

**RCW 44.90.090 Items not subject to bargaining—Conflict between legislative policies and collective bargaining agreement. (Effective May 1, 2024.)** (1) The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include, but not be limited to, the following:

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

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

(c) The right to direct and supervise employees;

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

(e) Retirement plans and retirement benefits.

(2) Except for an applicable code of conduct policy adopted by a chamber of the legislature or a legislative agency, if a conflict exists between policies adopted by the legislature relating to wages, hours, and terms and conditions of employment and a provision of a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with a statute or an applicable term of a code of conduct policy adopted by a chamber of the legislature or a legislative agency is invalid and unenforceable. [2022 c 283 § 9.]