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**SENATE BILL 5415**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senator Gildon

1 AN ACT Relating to financial feasibility of collective bargaining  
2 agreements; and amending RCW 41.56.028, 41.56.029, 41.56.473,  
3 41.56.500, 41.56.510, 41.56.515, 41.59.105, 41.80.010, 47.64.170,  
4 74.39A.300, and 74.39A.530.

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

6 **Sec. 1.** RCW 41.56.028 and 2007 c 278 s 2 are each amended to  
7 read as follows:

8 (1) In addition to the entities listed in RCW 41.56.020, this  
9 chapter applies to the governor with respect to family child care  
10 providers. Solely for the purposes of collective bargaining and as  
11 expressly limited under subsections (2) and (3) of this section, the  
12 governor is the public employer of family child care providers who,  
13 solely for the purposes of collective bargaining, are public  
14 employees. The public employer shall be represented for bargaining  
15 purposes by the governor or the governor's designee appointed under  
16 chapter 41.80 RCW.

17 (2) This chapter governs the collective bargaining relationship  
18 between the governor and family child care providers, except as  
19 follows:

1 (a) A statewide unit of all family child care providers is the  
2 only unit appropriate for purposes of collective bargaining under RCW  
3 41.56.060.

4 (b) The exclusive bargaining representative of family child care  
5 providers in the unit specified in (a) of this subsection shall be  
6 the representative chosen in an election conducted pursuant to RCW  
7 41.56.070, except that in the initial election conducted under  
8 chapter 54, Laws of 2006, if more than one labor organization is on  
9 the ballot and none of the choices receives a majority of the votes  
10 cast, a runoff election shall be held.

11 (c) Notwithstanding the definition of "collective bargaining" in  
12 RCW 41.56.030(4), the scope of collective bargaining for child care  
13 providers under this section shall be limited solely to: (i) Economic  
14 compensation, such as manner and rate of subsidy and reimbursement,  
15 including tiered reimbursements; (ii) health and welfare benefits;  
16 (iii) professional development and training; (iv) labor-management  
17 committees; (v) grievance procedures; and (vi) other economic  
18 matters. Retirement benefits shall not be subject to collective  
19 bargaining. By such obligation neither party shall be compelled to  
20 agree to a proposal or be required to make a concession unless  
21 otherwise provided in this chapter.

22 (d) The mediation and interest arbitration provisions of RCW  
23 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

24 (i) With respect to commencement of negotiations between the  
25 governor and the exclusive bargaining representative of family child  
26 care providers, negotiations shall be commenced initially upon  
27 certification of an exclusive bargaining representative under (a) of  
28 this subsection and, thereafter, by February 1st of any even-numbered  
29 year; and

30 (ii) The decision of the arbitration panel is not binding on the  
31 legislature and, if the legislature does not approve the request for  
32 funds necessary to implement the compensation and benefit provisions  
33 of the arbitrated collective bargaining agreement, is not binding on  
34 the state.

35 (e) Family child care providers do not have the right to strike.

36 (3) Family child care providers who are public employees solely  
37 for the purposes of collective bargaining under subsection (1) of  
38 this section are not, for that reason, employees of the state for any  
39 purpose. This section applies only to the governance of the  
40 collective bargaining relationship between the employer and family

1 child care providers as provided in subsections (1) and (2) of this  
2 section.

3 (4) This section does not create or modify:

4 (a) The parents' or legal guardians' right to choose and  
5 terminate the services of any family child care provider that  
6 provides care for their child or children;

7 (b) The secretary of the department of social and health  
8 services' right to adopt requirements under RCW 74.15.030, except for  
9 requirements related to grievance procedures and collective  
10 negotiations on personnel matters as specified in subsection (2)(c)  
11 of this section;

12 (c) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and 74.15.130;  
13 and

14 (d) The legislature's right to make programmatic modifications to  
15 the delivery of state services through child care subsidy programs,  
16 including standards of eligibility of parents, legal guardians, and  
17 family child care providers participating in child care subsidy  
18 programs, and the nature of services provided. The governor shall not  
19 enter into, extend, or renew any agreement under this section that  
20 does not expressly reserve the legislative rights described in this  
21 subsection (4)(d).

22 (5) Upon meeting the requirements of subsection (6) of this  
23 section, the governor must submit, as a part of the proposed biennial  
24 or supplemental operating budget submitted to the legislature under  
25 RCW 43.88.030, a request for funds necessary to implement the  
26 compensation and benefit provisions of a collective bargaining  
27 agreement entered into under this section or for legislation  
28 necessary to implement such agreement.

29 (6) A request for funds necessary to implement the compensation  
30 and benefit provisions of a collective bargaining agreement entered  
31 into under this section shall not be submitted by the governor to the  
32 legislature unless such request has been:

33 (a) Submitted to the director of financial management by October  
34 1st before the legislative session at which the request is to be  
35 considered, except that, for initial negotiations under this section,  
36 the request must be submitted by November 15, 2006; and

37 (b) Certified by the director of financial management as being  
38 feasible financially for the state or reflects the binding decision  
39 of an arbitration panel reached under this section.

1       (7)(a) The director of the office of financial management shall  
2 not certify as financially feasible any collective bargaining  
3 agreement under subsection (6)(b) of this section if the governor's  
4 budget document or any appendix to a budget or budget document  
5 submitted under RCW 43.88.030 and 43.88.060 proposes to:

6       (i) Fund expenditures by raising taxes; or

7       (ii) Withdraw and appropriate funds from the budget stabilization  
8 account that requires a favorable vote of at least three-fifths of  
9 the members of each house of the legislature.

10       (b) For purposes of this subsection, "raising taxes" means any  
11 action or combination of actions by the state legislature that  
12 increases state tax revenue deposited in any fund, budget, or  
13 account, regardless of whether the revenues are deposited into the  
14 general fund.

15       (8) The legislature must approve or reject the submission of the  
16 request for funds as a whole. If the legislature rejects or fails to  
17 act on the submission, any such agreement will be reopened solely for  
18 the purpose of renegotiating the funds necessary to implement the  
19 agreement.

20       ~~((+8))~~ (9) The governor shall periodically consult with the  
21 joint committee on employment relations established by RCW 41.80.010  
22 regarding appropriations necessary to implement the compensation and  
23 benefit provisions of any collective bargaining agreement and, upon  
24 completion of negotiations, advise the committee on the elements of  
25 the agreement and on any legislation necessary to implement such  
26 agreement.

27       ~~((+9))~~ (10) After the expiration date of any collective  
28 bargaining agreement entered into under this section, all of the  
29 terms and conditions specified in any such agreement remain in effect  
30 until the effective date of a subsequent agreement, not to exceed one  
31 year from the expiration date stated in the agreement, except as  
32 provided in subsection (4)(d) of this section.

33       ~~((+10))~~ (11) If, after the compensation and benefit provisions  
34 of an agreement are approved by the legislature, a significant  
35 revenue shortfall occurs resulting in reduced appropriations, as  
36 declared by proclamation of the governor or by resolution of the  
37 legislature, both parties shall immediately enter into collective  
38 bargaining for a mutually agreed upon modification of the agreement.

39       ~~((+11))~~ (12) In enacting this section, the legislature intends  
40 to provide state action immunity under federal and state antitrust

1 laws for the joint activities of family child care providers and  
2 their exclusive bargaining representative to the extent such  
3 activities are authorized by this chapter.

4 **Sec. 2.** RCW 41.56.029 and 2007 c 184 s 1 are each amended to  
5 read as follows:

6 (1) In addition to the entities listed in RCW 41.56.020, this  
7 chapter applies to the governor with respect to adult family home  
8 providers. Solely for the purposes of collective bargaining and as  
9 expressly limited under subsections (2) and (3) of this section, the  
10 governor is the public employer of adult family home providers who,  
11 solely for the purposes of collective bargaining, are public  
12 employees. The public employer shall be represented for bargaining  
13 purposes by the governor or the governor's designee.

14 (2) There shall be collective bargaining, as defined in RCW  
15 41.56.030, between the governor and adult family home providers,  
16 except as follows:

17 (a) A statewide unit of all adult family home providers is the  
18 only unit appropriate for purposes of collective bargaining under RCW  
19 41.56.060.

20 (b) The exclusive bargaining representative of adult family home  
21 providers in the unit specified in (a) of this subsection shall be  
22 the representative chosen in an election conducted pursuant to RCW  
23 41.56.070.

24 Bargaining authorization cards furnished as the showing of  
25 interest in support of any representation petition or motion for  
26 intervention filed under this section shall be exempt from disclosure  
27 under chapter 42.56 RCW.

28 (c) Notwithstanding the definition of "collective bargaining" in  
29 RCW 41.56.030(4), the scope of collective bargaining for adult family  
30 home providers under this section shall be limited solely to: (i)  
31 Economic compensation, such as manner and rate of subsidy and  
32 reimbursement, including tiered reimbursements; (ii) health and  
33 welfare benefits; (iii) professional development and training; (iv)  
34 labor-management committees; (v) grievance procedures; and (vi) other  
35 economic matters. Retirement benefits shall not be subject to  
36 collective bargaining. By such obligation neither party shall be  
37 compelled to agree to a proposal or be required to make a concession  
38 unless otherwise provided in this chapter.

1 (d) In addition to the entities listed in the mediation and  
2 interest arbitration provisions of RCW 41.56.430 through 41.56.470  
3 and 41.56.480, the provisions apply to the governor or the governor's  
4 designee and the exclusive bargaining representative of adult family  
5 home providers, except that:

6 (i) In addition to the factors to be taken into consideration by  
7 an interest arbitration panel under RCW 41.56.465, the panel shall  
8 consider the financial ability of the state to pay for the  
9 compensation and benefit provisions of a collective bargaining  
10 agreement.

11 (ii) The decision of the arbitration panel is not binding on the  
12 legislature and, if the legislature does not approve the request for  
13 funds necessary to implement the compensation and benefit provisions  
14 of the arbitrated collective bargaining agreement, the decision is  
15 not binding on the state.

16 (e) Adult family home providers do not have the right to strike.

17 (3) Adult family home providers who are public employees solely  
18 for the purposes of collective bargaining under subsection (1) of  
19 this section are not, for that reason, employees of the state for any  
20 other purpose. This section applies only to the governance of the  
21 collective bargaining relationship between the employer and adult  
22 family home providers as provided in subsections (1) and (2) of this  
23 section.

24 (4) This section does not create or modify:

25 (a) The department's authority to establish a plan of care for  
26 each consumer or its core responsibility to manage long-term care  
27 services under chapter 70.128 RCW, including determination of the  
28 level of care that each consumer is eligible to receive. However, at  
29 the request of the exclusive bargaining representative, the governor  
30 or the governor's designee appointed under chapter 41.80 RCW shall  
31 engage in collective bargaining, as defined in RCW 41.56.030(4), with  
32 the exclusive bargaining representative over how the department's  
33 core responsibility affects hours of work for adult family home  
34 providers. This subsection shall not be interpreted to require  
35 collective bargaining over an individual consumer's plan of care;

36 (b) The department's obligation to comply with the federal  
37 medicaid statute and regulations and the terms of any community-based  
38 waiver granted by the federal department of health and human services  
39 and to ensure federal financial participation in the provision of the  
40 services;

1 (c) The legislature's right to make programmatic modifications to  
2 the delivery of state services under chapter 70.128 RCW, including  
3 standards of eligibility of consumers and adult family home providers  
4 participating in the programs under chapter 70.128 RCW, and the  
5 nature of services provided. The governor shall not enter into,  
6 extend, or renew any agreement under this chapter that does not  
7 expressly reserve the legislative rights described in this subsection  
8 (4)(c);

9 (d) The residents', parents', or legal guardians' right to choose  
10 and terminate the services of any licensed adult family home  
11 provider; and

12 (e) RCW 43.43.832, 43.20A.205, or 74.15.130.

13 (5) Upon meeting the requirements of subsection (6) of this  
14 section, the governor must submit, as a part of the proposed biennial  
15 or supplemental operating budget submitted to the legislature under  
16 RCW 43.88.030, a request for funds necessary to implement the  
17 compensation and benefit provisions of a collective bargaining  
18 agreement entered into under this section or for legislation  
19 necessary to implement the agreement.

20 (6) A request for funds necessary to implement the compensation  
21 and benefit provisions of a collective bargaining agreement entered  
22 into under this section shall not be submitted by the governor to the  
23 legislature unless the request has been:

24 (a) Submitted to the director of financial management by October  
25 1st prior to the legislative session at which the requests are to be  
26 considered; and

27 (b) Certified by the director of financial management as  
28 financially feasible for the state or reflective of a binding  
29 decision of an arbitration panel reached under subsection (2)(d) of  
30 this section.

31 (7)(a) The director of the office of financial management shall  
32 not certify as financially feasible any collective bargaining  
33 agreement under subsection (6)(b) of this section if the governor's  
34 budget document or any appendix to a budget or budget document  
35 submitted under RCW 43.88.030 and 43.88.060 proposes to:

36 (i) Fund expenditures by raising taxes; or

37 (ii) Withdraw and appropriate funds from the budget stabilization  
38 account that requires a favorable vote of at least three-fifths of  
39 the members of each house of the legislature.

1 (b) For purposes of this subsection, "raising taxes" means any  
2 action or combination of actions by the state legislature that  
3 increases state tax revenue deposited in any fund, budget, or  
4 account, regardless of whether the revenues are deposited into the  
5 general fund.

6 (8) The legislature must approve or reject the submission of the  
7 request for funds as a whole. If the legislature rejects or fails to  
8 act on the submission, any collective bargaining agreement must be  
9 reopened for the sole purpose of renegotiating the funds necessary to  
10 implement the agreement.

11 ~~((+8))~~ (9) If, after the compensation and 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 a  
16 mutually agreed upon modification of the agreement.

17 ~~((+9))~~ (10) After the expiration date of any collective  
18 bargaining agreement entered into under this section, all of the  
19 terms and conditions specified in the agreement remain in effect  
20 until the effective date of a subsequent agreement, not to exceed one  
21 year from the expiration date stated in the agreement.

22 ~~((+10))~~ (11) In enacting this section, the legislature intends  
23 to provide state action immunity under federal and state antitrust  
24 laws for the joint activities of adult family home providers and  
25 their exclusive bargaining representative to the extent the  
26 activities are authorized by this chapter.

27 **Sec. 3.** RCW 41.56.473 and 2005 c 438 s 1 are each amended to  
28 read as follows:

29 (1) In addition to the entities listed in RCW 41.56.020, this  
30 chapter applies to the state with respect to the officers of the  
31 Washington state patrol appointed under RCW 43.43.020, except that  
32 the state is prohibited from negotiating any matters relating to  
33 retirement benefits or health care benefits or other employee  
34 insurance benefits.

35 (2) For the purposes of negotiating wages, wage-related matters,  
36 and nonwage matters, the state shall be represented by the governor  
37 or the governor's designee who is appointed under chapter 41.80 RCW,  
38 and costs of the negotiations under this section shall be reimbursed  
39 as provided in RCW 41.80.140.



1 (3) The governor or the governor's designee shall consult with  
2 the chief of the Washington state patrol regarding collective  
3 bargaining.

4 (4) The negotiation of provisions pertaining to wages and wage-  
5 related matters in a collective bargaining agreement between the  
6 state and the Washington state patrol officers is subject to the  
7 following:

8 (a) The state's bargaining representative must periodically  
9 consult with a subcommittee of the joint committee on employment  
10 relations created in RCW 41.80.010(~~(+5)~~) (6) which shall consist of  
11 the four members appointed to the joint committee with leadership  
12 positions in the senate and the house of representatives, and the  
13 chairs and ranking minority members of the senate transportation  
14 committee and the house transportation committee, or their successor  
15 committees. The subcommittee must be consulted regarding the  
16 appropriations necessary to implement these provisions in a  
17 collective bargaining agreement and, on completion of negotiations,  
18 must be advised on the elements of these provisions.

19 (b) Provisions that are entered into before the legislature  
20 approves the funds necessary to implement the provisions must be  
21 conditioned upon the legislature's subsequent approval of the funds.

22 (5) The governor shall submit a request for funds necessary to  
23 implement the wage and wage-related matters in the collective  
24 bargaining agreement or for legislation necessary to implement the  
25 agreement. Requests for funds necessary to implement the provisions  
26 of bargaining agreements may not be submitted to the legislature by  
27 the governor unless such requests:

28 (a) Have been submitted to the director of financial management  
29 by October 1st before the legislative session at which the requests  
30 are to be considered; and

31 (b) Have been certified by the director of financial management  
32 as being feasible financially for the state or reflects the decision  
33 of an arbitration panel reached under RCW 41.56.475.

34 (6)(a) The director of the office of financial management shall  
35 not certify as financially feasible any collective bargaining  
36 agreement under subsection (5)(b) of this section if the governor's  
37 budget document or any appendix to a budget or budget document  
38 submitted under RCW 43.88.030 and 43.88.060 proposes to:

39 (i) Fund expenditures by raising taxes; or

1 (ii) Withdraw and appropriate funds from the budget stabilization  
2 account that requires a favorable vote of at least three-fifths of  
3 the members of each house of the legislature.

4 (b) For purposes of this subsection, "raising taxes" means any  
5 action or combination of actions by the state legislature that  
6 increases state tax revenue deposited in any fund, budget, or  
7 account, regardless of whether the revenues are deposited into the  
8 general fund.

9 **Sec. 4.** RCW 41.56.500 and 2017 3rd sp.s. c 13 s 817 are each  
10 amended to read as follows:

11 (1) All collective bargaining agreements entered into between a  
12 school district employer and school district employees under this  
13 chapter after June 10, 2010, as well as bargaining agreements  
14 existing on June 10, 2010, but renewed or extended after June 10,  
15 2010, shall be consistent with RCW 28A.657.050.

16 (2) All collective bargaining agreements entered into between a  
17 school district employer and school district employees under this  
18 chapter shall be consistent with RCW 28A.400.280 and 28A.400.350.

19 (3) Employee bargaining shall be initiated after July 1, 2018,  
20 over the dollar amount to be contributed for school employee health  
21 benefits beginning January 1, 2020, on behalf of each employee for  
22 health care benefits. Bargaining must subsequently be conducted in  
23 even-numbered years between the governor or governor's designee and  
24 one coalition of all the exclusive bargaining representatives  
25 impacted by benefit purchasing with the school employees' benefits  
26 board established in RCW 41.05.740, consistent with RCW 28A.400.280  
27 and 28A.400.350. The coalition bargaining must follow the model  
28 initially established for state employees in RCW 41.80.020.

29 (4) (a) The governor shall submit a request for funds necessary to  
30 implement the collective bargaining agreement for the dollar amount  
31 to be expended for school employee health benefits, or for  
32 legislation necessary to implement the agreement. A request for funds  
33 shall not be submitted to the legislature by the governor unless such  
34 request:

35 ~~((a))~~ (i) Has been submitted to the director of the office of  
36 financial management by October 1st prior to the legislative session  
37 at which the request is to be considered; and

38 ~~((b))~~ (ii) Has been certified by the director of the office of  
39 financial management as being feasible financially for the state.

1       (b) (i) The director of the office of financial management shall  
2 not certify as financially feasible any collective bargaining  
3 agreement under (a) (ii) of this subsection if the governor's budget  
4 document or any appendix to a budget or budget document submitted  
5 under RCW 43.88.030 and 43.88.060 proposes to:

6       (A) Fund expenditures by raising taxes; or

7       (B) Withdraw and appropriate funds from the budget stabilization  
8 account that requires a favorable vote of at least three-fifths of  
9 the members of each house of the legislature.

10       (ii) For purposes of this subsection, "raising taxes" means any  
11 action or combination of actions by the state legislature that  
12 increases state tax revenue deposited in any fund, budget, or  
13 account, regardless of whether the revenues are deposited into the  
14 general fund.

15       (c) The legislature shall approve or reject the submission of the  
16 request for funds. The legislature shall not consider a request for  
17 funds unless the request is transmitted to the legislature as part of  
18 the governor's budget document submitted under RCW 43.88.030 and  
19 43.88.060.

20       (d) If the legislature rejects or fails to act on the submission,  
21 either party may reopen all or part of the agreement. However, if the  
22 director of the office of financial management does not certify a  
23 request under this section as being feasible financially for the  
24 state, the parties shall enter into collective bargaining solely for  
25 the purpose of reaching a mutually agreed upon modification of the  
26 agreement necessary to address the absence of those requested funds.  
27 The legislature may act upon the health care benefit provisions of  
28 the modified collective bargaining agreement if those provisions are  
29 agreed upon and submitted to the office of financial management and  
30 legislative budget committees before final legislative action on the  
31 biennial or supplemental operating budget. If the legislature rejects  
32 or fails to act on the submission, either party may reopen all or  
33 part of the agreement.

34       **Sec. 5.** RCW 41.56.510 and 2020 c 289 s 2 are each amended to  
35 read as follows:

36       (1) In addition to the entities listed in RCW 41.56.020, this  
37 chapter applies to the governor with respect to language access  
38 providers. Solely for the purposes of collective bargaining and as  
39 expressly limited under subsections (2) and (3) of this section, the

1 governor is the public employer of language access providers who,  
2 solely for the purposes of collective bargaining, are public  
3 employees. The governor or the governor's designee shall represent  
4 the public employer for bargaining purposes.

5 (2) There shall be collective bargaining, as defined in RCW  
6 41.56.030, between the governor and language access providers, except  
7 as follows:

8 (a) The only units appropriate for purposes of collective  
9 bargaining under RCW 41.56.060 are:

10 (i) A statewide unit for language access providers who provide  
11 spoken language interpreter services for department of social and  
12 health services appointments, department of children, youth, and  
13 families appointments, or medicaid enrollee appointments;

14 (ii) A statewide unit for language access providers who provide  
15 spoken language interpreter services for injured workers or crime  
16 victims receiving benefits from the department of labor and  
17 industries; and

18 (iii) A statewide unit for language access providers who provide  
19 spoken language interpreter services for any state agency through the  
20 department of enterprise services, excluding language access  
21 providers included in (a) (i) and (ii) of this subsection;

22 (b) The exclusive bargaining representative of language access  
23 providers in the unit specified in (a) of this subsection shall be  
24 the representative chosen in an election conducted pursuant to RCW  
25 41.56.070.

26 Bargaining authorization cards furnished as the showing of  
27 interest in support of any representation petition or motion for  
28 intervention filed under this section are exempt from disclosure  
29 under chapter 42.56 RCW;

30 (c) Notwithstanding the definition of "collective bargaining" in  
31 RCW 41.56.030(4), the scope of collective bargaining for language  
32 access providers under this section is limited solely to: (i)  
33 Economic compensation, such as the manner and rate of payments,  
34 including tiered payments; (ii) professional development and  
35 training; (iii) labor-management committees; (iv) grievance  
36 procedures; (v) health and welfare benefits; and (~~(vii)~~—~~[(vi)]~~)  
37 (vi) other economic matters. Retirement benefits are not subject to  
38 collective bargaining. By such obligation neither party may be  
39 compelled to agree to a proposal or be required to make a concession  
40 unless otherwise provided in this chapter;

1 (d) In addition to the entities listed in the mediation and  
2 interest arbitration provisions of RCW 41.56.430 through 41.56.470  
3 and 41.56.480, the provisions apply to the governor or the governor's  
4 designee and the exclusive bargaining representative of language  
5 access providers, except that:

6 (i) In addition to the factors to be taken into consideration by  
7 an interest arbitration panel under RCW 41.56.465, the panel shall  
8 consider the financial ability of the state to pay for the  
9 compensation and benefit provisions of a collective bargaining  
10 agreement;

11 (ii) The decision of the arbitration panel is not binding on the  
12 legislature and, if the legislature does not approve the request for  
13 funds necessary to implement the compensation and benefit provisions  
14 of the arbitrated collective bargaining agreement, the decision is  
15 not binding on the state;

16 (e) Language access providers do not have the right to strike;

17 (f) If a single employee organization is the exclusive bargaining  
18 representative for two or more units, upon petition by the employee  
19 organization, the units may be consolidated into a single larger unit  
20 if the commission considers the larger unit to be appropriate. If  
21 consolidation is appropriate, the commission shall certify the  
22 employee organization as the exclusive bargaining representative of  
23 the new unit;

24 (g) If a single employee organization is the exclusive bargaining  
25 representative for two or more bargaining units, the governor and the  
26 employee organization may agree to negotiate a single collective  
27 bargaining agreement for all of the bargaining units that the  
28 employee organization represents.

29 (3) Language access providers who are public employees solely for  
30 the purposes of collective bargaining under subsection (1) of this  
31 section are not, for that reason, employees of the state for any  
32 other purpose. This section applies only to the governance of the  
33 collective bargaining relationship between the employer and language  
34 access providers as provided in subsections (1) and (2) of this  
35 section.

36 (4) Each party with whom the department of social and health  
37 services, the department of children, youth, and families, the  
38 department of labor and industries, and the department of enterprise  
39 services contracts for language access services and each of their  
40 subcontractors shall provide to the respective department an accurate

1 list of language access providers, as defined in RCW 41.56.030,  
2 including their names, addresses, and other contact information,  
3 annually by January 30th, except that initially the lists must be  
4 provided within thirty days of July 1, 2018. The department shall,  
5 upon request, provide a list of all language access providers,  
6 including their names, addresses, and other contact information, to a  
7 labor union seeking to represent language access providers.

8 (5) This section does not create or modify:

9 (a) The obligation of any state agency to comply with federal  
10 statute and regulations; and

11 (b) The legislature's right to make programmatic modifications to  
12 the delivery of state services under chapter 74.04 or 39.26 RCW or  
13 Title 51 RCW. The governor may not enter into, extend, or renew any  
14 agreement under this chapter that does not expressly reserve the  
15 legislative rights described in this subsection.

16 (6) Upon meeting the requirements of subsection (7) of this  
17 section, the governor must submit, as a part of the proposed biennial  
18 or supplemental operating budget submitted to the legislature under  
19 RCW 43.88.030, a request for funds necessary to implement the  
20 compensation and benefit provisions of a collective bargaining  
21 agreement entered into under this section or for legislation  
22 necessary to implement the agreement.

23 (7) A request for funds necessary to implement the compensation  
24 and benefit provisions of a collective bargaining agreement entered  
25 into under this section may not be submitted by the governor to the  
26 legislature unless the request has been:

27 (a) Submitted to the director of financial management by October  
28 1st prior to the legislative session at which the requests are to be  
29 considered, except that, for initial negotiations under this section,  
30 the request may not be submitted before July 1, 2011; and

31 (b) Certified by the director of financial management as  
32 financially feasible for the state or reflective of a binding  
33 decision of an arbitration panel reached under subsection (2)(d) of  
34 this section.

35 (8)(a) The director of the office of financial management shall  
36 not certify as financially feasible any collective bargaining  
37 agreement under subsection (7)(b) of this section if the governor's  
38 budget document or any appendix to a budget or budget document  
39 submitted under RCW 43.88.030 and 43.88.060 proposes to:

40 (i) Fund expenditures by raising taxes; or

1 (ii) Withdraw and appropriate funds from the budget stabilization  
2 account that requires a favorable vote of at least three-fifths of  
3 the members of each house of the legislature.

4 (b) For purposes of this subsection, "raising taxes" means any  
5 action or combination of actions by the state legislature that  
6 increases state tax revenue deposited in any fund, budget, or  
7 account, regardless of whether the revenues are deposited into the  
8 general fund.

9 (9) The legislature must approve or reject the submission of the  
10 request for funds as a whole. If the legislature rejects or fails to  
11 act on the submission, any collective bargaining agreement must be  
12 reopened for the sole purpose of renegotiating the funds necessary to  
13 implement the agreement.

14 ~~((9))~~ (10) If, after the compensation and benefit provisions of  
15 an agreement are approved by the legislature, a significant revenue  
16 shortfall occurs resulting in reduced appropriations, as declared by  
17 proclamation of the governor or by resolution of the legislature,  
18 both parties shall immediately enter into collective bargaining for a  
19 mutually agreed upon modification of the agreement.

20 ~~((10))~~ (11) After the expiration date of any collective  
21 bargaining agreement entered into under this section, all of the  
22 terms and conditions specified in the agreement remain in effect  
23 until the effective date of a subsequent agreement, not to exceed one  
24 year from the expiration date stated in the agreement.

25 ~~((11))~~ (12) In enacting this section, the legislature intends  
26 to provide state action immunity under federal and state antitrust  
27 laws for the joint activities of language access providers and their  
28 exclusive bargaining representative to the extent the activities are  
29 authorized by this chapter.

30 ~~((12))~~ (13) By December 1, 2020, the department of social and  
31 health services, the department of children, youth, and families, the  
32 department of labor and industries, the health care authority, and  
33 the department of enterprise services must report to the legislature  
34 on the following:

35 (a) Each agency's current process for procuring spoken language  
36 interpreters and whether the changes in chapter 253, Laws of 2018  
37 have been implemented;

38 (b) If chapter 253, Laws of 2018 has not been fully implemented  
39 by an agency, the barriers to implementation the agency has

1 encountered and recommendations for removing the barriers to  
2 implementation;

3 (c) The impacts of the changes to the bargaining units for  
4 language access providers in chapter 253, Laws of 2018; and

5 (d) Recommendations on how to improve the procurement and  
6 accessibility of language access providers.

7 **Sec. 6.** RCW 41.56.515 and 2020 c 298 s 2 are each amended to  
8 read as follows:

9 (1) In addition to the entities listed in RCW 41.56.020, this  
10 chapter applies to the state with respect to fish and wildlife  
11 officers except the state may not negotiate any matters relating to  
12 retirement benefits or health care benefits or other employee  
13 insurance benefits.

14 (2) For the purposes of negotiating wages, wage-related matters,  
15 and nonwage matters, the state shall be represented by the governor  
16 or the governor's designee who is appointed under RCW 41.80.010, and  
17 costs of the negotiations under this section shall be reimbursed as  
18 provided in RCW 41.80.140.

19 (3) Fish and wildlife officers shall be excluded from the  
20 coalition bargaining for a master agreement of all exclusive  
21 bargaining representatives of fewer than five hundred employees under  
22 chapter 41.80 RCW.

23 (4) The governor or the governor's designee shall consult with  
24 the director of fish and wildlife regarding collective bargaining.

25 (5) The negotiation of provisions pertaining to wages and wage-  
26 related matters in a collective bargaining agreement between the  
27 state and the bargaining representatives of the fish and wildlife  
28 officers is subject to the following:

29 (a) The state's bargaining representative must periodically  
30 consult with the committee of the joint committee on employment  
31 relations created in RCW 41.80.007 or any such successor committee  
32 for the joint committee on employment relations; and

33 (b) Provisions that are entered into before the legislature  
34 approves the funds necessary to implement the provisions are  
35 conditioned upon the legislature's subsequent approval of the funds.

36 (6) The governor shall submit a request for funds necessary to  
37 implement the wage and wage-related matters in the collective  
38 bargaining agreement or for legislation necessary to implement the  
39 agreement. Requests for funds necessary to implement the provisions



1 of bargaining agreements may not be submitted to the legislature by  
2 the governor unless such requests:

3 (a) Have been submitted to the director of financial management  
4 by October 1st before the legislative session at which the requests  
5 are to be considered; and

6 (b) Have been certified by the director of financial management  
7 as being feasible financially for the state or reflects the decision  
8 of an arbitration panel reached under RCW 41.56.475.

9 (7)(a) The director of the office of financial management shall  
10 not certify as financially feasible any collective bargaining  
11 agreement under subsection (6)(b) of this section if the governor's  
12 budget document or any appendix to a budget or budget document  
13 submitted under RCW 43.88.030 and 43.88.060 proposes to:

14 (i) Fund expenditures by raising taxes; or

15 (ii) Withdraw and appropriate funds from the budget stabilization  
16 account that requires a favorable vote of at least three-fifths of  
17 the members of each house of the legislature.

18 (b) For purposes of this subsection, "raising taxes" means any  
19 action or combination of actions by the state legislature that  
20 increases state tax revenue deposited in any fund, budget, or  
21 account, regardless of whether the revenues are deposited into the  
22 general fund.

23 **Sec. 7.** RCW 41.59.105 and 2017 3rd sp.s. c 13 s 818 are each  
24 amended to read as follows:

25 (1) All collective bargaining agreements entered into between a  
26 school district employer and school district employees under this  
27 chapter after June 10, 2010, as well as bargaining agreements  
28 existing on June 10, 2010, but renewed or extended after June 10,  
29 2010, shall be consistent with RCW 28A.657.050.

30 (2) All collective bargaining agreements entered into between a  
31 school district employer and school district employees under this  
32 chapter shall be consistent with RCW 28A.400.280 and 28A.400.350.

33 (3) Employee bargaining shall be initiated after July 1, 2018,  
34 over the dollar amount to be contributed beginning January 1, 2020,  
35 on behalf of each employee for health care benefits. Bargaining must  
36 subsequently be conducted in even-numbered years between the governor  
37 or governor's designee and one coalition of all the exclusive  
38 bargaining representatives impacted by benefit purchasing with the  
39 school employees' benefits board established in RCW 41.05.740,

1 consistent with RCW 28A.400.280 and 28A.400.350. The coalition  
2 bargaining must follow the model initially established for state  
3 employees in RCW 41.80.020.

4 (4) (a) The governor shall submit a request for funds necessary to  
5 implement the collective bargaining agreement for the dollar amount  
6 to be expended for school employee health benefits, or for  
7 legislation necessary to implement the agreement. A request for funds  
8 shall not be submitted to the legislature by the governor unless such  
9 request:

10 ~~((a))~~ (i) Has been submitted to the director of the office of  
11 financial management by October 1st prior to the legislative session  
12 at which the request is to be considered; and

13 ~~((b))~~ (ii) Has been certified by the director of the office of  
14 financial management as being feasible financially for the state.

15 (b) (i) The director of the office of financial management shall  
16 not certify as financially feasible any collective bargaining  
17 agreement under (a) (ii) of this subsection if the governor's budget  
18 document or any appendix to a budget or budget document submitted  
19 under RCW 43.88.030 and 43.88.060 proposes to:

20 (A) Fund expenditures by raising taxes; or

21 (B) Withdraw and appropriate funds from the budget stabilization  
22 account that requires a favorable vote of at least three-fifths of  
23 the members of each house of the legislature.

24 (ii) For purposes of this subsection, "raising taxes" means any  
25 action or combination of actions by the state legislature that  
26 increases state tax revenue deposited in any fund, budget, or  
27 account, regardless of whether the revenues are deposited into the  
28 general fund.

29 (c) The legislature shall approve or reject the submission of the  
30 request for funds. The legislature shall not consider a request for  
31 funds unless the request is transmitted to the legislature as part of  
32 the governor's budget document submitted under RCW 43.88.030 and  
33 43.88.060.

34 (d) If the legislature rejects or fails to act on the submission,  
35 either party may reopen all or part of the agreement. However, if the  
36 director of the office of financial management does not certify a  
37 request under this section as being feasible financially for the  
38 state, the parties shall enter into collective bargaining solely for  
39 the purpose of reaching a mutually agreed upon modification of the  
40 agreement necessary to address the absence of those requested funds.

1 The legislature may act upon the health care benefit provisions of  
2 the modified collective bargaining agreement if those provisions are  
3 agreed upon and submitted to the office of financial management and  
4 legislative budget committees before final legislative action on the  
5 biennial or supplemental operating budget. If the legislature rejects  
6 or fails to act on the submission, either party may reopen all or  
7 part of the agreement.

8 **Sec. 8.** RCW 41.80.010 and 2022 c 297 s 951 are each amended to  
9 read as follows:

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

14 (2) (a) (i) Except as otherwise provided, if an exclusive  
15 bargaining representative represents more than one bargaining unit,  
16 the exclusive bargaining representative shall negotiate with each  
17 employer representative as designated in subsection (1) of this  
18 section one master collective bargaining agreement on behalf of all  
19 the employees in bargaining units that the exclusive bargaining  
20 representative represents.

21 (ii) For those exclusive bargaining representatives who represent  
22 fewer than a total of five hundred employees each, negotiation shall  
23 be by a coalition of all those exclusive bargaining representatives.  
24 The coalition shall bargain for a master collective bargaining  
25 agreement covering all of the employees represented by the coalition.  
26 The governor's designee and the exclusive bargaining representative  
27 or representatives are authorized to enter into supplemental  
28 bargaining of agency-specific issues for inclusion in or as an  
29 addendum to the master collective bargaining agreement, subject to  
30 the parties' agreement regarding the issues and procedures for  
31 supplemental bargaining. Exclusive bargaining representatives that  
32 represent employees covered under chapter 41.06 RCW and exclusive  
33 bargaining representatives that represent employees exempt under  
34 chapter 41.06 RCW shall constitute separate coalitions and must  
35 negotiate separate master collective bargaining agreements. This  
36 subsection does not prohibit cooperation and coordination of  
37 bargaining between two or more exclusive bargaining representatives.

38 (b) This subsection does not apply to exclusive bargaining  
39 representatives who represent employees of institutions of higher

1 education, except when the institution of higher education has  
2 elected to exercise its option under subsection (4) of this section  
3 to have its negotiations conducted by the governor or governor's  
4 designee under the procedures provided for general government  
5 agencies in subsections (1) through (3) of this section.

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

13 (d) For assistant attorneys general, the governor or the  
14 governor's designee and an exclusive bargaining representative shall  
15 negotiate one master collective bargaining agreement.

16 (3) The governor shall submit a request for funds necessary to  
17 implement the compensation and fringe benefit provisions in the  
18 master collective bargaining agreement or for legislation necessary  
19 to implement the agreement. Requests for funds necessary to implement  
20 the provisions of bargaining agreements shall not be submitted to the  
21 legislature by the governor unless such requests:

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

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

27 The legislature shall approve or reject the submission of the  
28 request for funds as a whole. The legislature shall not consider a  
29 request for funds to implement a collective bargaining agreement  
30 unless the request is transmitted to the legislature as part of the  
31 governor's budget document submitted under RCW 43.88.030 and  
32 43.88.060. If the legislature rejects or fails to act on the  
33 submission, either party may reopen all or part of the agreement or  
34 the exclusive bargaining representative may seek to implement the  
35 procedures provided for in RCW 41.80.090.

36 (4) (a) (i) For the purpose of negotiating agreements for  
37 institutions of higher education, the employer shall be the  
38 respective governing board of each of the universities, colleges, or  
39 community colleges or a designee chosen by the board to negotiate on  
40 its behalf.

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

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

9 (B) If the parties mutually agree, the governor or the governor's  
10 designee and an exclusive bargaining representative shall negotiate  
11 one master collective bargaining agreement for all of the bargaining  
12 units of employees of more than one university or college that the  
13 representative represents.

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

18 (b) Prior to entering into negotiations under this chapter, the  
19 institutions of higher education or their designees shall consult  
20 with the director of the office of financial management regarding  
21 financial and budgetary issues that are likely to arise in the  
22 impending negotiations.

23 (c)(i) In the case of bargaining agreements reached between  
24 institutions of higher education other than the University of  
25 Washington and exclusive bargaining representatives agreed to under  
26 the provisions of this chapter, if appropriations are necessary to  
27 implement the compensation and fringe benefit provisions of the  
28 bargaining agreements, the governor shall submit a request for such  
29 funds to the legislature according to the provisions of subsection  
30 (3) of this section, except as provided in (c)(iii) of this  
31 subsection.

32 (ii) In the case of bargaining agreements reached between the  
33 University of Washington and exclusive bargaining representatives  
34 agreed to under the provisions of this chapter, if appropriations are  
35 necessary to implement the compensation and fringe benefit provisions  
36 of a bargaining agreement, the governor shall submit a request for  
37 such funds to the legislature according to the provisions of  
38 subsection (3) of this section, except as provided in this subsection  
39 (4)(c)(ii) and as provided in (c)(iii) of this subsection.

1 (A) If appropriations of less than ten thousand dollars 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 has been submitted to the director of  
5 the office of financial management by October 1 prior to the  
6 legislative session at which the request is to be considered.

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

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

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

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

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

36 (5)(a) The director of the office of financial management shall  
37 not certify as financially feasible any collective bargaining  
38 agreement under subsection (3)(b) or (4)(c)(ii)(B)(II) of this  
39 section if the governor's budget document or any appendix to a budget

1 or budget document submitted under RCW 43.88.030 and 43.88.060  
2 proposes to:

3 (i) Fund expenditures by raising taxes; or

4 (ii) Withdraw and appropriate funds from the budget stabilization  
5 account that requires a favorable vote of at least three-fifths of  
6 the members of each house of the legislature.

7 (b) For purposes of this subsection, "raising taxes" means any  
8 action or combination of actions by the state legislature that  
9 increases state tax revenue deposited in any fund, budget, or  
10 account, regardless of whether the revenues are deposited into the  
11 general fund.

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

18 ~~((+6))~~ (7) After the expiration date of a collective bargaining  
19 agreement negotiated under this chapter, all of the terms and  
20 conditions specified in the collective bargaining agreement remain in  
21 effect until the effective date of a subsequently negotiated  
22 agreement, not to exceed one year from the expiration date stated in  
23 the agreement. Thereafter, the employer may unilaterally implement  
24 according to law.

25 ~~((+7))~~ (8)(a) For the 2019-2021 fiscal biennium, the legislature  
26 may approve funding for a collective bargaining agreement negotiated  
27 by a higher education institution and the Washington federation of  
28 state employees and ratified by the exclusive bargaining  
29 representative before final legislative action on the omnibus  
30 appropriations act by the sitting legislature.

31 (b) Subsection (3)(a) and (b) of this section do not apply to  
32 requests for funding made pursuant to this subsection.

33 ~~((+8))~~ (9)(a) For the 2021-2023 fiscal biennium, the legislature  
34 may approve funding for a collective bargaining agreement negotiated  
35 by the governor or governor's designee and the Washington public  
36 employees association community college coalition and the general  
37 government agencies and ratified by the exclusive bargaining  
38 representative before final legislative action on the omnibus  
39 appropriations act by the sitting legislature.

1 (b) For the 2021-2023 fiscal biennium, the legislature may  
2 approve funding for a collective bargaining agreement negotiated  
3 between Highline Community College and the Washington public  
4 employees association and ratified by the exclusive bargaining  
5 representative before final legislative action on the omnibus  
6 appropriations act by the sitting legislature.

7 (c) For the 2021-2023 fiscal biennium, the legislature may  
8 approve funding for collective bargaining agreements negotiated  
9 between Eastern Washington University and bargaining units of the  
10 Washington federation of state employees and the public school  
11 employees association, and between Yakima Valley College and the  
12 Washington public employees association, and ratified by the  
13 exclusive bargaining representatives before final legislative action  
14 on the omnibus appropriations act by the sitting legislature.

15 (d) Subsection (3) (a) and (b) of this section does not apply to  
16 requests for funding made pursuant to this subsection.

17 **Sec. 9.** RCW 47.64.170 and 2015 3rd sp.s. c 1 s 305 are each  
18 amended to read as follows:

19 (1) Any ferry employee organization certified as the bargaining  
20 representative shall be the exclusive representative of all ferry  
21 employees in the bargaining unit and shall represent all such  
22 employees fairly.

23 (2) A ferry employee organization or organizations and the  
24 governor may each designate any individual as its representative to  
25 engage in collective bargaining negotiations.

26 (3) Negotiating sessions, including strategy meetings of the  
27 employer or employee organizations, mediation, and the deliberative  
28 process of arbitrators are exempt from the provisions of chapter  
29 42.30 RCW. Hearings conducted by arbitrators may be open to the  
30 public by mutual consent of the parties.

31 (4) Terms of any collective bargaining agreement may be enforced  
32 by civil action in Thurston county superior court upon the initiative  
33 of either party.

34 (5) Ferry system employees or any employee organization shall not  
35 negotiate or attempt to negotiate directly with anyone other than the  
36 person who has been appointed or authorized a bargaining  
37 representative for the purpose of bargaining with the ferry employees  
38 or their representative.



1           (6) (a) Within ten working days after the first Monday in  
2 September of every odd-numbered year, the parties shall attempt to  
3 agree on an interest arbitrator to be used if the parties are not  
4 successful in negotiating a comprehensive collective bargaining  
5 agreement. If the parties cannot agree on an arbitrator within the  
6 ten-day period, either party may request a list of seven arbitrators  
7 from the federal mediation and conciliation service. The parties  
8 shall select an interest arbitrator using the coin toss/alternate  
9 strike method within thirty calendar days of receipt of the list.  
10 Immediately upon selecting an interest arbitrator, the parties shall  
11 cooperate to reserve dates with the arbitrator for potential  
12 arbitration between August 1st and September 15th of the following  
13 even-numbered year. The parties shall also prepare a schedule of at  
14 least five negotiation dates for the following year, absent an  
15 agreement to the contrary. The parties shall execute a written  
16 agreement before November 1st of each odd-numbered year setting forth  
17 the name of the arbitrator and the dates reserved for bargaining and  
18 arbitration. This subsection (6) (a) imposes minimum obligations only  
19 and is not intended to define or limit a party's full, good faith  
20 bargaining obligation under other sections of this chapter.

21           (b) The negotiation of a proposed collective bargaining agreement  
22 by representatives of the employer and a ferry employee organization  
23 shall commence on or about February 1st of every even-numbered year.

24           (c) For negotiations covering the 2009-2011 biennium and  
25 subsequent biennia, the time periods specified in this section, and  
26 in RCW 47.64.210 and 47.64.300 through 47.64.320, must ensure  
27 conclusion of all agreements on or before October 1st of the even-  
28 numbered year next preceding the biennial budget period during which  
29 the agreement should take effect. These time periods may only be  
30 altered by mutual agreement of the parties in writing. Any such  
31 agreement and any impasse procedures agreed to by the parties under  
32 RCW 47.64.200 must include an agreement regarding the new time  
33 periods that will allow final resolution by negotiations or  
34 arbitration by October 1st of each even-numbered year.

35           (7) It is the intent of this section that the collective  
36 bargaining agreement or arbitrator's award shall commence on July 1st  
37 of each odd-numbered year and shall terminate on June 30th of the  
38 next odd-numbered year to coincide with the ensuing biennial budget  
39 year, as defined by RCW 43.88.020(~~((+7))~~) (9), to the extent  
40 practical. It is further the intent of this section that all

1 collective bargaining agreements be concluded by October 1st of the  
2 even-numbered year before the commencement of the biennial budget  
3 year during which the agreements are to be in effect. After the  
4 expiration date of a collective bargaining agreement negotiated under  
5 this chapter, except to the extent provided in subsection (11) of  
6 this section and RCW 47.64.270(4), all of the terms and conditions  
7 specified in the collective bargaining agreement remain in effect  
8 until the effective date of a subsequently negotiated agreement, not  
9 to exceed one year from the expiration date stated in the agreement.  
10 Thereafter, the employer may unilaterally implement according to law.

11 (8) The office of financial management shall conduct a salary  
12 survey, for use in collective bargaining and arbitration.

13 (9) Except as provided in subsection (11) of this section:

14 (a) The governor shall submit a request either for funds  
15 necessary to implement the collective bargaining agreements  
16 including, but not limited to, the compensation and fringe benefit  
17 provisions or for legislation necessary to implement the agreement,  
18 or both. Requests for funds necessary to implement the collective  
19 bargaining agreements shall not be submitted to the legislature by  
20 the governor unless such requests:

21 (i) Have been submitted to the director of the office of  
22 financial management by October 1st before the legislative session at  
23 which the requests are to be considered; and

24 (ii) Have been certified by the director of the office of  
25 financial management as being feasible financially for the state.

26 (b) The governor shall submit a request either for funds  
27 necessary to implement the arbitration awards or for legislation  
28 necessary to implement the arbitration awards, or both. Requests for  
29 funds necessary to implement the arbitration awards shall not be  
30 submitted to the legislature by the governor unless such requests:

31 (i) Have been submitted to the director of the office of  
32 financial management by October 1st before the legislative session at  
33 which the requests are to be considered; and

34 (ii) Have been certified by the director of the office of  
35 financial management as being feasible financially for the state.

36 (c) (i) The director of the office of financial management shall  
37 not certify as financially feasible any collective bargaining  
38 agreement under (a)(ii) or (b)(ii) of this subsection if the  
39 governor's budget document or any appendix to a budget or budget  
40 document submitted under RCW 43.88.030 and 43.88.060 proposes to:

1 (A) Fund expenditures by raising taxes; or

2 (B) Withdraw and appropriate funds from the budget stabilization  
3 account that requires a favorable vote of at least three-fifths of  
4 the members of each house of the legislature.

5 (ii) For purposes of this subsection, "raising taxes" means any  
6 action or combination of actions by the state legislature that  
7 increases state tax revenue deposited in any fund, budget, or  
8 account, regardless of whether the revenues are deposited into the  
9 general fund.

10 (d) The legislature shall approve or reject the submission of the  
11 request for funds necessary to implement the collective bargaining  
12 agreements or arbitration awards as a whole for each agreement or  
13 award. The legislature shall not consider a request for funds to  
14 implement a collective bargaining agreement or arbitration award  
15 unless the request is transmitted to the legislature as part of the  
16 governor's budget document submitted under RCW 43.88.030 and  
17 43.88.060. If the legislature rejects or fails to act on the  
18 submission, either party may reopen all or part of the agreement and  
19 award or the exclusive bargaining representative may seek to  
20 implement the procedures provided for in RCW 47.64.210 and 47.64.300.

21 (10) If, after the compensation and fringe benefit provisions of  
22 an agreement are approved by the legislature, a significant revenue  
23 shortfall occurs resulting in reduced appropriations, as declared by  
24 proclamation of the governor or by resolution of the legislature,  
25 both parties shall immediately enter into collective bargaining for a  
26 mutually agreed upon modification of the agreement.

27 (11)(a) For the collective bargaining agreements negotiated for  
28 the 2011-2013 fiscal biennium, the legislature may consider a request  
29 for funds to implement a collective bargaining agreement even if the  
30 request for funds was not received by the office of financial  
31 management by October 1st and was not transmitted to the legislature  
32 as part of the governor's budget document submitted under RCW  
33 43.88.030 and 43.88.060.

34 (b) For the 2013-2015 fiscal biennium, a collective bargaining  
35 agreement related to employee health care benefits negotiated between  
36 the employer and coalition pursuant to RCW 41.80.020(3) regarding the  
37 dollar amount expended on behalf of each employee must be a separate  
38 agreement for which the governor may request funds necessary to  
39 implement the agreement. The legislature may act upon a 2013-2015  
40 collective bargaining agreement related to employee health care

1 benefits if an agreement is reached and submitted to the office of  
2 financial management and legislative budget committees before final  
3 legislative action on the biennial or supplemental operating budget  
4 by the sitting legislature.

5 (c) For the collective bargaining agreements negotiated for the  
6 2013-2015 fiscal biennium, the legislature may consider a request for  
7 funds to implement a collective bargaining agreement reached after  
8 October 1st after a determination of financial infeasibility by the  
9 director of the office of financial management if the request for  
10 funds is transmitted to the legislature as part of the governor's  
11 budget document submitted under RCW 43.88.030 and 43.88.060.

12 **Sec. 10.** RCW 74.39A.300 and 2018 c 278 s 22 are each amended to  
13 read as follows:

14 If the department contracts with any individual providers for  
15 personal care services, funding will be determined in accordance with  
16 the following process:

17 (1) Upon meeting the requirements of subsection (2) of this  
18 section, the governor must submit, as a part of the proposed biennial  
19 or supplemental operating budget submitted to the legislature under  
20 RCW 43.88.030, a request for funds necessary to administer in-home  
21 care programs under this chapter and to implement the compensation  
22 and fringe benefits provisions of a collective bargaining agreement  
23 entered into under RCW 74.39A.270 or for legislation necessary to  
24 implement such agreement.

25 (2) A request for funds necessary to implement the compensation  
26 and fringe benefits provisions of a collective bargaining agreement  
27 entered into under RCW 74.39A.270 shall not be submitted by the  
28 governor to the legislature unless such request:

29 (a) Has been submitted to the director of financial management by  
30 October 1st prior to the legislative session at which the request is  
31 to be considered; and

32 (b) Has been certified by the director of financial management as  
33 being feasible financially for the state or reflects the binding  
34 decision of an arbitrator reached under RCW 74.39A.270(2)(c).

35 (3)(a) The director of the office of financial management shall  
36 not certify as financially feasible any collective bargaining  
37 agreement under subsection (2)(b) of this section if the governor's  
38 budget document or any appendix to a budget or budget document  
39 submitted under RCW 43.88.030 and 43.88.060 proposes to:

1 (i) Fund expenditures by raising taxes; or  
2 (ii) Withdraw and appropriate funds from the budget stabilization  
3 account that requires a favorable vote of at least three-fifths of  
4 the members of each house of the legislature.

5 (b) For purposes of this subsection, "raising taxes" means any  
6 action or combination of actions by the state legislature that  
7 increases state tax revenue deposited in any fund, budget, or  
8 account, regardless of whether the revenues are deposited into the  
9 general fund.

10 (4) The legislature must approve or reject the submission of the  
11 request for funds as a whole. If the legislature rejects or fails to  
12 act on the submission, any such agreement will be reopened solely for  
13 the purpose of renegotiating the funds necessary to implement the  
14 agreement.

15 ~~((4))~~ (5) When any increase in individual provider wages or  
16 benefits is negotiated or agreed to, no increase in wages or benefits  
17 negotiated or agreed to under this chapter will take effect unless  
18 and until, before its implementation, the department has determined  
19 that the increase is consistent with federal law and federal  
20 financial participation in the provision of services under Title XIX  
21 of the federal social security act.

22 ~~((5))~~ (6) The governor shall periodically consult with the  
23 joint committee on employment relations established by RCW 41.80.010  
24 regarding appropriations necessary to implement the compensation and  
25 fringe benefits provisions of any collective bargaining agreement  
26 and, upon completion of negotiations, advise the committee on the  
27 elements of the agreement and on any legislation necessary to  
28 implement such agreement.

29 ~~((6))~~ (7) After the expiration date of any collective  
30 bargaining agreement entered into under RCW 74.39A.270, all of the  
31 terms and conditions specified in any such agreement remain in effect  
32 until the effective date of a subsequent agreement, not to exceed one  
33 year from the expiration date stated in the agreement, except as  
34 provided in RCW 74.39A.270.

35 ~~((7))~~ (8) If, after the compensation and benefit provisions of  
36 an agreement are approved by the legislature, a significant revenue  
37 shortfall occurs resulting in reduced appropriations, as declared by  
38 proclamation of the governor or by resolution of the legislature,  
39 both parties shall immediately enter into collective bargaining for a  
40 mutually agreed upon modification of the agreement.

1       **Sec. 11.** RCW 74.39A.530 and 2021 c 186 s 2 are each amended to  
2 read as follows:

3       If the department contracts with a consumer directed employer:

4       (1) In addition to overtime and compensable travel time set forth  
5 in RCW 74.39A.525, the initial labor rates shall be paid as described  
6 in the most recent collective bargaining agreement between the  
7 governor and the service employees international union 775, plus the  
8 hourly roll-up costs of any additional legally required benefits or  
9 labor costs, until subsequent rates can be established in accordance  
10 with this section.

11       (2) A rate-setting board is established which is comprised of the  
12 voting members and nonvoting members to evaluate and propose changes  
13 in the rates paid to the consumer directed employer.

14       (a) The following members shall be voting members:

15       (i) One representative from the governor's office;

16       (ii) One representative from the department;

17       (iii) One representative from each consumer directed employer;

18 and

19       (iv) One designee from the exclusive bargaining representative of  
20 individual providers or, in the absence of an exclusive bargaining  
21 representative, a designee from the consumer directed employer  
22 workforce chosen by the employees of the consumer directed employer.

23       (b) The following nine members of the board shall be nonvoting  
24 advisory members:

25       (i) Four legislators, one member from each caucus of the house of  
26 representatives and the senate;

27       (ii) One representative from the state council on aging,  
28 appointed by the governor;

29       (iii) One representative of an organization representing people  
30 with intellectual or developmental disabilities appointed by the  
31 governor;

32       (iv) One representative of an organization representing people  
33 with physical disabilities appointed by the governor;

34       (v) One representative from the licensed home care agency  
35 industry chosen by the state's largest association of home care  
36 agencies that primarily serves state-funded clients; and

37       (vi) One home care worker chosen by the state's largest  
38 organization of home care workers.

39       (c) The governor's appointments shall be made by April 1st in  
40 even-numbered years.

1 (3) When the board membership has four voting members listed in  
2 subsection (2)(a) of this section, each voting member shall have one  
3 vote. When there are five voting members due to two consumer directed  
4 employer representatives, each voting member listed in subsection  
5 (2)(a) of this section shall have two votes with the exception of the  
6 consumer directed employer representatives who shall have one vote.  
7 Voting members cannot split their votes. A majority of the voting  
8 members of the board constitutes a quorum for the transaction of  
9 business and is necessary for any action taken by the board.

10 (4) Beginning in the year following the establishment of the  
11 initial rate under subsection (1) of this section, and in every even-  
12 numbered year thereafter, the rate-setting board shall attempt to  
13 determine a proposed labor rate, including a specific amount for  
14 health benefits by considering the factors listed in RCW 41.56.465  
15 (1) and (5). In addition, the rate-setting board shall attempt to  
16 determine an administrative rate for the consumer directed employer.

17 In addition, the rate-setting board may take testimony and make a  
18 recommendation regarding the administrative vendor rate for home care  
19 agencies that serve medicaid clients.

20 (5) The department shall provide administrative support for the  
21 board.

22 (a) At the commencement of the board's rate-setting activities,  
23 the voting members must first attempt to select an additional voting  
24 member, who will chair the rate-setting board and will cast a tie-  
25 breaking vote if the voting members identified in subsection (2) of  
26 this section are unable to pass by majority vote on the labor rate.

27 (b) On the first occasion that the voting members identified in  
28 subsection (2)(a) of this section fail to select a tie-breaking  
29 member by a majority vote, the chair member will be selected as  
30 follows:

31 (i) The voting member representing the governor's office shall  
32 request a list of five qualified arbitrators, or six if there are two  
33 consumer directed employers, from the federal mediation and  
34 conciliation service.

35 (ii) If a majority of the voting members of the board cannot  
36 agree on the selection of a neutral arbitrator from the list, the  
37 representative from the consumer directed employer who first  
38 contacted the department will strike a name from the list first. The  
39 representative from the governor's office shall then strike a name  
40 from the list, the designee from the exclusive bargaining

1 representative or, in the absence of an exclusive bargaining  
2 representative, the designee from the consumer directed employer  
3 workforce shall strike a name from the list, if there are two  
4 consumer directed employers, the second representative will strike a  
5 name from the list, and finally the representative from the  
6 department shall strike a name from the list.

7 (iii) The name of the arbitrator remaining after the final strike  
8 shall be the chair member of the board.

9 (iv) If that person is not willing or available to be the chair  
10 member, the second to last person remaining on the list shall be  
11 asked to be the chair member. If the second to last person is not  
12 willing or available, the third to last person shall be asked to be  
13 the chair member. This process of selecting an arbitrator shall be  
14 continued until a chair member of the board is appointed.

15 (c) On the next occasion that the voting members identified in  
16 subsection (2)(a) of this section fail to select a chair member by a  
17 majority vote, the chair member will be selected using the method  
18 described in (b) of this subsection except that the order of board  
19 members striking names from the list, described in (b)(ii) of this  
20 subsection, shall be reversed.

21 (d) On each successive occasion that the voting members  
22 identified in subsection (2)(a) of this section fail to select a  
23 chair member by a majority vote, the order of voting members striking  
24 names from the list will continue to alternate between the order  
25 described in (b)(ii) and (c) of this subsection.

26 (6) If an agreement on a proposed labor rate, an administrative  
27 rate, or both, is not reached by a majority of the voting members of  
28 the rate-setting board prior to July 1st, then:

29 (a) The labor rate shall be determined by the vote of the chair  
30 member, who was selected in accordance with subsections (2) and  
31 (5)(a) of this section; and

32 (b) The administrative rate shall be determined by the  
33 department.

34 (7) After the rates have been determined in accordance with  
35 subsections (3) through (6) of this section, they shall be submitted  
36 to the director of the office of financial management by October 1st  
37 prior to the legislative session during which the requests are to be  
38 considered for review. If the director of the office of financial  
39 management certifies them as being feasible financially for the  
40 state, the governor shall include a request for funds necessary to



1 implement the proposed rates as part of the governor's budget  
2 document submitted under RCW 43.88.030 and 43.88.060. The legislature  
3 shall approve or reject the request for funds as a whole.

4 (8)(a) The director of the office of financial management shall  
5 not certify as financially feasible any collective bargaining  
6 agreement under subsection (7) of this section if the governor's  
7 budget document or any appendix to a budget or budget document  
8 submitted under RCW 43.88.030 and 43.88.060 proposes to:

9 (i) Fund expenditures by raising taxes; or

10 (ii) Withdraw and appropriate funds from the budget stabilization  
11 account that requires a favorable vote of at least three-fifths of  
12 the members of each house of the legislature.

13 (b) For purposes of this subsection, "raising taxes" means any  
14 action or combination of actions by the state legislature that  
15 increases state tax revenue deposited in any fund, budget, or  
16 account, regardless of whether the revenues are deposited into the  
17 general fund.

18 (9) If the legislature rejects the request under subsection (6)  
19 of this section, the matter shall return to the rate-setting board  
20 established under this section for further consideration. Until the  
21 legislature approves a request for funds under this section, the  
22 current labor rate shall stay in effect.

23 ~~((+9))~~ (10) The labor rate approved by the legislature shall be  
24 an hourly rate paid to the consumer directed employer. The labor rate  
25 shall be used exclusively for paying the wages, associated taxes, and  
26 benefits of individual providers. The consumer directed employer  
27 shall have full discretion to set wages and benefits for individual  
28 providers, except as provided in: (a) Subsection ~~((+10))~~ (11) of  
29 this section; (b) any specific legislative appropriation requirement;  
30 or (c) a collective bargaining agreement, if applicable.

31 ~~((+10))~~ (11) The labor rate shall include a specific hourly  
32 amount that the consumer directed employer may use only for health  
33 benefits for individual providers.

34 ~~((+11))~~ (12) The department shall make a one-time transfer of  
35 funds totaling the full amount of previously unclaimed paid time off  
36 to the consumer directed employer, and shall transfer all associated  
37 liabilities for payment of unclaimed paid time off to the consumer  
38 directed employer. This amount shall be accounted for as a labor rate  
39 payment.

1       (~~(12)~~) (13) The department shall have the authority to modify  
2 the labor rate and the administrative rate between the rate-setting  
3 board's rate-setting activities without convening the rate-setting  
4 board or following the preceding rate-setting process, subject to the  
5 following conditions:

6       (a) The department finds the changes to the rates necessary to:

7       (i) Recognize changes to the department's required expenditures  
8 or the consumer directed employer's required costs associated with  
9 changes to tax rates, required employer contributions, mileage rate  
10 allowances, and utilization of overtime to comply with RCW  
11 74.39A.525; or

12       (ii) Comply with a significant change in state or federal rule or  
13 law that would impact the consumer directed employer's ability to  
14 operate;

15       (b) Changes to the rates shall not exceed two percent of the  
16 combined labor and administrative rates; and

17       (c) Any increase to the rates is contingent on appropriation of  
18 adequate funds by the legislature.

19       (~~(13)~~) (14) For the purpose of this section:

20       (a) "Labor rate" is defined as that portion of the consumer  
21 directed employer's hourly rate that is to be used by the consumer  
22 directed employer to compensate its workers, including wages,  
23 benefits, and any associated taxes.

24       (b) "Administrative rate" is defined as that portion of the  
25 consumer directed employer's hourly rate that is to be used by the  
26 consumer directed employer to perform its administrative duties  
27 including losses for bad debt, compensation for business and  
28 occupation taxes on the labor and administrative rates, and all other  
29 costs associated with operating as the consumer directed employer.

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