

SSB 5073 - S AMD 477
By Senator Roach

1 On page 1, beginning on line 14, strike all of section 101 and
2 insert the following:

3 "Sec. 101. RCW 43.82.055 and 2015 c 225 s 76 are each amended to
4 read as follows:

5 The office of financial management shall:

6 (1) Work with the department of enterprise services and all other
7 state agencies to determine the long-term facility needs of state
8 government; ~~((and))~~

9 (2) Develop and submit a six-year facility plan to the
10 legislature by January 1st of every odd-numbered year, beginning
11 January 1, 2009, that includes state agency space requirements and
12 other pertinent data necessary for cost-effective facility planning.
13 The department of enterprise services shall assist with this effort
14 as required by the office of financial management; and

15 (3) Establish and enforce policies and workplace strategies that
16 promote the efficient use of state facilities."

17 On page 4, beginning on line 34, strike all material through
18 "~~auditors))~~;" on line 39 and insert the following:

19 "~~((Each))~~ (i) For those agencies that the director determines
20 internal audit is required, the agency head or authorized designee
21 shall be assigned the responsibility and authority for establishing
22 and maintaining internal audits following ((the)) professional audit
23 standards ((of internal auditing of)) including generally accepted
24 government auditing standards or standards adopted by the institute
25 of internal auditors or both.

26 (ii) For those agencies that the director determines internal
27 audit is not required, the agency head or authorized designee may
28 establish and maintain internal audits following professional audit
29 standards including generally accepted government auditing standards
30 or standards adopted by the institute of internal auditors, or both,
31 but at a minimum must comply with policies as established by the

1 director to assess the effectiveness of the agency's systems of
2 internal controls and risk management processes;"

3 On page 10, beginning on line 25, strike all of section 105 and
4 insert the following:

5 "Sec. 105. RCW 47.64.170 and 2015 1st sp.s. c 10 s 707 are each
6 amended to read as follows:

7 (1) Any ferry employee organization certified as the bargaining
8 representative shall be the exclusive representative of all ferry
9 employees in the bargaining unit and shall represent all such
10 employees fairly.

11 (2) A ferry employee organization or organizations and the
12 governor may each designate any individual as its representative to
13 engage in collective bargaining negotiations.

14 (3) Negotiating sessions, including strategy meetings of the
15 employer or employee organizations, mediation, and the deliberative
16 process of arbitrators are exempt from the provisions of chapter
17 42.30 RCW. Hearings conducted by arbitrators may be open to the
18 public by mutual consent of the parties.

19 (4) Terms of any collective bargaining agreement may be enforced
20 by civil action in Thurston county superior court upon the initiative
21 of either party.

22 (5) Ferry system employees or any employee organization shall not
23 negotiate or attempt to negotiate directly with anyone other than the
24 person who has been appointed or authorized a bargaining
25 representative for the purpose of bargaining with the ferry employees
26 or their representative.

27 (6)(a) Within ten working days after the first Monday in
28 September of every odd-numbered year, the parties shall attempt to
29 agree on an interest arbitrator to be used if the parties are not
30 successful in negotiating a comprehensive collective bargaining
31 agreement. If the parties cannot agree on an arbitrator within the
32 ten-day period, either party may request a list of seven arbitrators
33 from the federal mediation and conciliation service. The parties
34 shall select an interest arbitrator using the coin toss/alternate
35 strike method within thirty calendar days of receipt of the list.
36 Immediately upon selecting an interest arbitrator, the parties shall
37 cooperate to reserve dates with the arbitrator for potential
38 arbitration between August 1st and September 15th of the following

1 even-numbered year. The parties shall also prepare a schedule of at
2 least five negotiation dates for the following year, absent an
3 agreement to the contrary. The parties shall execute a written
4 agreement before November 1st of each odd-numbered year setting forth
5 the name of the arbitrator and the dates reserved for bargaining and
6 arbitration. This subsection (6)(a) imposes minimum obligations only
7 and is not intended to define or limit a party's full, good faith
8 bargaining obligation under other sections of this chapter.

9 (b) The negotiation of a proposed collective bargaining agreement
10 by representatives of the employer and a ferry employee organization
11 shall commence on or about February 1st of every even-numbered year.

12 (c) For negotiations covering the 2009-2011 biennium and
13 subsequent biennia, the time periods specified in this section, and
14 in RCW 47.64.210 and 47.64.300 through 47.64.320, must ensure
15 conclusion of all agreements on or before October 1st of the even-
16 numbered year next preceding the biennial budget period during which
17 the agreement should take effect. These time periods may only be
18 altered by mutual agreement of the parties in writing. Any such
19 agreement and any impasse procedures agreed to by the parties under
20 RCW 47.64.200 must include an agreement regarding the new time
21 periods that will allow final resolution by negotiations or
22 arbitration by October 1st of each even-numbered year.

23 (7) It is the intent of this section that the collective
24 bargaining agreement or arbitrator's award shall commence on July 1st
25 of each odd-numbered year and shall terminate on June 30th of the
26 next odd-numbered year to coincide with the ensuing biennial budget
27 year, as defined by RCW 43.88.020(7), to the extent practical. It is
28 further the intent of this section that all collective bargaining
29 agreements be concluded by October 1st of the even-numbered year
30 before the commencement of the biennial budget year during which the
31 agreements are to be in effect. After the expiration date of a
32 collective bargaining agreement negotiated under this chapter, except
33 to the extent provided in subsection (11) of this section and RCW
34 47.64.270(4), all of the terms and conditions specified in the
35 collective bargaining agreement remain in effect until the effective
36 date of a subsequently negotiated agreement, not to exceed one year
37 from the expiration date stated in the agreement. Thereafter, the
38 employer may unilaterally implement according to law.

39 (8) The office of financial management shall conduct a salary
40 survey, for use in collective bargaining and arbitration(~~(, which~~

1 ~~must be conducted through a contract with a firm nationally~~
2 ~~recognized in the field of human resources management consulting~~
3 ~~except during the 2015-2017 fiscal biennium)).~~

4 (9) Except as provided in subsection (11) of this section:

5 (a) The governor shall submit a request either for funds
6 necessary to implement the collective bargaining agreements
7 including, but not limited to, the compensation and fringe benefit
8 provisions or for legislation necessary to implement the agreement,
9 or both. Requests for funds necessary to implement the collective
10 bargaining agreements shall not be submitted to the legislature by
11 the governor unless such requests:

12 (i) Have been submitted to the director of the office of
13 financial management by October 1st before the legislative session at
14 which the requests are to be considered; and

15 (ii) Have been certified by the director of the office of
16 financial management as being feasible financially for the state.

17 (b) The governor shall submit a request either for funds
18 necessary to implement the arbitration awards or for legislation
19 necessary to implement the arbitration awards, or both. Requests for
20 funds necessary to implement the arbitration awards shall not be
21 submitted to the legislature by the governor unless such requests:

22 (i) Have been submitted to the director of the office of
23 financial management by October 1st before the legislative session at
24 which the requests are to be considered; and

25 (ii) Have been certified by the director of the office of
26 financial management as being feasible financially for the state.

27 (c) The legislature shall approve or reject the submission of the
28 request for funds necessary to implement the collective bargaining
29 agreements or arbitration awards as a whole for each agreement or
30 award. The legislature shall not consider a request for funds to
31 implement a collective bargaining agreement or arbitration award
32 unless the request is transmitted to the legislature as part of the
33 governor's budget document submitted under RCW 43.88.030 and
34 43.88.060. If the legislature rejects or fails to act on the
35 submission, either party may reopen all or part of the agreement and
36 award or the exclusive bargaining representative may seek to
37 implement the procedures provided for in RCW 47.64.210 and 47.64.300.

38 (10) If, after the compensation and fringe benefit provisions of
39 an agreement are approved by the legislature, a significant revenue
40 shortfall occurs resulting in reduced appropriations, as declared by

1 proclamation of the governor or by resolution of the legislature,
2 both parties shall immediately enter into collective bargaining for a
3 mutually agreed upon modification of the agreement.

4 (11)(a) For the collective bargaining agreements negotiated for
5 the 2011-2013 fiscal biennium, the legislature may consider a request
6 for funds to implement a collective bargaining agreement even if the
7 request for funds was not received by the office of financial
8 management by October 1st and was not transmitted to the legislature
9 as part of the governor's budget document submitted under RCW
10 43.88.030 and 43.88.060.

11 (b) For the 2013-2015 fiscal biennium, a collective bargaining
12 agreement related to employee health care benefits negotiated between
13 the employer and coalition pursuant to RCW 41.80.020(3) regarding the
14 dollar amount expended on behalf of each employee must be a separate
15 agreement for which the governor may request funds necessary to
16 implement the agreement. The legislature may act upon a 2013-2015
17 collective bargaining agreement related to employee health care
18 benefits if an agreement is reached and submitted to the office of
19 financial management and legislative budget committees before final
20 legislative action on the biennial or supplemental operating budget
21 by the sitting legislature.

22 (c) For the collective bargaining agreements negotiated for the
23 2013-2015 fiscal biennium, the legislature may consider a request for
24 funds to implement a collective bargaining agreement reached after
25 October 1st after a determination of financial infeasibility by the
26 director of the office of financial management if the request for
27 funds is transmitted to the legislature as part of the governor's
28 budget document submitted under RCW 43.88.030 and 43.88.060."

EFFECT: For those agencies that the Director of OFM determines an
internal audit is required, the agency must establish and maintain
internal audits following professional audit standards. For agencies
in which the Director of OFM determines an audit is not required, the
agency may establish and maintain internal audits following
professional audit standards, but must comply with policies
established by the Director of OFM to assess the effectiveness of the
agency's systems of internal controls and risk management processes.

Updates sections to include 2015 session laws.

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