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**ENGROSSED SUBSTITUTE SENATE BILL 5295**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Keiser, Hasegawa, and Saldaña)

AN ACT Relating to ensuring contractor compliance and continuity of public services for certain contracted service providers; adding new sections to chapter 43.20A RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature intends to prevent or mitigate service disruptions caused by employee disaffection or labor unrest within private sector providers contracted to provide certain essential state services that, if disrupted, could harm vulnerable members of the community, compromise the efficient delivery of essential state services, and burden taxpayers with additional costs.

The legislature further intends to spend scarce taxpayer resources for the efficient delivery of certain essential state services by law-abiding private sector providers. Contracting with providers with multiple legal violations represents wasteful government spending on remedying legal wrongs. Private sector providers of certain state services must certify their legal compliance with state, federal, and local laws before earning a contract involving government funds.

NEW SECTION. **Sec.**  A new section is added to chapter 43.20A RCW to read as follows:

Any contract entered into by the department with a private contractor for adult care, behavioral health, disability support, or youth services must contain a provision that requires the private contractor to certify its compliance with federal, state, and local laws in the provision of such care or services.

NEW SECTION. **Sec.**  A new section is added to chapter 43.20A RCW to read as follows:

(1) Any contract entered into by the department with a private contractor for adult care, behavioral health, disability support, or youth services must contain an assurance of the contractor's commitment to ensuring the uninterrupted delivery of services subject to the contract.

(2) The assurance required under subsection (1) of this section is a condition of contracting with the state for the provision of such services. The assurance may be made by offering one or more of the following commitments:

(a) A commitment that, upon receiving an award of the contract, the contractor will remain neutral in its policies, practices, and activities with regard to its employees performing the services required under the contract in the event such employees seek to exercise rights guaranteed by the national labor relations act, 29 U.S.C. Sec. 151 et seq.

(b) Inclusion of no-strike, no-lockout, or arbitration clauses in a collective bargaining agreement with a labor organization representing the contractor's employees covered by this section. In the event such collective bargaining agreement is due to expire during the term of the contract, the contracting employer must establish the parties have committed to resolving negotiation of disputes as to the terms of a successor collective bargaining agreement through a process that ensures neither party will engage in economic action.

(c) A commitment not to strike or engage in workplace or service disruptions on the part of the representative of the employees performing the services contracted by the state through the term of the contract with the state.

(d) Any other similar assurances or commitments that provide equivalent assurances that continuity of services will be maintained through the life of the contract with the state.

(3) A contractor's assurances under this section made to the state are a binding provision of any contract awarded by the state, and constitute a warranty to the state on the part of the contractor.

(4) In the event the contractor's assurances fail to ensure uninterrupted service delivery, the contract with the department may be revoked and the department may make arrangements for the provision of services by other means.

(5) In awarding any contract subject to this section, the department must require bidders to disclose past violations of the national labor relations act, 29 U.S.C. Sec. 151 et seq.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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