
SECOND SUBSTITUTE SENATE BILL 6194

State of Washington

68th Legislature

2024 Regular Session

By Senate Ways & Means (originally sponsored by Senators Stanford, Saldaña, Cleveland, Conway, Dhingra, Hasegawa, Hunt, Kuderer, Lias, Lovelett, Nobles, Randall, Trudeau, Valdez, Van De Wege, and C. Wilson)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to state legislative employee collective
2 bargaining; amending RCW 44.90.020, 44.90.030, 44.90.050, 44.90.060,
3 44.90.070, 44.90.080, 44.90.090, 42.52.020, and 42.52.160; adding new
4 sections to chapter 44.90 RCW; providing an effective date; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 44.90.020 and 2022 c 283 s 3 are each amended to
8 read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Collective bargaining" means the performance of the mutual
12 obligations of the employer and the exclusive bargaining
13 representative to meet at reasonable times, except that neither party
14 may be compelled to negotiate during a legislative session or on
15 committee assembly days, to confer and negotiate in good faith, and
16 to execute a written agreement with respect to the subjects of
17 bargaining specified under RCW 44.90.090. The obligation to bargain
18 does not compel either party to agree to a proposal or to make a
19 concession unless otherwise provided in this chapter.

20 (2) "Commission" means the public employment relations
21 commission.

1 ~~((2))~~ (3) "Confidential employee" means an employee designated
2 by the employer to assist in a confidential capacity, or serve as
3 counsel to, persons who formulate, determine, and effectuate employer
4 policies with regard to labor relations and personnel matters or who
5 has authorized access to information relating to the effectuation or
6 review of the employer's collective bargaining policies, strategies,
7 or process to the extent that such access creates a conflict of
8 interest, or who assists or aids an employee with managerial
9 authority.

10 (4) "Director" means the director of the office of state
11 legislative labor relations.

12 ~~((3))~~ (5) (a) "Employee" means:

13 (i) Any regular partisan employee of the house of representatives
14 or the senate who is covered by this chapter; and

15 (ii) Any regular employee who is staff of the:

16 (A) Office of legislative support services;

17 (B) Legislative service center;

18 (C) Office of the code reviser who, during any legislative
19 session, does not work full time on drafting and finalizing
20 legislative bills to be included in the Revised Code of Washington;
21 and

22 (D) House of representatives and senate administrations.

23 (b) "Employee" also includes temporary staff hired to perform
24 substantially similar work to that performed by employees included
25 under (a) of this subsection.

26 (c) All other regular employees and temporary employees,
27 including casual employees, interns, and pages, and employees in the
28 office of program research and senate committee services work groups
29 of the house of representatives and the senate are excluded from the
30 definition of "employee" for the purposes of this chapter.

31 (6) "Employee organization" means any organization, union, or
32 association in which employees participate and that exists for the
33 purpose, in whole or in part, of collective bargaining with
34 employers.

35 ~~((4))~~ (7) "Employee with managerial authority" means any
36 employee designated by the employer who, regardless of job title: (a)
37 Directs the staff who work for a legislative chamber, caucus, agency,
38 or subdivision thereof; (b) has substantial responsibility in
39 personnel administration, or the preparation and administration of
40 the employer's budgets; and (c) exercises authority that is not

1 merely routine or clerical in nature and requires the use of
2 independent judgment.

3 (8) "Employer" means:

4 (a) The chief clerk of the house of representatives, or the chief
5 clerk's designee, for employees of the house of representatives;

6 (b) The secretary of the senate, or the secretary's designee, for
7 employees of the senate; and

8 (c) The chief clerk of the house of representatives and the
9 secretary of the senate, acting jointly, or their designees, for the
10 regular employees who are staff of the office of legislative support
11 services, the legislative service center, and the office of the code
12 reviser.

13 (9) "Exclusive bargaining representative" means any employee
14 organization that has been certified under this chapter as the
15 representative of the employees in an appropriate bargaining unit.

16 ~~((+5))~~ (10) "Labor dispute" means any controversy concerning
17 terms, tenure, or conditions of employment, or concerning the
18 association or representation of persons in negotiating, fixing,
19 maintaining, changing, or seeking to arrange terms or conditions of
20 employment with respect to the subjects of bargaining provided in
21 this chapter, regardless of whether the disputants stand in the
22 proximate relation of employer and employee.

23 (11) "Legislative agencies" means the joint legislative audit and
24 review committee, the statute law committee, the legislative ethics
25 board, the legislative evaluation and accountability program
26 committee, the office of the state actuary, the legislative service
27 center, the office of legislative support services, the joint
28 transportation committee, and the redistricting commission.

29 ~~((+6))~~ (12) "Office" means the office of state legislative labor
30 relations.

31 (13) "Supervisor" means an employee designated by the employer to
32 provide supervision to and have authority over legislative employees
33 on an ongoing basis as part of the employee's regular and usual job
34 duties. Supervision includes the authority to direct employees,
35 approve and deny leave, and effectively recommend decisions to hire,
36 transfer, suspend, lay off, recall, promote, discharge, direct,
37 reward, or discipline employees, or to adjust employee grievances,
38 when the exercise of the authority is not of a merely routine nature
39 but requires the exercise of individual judgment.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 44.90
2 RCW to read as follows:

3 (1) This chapter does not apply to any legislative employee who
4 has managerial authority, is a confidential employee, or who does not
5 meet the definition of employee for the purpose of collective
6 bargaining.

7 (2) This chapter also does not apply to:

8 (a) Elected or appointed members of the legislature;

9 (b) Any person appointed to office under statute, ordinance, or
10 resolution for a specific term of office as a member of a multimember
11 board, commission, or committee;

12 (c) Caucus chiefs of staff and caucus deputy chiefs of staff;

13 (d) The speaker's attorney, house counsel, and leadership counsel
14 to the minority caucus of the house of representatives; and

15 (e) The counsel for the senate that provide direct legal advice
16 to the administration of the senate.

17 **Sec. 3.** RCW 44.90.030 and 2022 c 283 s 2 are each amended to
18 read as follows:

19 (1) The office of state legislative labor relations is created to
20 assist the house of representatives, the senate, and legislative
21 agencies in implementing and managing the process of collective
22 bargaining for employees of the legislative branch of state
23 government.

24 (2)(a) Subject to (b) of this subsection, the secretary of the
25 senate and the chief clerk of the house of representatives shall
26 employ a director of the office. The director serves at the pleasure
27 of the secretary of the senate and the chief clerk of the house of
28 representatives, who shall fix the director's salary.

29 (b) The secretary of the senate and the chief clerk of the house
30 of representatives shall, before employing a director, consult with
31 legislative employees, the senate facilities and operations
32 committee, the house executive rules committee, and the human
33 resources officers of the house of representatives, the senate, and
34 legislative agencies.

35 (c) The director serves as the executive and administrative head
36 of the office and may employ additional employees to assist in
37 carrying out the duties of the office. The duties of the office
38 include, but are not limited to, establishing bargaining teams and
39 conducting negotiations on behalf of the employer.

1 ~~((d) The director shall contract with an external consultant for~~
2 ~~the purposes of gathering input from legislative employees, taking~~
3 ~~into consideration RCW 42.52.020 and rules of the house of~~
4 ~~representatives and the senate. The gathering of input must be in the~~
5 ~~form of, at a minimum, surveys.~~

6 ~~(3) The director, in consultation with the secretary of the~~
7 ~~senate, the chief clerk of the house of representatives, and the~~
8 ~~administrative heads of legislative agencies shall:~~

9 ~~(a) Examine issues related to collective bargaining for employees~~
10 ~~of the house of representatives, the senate, and legislative~~
11 ~~agencies; and~~

12 ~~(b) After consultation with the external consultant, develop best~~
13 ~~practices and options for the legislature to consider in implementing~~
14 ~~and administering collective bargaining for employees of the house of~~
15 ~~representatives, the senate, and legislative agencies.~~

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

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

22 ~~(i) Which employees of the house of representatives, the senate,~~
23 ~~and legislative agencies for whom collective bargaining may be~~
24 ~~appropriate;~~

25 ~~(ii) Mandatory, permissive, and prohibited subjects of~~
26 ~~bargaining;~~

27 ~~(iii) Who would negotiate on behalf of the house of~~
28 ~~representatives, the senate, and legislative agencies, and which~~
29 ~~entity or entities would be considered the employer for purposes of~~
30 ~~bargaining;~~

31 ~~(iv) Definitions for relevant terms;~~

32 ~~(v) Common public employee collective bargaining agreement~~
33 ~~frameworks related to grievance procedures and processes for~~
34 ~~disciplinary actions;~~

35 ~~(vi) Procedures related to the commission certifying exclusive~~
36 ~~bargaining representatives, determining bargaining units,~~
37 ~~adjudicating unfair labor practices, determining representation~~
38 ~~questions, and coalition bargaining;~~

39 ~~(vii) The efficiency and feasibility of coalition bargaining;~~

1 ~~(viii) Procedures for approving negotiated collective bargaining~~
2 ~~agreements;~~

3 ~~(ix) Procedures for submitting requests for funding to the~~
4 ~~appropriate legislative committees if appropriations are necessary to~~
5 ~~implement provisions of the collective bargaining agreements; and~~

6 ~~(x) Approaches taken by other state legislatures that have~~
7 ~~authorized collective bargaining for legislative employees.~~

8 ~~(5) The report must include a summary of any statutory changes~~
9 ~~needed to address the considerations listed in subsection (4) of this~~
10 ~~section related to the collective bargaining process for legislative~~
11 ~~employees.)~~

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 44.90
13 RCW to read as follows:

14 (1) As provided by this chapter, the commission or the court
15 shall determine all questions described by this chapter as under the
16 commission's authority. However, such authority may not result in an
17 order or rule that intrudes upon or interferes with the legislature's
18 core function of efficient and effective law making or the essential
19 operation of the legislature, including that an order or rule may
20 not:

21 (a) Require the legislature to reinstate an employee;

22 (b) Modify any matter relating to the qualifications and
23 elections of members of the legislature, or the holding of office of
24 members of the legislature;

25 (c) Modify any matter relating to the legislature or each house
26 thereof choosing its officers, adopting rules for its proceedings,
27 selecting committees necessary for the conduct of business,
28 considering or enacting legislation, or otherwise exercising the
29 legislative power of this state;

30 (d) Modify any matter relating to legislative calendars,
31 schedules, and deadlines of the legislature; or

32 (e) Modify laws, rules, policies, or procedures regarding ethics
33 or conflicts of interest.

34 (2) No member of the legislature may be compelled by subpoena or
35 other means to attend a proceeding related to matters covered by this
36 chapter during a legislative session, committee assembly days, or for
37 15 days before commencement of each session.

1 **Sec. 5.** RCW 44.90.050 and 2022 c 283 s 5 are each amended to
2 read as follows:

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

10 (2) Except as may be specifically limited by this chapter, the
11 commission shall determine all questions pertaining to ascertaining
12 exclusive bargaining representatives for legislative employees and
13 collectively bargaining under this chapter. However, no employee
14 organization shall be recognized or certified as the exclusive
15 bargaining representative of a bargaining unit of employees of the
16 legislative branch unless it receives the votes of a majority of
17 employees in the petitioned for bargaining unit voting in a secret
18 election (~~by mail ballot~~) administered by the commission. The
19 commission's process must allow for an employee, group of employees,
20 employee organizations, employer, or their agents to have the right
21 to petition on any question concerning representation.

22 (3) (~~The employer and the exclusive bargaining representative of~~
23 ~~a bargaining unit of legislative employees may not enter into a~~
24 ~~collective bargaining agreement that requires the employer to deduct,~~
25 ~~from the salary or wages of an employee, contributions for payments~~
26 ~~for political action committees sponsored by employee organizations~~
27 ~~with legislative employees as members.)) The commission must adopt
28 rules that provide for at least the following:~~

29 (a) Secret balloting;

30 (b) Consulting with employee organizations;

31 (c) Access to lists of employees, job titles, work locations, and
32 home mailing addresses;

33 (d) Absentee voting;

34 (e) Procedures for the greatest possible participation in voting;

35 (f) Campaigning on the employer's property during working hours;

36 and

37 (g) Election observers.

38 (4) (a) If an employee organization has been certified as the
39 exclusive bargaining representative of the employees of multiple
40 bargaining units, the employee organization may act for and negotiate

1 a master collective bargaining agreement that includes within the
2 coverage of the agreement all covered employees in the bargaining
3 units.

4 (b) If a master collective bargaining agreement is in effect for
5 the newly certified exclusive bargaining representative, it applies
6 to the bargaining unit for which the new certification has been
7 issued. Nothing in this subsection (4)(b) requires the parties to
8 engage in new negotiations during the term of that agreement.

9 (5) The certified exclusive bargaining representative is
10 responsible for representing the interests of all the employees in
11 the bargaining unit. This section may not be construed to limit an
12 exclusive bargaining representative's right to exercise its
13 discretion to refuse to process grievances of employees that are
14 unmeritorious.

15 (6) No question concerning representation may be raised if:

16 (a) Fewer than 12 months have elapsed since the last
17 certification or election; or

18 (b) A valid collective bargaining agreement exists covering the
19 unit, except for that period of no more than 120 calendar days nor
20 less than 90 calendar days before the expiration of the contract.

21 NEW SECTION. Sec. 6. A new section is added to chapter 44.90
22 RCW to read as follows:

23 (1) The commission, after hearing upon reasonable notice to all
24 interested parties, shall decide, in each application for
25 certification as an exclusive bargaining representative, the unit
26 appropriate for certification. In determining the new units or
27 modifications of existing units, the commission must consider: The
28 duties, skills, and working conditions of the employees; the history
29 of collective bargaining; the extent of organization among the
30 employees; the desires of the employees; and the avoidance of
31 excessive fragmentation. However, a unit is not appropriate if it
32 includes:

33 (a) Both supervisors and nonsupervisory employees. A unit that
34 includes only supervisors may be considered appropriate if a majority
35 of the supervisory employees indicates by vote that they desire to be
36 included in such a unit; or

37 (b) Both house of representatives and senate employees.

38 (2) If a single employee organization is the exclusive bargaining
39 representative for two or more units, upon petition by the employee

1 organization, the units may be consolidated into a single larger unit
2 if the commission considers the larger unit to be appropriate. If
3 consolidation is appropriate, the commission shall certify the
4 employee organization as the exclusive bargaining representative of
5 the new unit.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 44.90
7 RCW to read as follows:

8 (1) The parties to a collective bargaining agreement must reduce
9 the agreement to writing and both execute it.

10 (2) Except as provided in this chapter, a collective bargaining
11 agreement must contain provisions that provide for a grievance
12 procedure of all disputes arising over the interpretation or
13 application of the collective bargaining agreement and that is valid
14 and enforceable under its terms when entered into in accordance with
15 this chapter.

16 (3) RCW 41.56.037 applies to this chapter.

17 (4) (a) If a collective bargaining agreement between an employer
18 and an exclusive bargaining representative is concluded after the
19 termination date of the previous collective bargaining agreement
20 between the employer and an employee organization representing the
21 same bargaining units, the effective date of the collective
22 bargaining agreement may be the day after the termination of the
23 previous collective bargaining agreement, and all benefits included
24 in the new collective bargaining agreement, including wage or salary
25 increases, may accrue beginning with that effective date.

26 (b) If a collective bargaining agreement between an employer and
27 an exclusive bargaining representative is concluded after the
28 termination date of the previous collective bargaining agreement
29 between the employer and the exclusive bargaining representative
30 representing different bargaining units, the effective date of the
31 collective bargaining agreement may be the day after the termination
32 date of whichever previous collective bargaining agreement covering
33 one or more of the units terminated first, and all benefits included
34 in the new collective bargaining agreement, including wage or salary
35 increases, may accrue beginning with that effective date.

36 (5) The employer and the exclusive bargaining representative of a
37 bargaining unit of legislative employees may not enter into a
38 collective bargaining agreement that requires the employer to deduct,
39 from the salary or wages of an employee, contributions for payments

1 for political action committees sponsored by employee organizations
2 with legislative employees as members.

3 **Sec. 8.** RCW 44.90.060 and 2022 c 283 s 6 are each amended to
4 read as follows:

5 ~~((During a legislative session or committee assembly days,~~
6 ~~nothing))~~ Nothing contained in this chapter permits or grants to any
7 legislative employee the right to strike, participate in a work
8 stoppage, or refuse to perform their official duties.

9 **Sec. 9.** RCW 44.90.070 and 2022 c 283 s 7 are each amended to
10 read as follows:

11 (1) Collective bargaining negotiations under this chapter must
12 commence no later than July 1st of each even-numbered year after a
13 bargaining unit has been certified.

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

16 (3) (a) The director must submit ratified collective bargaining
17 agreements, with cost estimates, to the employer by October 1st
18 before the legislative session at which the request for funds are to
19 be considered. The transmission by the legislature to the governor
20 under RCW 43.88.090 must include a request for funds necessary to
21 implement the provisions of all collective bargaining agreements
22 covering legislative employees.

23 (b) If the legislature or governor fail to provide the funds for
24 a collective bargaining agreement for legislative employees, either
25 party may reopen all or part of the agreement or the exclusive
26 bargaining representative may seek to implement the procedures
27 provided for in section 10 of this act.

28 (4) Negotiation for economic terms will be by a coalition of all
29 exclusive bargaining representatives. Any such provisions agreed to
30 by the employer and the coalition must be included in all collective
31 bargaining agreements negotiated by the parties. The director and the
32 exclusive bargaining representative or representatives are authorized
33 to enter into supplemental bargaining of bargaining unit specific
34 issues for inclusion in the collective bargaining agreement, subject
35 to the parties' agreement regarding the issues and procedures for
36 supplemental bargaining. This subsection does not prohibit
37 cooperation and coordination of bargaining between two or more
38 exclusive bargaining representatives.

1 (5) If a significant revenue shortfall occurs resulting in
2 reduced appropriations, as declared by proclamation of the governor
3 or by resolution of the legislature, both parties must immediately
4 enter into collective bargaining for a mutually agreed upon
5 modification of the agreement.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 44.90
7 RCW to read as follows:

8 (1) Should the parties fail to reach agreement in negotiating a
9 collective bargaining agreement, either party may request of the
10 commission the assistance of an impartial third party to mediate the
11 negotiations. If a collective bargaining agreement previously
12 negotiated under this chapter expires while negotiations are
13 underway, the terms and conditions specified in the collective
14 bargaining agreement remain in effect for a period not to exceed one
15 year from the expiration date stated in the agreement. Thereafter,
16 the employer may unilaterally implement according to law.

17 (2) Nothing in this section may be construed to prohibit an
18 employer and an exclusive bargaining representative from agreeing to
19 substitute, at their own expense, their own procedure for resolving
20 impasses in collective bargaining for that provided in this section
21 or from agreeing to utilize for the purposes of this section any
22 other governmental or other agency or person in lieu of the
23 commission.

24 (3) The commission shall bear costs for mediator services.

25 **Sec. 11.** RCW 44.90.080 and 2022 c 283 s 8 are each amended to
26 read as follows:

27 (1) It is an unfair labor practice for an employer in the
28 legislative branch of state government:

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

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

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

4 (d) To discharge or discriminate otherwise against an employee
5 because that employee has filed charges or given testimony under this
6 chapter;

7 (e) To refuse to bargain collectively with the exclusive
8 bargaining representatives of its employees.

9 (2) Notwithstanding any other law, the expression of any views,
10 arguments, or opinions, or the dissemination thereof in any form, by
11 a member of the legislature related to this chapter or matters within
12 the scope of representation, shall not constitute, or be evidence of,
13 an unfair labor practice unless the employer has authorized the
14 member to express that view, argument, or opinion on behalf of the
15 employer or as an employer.

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

17 (a) To restrain or coerce an employee in the exercise of the
18 rights guaranteed by this chapter: PROVIDED, That this subsection
19 shall not impair the right of an employee organization to prescribe
20 its own rules with respect to the acquisition or retention of
21 membership in the employee organization or to an employer in the
22 selection of its representatives for the purpose of bargaining or the
23 adjustment of grievances;

24 (b) To cause or attempt to cause an employer to discriminate
25 against an employee in violation of subsection (1)(c) of this
26 section;

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

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

30 (~~(3)~~) (4) The expressing of any views, arguments, or opinion,
31 or the dissemination thereof to the public, whether in written,
32 printed, graphic, or visual form, shall not constitute or be evidence
33 of an unfair labor practice under this chapter, if such expression
34 contains no threat of reprisal or force or promise of benefit.

35 NEW SECTION. Sec. 12. A new section is added to chapter 44.90
36 RCW to read as follows:

37 (1) The commission is empowered and directed to prevent any
38 unfair labor practice and to issue appropriate remedial orders.
39 However, a complaint may not be processed for any unfair labor

1 practice occurring more than six months before the filing of the
2 complaint with the commission or in Thurston county superior court.
3 This power may not be affected or impaired by any means of
4 adjustment, mediation, or conciliation in labor disputes that have
5 been or may hereafter be established by law.

6 (2) Except as may be specifically limited by this chapter, if the
7 commission or court determines that any person has engaged in or is
8 engaging in an unfair labor practice, the commission or court shall
9 issue and cause to be served upon the person an order requiring the
10 person to cease and desist from such unfair labor practice, and to
11 take such affirmative action as will effectuate the purposes and
12 policy of this chapter, such as the payment of damages.

13 (3) The commission may petition the Thurston county superior
14 court for the enforcement of its order and for appropriate temporary
15 relief.

16 **Sec. 13.** RCW 44.90.090 and 2022 c 283 s 9 are each amended to
17 read as follows:

18 (1) Except as otherwise provided in this chapter, the matters
19 subject to bargaining include wages, hours, terms, and conditions of
20 employment, and the negotiation of any question arising under a
21 collective bargaining agreement.

22 (2) The employer shall not bargain over rights of management
23 which, in addition to all powers, duties, and rights established by
24 constitutional provision or statute, shall include, but not be
25 limited to, the following:

26 (a) Any item listed in section 4(1) of this act;

27 (b) The functions and programs of the employer, the use of
28 technology, and the structure of the organization, including the size
29 and composition of standing committees;

30 ~~((b))~~ (c) The employer's budget and the size of the employer's
31 workforce, including determining the financial basis for layoffs;

32 ~~((e))~~ (d) The right to direct and supervise employees;

33 ~~((d))~~ (e) The hours of work during legislative session and the
34 cutoff calendar for a legislative session; ~~(and~~

35 ~~(e))~~ (f) The employer's right to hire, terminate, and promote
36 employees. Legislative employees hold their positions at the
37 employer's pleasure;

38 (g) Health care benefits and other employee insurance benefits.
39 The amount paid by a legislative employee for health care premiums

1 must be the same as that paid by a represented state employee covered
2 by RCW 41.80.020(3);

3 (h) The right to take whatever actions are deemed necessary to
4 carry out the mission of the legislature and its agencies during
5 emergencies;

6 (i) Employees' status as exempt from chapters 41.06 and 49.46 RCW
7 and the federal fair labor standards act (Title 29 U.S.C. Sec. 203);
8 and

9 (j) Retirement plans and retirement benefits.

10 ~~((2))~~ (3) Except for an applicable code of conduct policy
11 adopted by a chamber of the legislature or a legislative agency, if a
12 conflict exists between policies adopted by the legislature relating
13 to wages, hours, and terms and conditions of employment and a
14 provision of a collective bargaining agreement negotiated under this
15 chapter, the collective bargaining agreement shall prevail. A
16 provision of a collective bargaining agreement that conflicts with a
17 statute or an applicable term of a code of conduct policy adopted by
18 a chamber of the legislature or a legislative agency is invalid and
19 unenforceable.

20 NEW SECTION. Sec. 14. A new section is added to chapter 44.90
21 RCW to read as follows:

22 (1) Upon authorization of an employee within the bargaining unit
23 and after the certification or recognition of the bargaining unit's
24 exclusive bargaining representative, the employer must deduct from
25 the payments to the employee the monthly amount of dues as certified
26 by the secretary of the exclusive bargaining representative and must
27 transmit the same to the treasurer of the exclusive bargaining
28 representative.

29 (2)(a) An employee's written, electronic, or recorded voice
30 authorization to have the employer deduct membership dues from the
31 employee's salary must be made by the employee to the exclusive
32 bargaining representative. If the employer receives a request for
33 authorization of deductions, the employer must, as soon as
34 practicable, forward the request to the exclusive bargaining
35 representative.

36 (b) Upon receiving notice of the employee's authorization, the
37 employer must deduct from the employee's salary membership dues and
38 remit the amounts to the exclusive bargaining representative.

1 (c) The employee's authorization remains in effect until
2 expressly revoked by the employee in accordance with the terms and
3 conditions of the authorization.

4 (d) An employee's request to revoke authorization for payroll
5 deductions must be in writing and submitted by the employee to the
6 exclusive bargaining representative in accordance with the terms and
7 conditions of the authorization.

8 (e) After the employer receives confirmation from the exclusive
9 bargaining representative that the employee has revoked authorization
10 for deductions, the employer must end the deduction no later than the
11 second payroll after receipt of the confirmation.

12 (f) The employer must rely on information provided by the
13 exclusive bargaining representative regarding the authorization and
14 revocation of deductions.

15 NEW SECTION. **Sec. 15.** A new section is added to chapter 44.90
16 RCW to read as follows:

17 (1) If the parties to a collective bargaining agreement
18 negotiated under this chapter agree to final and binding arbitration
19 under grievance procedures allowed by section 7 of this act, the
20 parties may agree on one or more permanent umpires to serve as
21 arbitrator, or may agree on any impartial person to serve as
22 arbitrator, or may agree to select arbitrators from any source
23 available to them, including federal and private agencies, in
24 addition to the staff and list of arbitrators maintained by the
25 commission. If the parties cannot agree to the selection of an
26 arbitrator, the commission must supply a list of names in accordance
27 with the procedures established by the commission.

28 (2) The authority of an arbitrator shall be subject to the limits
29 and restrictions specified under section 4 of this act.

30 (3) Except as limited by this chapter, an arbitrator may require
31 any person to attend as a witness and to bring with them any book,
32 record, document, or other evidence. The fees for such attendance
33 must be paid by the party requesting issuance of the subpoena and
34 must be the same as the fees of witnesses in the superior court.
35 Arbitrators may administer oaths. Subpoenas must issue and be signed
36 by the arbitrator and must be served in the same manner as subpoenas
37 to testify before a court of record in this state. If any person so
38 summoned to testify refuses or neglects to obey such subpoena, upon
39 petition authorized by the arbitrator, the superior court may compel

1 the attendance of the person before the arbitrator or punish the
2 person for contempt in the same manner provided for the attendance of
3 witnesses or the punishment of them in the courts of this state.

4 (4) Except as limited by this chapter, the arbitrator shall
5 appoint a time and place for the hearing and notify the parties
6 thereof, and may adjourn the hearing from time to time as may be
7 necessary, and, on application of either party and for good cause,
8 may postpone the hearing to a time not extending beyond the date
9 fixed by the collective bargaining agreement for making the award.
10 The arbitration award must be in writing and signed by the
11 arbitrator. The arbitrator must, promptly upon its rendition, serve a
12 true copy of the award on each of the parties or their attorneys of
13 record.

14 (5) If a party to a collective bargaining agreement negotiated
15 under this chapter that includes final and binding arbitration
16 refuses to submit a grievance for arbitration, the other party to the
17 collective bargaining agreement may invoke the jurisdiction of the
18 superior court of Thurston county and the court shall have
19 jurisdiction to issue an order compelling arbitration. Disputes
20 concerning compliance with grievance procedures shall be reserved for
21 determination by the arbitrator. Arbitration shall be ordered if the
22 grievance states a claim that on its face is covered by the
23 collective bargaining agreement. Doubts as to the coverage of the
24 arbitration clause shall be resolved in favor of arbitration.

25 (6) If a party to a collective bargaining agreement negotiated
26 under this chapter that includes final and binding arbitration
27 refuses to comply with the award of an arbitrator determining a
28 grievance arising under the collective bargaining agreement, the
29 other party to the collective bargaining agreement may invoke the
30 jurisdiction of the superior court of Thurston county and the court
31 shall have jurisdiction to issue an order enforcing the arbitration
32 award.

33 NEW SECTION. **Sec. 16.** A new section is added to chapter 44.90
34 RCW to read as follows:

35 (1) The following activities conducted by or on behalf of
36 legislative employees related to collective bargaining under this
37 chapter are exempt from the restrictions contained in RCW 42.52.020
38 and 42.52.160:

1 (a) Use of paid time and public resources for negotiating and
2 administering collective bargaining agreements under this chapter;

3 (b) Lobbying conducted by an employee organization, lobbyist,
4 association, or third party on behalf of legislative employees
5 concerning legislation that directly impacts legislative workplace
6 conditions;

7 (c) Communication with a prospective employee organization during
8 nonwork hours and without the use of public resources; or

9 (d) Conducting the day-to-day work of organizing and representing
10 legislative employees in the workplace while serving in a legislative
11 employee organization leadership position.

12 (2)(a) Nothing in this section affects the application of the
13 prohibition against the use of special privileges under RCW
14 42.52.070, confidentiality requirements under RCW 42.52.050, or other
15 applicable provisions of chapter 42.52 RCW to legislative employees.

16 (b) Nothing in this section permits any direct lobbying by a
17 legislative employee.

18 (3) As used in this section, "lobby" and "lobbyist" have the
19 meanings provided in RCW 42.17A.005.

20 **Sec. 17.** RCW 42.52.020 and 1996 c 213 s 2 are each amended to
21 read as follows:

22 (1) No state officer or state employee may have an interest,
23 financial or otherwise, direct or indirect, or engage in a business
24 or transaction or professional activity, or incur an obligation of
25 any nature, that is in conflict with the proper discharge of the
26 state officer's or state employee's official duties.

27 (2) This section does not apply to activities conducted by
28 legislative employees authorized under section 16 of this act.

29 **Sec. 18.** RCW 42.52.160 and 2023 c 91 s 3 are each amended to
30 read as follows:

31 (1) No state officer or state employee may employ or use any
32 person, money, or property under the officer's or employee's official
33 control or direction, or in his or her official custody, for the
34 private benefit or gain of the officer, employee, or another.

35 (2) This section does not prohibit the use of public resources to
36 benefit others as part of a state officer's or state employee's
37 official duties. It is not a violation of this section for a

1 legislator or an appropriate legislative staff designee to engage in
2 activities listed under RCW 42.52.070(2) or 42.52.822.

3 (3) This section does not prohibit de minimis use of state
4 facilities to provide employees with information about (a) medical,
5 surgical, and hospital care; (b) life insurance or accident and
6 health disability insurance; or (c) individual retirement accounts,
7 by any person, firm, or corporation administering such program as
8 part of authorized payroll deductions pursuant to RCW 41.04.020.

9 (4) The appropriate ethics boards may adopt rules providing
10 exceptions to this section for occasional use of the state officer or
11 state employee, of de minimis cost and value, if the activity does
12 not result in interference with the proper performance of public
13 duties.

14 (5) This section does not apply to activities conducted by
15 legislative employees authorized under section 16 of this act.

16 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of
18 the state government and its existing public institutions, and takes
19 effect May 1, 2024.

--- END ---