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HOUSE BILL 2722

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Kenney, Carlson and Esser; by request of University of Washington

Read first time 01/19/2000. Referred to Committee on Higher Education.

1 AN ACT Relating to bargaining units for employees of institutions  
2 of higher education governed by chapter 41.56 RCW; and amending RCW  
3 41.56.030 and 41.56.201.

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

5 **Sec. 1.** RCW 41.56.030 and 1999 c 217 s 2 are each amended to read  
6 as follows:

7 As used in this chapter:

8 (1) "Public employer" means any officer, board, commission,  
9 council, or other person or body acting on behalf of any public body  
10 governed by this chapter, or any subdivision of such public body. For  
11 the purposes of this section, the public employer of district court or  
12 superior court employees for wage-related matters is the respective  
13 county legislative authority, or person or body acting on behalf of the  
14 legislative authority, and the public employer for nonwage-related  
15 matters is the judge or judge's designee of the respective district  
16 court or superior court.

17 (2) "Public employee" means any employee of a public employer  
18 except any person (a) elected by popular vote, or (b) appointed to  
19 office pursuant to statute, ordinance or resolution for a specified

1 term of office by the executive head or body of the public employer, or  
2 (c) whose duties as deputy, administrative assistant or secretary  
3 necessarily imply a confidential relationship to the executive head or  
4 body of the applicable bargaining unit, or any person elected by  
5 popular vote or appointed to office pursuant to statute, ordinance or  
6 resolution for a specified term of office by the executive head or body  
7 of the public employer, or (d) who is a personal assistant to a  
8 district court judge, superior court judge, or court commissioner, or  
9 (e) excluded from a bargaining unit under RCW 41.56.201(2)(a). For the  
10 purpose of (d) of this subsection, no more than one assistant for each  
11 judge or commissioner may be excluded from a bargaining unit.

12 (3) "Bargaining representative" means any lawful organization which  
13 has as one of its primary purposes the representation of employees in  
14 their employment relations with employers.

15 (4) "Collective bargaining" means the performance of the mutual  
16 obligations of the public employer and the exclusive bargaining  
17 representative to meet at reasonable times, to confer and negotiate in  
18 good faith, and to execute a written agreement with respect to  
19 grievance procedures and collective negotiations on personnel matters,  
20 including wages, hours and working conditions, which may be peculiar to  
21 an appropriate bargaining unit of such public employer, except that by  
22 such obligation neither party shall be compelled to agree to a proposal  
23 or be required to make a concession unless otherwise provided in this  
24 chapter.

25 (5) "Commission" means the public employment relations commission.

26 (6) "Executive director" means the executive director of the  
27 commission.

28 (7) "Uniformed personnel" means: (a) Law enforcement officers as  
29 defined in RCW 41.26.030 employed by the governing body of any city or  
30 town with a population of two thousand five hundred or more and law  
31 enforcement officers employed by the governing body of any county with  
32 a population of ten thousand or more; (b) correctional employees who  
33 are uniformed and nonuniformed, commissioned and noncommissioned  
34 security personnel employed in a jail as defined in RCW 70.48.020(5),  
35 by a county with a population of seventy thousand or more, and who are  
36 trained for and charged with the responsibility of controlling and  
37 maintaining custody of inmates in the jail and safeguarding inmates  
38 from other inmates; (c) general authority Washington peace officers as  
39 defined in RCW 10.93.020 employed by a port district in a county with

1 a population of one million or more; (d) security forces established  
2 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW  
3 41.26.030; (f) employees of a port district in a county with a  
4 population of one million or more whose duties include crash fire  
5 rescue or other fire fighting duties; (g) employees of fire departments  
6 of public employers who dispatch exclusively either fire or emergency  
7 medical services, or both; or (h) employees in the several classes of  
8 advanced life support technicians, as defined in RCW 18.71.200, who are  
9 employed by a public employer.

10 (8) "Institution of higher education" means the University of  
11 Washington, Washington State University, Central Washington University,  
12 Eastern Washington University, Western Washington University, The  
13 Evergreen State College, and the various state community colleges.

14 **Sec. 2.** RCW 41.56.201 and 1993 c 379 s 304 are each amended to  
15 read as follows:

16 (1) At any time after July 1, 1993, an institution of higher  
17 education and the exclusive bargaining representative of a bargaining  
18 unit of employees classified under chapter 28B.16 or 41.06 RCW as  
19 appropriate may exercise their option to have their relationship and  
20 corresponding obligations governed entirely by the provisions of this  
21 chapter by complying with the following:

22 (a) The parties will file notice of the parties' intent to be so  
23 governed, subject to the mutual adoption of a collective bargaining  
24 agreement permitted by this section recognizing the notice of intent.  
25 The parties shall provide the notice to the (~~higher education~~)  
26 Washington personnel resources board or its successor and the  
27 commission;

28 (b) During the negotiation of an initial contract between the  
29 parties under this chapter, the parties' scope of bargaining shall be  
30 governed by this chapter and any disputes arising out of the collective  
31 bargaining rights and obligations under this subsection shall be  
32 determined by the commission. If the commission finds that the parties  
33 are at impasse, the notice filed under (a) of this subsection shall be  
34 void and have no effect; and

35 (c) On the first day of the month following the month during which  
36 the institution of higher education and the exclusive bargaining  
37 representative provide notice to the (~~higher education~~) Washington  
38 personnel resources board or its successor and the commission that they

1 have executed an initial collective bargaining agreement recognizing  
2 the notice of intent filed under (a) of this subsection, chapter 28B.16  
3 or 41.06 RCW as appropriate shall cease to apply to all employees in  
4 the bargaining unit covered by the agreement.

5 (2) All collective bargaining rights and obligations concerning  
6 relations between an institution of higher education and the exclusive  
7 bargaining representative of its employees who have agreed to exercise  
8 the option permitted by this section shall be determined under this  
9 chapter, subject to the following:

10 (a) The commission shall recognize, in its current form, the  
11 bargaining unit as certified by the (~~higher education~~) Washington  
12 personnel resources board or its successor (~~and~~). For purposes of  
13 determining bargaining unit status, positions meeting the criteria  
14 established under RCW 41.06.070 or its successor shall be excluded from  
15 coverage under this chapter. An employer may exclude such positions  
16 from a bargaining unit at any time the position meets the criteria  
17 established under RCW 41.06.070 or its successor. The limitations on  
18 collective bargaining contained in RCW 41.56.100 shall not apply to  
19 that bargaining unit.

20 (b) If, on the date of filing the notice under subsection (1)(a) of  
21 this section, there is a union shop authorized for the bargaining unit  
22 under rules adopted by the (~~higher education~~) Washington personnel  
23 resources board or its successor, the union shop requirement shall  
24 continue in effect for the bargaining unit and shall be deemed  
25 incorporated into the collective bargaining agreement applicable to the  
26 bargaining unit.

27 (c) Salary increases negotiated for the employees in the bargaining  
28 unit shall be subject to the following:

29 (i) Salary increases shall continue to be appropriated by the  
30 legislature. The exclusive bargaining representative shall meet before  
31 a legislative session with the governor or governor's designee and the  
32 representative of the institution of higher education concerning the  
33 total dollar amount for salary increases and health care contributions  
34 that will be contained in the appropriations proposed by the governor  
35 under RCW 43.88.060;

36 (ii) The collective bargaining agreements may provide for salary  
37 increases from local efficiency savings that are different from or that  
38 exceed the amount or percentage for salary increases provided by the  
39 legislature in the omnibus appropriations act for the institution of

1 higher education or allocated to the board of trustees by the state  
2 board for community and technical colleges, but the base for salary  
3 increases provided by the legislature under (c)(i) of this subsection  
4 shall include only those amounts appropriated by the legislature, and  
5 the base shall not include any additional salary increases provided  
6 under this subsection (2)(c)(ii);

7 (iii) Any provisions of the collective bargaining agreements  
8 pertaining to salary increases provided under (c)(i) of this subsection  
9 shall be subject to modification by the legislature. If any provision  
10 of a salary increase provided under (c)(i) of this subsection is  
11 changed by subsequent modification of the appropriations act by the  
12 legislature, both parties shall immediately enter into collective  
13 bargaining for the sole purpose of arriving at a mutually agreed upon  
14 replacement for the modified provision.

15 (3) Nothing in this section may be construed to permit an  
16 institution of higher education to bargain collectively with an  
17 exclusive bargaining representative concerning any matter covered by:  
18 (a) Chapter 41.05 RCW, except for the related cost or dollar  
19 contributions or additional or supplemental benefits as permitted by  
20 chapter 492, Laws of 1993; or (b) chapter 41.32 or 41.40 RCW.

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