
SECOND SUBSTITUTE HOUSE BILL 1560

State of Washington

61st Legislature

2009 Regular Session

By House Ways & Means (originally sponsored by Representatives Conway, Wood, and Simpson)

READ FIRST TIME 03/03/09.

1 AN ACT Relating to collective bargaining for employees of
2 institutions of higher education; and amending RCW 41.80.010.

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

4 **Sec. 1.** RCW 41.80.010 and 2002 c 354 s 302 are each amended to
5 read as follows:

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

10 (2)(a) If an exclusive bargaining representative represents more
11 than one bargaining unit, the exclusive bargaining representative shall
12 negotiate with each employer representative as designated in subsection
13 (1) of this section one master collective bargaining agreement on
14 behalf of all the employees in bargaining units that the exclusive
15 bargaining representative represents. For those exclusive bargaining
16 representatives who represent fewer than a total of five hundred
17 employees each, negotiation shall be by a coalition of all those
18 exclusive bargaining representatives. The coalition shall bargain for
19 a master collective bargaining agreement covering all of the employees

1 represented by the coalition. The governor's designee and the
2 exclusive bargaining representative or representatives are authorized
3 to enter into supplemental bargaining of agency-specific issues for
4 inclusion in or as an addendum to the master collective bargaining
5 agreement, subject to the parties' agreement regarding the issues and
6 procedures for supplemental bargaining. This section does not prohibit
7 cooperation and coordination of bargaining between two or more
8 exclusive bargaining representatives.

9 (b) This subsection (2) does not apply to exclusive bargaining
10 representatives who represent employees of institutions of higher
11 education, except when the institution of higher education has elected
12 to exercise its option under subsection (4) of this section to have its
13 negotiations conducted by the governor or governor's designee under the
14 procedures provided for general government agencies in subsections (1)
15 through (3) of this section.

16 (c) If five hundred or more employees of an independent state
17 elected official listed in RCW 43.01.010 are organized in a bargaining
18 unit or bargaining units under RCW 41.80.070, the official shall be
19 consulted by the governor or the governor's designee before any
20 agreement is reached under (a) of this subsection concerning
21 supplemental bargaining of agency specific issues affecting the
22 employees in such bargaining unit.

23 (3) The governor shall submit a request for funds necessary to
24 implement the compensation and fringe benefit provisions in the master
25 collective bargaining agreement or for legislation necessary to
26 implement the agreement. Requests for funds necessary to implement the
27 provisions of bargaining agreements shall not be submitted to the
28 legislature by the governor unless such requests:

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

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

34 The legislature shall approve or reject the submission of the
35 request for funds as a whole. The legislature shall not consider a
36 request for funds to implement a collective bargaining agreement unless
37 the request is transmitted to the legislature as part of the governor's
38 budget document submitted under RCW 43.88.030 and 43.88.060. If the

1 legislature rejects or fails to act on the submission, either party may
2 reopen all or part of the agreement or the exclusive bargaining
3 representative may seek to implement the procedures provided for in RCW
4 41.80.090.

5 (4)(a)(i) For the purpose of negotiating agreements for
6 institutions of higher education, the employer shall be the respective
7 governing board of each of the universities, colleges, or community and
8 technical colleges or a designee chosen by the board to negotiate on
9 its behalf.

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

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

18 (B) If the parties mutually agree, the governor or the governor's
19 designee and an exclusive bargaining representative shall negotiate one
20 master collective bargaining agreement for all of the bargaining units
21 of employees of more than one university or college that the
22 representative represents.

23 (iii) A governing board of a community or technical college may
24 elect to have its negotiations conducted by the governor or governor's
25 designee under the procedures provided for general government agencies
26 in subsections (1) ~~(, (2), and)~~ through (3) of this section.

27 (b) Prior to entering into negotiations under this chapter, the
28 institutions of higher education or their designees shall consult with
29 the director of the office of financial management regarding financial
30 and budgetary issues that are likely to arise in the impending
31 negotiations.

32 (c)(i) If appropriations are necessary to implement the
33 compensation and fringe benefit provisions of the bargaining agreements
34 reached between institutions of higher education and exclusive
35 bargaining representatives agreed to under the provisions of this
36 chapter, the governor shall submit a request for such funds to the
37 legislature according to the provisions of subsection (3) of this
38 section, except as provided in (c)(ii) of this subsection.

1 (ii) In the case of a bargaining unit of employees of institutions
2 of higher education in which the exclusive bargaining representative is
3 certified during or after the conclusion of a legislative session, the
4 legislature may act upon the compensation and fringe benefit provisions
5 of the unit's initial collective bargaining agreement if those
6 provisions are agreed upon and submitted to the office of financial
7 management and legislative budget committees before final legislative
8 action on the biennial or supplemental operating budget by the sitting
9 legislature.

10 (5) There is hereby created a joint committee on employment
11 relations, which consists of two members with leadership positions in
12 the house of representatives, representing each of the two largest
13 caucuses; the chair and ranking minority member of the house
14 appropriations committee, or its successor, representing each of the
15 two largest caucuses; two members with leadership positions in the
16 senate, representing each of the two largest caucuses; and the chair
17 and ranking minority member of the senate ways and means committee, or
18 its successor, representing each of the two largest caucuses. The
19 governor shall periodically consult with the committee regarding
20 appropriations necessary to implement the compensation and fringe
21 benefit provisions in the master collective bargaining agreements, and
22 upon completion of negotiations, advise the committee on the elements
23 of the agreements and on any legislation necessary to implement the
24 agreements.

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

31 (7) After the expiration date of a collective bargaining agreement
32 negotiated under this chapter, all of the terms and conditions
33 specified in the collective bargaining agreement remain in effect until
34 the effective date of a subsequently negotiated agreement, not to
35 exceed one year from the expiration date stated in the agreement.
36 Thereafter, the employer may unilaterally implement according to law.

--- END ---