

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2403

57th Legislature
2002 Regular Session

Passed by the House March 13, 2002
Yeas 52 Nays 45

Speaker of the House of Representatives

Passed by the Senate March 7, 2002
Yeas 27 Nays 22

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2403** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2403

AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Kenney, Conway, Veloria, Linville, Campbell, O'Brien, Fromhold, Lovick, Hunt, Hurst, Miloscia, Jackley, Kagi, Schual-Berke, Kessler, Gombosky, Berkey, Cody, Chase, Morris, Dickerson, Tokuda, Cooper, Darneille, Kirby, Upthegrove, Edwards, Romero, Santos, Lysen, Quall, McIntire, Wood, Haigh, McDermott, Simpson and Sullivan)

Read first time 02/09/2002. Referred to Committee on .

1 AN ACT Relating to labor relations at the public four-year
2 institutions of higher education; adding a new chapter to Title 41 RCW;
3 and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** LEGISLATIVE FINDINGS OF FACT AND STATEMENTS
6 OF POLICY. The legislature finds and declares that:

7 (1) The people of the state of Washington have a fundamental
8 interest in developing harmonious and cooperative labor relations
9 within the public four-year institutions of higher education.

10 (2) Teachers in the public school system and instructors in the
11 community colleges in the state have been granted the opportunity to
12 bargain collectively. It is desirable to expand the jurisdiction of
13 the public employment relations commission to cover faculty in the
14 state's public four-year institutions of higher education.

15 (3) It is the purpose of this chapter to provide the means by which
16 relations between the boards of regents and trustees of the public
17 four-year institutions of higher education of the state of Washington
18 and their faculty may assure that the responsibilities and authorities
19 granted to these institutions are carried out in an atmosphere that

1 permits the fullest participation by faculty in determining the
2 conditions of employment which affect them. It is the intent of the
3 legislature to accomplish this purpose by providing a uniform structure
4 for recognizing the right of faculty of the public four-year
5 institutions of higher education to engage in collective bargaining as
6 provided in this chapter, if they should so choose.

7 (4) It is the further purpose of this chapter to provide orderly
8 and clearly defined procedures for collective bargaining and dispute
9 resolution, and to define and prohibit certain practices that are
10 contrary to the public interest.

11 NEW SECTION. **Sec. 2.** EXERCISE OF FUNCTIONS OF FACULTY IN SHARED
12 GOVERNANCE--GUARANTEE OF ACADEMIC FREEDOM. (1) The legislature
13 recognizes that consultation and joint decision making between
14 administration and faculty is the long-accepted manner of governing
15 public four-year institutions of higher education and is essential to
16 performing their educational missions. However, collective bargaining
17 can fill the same role. Therefore, faculty at public four-year
18 institutions must choose between collective bargaining and all other
19 faculty governance systems or practices with respect to policies on
20 academic and professional matters affecting the public four-year
21 institutions of higher education.

22 (2) It is the policy of the state of Washington to encourage the
23 pursuit of excellence in teaching, research, and learning through the
24 free exchange of ideas among the faculty, students, and staff of its
25 institutions. All parties subject to this chapter shall respect and
26 endeavor to preserve academic freedom.

27 (3) In the absence of a valid collective bargaining agreement, and
28 for matters upon which collective bargaining is prohibited under
29 section 4 of this act, the rules, regulations, provisions, and
30 procedures, policies, and practices manuals in public four-year
31 institutions of higher education shall govern relations between faculty
32 and the respective boards of regents and trustees.

33 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this
34 section apply throughout this chapter unless the context clearly
35 requires otherwise.

36 (1) "Faculty governance system" means the internal organization
37 that serves as the faculty advisory body and is charged with the

1 responsibility for recommending policies, regulations, and rules for
2 the college or university.

3 (2) "Grievance arbitration" means a method to resolve disputes
4 arising out of interpretations or application of the terms of an
5 agreement under which the parties to a controversy must accept the
6 decision of an impartial person or persons.

7 (3) "Collective bargaining" and "bargaining" mean the performance
8 of the mutual obligation of the representatives of the employer and the
9 exclusive bargaining representative to meet at reasonable times to
10 bargain in good faith in an effort to reach agreement with respect to
11 wages, hours, and other terms and conditions of employment. A written
12 contract incorporating any agreements reached must be executed if
13 requested by either party. The obligation to bargain does not compel
14 either party to agree to a proposal or to make a concession.

15 In the event of a dispute between an employer and an exclusive
16 bargaining representative over the matters that are terms and
17 conditions of employment, the commission shall decide which items are
18 mandatory subjects for bargaining, subject to section 4 of this act.

19 (4) "Commission" means the public employment relations commission
20 established pursuant to RCW 41.58.010.

21 (5) "Faculty" means employees who, at a public four-year
22 institution of higher education, are designated with faculty status or
23 who perform faculty duties as defined through policies established by
24 the faculty governance system, excluding casual or temporary employees,
25 administrators, confidential employees, graduate student employees,
26 postdoctoral and clinical employees, and employees subject to chapter
27 41.06 or 41.56 RCW.

28 (6) "Employee organization" means any organization that includes as
29 its members faculty of the employer and that has as one of its purposes
30 representation of faculty under this chapter. A faculty governance
31 system is not an employee organization as defined in this subsection.

32 (7) "Employer" means the board of regents or the board of trustees
33 of a public four-year institution of higher education.

34 (8) "Exclusive bargaining representative" means any employee
35 organization that has been determined by the commission to represent
36 all of the faculty members of the bargaining unit as required in
37 section 6 of this act.

38 (9) "Administrator" means deans, associate and assistant deans,
39 vice-provosts, vice-presidents, the provost, chancellors,

1 vice-chancellors, the president, and faculty members who exercise
2 managerial or supervisory authority over other faculty members.

3 (10) "Confidential employee" means (a) a person who participates
4 directly on behalf of an employer in the formulation of labor relations
5 policy, the preparation for or conduct of collective bargaining, or the
6 administration of a collective bargaining agreement, if the role of the
7 person is not merely routine or clerical in nature but calls for the
8 consistent exercise of independent judgment; and (b) a person who
9 assists and acts in a confidential capacity to a person in (a) of this
10 subsection.

11 (11) "Bargaining unit" includes all faculty members of all campuses
12 of each of the colleges and universities. Only one bargaining unit is
13 allowable for faculty of each employer, and that unit must contain all
14 faculty members from all schools, colleges, and campuses of the
15 employer.

16 (12) "Public four-year institutions of higher education" means the
17 University of Washington, Washington State University, Eastern
18 Washington University, Western Washington University, Central
19 Washington University, and The Evergreen State College.

20 NEW SECTION. **Sec. 4.** SCOPE OF BARGAINING. (1) Prohibited
21 subjects of bargaining include but are not limited to the following:

22 (a) Consideration of the merits, necessity, or organization of any
23 service, activity, or program established by law or resolution of the
24 employer, except for the terms and conditions of employment of faculty
25 members who may be affected by such service, activity, or program.

26 (b) The amount of any fees that are not a term or condition of
27 employment.

28 (c) Admission requirements for students, conditions for the award
29 of certificates and degrees, and the content, methods, supervision, and
30 evaluation of courses, curricula, and research programs.

31 (2) Permissive subjects of bargaining include, but are not limited
32 to, criteria and standards to be used for the appointment, promotion,
33 evaluation, and tenure of faculty.

34 (3) Nothing in this section shall be construed to limit the right
35 of the employer to consult with any employee on any matter outside the
36 scope of bargaining.

1 NEW SECTION. **Sec. 5.** RIGHT TO ORGANIZE OR REFRAIN FROM
2 ORGANIZING. Faculty members have the right to self-organization, to
3 form, join, or assist employee organizations, and to bargain
4 collectively through exclusive bargaining representatives of their own
5 choosing, and also have the right to refrain from any or all of these
6 activities except to the extent that faculty members may be required to
7 make payments to an exclusive bargaining representative or charitable
8 organization under a union security provision authorized in this
9 chapter. However, faculty members may not engage in collective
10 bargaining until any existing faculty senate or council and any other
11 faculty governance system has been abolished. Any shared governance
12 practices may not be exercised so long as the faculty engages in
13 collective bargaining.

14 NEW SECTION. **Sec. 6.** EXCLUSIVE BARGAINING REPRESENTATIVES--DUTY
15 OF FAIR REPRESENTATION. The employee organization which has been
16 determined by the commission to be the exclusive bargaining
17 representative of a bargaining unit shall be required to represent all
18 the faculty members within the bargaining unit without regard to
19 membership in that employee organization: PROVIDED, That any faculty
20 member may at any time present his or her complaints or concerns to the
21 employer and have such complaints or concerns adjusted without
22 intervention of the exclusive bargaining representative, as long as the
23 exclusive bargaining representative has been given an opportunity to be
24 present at the adjustment and to make its views known, and as long as
25 the adjustment is not inconsistent with the terms of a collective
26 bargaining agreement then in effect.

27 NEW SECTION. **Sec. 7.** REPRESENTATION CASE PROCEDURE. The
28 commission shall certify exclusive bargaining representatives in
29 accordance with the procedures specified in this section.

30 (1) No question concerning representation may be raised within one
31 year following issuance of a certification under this section.

32 (2) If there is a valid collective bargaining agreement in effect,
33 no question concerning representation may be raised except during the
34 period not more than ninety nor less than sixty days prior to the
35 expiration date of the agreement: PROVIDED, That in the event a valid
36 collective bargaining agreement, together with any renewals or
37 extensions thereof, has been or will be in existence for more than

1 three years, then a question concerning representation may be raised
2 not more than ninety nor less than sixty days prior to the third
3 anniversary date or any subsequent anniversary date of the agreement;
4 and if the exclusive bargaining representative is removed as the result
5 of such procedure, the collective bargaining agreement shall be deemed
6 to be terminated as of the date of the certification or the anniversary
7 date following the filing of the petition, whichever is later.

8 (3) An employee organization seeking certification as exclusive
9 bargaining representative of a bargaining unit, or faculty members
10 seeking decertification of their exclusive bargaining representative,
11 must make a confidential showing to the commission of credible evidence
12 demonstrating that at least thirty percent of the faculty in the
13 bargaining unit are in support of the petition. The petition must
14 indicate the name, address, and telephone number of any employee
15 organization known to claim an interest in the bargaining unit.

16 (4) A petition filed by an employer must be supported by credible
17 evidence demonstrating the good faith basis on which the employer
18 claims the existence of a question concerning the representation of its
19 faculty.

20 (5) Any employee organization which makes a confidential showing to
21 the commission of credible evidence demonstrating that it has the
22 support of at least ten percent of the faculty in the bargaining unit
23 involved is entitled to intervene in proceedings under this section and
24 to have its name listed as a choice on the ballot in an election
25 conducted by the commission.

26 (6) The commission shall determine any question concerning
27 representation by conducting a secret ballot election among the faculty
28 members in the bargaining unit, except under the following
29 circumstances:

30 (a) If only one employee organization is seeking certification as
31 exclusive bargaining representative of a bargaining unit for which
32 there is no incumbent exclusive bargaining representative, the
33 commission may, upon the concurrence of the employer and the employee
34 organization, determine the question concerning representation by
35 conducting a cross-check comparing the employee organization's
36 membership records or bargaining authorization cards against the
37 employment records of the employer; or

38 (b) If the commission determines that a serious unfair labor
39 practice has been committed which interfered with the election process

1 and precludes the holding of a fair election, the commission may
2 determine the question concerning representation by conducting a cross-
3 check comparing the employee organization's membership records or
4 bargaining authorization cards against the employment records of the
5 employer.

6 (7) The representation election ballot must contain a choice for
7 each employee organization qualifying under subsection (3) or (5) of
8 this section, together with a choice for no representation. The
9 representation election shall be determined by the majority of the
10 valid ballots cast. If there are three or more choices on the ballot
11 and none of the three or more choices receives a majority of the valid
12 ballots cast, a runoff election shall be conducted between the two
13 choices receiving the highest and second highest numbers of votes.

14 (8) The commission shall certify as the exclusive bargaining
15 representative the employee organization that has been determined to
16 represent a majority of faculty members in a bargaining unit.

17 NEW SECTION. **Sec. 8.** BARGAINING UNIT DETERMINATION. In any
18 dispute concerning membership in the bargaining unit or the allocation
19 of employees or positions to a bargaining unit, the commission, after
20 a hearing or hearings, shall determine the dispute.

21 NEW SECTION. **Sec. 9.** COMMISSION--MEDIATION ACTIVITIES--OTHER
22 DISPUTE RESOLUTION PROCEDURES AUTHORIZED. (1) The commission shall
23 conduct mediation activities upon the request of either party as a
24 means of assisting in the settlement of unresolved matters considered
25 under this chapter.

26 (2) If any matter being jointly considered by the exclusive
27 bargaining representative and the board of regents or trustees is not
28 settled by the means provided in this chapter, either party may request
29 the assistance and advice of the commission. Nothing in this section
30 prohibits an employer and an employee organization from agreeing to
31 substitute, at their own expense, some other impasse procedure or other
32 means of resolving matters considered under this chapter.

33 NEW SECTION. **Sec. 10.** PROVISIONS RELATING TO COMPENSATION--
34 RESTRICTIONS. (1) Except as provided in subsection (2) of this
35 section, provisions of collective bargaining agreements relating to
36 compensation shall not exceed the amount or percentage established by

1 the legislature in the appropriations act. If any compensation
2 provision is affected by subsequent modification of the appropriations
3 act by the legislature, both parties shall immediately enter into
4 collective bargaining for the sole purpose of arriving at a mutually
5 agreed upon replacement for the affected provision.

6 (2) An employer may provide additional compensation to faculty that
7 exceeds that provided by the legislature.

8 NEW SECTION. **Sec. 11.** NEGOTIATED AGREEMENTS--PROCEDURES FOR
9 GRIEVANCE ARBITRATION. A collective bargaining agreement negotiated
10 under this chapter may include procedures for final and binding
11 grievance arbitration of the disputes arising about the interpretation
12 or application of the agreement.

13 (1) The parties to a collective bargaining agreement may agree on
14 one or more permanent umpires to serve as arbitrator, or may agree on
15 any impartial person to serve as arbitrator, or may agree to select
16 arbitrators from any source available to them, including federal and
17 private agencies, in addition to the staff and dispute resolution panel
18 maintained by the commission.

19 (2) An arbitrator may require any person to attend as a witness,
20 and to bring with him or her any book, record, document, or other
21 evidence. Subpoenas shall issue and be signed by the arbitrator and
22 shall be served in the same manner as subpoenas to testify before a
23 court of record in this state. The fees for such attendance shall be
24 paid by the party requesting issuance of the subpoena and shall be the
25 same as the fees of witnesses in the superior court. If any person so
26 summoned to testify refuses or neglects to obey such subpoena, upon
27 petition authorized by the arbitrator, the superior court may compel
28 the attendance of such person before the arbitrator, or punish the
29 person for contempt in the same manner provided for the attendance of
30 witnesses or the punishment of them in the courts of this state.

31 (3) The arbitrator shall appoint a time and place for the hearing
32 and notify the parties thereof, and may adjourn the hearing from time
33 to time as may be necessary, and, on application of either party and
34 for good cause, may postpone the hearing to a time not extending beyond
35 a date fixed by the collective bargaining agreement for making the
36 award. The arbitrator has the power to administer oaths. The
37 arbitration award shall be in writing and signed by the arbitrator or
38 a majority of the members of the arbitration panel. The arbitrator

1 shall, promptly upon its rendition, serve a true copy of the award on
2 each of the parties or their attorneys.

3 (4) If a party to a collective bargaining agreement negotiated
4 under this chapter refuses to submit a grievance for arbitration, the
5 other party to the collective bargaining agreement may invoke the
6 jurisdiction of the superior court for any county in which the labor
7 dispute exists, and such court has jurisdiction to issue an order
8 compelling arbitration. The commission, on its own motion, may invoke
9 the jurisdiction of the superior court where a strike or lockout is in
10 existence. Arbitration shall be ordered if the grievance states a
11 claim which on its face is covered by the collective bargaining
12 agreement, and doubts as to the coverage of the arbitration clause
13 shall be resolved in favor of arbitration. Disputes concerning
14 compliance with grievance procedures shall be reserved for
15 determination by the arbitrator.

16 (5) If a party to a collective bargaining agreement negotiated
17 under this chapter refuses to comply with the award of an arbitrator
18 determining a grievance arising under such collective bargaining
19 agreement, the other party to the collective bargaining agreement, or
20 any affected employee, may invoke the jurisdiction of the superior
21 court for any county in which the labor dispute exists, and such court
22 has jurisdiction to issue an order enforcing the arbitration award.
23 The commission, on its own motion, may invoke the jurisdiction of the
24 superior court where a strike or lockout is in existence. The court
25 shall not substitute its judgment for that of the arbitrator and shall
26 enforce any arbitration award which is based on the collective
27 bargaining agreement, except that an arbitration award shall not be
28 enforced and a new arbitration proceeding may be ordered:

29 (a) If the arbitration award was procured by corruption, fraud, or
30 undue means;

31 (b) If there was evident partiality or corruption in the arbitrator
32 or arbitrators;

33 (c) If the arbitrator or arbitrators were guilty of misconduct, in
34 refusing to postpone a hearing upon sufficient cause shown, or in
35 refusing to hear evidence pertinent and material to the controversy, or
36 of any other misbehavior by which the rights of any party have been
37 prejudiced; or

38 (d) If the arbitrator or arbitrators have exceeded their powers, or
39 so imperfectly executed them that a final and definite award on the

1 subject matter was not made, in which event the court also has
2 discretion to remand the matter to the arbitrator or arbitrators who
3 issued the defective award.

4 NEW SECTION. **Sec. 12.** COLLECTIVE BARGAINING AGREEMENT--EXCLUSIVE
5 BARGAINING REPRESENTATIVE--UNION SECURITY PROVISIONS--DUES AND FEES.

6 (1) Upon filing with the employer the voluntary written authorization
7 of a bargaining unit faculty member under this chapter, the employee
8 organization which is the exclusive bargaining representative of the
9 bargaining unit shall have the right to have deducted from the salary
10 of the bargaining unit faculty member the periodic dues and initiation
11 fees uniformly required as a condition of acquiring or retaining
12 membership in the exclusive bargaining representative. Such employee
13 authorization shall not be irrevocable for a period of more than one
14 year. Such dues and fees shall be deducted from the pay of all faculty
15 members who have given authorization for such deduction, and shall be
16 transmitted by the employer to the employee organization or to the
17 depository designated by the employee organization.

18 (2) A collective bargaining agreement may include union security
19 provisions, but not a closed shop. If an agency shop or other union
20 security provision is agreed to, the employer shall enforce any such
21 provision by deductions from the salary of bargaining unit faculty
22 members affected thereby and shall transmit such funds to the employee
23 organization or to the depository designated by the employee
24 organization.

25 (3) A faculty member who is covered by a union security provision
26 and who asserts a right of nonassociation based on bona fide religious
27 tenets or teachings of a church or religious body of which such faculty
28 member is a member shall pay to a nonreligious charity or other
29 charitable organization an amount of money equivalent to the periodic
30 dues and initiation fees uniformly required as a condition of acquiring
31 or retaining membership in the exclusive bargaining representative.
32 The charity shall be agreed upon by the faculty member and the employee
33 organization to which such faculty member would otherwise pay the dues
34 and fees. The faculty member shall furnish written proof that such
35 payments have been made. If the faculty member and the employee
36 organization do not reach agreement on such matter, the dispute shall
37 be submitted to the commission for determination.

1 NEW SECTION. **Sec. 13.** UNFAIR LABOR PRACTICES. (1) It is an
2 unfair labor practice for an employer to:

3 (a) Interfere with, restrain, or coerce faculty members in the
4 exercise of the rights guaranteed by this chapter;

5 (b) Dominate or interfere with the formation or administration of
6 any employee organization or contribute financial or other support to
7 it: PROVIDED, That subject to rules adopted by the commission, an
8 employer is not prohibited from permitting faculty members to confer
9 with it or its representatives or agents during working hours without
10 loss of time or pay;

11 (c) Encourage or discourage membership in any employee organization
12 by discrimination in regard to hire, tenure of employment, or any term
13 or condition of employment;

14 (d) Discharge or discriminate otherwise against a faculty member
15 because that faculty member has filed charges or given testimony under
16 this chapter;

17 (e) Refuse to bargain collectively with the exclusive bargaining
18 representative of its faculty.

19 (2) It is an unfair labor practice for an employee organization to:

20 (a) Restrain or coerce a faculty member in the exercise of the
21 rights guaranteed by this chapter: PROVIDED, That this subsection does
22 not impair the rights of (i) an employee organization to prescribe its
23 own rules with respect to the acquisition or retention of membership in
24 the employee organization or (ii) to the rights of an employer in the
25 selection of its representatives for the purpose of bargaining or the
26 adjustment of grievances;

27 (b) Cause or attempt to cause an employer to discriminate against
28 a faculty member in violation of subsection (1)(c) of this section;

29 (c) Discriminate against a faculty member because that faculty
30 member has filed charges or given testimony under this chapter;

31 (d) Refuse to bargain collectively with an employer.

32 (3) The expressing of any view, arguments, or opinion, or the
33 dissemination thereof to the public, whether in written, printed,
34 graphic, or visual form, shall not constitute or be evidence of an
35 unfair labor practice under this chapter, if such expression contains
36 no threat of reprisal or force or promise of benefit.

37 NEW SECTION. **Sec. 14.** COMMISSION TO PREVENT UNFAIR LABOR
38 PRACTICES--SCOPE. (1) The commission is empowered to prevent any

1 person from engaging in any unfair labor practice as defined in section
2 13 of this act: PROVIDED, That a complaint shall not be processed for
3 any unfair labor practice occurring more than six months before the
4 filing of the complaint with the commission. This power shall not be
5 affected by any other means of adjustment or prevention that has been
6 or may be established by agreement, law, equity or otherwise.

7 (2) If the commission determines that any person has engaged in or
8 is engaging in any such unfair labor practices as defined in section 13
9 of this act, then the commission shall issue and cause to be served
10 upon such person an order requiring such person to cease and desist
11 from such unfair labor practice, and to take such affirmative action as
12 will effectuate the purposes and policy of this chapter, such as the
13 payment of damages and/or the reinstatement of faculty members.

14 (3) The commission may petition the superior court for the county
15 in which the main office of the employer is located or wherein the
16 person who has engaged or is engaging in such unfair labor practice
17 resides or transacts business, for the enforcement of its order and for
18 appropriate temporary relief.

19 NEW SECTION. **Sec. 15.** RULES ADOPTION. The commission is
20 authorized from time to time to make, amend, and rescind, in the manner
21 prescribed by the administrative procedure act, chapter 34.05 RCW, such
22 rules and regulations as may be necessary to carry out the provisions
23 of this chapter.

24 NEW SECTION. **Sec. 16.** STRIKES AND LOCKOUTS PROHIBITED--
25 VIOLATIONS--REMEDIES. The right of faculty to engage in any strike is
26 prohibited. The right of a board of regents or trustees to engage in
27 any lockout is prohibited. Should either a strike or lockout occur,
28 the representative of the faculty or board of regents or trustees may
29 invoke the jurisdiction of the superior court in the county in which
30 the labor dispute exists, and such court has jurisdiction to issue an
31 appropriate order against either or both parties. In fashioning an
32 order, the court shall take into consideration not only the elements
33 necessary for injunctive relief but also the purpose and goals of this
34 chapter and any mitigating factors such as the commission of an unfair
35 labor practice by either party.

1 NEW SECTION. **Sec. 17.** STATE ADMINISTRATIVE PROCEDURE ACT NOT TO
2 AFFECT. Contracts or agreements, or any provision thereof, entered
3 into between boards of regents or trustees and exclusive bargaining
4 representatives pursuant to this chapter are not affected by or subject
5 to chapter 34.05 RCW.

6 NEW SECTION. **Sec. 18.** SEVERABILITY. If any provision of this act
7 or its application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 19.** RETROACTIVE ACCRUAL OF BENEFITS AND
11 SALARIES. Whenever a collective bargaining agreement between an
12 employer and an exclusive bargaining representative is concluded after
13 the termination date of the previous collective bargaining agreement
14 between the same parties, the effective date of the collective
15 bargaining agreement may be the day after the termination date of the
16 previous collective bargaining agreement, and all benefits included in
17 the new collective bargaining agreement, including wage or salary
18 increases, may accrue beginning with the effective date as established
19 by this section.

20 NEW SECTION. **Sec. 20.** Nothing in this chapter shall be construed
21 to annul, modify, or preclude the renewal or continuation of any lawful
22 agreement entered into before the effective date of this section
23 between an employer and an employee organization covering wages, hours,
24 and terms and conditions of employment.

25 NEW SECTION. **Sec. 21.** Except as otherwise expressly provided in
26 this chapter, this chapter shall not be construed to deny or otherwise
27 abridge any rights, privileges, or benefits granted by law to
28 employees. This chapter shall not be construed to interfere with the
29 responsibilities and rights of the board of regents or board of
30 trustees as specified by federal and state law.

31 NEW SECTION. **Sec. 22.** Section captions used in this act are not
32 any part of the law.

33 NEW SECTION. **Sec. 23.** This act takes effect October 1, 2002.

1 NEW SECTION. **Sec. 24.** Sections 1 through 23 of this act
2 constitute a new chapter in Title 41 RCW.

--- **END** ---