
HOUSE BILL 2124

State of Washington

67th Legislature

2022 Regular Session

By Representatives Riccelli, Sullivan, Frame, Ramel, Chapman, Ryu, Paul, Simmons, Stonier, Bergquist, Wicks, Valdez, Gregerson, Santos, Ramos, J. Johnson, Walen, Tharinger, Bateman, Callan, Thai, Taylor, Leavitt, Senn, Wylie, Macri, Ormsby, Pollet, Morgan, Bronoske, Kloba, Davis, Slatter, Berg, Lekanoff, Entenman, Ortiz-Self, Duerr, Peterson, Harris-Talley, Cody, Hackney, Chopp, Orwall, and Rule

Read first time 02/23/22. Referred to Committee on Appropriations.

1 AN ACT Relating to extending collective bargaining to legislative
2 employees by creating the office of state legislative labor relations
3 that will consider issues of the subjects of bargaining, the
4 employees for whom collective bargaining would be appropriate, who
5 would provide negotiation services, which entities would be
6 considered the employer, definitions of relevant terms, coalition
7 bargaining, grievance procedures, procedures for disciplinary
8 actions, procedures related to certifying exclusive bargaining
9 representatives, determining bargaining units, adjudicating unfair
10 labor practices, and determining representation questions, procedures
11 for approving negotiated collective bargaining agreements, procedures
12 for submitting requests for funding, and considering approaches taken
13 by other state legislatures, and specifying unfair labor practices,
14 but without mandating what the collective bargaining agreement must
15 provide regarding wages, hours, working conditions, or other
16 provisions related to conditions of employment; adding a new chapter
17 to Title 44 RCW; and providing an effective date.

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

19 NEW SECTION. **Sec. 1.** (1) The office of state legislative labor
20 relations is created to assist the house of representatives, the
21 senate, and legislative agencies in implementing collective

1 bargaining for employees of the legislative branch of state
2 government.

3 (2) (a) Subject to (b) of this subsection, the secretary of the
4 senate and the chief clerk of the house of representatives shall
5 employ a director of the office. The director serves at the pleasure
6 of the secretary of the senate and the chief clerk of the house of
7 representatives, who shall fix the director's salary.

8 (b) The secretary of the senate and the chief clerk of the house
9 of representatives shall, before employing a director, consult with
10 legislative employees, the senate facilities and operations
11 committee, the house executive rules committee, and the human
12 resources officers of the house of representatives, the senate, and
13 legislative agencies.

14 (c) The director serves as the executive and administrative head
15 of the office and may employ additional employees to assist in
16 carrying out the duties of the office.

17 (d) The director shall contract with an external consultant for
18 the purposes of gathering input from legislative employees, taking
19 into consideration RCW 42.52.020 and rules of the house of
20 representatives and the senate. The gathering of input must be in the
21 form of, at a minimum, surveys.

22 (3) The director, in consultation with the secretary of the
23 senate, the chief clerk of the house of representatives, and the
24 administrative heads of legislative agencies shall:

25 (a) Examine issues related to collective bargaining for employees
26 of the house of representatives, the senate, and legislative
27 agencies; and

28 (b) After consultation with the external consultant, develop best
29 practices and options for the legislature to consider in implementing
30 and administering collective bargaining for employees of the house of
31 representatives, the senate, and legislative agencies.

32 (4) (a) By December 1, 2022, the director shall submit a
33 preliminary report to the appropriate committees of the legislature
34 that provides a progress report on the director's considerations.

35 (b) By October 1, 2023, the director shall submit a final report
36 to the appropriate committees of the legislature. At a minimum, the
37 final report must address considerations on the following issues:

38 (i) Which employees of the house of representatives, the senate,
39 and legislative agencies for whom collective bargaining may be
40 appropriate;

1 (ii) Mandatory, permissive, and prohibited subjects of
2 bargaining;

3 (iii) Who would negotiate on behalf of the house of
4 representatives, the senate, and legislative agencies, and which
5 entity or entities would be considered the employer for purposes of
6 bargaining;

7 (iv) Definitions for relevant terms;

8 (v) Grievance procedures and processes for disciplinary actions;

9 (vi) Procedures related to the commission certifying exclusive
10 bargaining representatives, determining bargaining units,
11 adjudicating unfair labor practices, determining representation
12 questions, and coalition bargaining;

13 (vii) The efficiency and feasibility of coalition bargaining;

14 (viii) Procedures for approving negotiated collective bargaining
15 agreements;

16 (ix) Procedures for submitting requests for funding to the
17 appropriate legislative committees if appropriations are necessary to
18 implement provisions of the collective bargaining agreements; and

19 (x) Approaches taken by other state legislatures that have
20 authorized collective bargaining for legislative employees.

21 (5) The report must include a summary of any statutory changes
22 needed to address the considerations listed in subsection (4) of this
23 section related to the collective bargaining process for legislative
24 employees.

25 NEW SECTION. **Sec. 2.** The definitions in this section apply
26 throughout this chapter unless the context clearly requires
27 otherwise.

28 (1) "Commission" means the public employment relations
29 commission.

30 (2) "Director" means the director of the office of state
31 legislative labor relations.

32 (3) "Legislative agencies" means the joint legislative audit and
33 review committee, the statute law committee, the legislative ethics
34 board, the legislative evaluation and accountability program
35 committee, the office of the state actuary, the legislative service
36 center, the office of legislative support services, the joint
37 transportation committee, and the redistricting commission.

38 (4) "Office" means the office of state legislative labor
39 relations.

1 NEW SECTION. **Sec. 3.** Collective bargaining negotiations under
2 this chapter shall commence no earlier than May 1, 2024. No
3 collective bargaining agreement entered into under this chapter may
4 take effect prior to July 1, 2025.

5 NEW SECTION. **Sec. 4.** Except as may be specifically limited by
6 this chapter, legislative employees shall have the right to self-
7 organization, to form, join, or assist employee organizations, and to
8 bargain collectively through representatives of their own choosing
9 for the purpose of collective bargaining free from interference,
10 restraint, or coercion. Legislative employees shall also have the
11 right to refrain from any or all such activities.

12 NEW SECTION. **Sec. 5.** Nothing contained in this chapter permits
13 or grants to any legislative employee the right to strike or refuse
14 to perform their official duties.

15 NEW SECTION. **Sec. 6.** (1) Collective bargaining negotiations
16 under this chapter must commence no later than July 1st of each even-
17 numbered year after a bargaining unit has been certified.

18 (2) The duration of any collective bargaining agreement shall not
19 exceed one fiscal biennium.

20 NEW SECTION. **Sec. 7.** (1) It is an unfair labor practice for an
21 employer:

22 (a) To interfere with, restrain, or coerce employees in the
23 exercise of the rights guaranteed by this chapter;

24 (b) To dominate or interfere with the formation or administration
25 of any employee organization or contribute financial or other support
26 to it: PROVIDED, That subject to rules adopted by the commission, an
27 employer shall not be prohibited from permitting employees to confer
28 with it or its representatives or agents during working hours without
29 loss of time or pay;

30 (c) To encourage or discourage membership in any employee
31 organization by discrimination in regard to hire, tenure of
32 employment, or any term or condition of employment;

33 (d) To discharge or discriminate otherwise against an employee
34 because that employee has filed charges or given testimony under this
35 chapter;

1 (e) To refuse to bargain collectively with the representatives of
2 its employees.

3 (2) It is an unfair labor practice for an employee organization:

4 (a) To restrain or coerce an employee in the exercise of the
5 rights guaranteed by this chapter: PROVIDED, That this subsection
6 shall not impair the right of an employee organization to prescribe
7 its own rules with respect to the acquisition or retention of
8 membership in the employee organization or to an employer in the
9 selection of its representatives for the purpose of bargaining or the
10 adjustment of grievances;

11 (b) To cause or attempt to cause an employer to discriminate
12 against an employee in violation of subsection (1)(c) of this
13 section;

14 (c) To discriminate against an employee because that employee has
15 filed charges or given testimony under this chapter;

16 (d) To refuse to bargain collectively with an employer.

17 (3) The expressing of any views, arguments, or opinion, or the
18 dissemination thereof to the public, whether in written, printed,
19 graphic, or visual form, shall not constitute or be evidence of an
20 unfair labor practice under this chapter, if such expression contains
21 no threat of reprisal or force or promise of benefit.

22 NEW SECTION. **Sec. 8.** Sections 1 through 7 and 9 of this act
23 constitute a new chapter in Title 44 RCW.

24 NEW SECTION. **Sec. 9.** Sections 2 through 7 of this act take
25 effect May 1, 2024.

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