
SENATE BILL 5345

State of Washington 62nd Legislature 2011 Regular Session

By Senators Swecker, Honeyford, Ericksen, and Hewitt

Read first time 01/21/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to collective bargaining; amending RCW 41.80.020;
2 and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that additional
5 flexibility is needed to address the current budget crisis in this
6 state. While contracting for state services is currently authorized,
7 the legislature recognizes that the process is cumbersome and
8 ultimately the collective bargaining process can interfere with the
9 state's ability to efficiently contract for appropriate services. The
10 legislature recognizes that the decision to contract for a service and
11 the implementation of a contract should be a management decision about
12 how to most efficiently deliver state services, and that these
13 decisions are not an appropriate topic for collective bargaining.
14 State agencies are encouraged to use competition to lower the cost and
15 improve the quality of public services, and state employees are
16 encouraged to compete for contracts to provide services.

17 **Sec. 2.** RCW 41.80.020 and 2010 c 283 s 16 are each amended to read
18 as follows:

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

5 (2) The employer is not required to bargain over matters pertaining
6 to:

7 (a) Health care benefits or other employee insurance benefits,
8 except as required in subsection (3) of this section;

9 (b) Any retirement system or retirement benefit; or

10 (c) Rules of the director of personnel or the Washington personnel
11 resources board adopted under section 203, chapter 354, Laws of 2002.

12 (3) Matters subject to bargaining include the number of names to be
13 certified for vacancies, promotional preferences, and the dollar amount
14 expended on behalf of each employee for health care benefits. However,
15 except as provided otherwise in this subsection for institutions of
16 higher education, negotiations regarding the number of names to be
17 certified for vacancies, promotional preferences, and the dollar amount
18 expended on behalf of each employee for health care benefits shall be
19 conducted between the employer and one coalition of all the exclusive
20 bargaining representatives subject to this chapter. The exclusive
21 bargaining representatives for employees that are subject to chapter
22 47.64 RCW shall bargain the dollar amount expended on behalf of each
23 employee for health care benefits with the employer as part of the
24 coalition under this subsection. Any such provision agreed to by the
25 employer and the coalition shall be included in all master collective
26 bargaining agreements negotiated by the parties. For institutions of
27 higher education, promotional preferences and the number of names to be
28 certified for vacancies shall be bargained under the provisions of RCW
29 41.80.010(4).

30 (4) The employer and the exclusive bargaining representative shall
31 not agree to any proposal that would prevent the implementation of
32 approved affirmative action plans or that would be inconsistent with
33 the comparable worth agreement that provided the basis for the salary
34 changes implemented beginning with the 1983-1985 biennium to achieve
35 comparable worth.

36 (5) The employer and the exclusive bargaining representative shall
37 not bargain over matters pertaining to management rights established in
38 RCW 41.80.040.

1 (6) Except as otherwise provided in this chapter, if a conflict
2 exists between an executive order, administrative rule, or agency
3 policy relating to wages, hours, and terms and conditions of employment
4 and a collective bargaining agreement negotiated under this chapter,
5 the collective bargaining agreement shall prevail. A provision of a
6 collective bargaining agreement that conflicts with the terms of a
7 statute is invalid and unenforceable.

8 (7) (~~This section does not prohibit~~) Bargaining that affects
9 contracts authorized by RCW 41.06.142 is prohibited. Any provision in
10 conflict with this act in any collective bargaining agreement in effect
11 on the effective date of this section is not effective beyond the
12 expiration date of the agreement.

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