warranty to the state on the part of the contractor.

4 (4) In the event the contractor's assurances fail to ensure
5 uninterrupted service delivery, the contract with the department may
6 be revoked and the department may make arrangements for the provision
7 of services by other means.

8 (5) In awarding any contract subject to this section, the
9 department must require bidders to disclose past violations of the
10 national labor relations act, 29 U.S.C. Sec. 151 et seq.

11 NEW SECTION. **Sec. 4.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

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