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**SUBSTITUTE HOUSE BILL 2743**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** House Commerce & Labor (originally sponsored by Representatives Conway, Appleton, Green, Hasegawa, Sullivan, Rolfes, Nelson, Simpson, Chase, and Hudgins)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to collective bargaining for certain employees of  
2 institutions of higher education and related boards; and amending RCW  
3 41.56.021.

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

5 **Sec. 1.** RCW 41.56.021 and 2007 c 136 s 1 are each amended to read  
6 as follows:

7 (1) In addition to the entities listed in RCW 41.56.020, this  
8 chapter applies to employees of institutions of higher education who  
9 are exempted from civil service pursuant to RCW 41.06.070(2), including  
10 supervisors, with the following exceptions:

11 (a) Executive employees, including all members of the governing  
12 board of each institution of higher education and related boards; all  
13 presidents and vice presidents; deans(~~(, directors,)~~) and chairs; and  
14 executive heads of major administrative or academic divisions;

15 (b) (~~Managers who perform any of the following functions:~~

16 ~~(i) Formulate, develop, or establish institutional policy, or~~  
17 ~~direct the work of an administrative unit;~~

18 ~~(ii) Manage, administer, and control a program, including its~~  
19 ~~physical, financial, or personnel resources;~~

1       ~~(iii) Have substantial responsibility for human resources~~  
2 ~~administration, legislative relations, public information, internal~~  
3 ~~audits and investigations, or the preparation and administration of~~  
4 ~~budgets;~~

5       ~~(iv) Functionally is above the first level of supervision and~~  
6 ~~exercises authority that is not merely routine or clerical in nature~~  
7 ~~and requires the consistent use of independent judgment;~~

8       ~~(e)) Managers who develop and establish policy for, and control~~  
9 ~~the financial and personnel resources of, major administrative or~~  
10 ~~academic divisions;~~

11       (c) Managers who head the department of human resources, labor  
12 relations, administrative services, legislative relations, public  
13 relations or public information, budget and finance, or facilities  
14 operations, or who supervise other exempt staff;

15       (d) Employees who, in the regular course of their duties, act as a  
16 principal assistant, administrative assistant, or personal assistant to  
17 employees as defined by (a) of this subsection;

18       ~~((d))~~ (e) Confidential employees;

19       ~~((e))~~ (f) Employees who assist assistant attorneys general who  
20 advise and represent managers or confidential employees in personnel or  
21 labor relations matters, or who advise or represent the state in tort  
22 actions.

23       (2) Employees subject to this section shall not be included in any  
24 unit of employees certified under RCW 41.56.022, 41.56.024, or  
25 41.56.203, chapter 41.76 RCW, or chapter 41.80 RCW. Employees whose  
26 eligibility for collective bargaining is covered by chapter 28B.52,  
27 41.76, or 41.80 RCW are exempt from the provisions of this chapter.

28       (3) Institutions of higher education and the exclusive bargaining  
29 representatives shall not agree to any proposal that would prevent the  
30 implementation of approved affirmative action plans or that would be  
31 inconsistent with the comparable worth agreement that provided the  
32 basis for the salary changes implemented beginning with the 1983-1985  
33 biennium to achieve comparable worth.

34       (4) Institutions of higher education and the exclusive bargaining  
35 representative shall not bargain over rights of management that, in  
36 addition to all powers, duties, and rights established by  
37 constitutional provision or statute, shall include but not be limited  
38 to the following:

- 1           (a) The functions and programs of the institution, the use of  
2 technology, and the structure of the organization;
- 3           (b) The institution's budget and the size of its workforce,  
4 including determining the financial basis for layoffs;
- 5           (c) The right to direct and supervise employees;
- 6           (d) The right to take whatever actions are deemed necessary to  
7 carry out the mission of the state and the institutions of higher  
8 education during emergencies;
- 9           (e) Retirement plans and retirement benefits; or
- 10          (f) Health care benefits or other employee insurance benefits,  
11 except as provided in RCW 41.80.020.

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