
SUBSTITUTE HOUSE BILL 1764

State of Washington

67th Legislature

2022 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Sells, Berry, Bateman, Bronoske, Macri, Simmons, Slatter, Pollet, Ormsby, Frame, and Harris-Talley)

READ FIRST TIME 01/28/22.

1 AN ACT Relating to collective bargaining for resident and fellow
2 physicians employed by certain institutions of higher education;
3 amending RCW 41.56.513; adding new sections to chapter 41.56 RCW; and
4 creating a new section.

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

6 **Sec. 1.** RCW 41.56.513 and 2012 c 255 s 1 are each amended to
7 read as follows:

8 In addition to the entities listed in RCW 41.56.020, this chapter
9 applies to (~~postdoctoral~~):

10 (1) Postdoctoral and clinical employees as excluded in chapter
11 41.76 RCW at the University of Washington and at Washington State
12 University; and

13 (2) The resident and fellow physicians at medical schools
14 operated by institutions of higher education.

15 NEW SECTION. **Sec. 2.** (1) It is the intent and purpose of
16 section 3 of this act to recognize that:

17 (a) There exists a public policy in the state of Washington
18 against strikes by resident and fellow physicians employed by medical
19 schools operated by institutions of higher education as a means of
20 settling labor disputes;

1 (b) The uninterrupted and dedicated service of the resident and
2 fellow physicians is vital to the health and welfare of the state and
3 citizens of the state; and

4 (c) A medical school operated by an institution of higher
5 education has an intention to recruit and retain resident and fellow
6 physicians from racially and socioeconomically diverse backgrounds,
7 for the long-term goal of ensuring equitable representation of
8 providers in all communities of the county.

9 (2) Therefore, to promote uninterrupted performance of medical
10 services offered by medical schools operated by institutions of
11 higher education, there should exist an effective and adequate
12 alternative means of settling disputes.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.56
14 RCW to read as follows:

15 (1) This section applies only to the resident and fellow
16 physicians employed by medical schools operated by institutions of
17 higher education who have the right to collective bargaining pursuant
18 to RCW 41.56.513.

19 (2) The provisions of RCW 41.56.440 through 41.56.452 and
20 41.56.470, 41.56.480, and 41.56.490 apply to resident and fellow
21 physicians of medical schools operated by institutions of higher
22 education, subject to the provisions of this section.

23 (3) Within 10 working days after the first Monday in September of
24 every odd-numbered year, the bargaining representative for the
25 institution of higher education and the bargaining representative for
26 the appropriate bargaining unit shall attempt to agree on an interest
27 arbitration panel consisting of three members to be used if the
28 parties are not successful in negotiating a comprehensive collective
29 bargaining agreement. Each party shall name one person to serve as
30 its arbitrator on the arbitration panel. The two members so appointed
31 shall meet within seven days following the appointment of the later
32 appointed member to attempt to choose a third member to act as the
33 neutral chair of the arbitration panel. Upon the failure of the
34 arbitrators to select a neutral chair within seven days, the two
35 appointed members shall use one of the two following options in the
36 appointment of the third member, who shall act as chair of the panel:
37 (a) By mutual consent, the two appointed members may jointly request
38 the commission to, and the commission shall, appoint a third member
39 within two days of such a request. Costs of each party's appointee

1 shall be borne by each party respectively; other costs of the
2 arbitration proceedings shall be borne by the commission; or (b)
3 either party may apply to the commission, the federal mediation and
4 conciliation service, or the American arbitration association to
5 provide a list of five qualified arbitrators from which the neutral
6 chair shall be chosen. Each party shall pay the fees and expenses of
7 its arbitrator, and the fees and expenses of the neutral chair shall
8 be shared equally between the parties. Immediately upon selecting an
9 interest arbitration panel, the parties shall cooperate to reserve
10 dates with the arbitration panel for potential arbitration between
11 August 1st and September 15th of the following even-numbered year.
12 The parties shall also prepare a schedule of at least five
13 negotiation dates for the following year, absent an agreement to the
14 contrary. The parties shall execute a written agreement before
15 November 1st of each odd-numbered year setting forth the names of the
16 members of the arbitration panel and the dates reserved for
17 bargaining and arbitration. This subsection imposes minimum
18 obligations only and is not intended to define or limit a party's
19 full, good faith bargaining obligation under other sections of this
20 chapter.

21 (4) The arbitration panel may consider only matters that are
22 subject to bargaining under this chapter. The arbitration panel may
23 not consider those subjects listed under RCW 41.80.040.

24 (5)(a) The decision of the arbitration panel is not binding on
25 the legislature and funds necessary to implement provisions
26 pertaining to wages, wage-related matters, salaries, stipends, and
27 fringe benefits of an arbitrated collective bargaining agreement must
28 come from the institution of higher education's existing resources.
29 The institution of higher education may not increase general fund
30 state appropriations to fund increases in compensation or fringe
31 benefits based on an arbitration award. If compensation and fringe
32 benefit increases are funded with lidded grants or dedicated fund
33 sources with insufficient revenue, additional funding from other
34 sources, including from general fund state, is not provided.

35 (b) In the event the institution of higher education receives
36 state appropriations to support the operation of the medical school
37 and associated facilities, a request for funds necessary to support
38 the compensation and fringe benefit provisions of a collective
39 bargaining agreement or arbitration award under this section must be

1 submitted to the legislature consistent with procedures in RCW
2 41.80.010.

3 (6) In making its determination, the arbitration panel shall be
4 mindful of the legislative purpose enumerated in section 2 of this
5 act. As additional standards or guidelines to aid the arbitration
6 panel in reaching a decision, the arbitration panel shall take into
7 consideration the following factors:

8 (a) The constitutional and statutory authority of the employer;

9 (b) Stipulations of the parties;

10 (c) The financial ability of the institution of higher education
11 to pay for the compensation and benefit provisions of a collective
12 bargaining agreement;

13 (d) Comparison of the wages, hours, and conditions of employment
14 of personnel involved in the proceedings with the wages, hours, and
15 conditions of employment of personnel of public hospital residency
16 programs of similar size on the west coast of the United States;

17 (e) The intention of recruiting and retaining resident and fellow
18 physicians from racially and socioeconomically diverse backgrounds,
19 for the long-term goal of ensuring equitable representation of
20 providers in all communities of the county;

21 (f) Changes in any of the foregoing circumstances during the
22 pendency of the proceedings; and

23 (g) Such other factors, not confined to the foregoing, which are
24 normally or traditionally taken into consideration in the
25 determination of matters that are subject to bargaining.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.56
27 RCW to read as follows:

28 (1) This section applies only to the resident and fellow
29 physicians employed by institutions of higher education who have the
30 right to collective bargaining pursuant to RCW 41.56.513.

31 (2) For the purpose of providing uninterrupted medical services
32 to patients of the medical school and associated facilities,
33 negotiations for a collective bargaining agreement between the
34 parties must occur on dates and at times, such as weekends and
35 evenings, that least conflict with the working hours of the
36 bargaining representatives who are resident and fellow physicians.

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