

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5022**

Chapter 234, Laws of 2019

(partial veto)

66th Legislature  
2019 Regular Session

HIGHER EDUCATION UNIFORMED PERSONNEL--BINDING INTEREST ARBITRATION

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 19, 2019  
Yeas 47 Nays 2

CYRUS HABIB

**President of the Senate**

Passed by the House April 10, 2019  
Yeas 68 Nays 24

FRANK CHOPP

**Speaker of the House of Representatives**

Approved April 30, 2019 3:20 PM with  
the exception of section 2, which is  
vetoed.

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of  
the Senate of the State of  
Washington, do hereby certify that  
the attached is **SENATE BILL 5022** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

May 1, 2019

**Secretary of State  
State of Washington**

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**SENATE BILL 5022**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

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

**By** Senators Keiser, Conway, Van De Wege, Hunt, Hobbs, Wellman, and Kuderer

Prefiled 12/12/18. Read first time 01/14/19. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to granting binding interest arbitration rights  
2 to certain higher education uniformed personnel; amending RCW  
3 41.80.005 and 41.80.010; adding new sections to chapter 41.80 RCW;  
4 creating a new section; and prescribing penalties.

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

6            **Sec. 1.** RCW 41.80.005 and 2011 1st sp.s. c 43 s 444 are each  
7 amended to read as follows:

8            Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter.

10           (1) "Agency" means any agency as defined in RCW 41.06.020 and  
11 covered by chapter 41.06 RCW.

12           (2) "Collective bargaining" means the performance of the mutual  
13 obligation of the representatives of the employer and the exclusive  
14 bargaining representative to meet at reasonable times and to bargain  
15 in good faith in an effort to reach agreement with respect to the  
16 subjects of bargaining specified under RCW 41.80.020. The obligation  
17 to bargain does not compel either party to agree to a proposal or to  
18 make a concession, except as otherwise provided in this chapter.

19           (3) "Commission" means the public employment relations  
20 commission.

1 (4) "Confidential employee" means an employee who, in the regular  
2 course of his or her duties, assists in a confidential capacity  
3 persons who formulate, determine, and effectuate management policies  
4 with regard to labor relations or who, in the regular course of his  
5 or her duties, has authorized access to information relating to the  
6 effectuation or review of the employer's collective bargaining  
7 policies, or who assists or aids a manager. "Confidential employee"  
8 also includes employees who assist assistant attorneys general who  
9 advise and represent managers or confidential employees in personnel  
10 or labor relations matters, or who advise or represent the state in  
11 tort actions.

12 (5) "Director" means the director of the public employment  
13 relations commission.

14 (6) "Employee" means any employee, including employees whose work  
15 has ceased in connection with the pursuit of lawful activities  
16 protected by this chapter, covered by chapter 41.06 RCW, except:

17 (a) Employees covered for collective bargaining by chapter 41.56  
18 RCW;

19 (b) Confidential employees;

20 (c) Members of the Washington management service;

21 (d) Internal auditors in any agency; or

22 (e) Any employee of the commission, the office of financial  
23 management, or the office of risk management within the department of  
24 enterprise services.

25 (7) "Employee organization" means any organization, union, or  
26 association in which employees participate and that exists for the  
27 purpose, in whole or in part, of collective bargaining with  
28 employers.

29 (8) "Employer" means the state of Washington.

30 (9) "Exclusive bargaining representative" means any employee  
31 organization that has been certified under this chapter as the  
32 representative of the employees in an appropriate bargaining unit.

33 (10) "Institutions of higher education" means the University of  
34 Washington, Washington State University, Central Washington  
35 University, Eastern Washington University, Western Washington  
36 University, The Evergreen State College, and the various state  
37 community colleges.

38 (11) "Labor dispute" means any controversy concerning terms,  
39 tenure, or conditions of employment, or concerning the association or  
40 representation of persons in negotiating, fixing, maintaining,

1 changing, or seeking to arrange terms or conditions of employment  
2 with respect to the subjects of bargaining provided in this chapter,  
3 regardless of whether the disputants stand in the proximate relation  
4 of employer and employee.

5 (12) "Manager" means "manager" as defined in RCW 41.06.022.

6 (13) "Supervisor" means an employee who has authority, in the  
7 interest of the employer, to hire, transfer, suspend, lay off,  
8 recall, promote, discharge, direct, reward, or discipline employees,  
9 or to adjust employee grievances, or effectively to recommend such  
10 action, if the exercise of the authority is not of a merely routine  
11 nature but requires the consistent exercise of individual judgment.  
12 However, no employee who is a member of the Washington management  
13 service may be included in a collective bargaining unit established  
14 under this section.

15 (14) "Unfair labor practice" means any unfair labor practice  
16 listed in RCW 41.80.110.

17 (15) "Uniformed personnel" means duly sworn police officers  
18 employed as members of a police force established pursuant to RCW  
19 28B.10.550.

20 **\*Sec. 2. RCW 41.80.010 and 2017 3rd sp.s. c 23 s 3 are each**  
21 **amended to read as follows:**

22 **(1) For the purpose of negotiating collective bargaining**  
23 **agreements under this chapter, the employer shall be represented by**  
24 **the governor or governor's designee, except as provided for**  
25 **institutions of higher education in subsection (4) of this section.**

26 **(2) (a) If an exclusive bargaining representative represents more**  
27 **than one bargaining unit, the exclusive bargaining representative**  
28 **shall negotiate with each employer representative as designated in**  
29 **subsection (1) of this section one master collective bargaining**  
30 **agreement on behalf of all the employees in bargaining units that the**  
31 **exclusive bargaining representative represents. For those exclusive**  
32 **bargaining representatives who represent fewer than a total of five**  
33 **hundred employees each, negotiation shall be by a coalition of all**  
34 **those exclusive bargaining representatives. The coalition shall**  
35 **bargain for a master collective bargaining agreement covering all of**  
36 **the employees represented by the coalition. The governor's designee**  
37 **and the exclusive bargaining representative or representatives are**  
38 **authorized to enter into supplemental bargaining of agency-specific**  
39 **issues for inclusion in or as an addendum to the master collective**

1 *bargaining agreement, subject to the parties' agreement regarding the*  
2 *issues and procedures for supplemental bargaining. This section does*  
3 *not prohibit cooperation and coordination of bargaining between two*  
4 *or more exclusive bargaining representatives.*

5 *(b) This subsection (2) does not apply to exclusive bargaining*  
6 *representatives who represent employees of institutions of higher*  
7 *education, except when the institution of higher education has*  
8 *elected to exercise its option under subsection (4) of this section*  
9 *to have its negotiations conducted by the governor or governor's*  
10 *designee under the procedures provided for general government*  
11 *agencies in subsections (1) through (3) of this section.*

12 *(c) If five hundred or more employees of an independent state*  
13 *elected official listed in RCW 43.01.010 are organized in a*  
14 *bargaining unit or bargaining units under RCW 41.80.070, the official*  
15 *shall be consulted by the governor or the governor's designee before*  
16 *any agreement is reached under (a) of this subsection concerning*  
17 *supplemental bargaining of agency specific issues affecting the*  
18 *employees in such bargaining unit.*

19 *(3) The governor shall submit a request for funds necessary to*  
20 *implement the compensation and fringe benefit provisions in the*  
21 *master collective bargaining agreement or for legislation necessary*  
22 *to implement the agreement. Requests for funds necessary to implement*  
23 *the provisions of bargaining agreements shall not be submitted to the*  
24 *legislature by the governor unless such requests:*

25 *(a) Have been submitted to the director of the office of*  
26 *financial management by October 1 prior to the legislative session at*  
27 *which the requests are to be considered; and*

28 *(b) Have been certified by the director of the office of*  
29 *financial management as being feasible financially for the state or*  
30 *reflects the decision of an arbitration panel reached under section 5*  
31 *of this act.*

32 *The legislature shall approve or reject the submission of the*  
33 *request for funds as a whole. The legislature shall not consider a*  
34 *request for funds to implement a collective bargaining agreement*  
35 *unless the request is transmitted to the legislature as part of the*  
36 *governor's budget document submitted under RCW 43.88.030 and*  
37 *43.88.060. If the legislature rejects or fails to act on the*  
38 *submission, either party may reopen all or part of the agreement or*  
39 *the exclusive bargaining representative may seek to implement the*  
40 *procedures provided for in RCW 41.80.090.*

1           (4) (a) (i) For the purpose of negotiating agreements for  
2 institutions of higher education, the employer shall be the  
3 respective governing board of each of the universities, colleges, or  
4 community colleges or a designee chosen by the board to negotiate on  
5 its behalf.

6           (ii) A governing board of a university or college may elect to  
7 have its negotiations conducted by the governor or governor's  
8 designee under the procedures provided for general government  
9 agencies in subsections (1) through (3) of this section, except that:

10           (A) The governor or the governor's designee and an exclusive  
11 bargaining representative shall negotiate one master collective  
12 bargaining agreement for all of the bargaining units of employees of  
13 a university or college that the representative represents; or

14           (B) If the parties mutually agree, the governor or the governor's  
15 designee and an exclusive bargaining representative shall negotiate  
16 one master collective bargaining agreement for all of the bargaining  
17 units of employees of more than one university or college that the  
18 representative represents.

19           (iii) A governing board of a community college may elect to have  
20 its negotiations conducted by the governor or governor's designee  
21 under the procedures provided for general government agencies in  
22 subsections (1) through (3) of this section.

23           (b) Prior to entering into negotiations under this chapter, the  
24 institutions of higher education or their designees shall consult  
25 with the director of the office of financial management regarding  
26 financial and budgetary issues that are likely to arise in the  
27 impending negotiations.

28           (c) (i) In the case of bargaining agreements reached between  
29 institutions of higher education other than the University of  
30 Washington and exclusive bargaining representatives agreed to under  
31 the provisions of this chapter, if appropriations are necessary to  
32 implement the compensation and fringe benefit provisions of the  
33 bargaining agreements, the governor shall submit a request for such  
34 funds to the legislature according to the provisions of subsection  
35 (3) of this section, except as provided in (c) (iii) of this  
36 subsection.

37           (ii) In the case of bargaining agreements reached between the  
38 University of Washington and exclusive bargaining representatives  
39 agreed to under the provisions of this chapter, if appropriations are  
40 necessary to implement the compensation and fringe benefit provisions

1 of a bargaining agreement, the governor shall submit a request for  
2 such funds to the legislature according to the provisions of  
3 subsection (3) of this section, except as provided in this subsection  
4 (4) (c) (ii) and as provided in (c) (iii) of this subsection.

5 (A) If appropriations of less than ten thousand dollars are  
6 necessary to implement the provisions of a bargaining agreement, a  
7 request for such funds shall not be submitted to the legislature by  
8 the governor unless the request has been submitted to the director of  
9 the office of financial management by October 1 prior to the  
10 legislative session at which the request is to be considered.

11 (B) If appropriations of ten thousand dollars or more are  
12 necessary to implement the provisions of a bargaining agreement, a  
13 request for such funds shall not be submitted to the legislature by  
14 the governor unless the request:

15 (I) Has been submitted to the director of the office of financial  
16 management by October 1 prior to the legislative session at which the  
17 request is to be considered; and

18 (II) Has been certified by the director of the office of  
19 financial management as being feasible financially for the state.

20 (C) If the director of the office of financial management does  
21 not certify a request under (c) (ii) (B) of this subsection as being  
22 feasible financially for the state, the parties shall enter into  
23 collective bargaining solely for the purpose of reaching a mutually  
24 agreed upon modification of the agreement necessary to address the  
25 absence of those requested funds. The legislature may act upon the  
26 compensation and fringe benefit provisions of the modified collective  
27 bargaining agreement if those provisions are agreed upon and  
28 submitted to the office of financial management and legislative  
29 budget committees before final legislative action on the biennial or  
30 supplemental operating budget by the sitting legislature.

31 (iii) In the case of a bargaining unit of employees of  
32 institutions of higher education in which the exclusive bargaining  
33 representative is certified during or after the conclusion of a  
34 legislative session, the legislature may act upon the compensation  
35 and fringe benefit provisions of the unit's initial collective  
36 bargaining agreement if those provisions are agreed upon and  
37 submitted to the office of financial management and legislative  
38 budget committees before final legislative action on the biennial or  
39 supplemental operating budget by the sitting legislature.

1           (5) If, after the compensation and fringe benefit provisions of  
2 an agreement are approved by the legislature, a significant revenue  
3 shortfall occurs resulting in reduced appropriations, as declared by  
4 proclamation of the governor or by resolution of the legislature,  
5 both parties shall immediately enter into collective bargaining for a  
6 mutually agreed upon modification of the agreement.

7           (6) After the expiration date of a collective bargaining  
8 agreement negotiated under this chapter, all of the terms and  
9 conditions specified in the collective bargaining agreement remain in  
10 effect until the effective date of a subsequently negotiated  
11 agreement, not to exceed one year from the expiration date stated in  
12 the agreement. Thereafter, the employer may unilaterally implement  
13 according to law.

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

25           (8) (a) For the 2015-2017 fiscal biennium, the governor may  
26 request funds to implement:

27           (i) Modifications to collective bargaining agreements as set  
28 forth in a memorandum of understanding negotiated between the  
29 employer and the service employees international union healthcare  
30 1199nw, an exclusive bargaining representative, that was necessitated  
31 by an emergency situation or an imminent jeopardy determination by  
32 the center for medicare and medicaid services that relates to the  
33 safety or health of the clients, employees, or both the clients and  
34 employees.

35           (ii) Unilaterally implemented modifications to collective  
36 bargaining agreements, resulting from the employer being prohibited  
37 from negotiating with an exclusive bargaining representative due to a  
38 pending representation petition, necessitated by an emergency  
39 situation or an imminent jeopardy determination by the center for



1 medicare and medicaid services that relates to the safety or health  
2 of the clients, employees, or both the clients and employees.

3 (iii) Modifications to collective bargaining agreements as set  
4 forth in a memorandum of understanding negotiated between the  
5 employer and the union of physicians of Washington, an exclusive  
6 bargaining representative, that was necessitated by an emergency  
7 situation or an imminent jeopardy determination by the center for  
8 medicare and medicaid services that relates to the safety or health  
9 of the clients, employees, or both the clients and employees. If the  
10 memorandum of understanding submitted to the legislature as part of  
11 the governor's budget document is rejected by the legislature, and  
12 the parties reach a new memorandum of understanding by June 30, 2016,  
13 within the funds, conditions, and limitations provided in section  
14 204, chapter 36, Laws of 2016 sp. sess., the new memorandum of  
15 understanding shall be considered approved by the legislature and may  
16 be retroactive to December 1, 2015.

17 (iv) Modifications to collective bargaining agreements as set  
18 forth in a memorandum of understanding negotiated between the  
19 employer and the teamsters union local 117, an exclusive bargaining  
20 representative, for salary adjustments for the state employee job  
21 classifications of psychiatrist, psychiatric social worker, and  
22 psychologist.

23 (b) For the 2015-2017 fiscal biennium, the legislature may act  
24 upon the request for funds for modifications to a 2015-2017  
25 collective bargaining agreement under (a) (i), (ii), (iii), and (iv)  
26 of this subsection if funds are requested by the governor before  
27 final legislative action on the supplemental omnibus appropriations  
28 act by the sitting legislature.

29 (c) The request for funding made under this subsection and any  
30 action by the legislature taken pursuant to this subsection is  
31 limited to the modifications described in this subsection and may not  
32 otherwise affect the original terms of the 2015-2017 collective  
33 bargaining agreement.

34 (d) Subsection (3) (a) and (b) of this section (~~(d)~~) does not  
35 apply to requests for funding made pursuant to this subsection.

\*Sec. 2 was vetoed. See message at end of chapter.

36 NEW SECTION. Sec. 3. A new section is added to chapter 41.80  
37 RCW to read as follows:

1 The intent and purpose of sections 4 through 10 of this act is to  
2 recognize that there exists a public policy in the state of  
3 Washington against strikes by uniformed personnel as a means of  
4 settling their labor disputes; that the uninterrupted and dedicated  
5 service of these classes of employees is vital to the welfare and  
6 public safety of the state of Washington; and that to promote such  
7 dedicated and uninterrupted public service there should exist an  
8 effective and adequate alternative means of settling disputes.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.80  
10 RCW to read as follows:

11 (1) Negotiations between the employer and the exclusive  
12 bargaining representative of a unit of uniformed personnel shall be  
13 commenced at least five months prior to the submission of the budget  
14 to the legislature. If no agreement has been reached sixty days after  
15 the commencement of such negotiations then, at any time thereafter,  
16 either party may declare that an impasse exists and may submit the  
17 dispute to the commission for mediation, with or without the  
18 concurrence of the other party. The commission shall appoint a  
19 mediator, who shall promptly meet with the representatives of the  
20 parties, either jointly or separately, and shall take such other  
21 steps as he or she may deem appropriate in order to persuade the  
22 parties to resolve their differences and effect an agreement. A  
23 mediator, however, does not have a power of compulsion. The mediator  
24 may consider only matters that are subject to bargaining under this  
25 chapter.

26 (2) If an agreement has not been reached following a reasonable  
27 period of negotiations and mediation, and the executive director,  
28 upon the recommendation of the assigned mediator, finds that the  
29 parties remain at impasse, then the executive director shall certify  
30 the issues for interest arbitration. The issues for determination by  
31 the arbitration panel shall be limited to the issues certified by the  
32 executive director.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 41.80  
34 RCW to read as follows:

35 (1) Within ten working days after the first Monday in September  
36 of every odd-numbered year, the state's bargaining representative and  
37 the exclusive bargaining representative for the appropriate  
38 bargaining unit shall attempt to agree on an interest arbitration

1 panel consisting of three members to be used if the parties are not  
2 successful in negotiating a comprehensive collective bargaining  
3 agreement. Each party shall name one person to serve as its  
4 arbitrator on the arbitration panel. The two members so appointed  
5 shall meet within seven days following the appointment of the later  
6 appointed member to attempt to choose a third member to act as the  
7 neutral chair of the arbitration panel. Upon the failure of the  
8 arbitrators to select a neutral chair within seven days, the two  
9 appointed members shall use one of the two following options in the  
10 appointment of the third member, who shall act as chair of the panel:  
11 (a) By mutual consent, the two appointed members may jointly request  
12 the commission to, and the commission shall, appoint a third member  
13 within two days of such a request. Costs of each party's appointee  
14 shall be borne by each party respectively; other costs of the  
15 arbitration proceedings shall be borne by the commission; or (b)  
16 either party may apply to the commission, the federal mediation and  
17 conciliation service, or the American arbitration association to  
18 provide a list of five qualified arbitrators from which the neutral  
19 chair shall be chosen. Each party shall pay the fees and expenses of  
20 its arbitrator, and the fees and expenses of the neutral chair shall  
21 be shared equally between the parties.

22 (2) Immediately upon selecting an interest arbitration panel, the  
23 parties shall cooperate to reserve dates with the arbitration panel  
24 for potential arbitration between August 1st and September 15th of  
25 the following even-numbered year. The parties shall also prepare a  
26 schedule of at least five negotiation dates for the following year,  
27 absent an agreement to the contrary. The parties shall execute a  
28 written agreement before November 1st of each odd-numbered year  
29 setting forth the names of the members of the arbitration panel and  
30 the dates reserved for bargaining and arbitration. This subsection  
31 imposes minimum obligations only and is not intended to define or  
32 limit a party's full, good faith bargaining obligation under other  
33 sections of this chapter.

34 (3) If the parties are not successful in negotiating a  
35 comprehensive collective bargaining agreement, a hearing shall be  
36 held. The hearing shall be informal and each party shall have the  
37 opportunity to present evidence and make argument. No member of the  
38 arbitration panel may present the case for a party to the  
39 proceedings. The rules of evidence prevailing in judicial proceedings  
40 may be considered, but are not binding, and any oral testimony or

1 documentary evidence or other data deemed relevant by the chair of  
2 the arbitration panel may be received in evidence. A recording of the  
3 proceedings shall be taken. The arbitration panel has the power to  
4 administer oaths, require the attendance of witnesses, and require  
5 the production of such books, papers, contracts, agreements, and  
6 documents as may be deemed by the panel to be material to a just  
7 determination of the issues in dispute. If any person refuses to obey  
8 a subpoena issued by the arbitration panel, or refuses to be sworn or  
9 to make an affirmation to testify, or any witness, party, or attorney  
10 for a party is guilty of any contempt while in attendance at any  
11 hearing held under this section, the arbitration panel may invoke the  
12 jurisdiction of the superior court in the county where the labor  
13 dispute exists, and the court has jurisdiction to issue an  
14 appropriate order. Any failure to obey the order may be punished by  
15 the court as a contempt thereof. The hearing conducted by the  
16 arbitration panel shall be concluded within twenty-five days  
17 following the selection or designation of the neutral chair of the  
18 arbitration panel, unless the parties agree to a longer period.

19 (4) The neutral chair shall consult with the other members of the  
20 arbitration panel, and, within thirty days following the conclusion  
21 of the hearing, the neutral chair shall make written findings of fact  
22 and a written determination of the issues in dispute, based on the  
23 evidence presented. A copy thereof shall be served on the commission,  
24 on each of the other members of the arbitration panel, and on each of  
25 the parties to the dispute.

26 (5) Except as provided in this subsection, the written  
27 determination shall be final and binding upon both parties.

28 (a) The written determination is subject to review by the  
29 superior court upon the application of either party solely upon the  
30 question of whether the decision of the panel was arbitrary or  
31 capricious.

32 (b) The written determination is not binding on the legislature  
33 and, if the legislature does not approve the funds necessary to  
34 implement provisions pertaining to compensation and fringe benefits  
35 of an arbitrated collective bargaining agreement, is not binding on  
36 the state.

37 (6) The arbitration panel may consider only matters that are  
38 subject to bargaining under this chapter.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 41.80  
2    RCW to read as follows:

3        An interest arbitration panel created pursuant to section 5 of  
4    this act, in the performance of its duties under this chapter,  
5    exercises a state function and is, for the purposes of this chapter,  
6    a state agency. Chapter 34.05 RCW does not apply to proceedings  
7    before an interest arbitration panel under this chapter.

8        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 41.80  
9    RCW to read as follows:

10       In making its determination, the panel shall be mindful of the  
11    legislative purpose enumerated in section 3 of this act and, as  
12    additional standards or guidelines to aid it in reaching a decision,  
13    shall take into consideration the following factors:

- 14        (1) The constitutional and statutory authority of the employer;
- 15        (2) Stipulations of the parties;
- 16        (3) Comparison of the hours and conditions of employment of  
17    personnel involved in the proceedings with the hours and conditions  
18    of employment of like personnel of like employers of similar size on  
19    the west coast of the United States;
- 20        (4) Changes in any of the circumstances under subsections (1)  
21    through (3) of this section during the pendency of the proceedings;  
22    and
- 23        (5) Such other factors, not confined to the factors under  
24    subsections (1) through (4) of this section, that are normally or  
25    traditionally taken into consideration in the determination of  
26    matters that are subject to bargaining under this chapter.

27       NEW SECTION.    **Sec. 8.**    A new section is added to chapter 41.80  
28    RCW to read as follows:

29       During the pendency of the proceedings before the arbitration  
30    panel, existing wages, hours, and other conditions of employment  
31    shall not be changed by action of either party without the consent of  
32    the other but a party may so consent without prejudice to his rights  
33    or position under sections 4 through 10 of this act.

34       NEW SECTION.    **Sec. 9.**    A new section is added to chapter 41.80  
35    RCW to read as follows:

- 36        (1) If the representative of either or both the uniformed  
37    personnel and the employer refuse to submit to the procedures set

1 forth in sections 4 and 5 of this act, the parties, or the commission  
2 on its own motion, may invoke the jurisdiction of the superior court  
3 for the county in which the labor dispute exists and such court shall  
4 have jurisdiction to issue an appropriate order. A failure to obey  
5 such order may be punished by the court as a contempt thereof.

6 (2) Except as provided in this subsection, a decision of the  
7 arbitration panel shall be final and binding on the parties, and may  
8 be enforced at the instance of either party, the arbitration panel or  
9 the commission in the superior court for the county where the dispute  
10 arose.

11 (a) The written determination is subject to review by the  
12 superior court upon the application of either party solely upon the  
13 question of whether the decision of the panel was arbitrary or  
14 capricious.

15 (b) The written determination is not binding on the legislature  
16 and, if the legislature does not approve the funds necessary to  
17 implement provisions pertaining to compensation and fringe benefits  
18 of an arbitrated collective bargaining agreement, is not binding on  
19 the state.

20 NEW SECTION. **Sec. 10.** A new section is added to chapter 41.80  
21 RCW to read as follows:

22 The right of uniformed personnel to engage in any strike, work  
23 slowdown, or stoppage is not granted. An employee organization  
24 recognized as the exclusive bargaining representative of uniformed  
25 personnel subject to this chapter that willfully disobeys a lawful  
26 order of enforcement by a superior court pursuant to this section and  
27 section 9 of this act, or willfully offers resistance to such order,  
28 whether by strike or otherwise, is in contempt of court as provided  
29 in chapter 7.21 RCW. An employer that willfully disobeys a lawful  
30 order of enforcement by a superior court pursuant to section 9 of  
31 this act or willfully offers resistance to such order is in contempt  
32 of court as provided in chapter 7.21 RCW.

33 NEW SECTION. **Sec. 11.** A new section is added to chapter 41.80  
34 RCW to read as follows:

35 (1) By January 1, 2020, the public employment relations  
36 commission shall review the appropriateness of the bargaining units  
37 that consist of or include uniformed personnel and exist on the  
38 effective date of this section. If the commission determines that an

1 existing bargaining unit is not appropriate pursuant to RCW  
2 41.80.070, the commission may modify the unit.

3 (2) The exclusive bargaining representatives certified to  
4 represent the bargaining units that consist of or include uniformed  
5 personnel and exist on the effective date of this section shall  
6 continue as the exclusive bargaining representative without the  
7 necessity of an election as of the effective date of this section.  
8 However, there may be proceedings concerning representation under  
9 this chapter thereafter.

10 NEW SECTION. **Sec. 12.** If specific funding for the purposes of  
11 this act, referencing this act by bill or chapter number, is not  
12 provided by June 30, 2019, in the omnibus appropriations act, this  
13 act is null and void.

Passed by the Senate April 19, 2019.

Passed by the House April 10, 2019.

Approved by the Governor April 30, 2019, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 1, 2019.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 2, Senate  
Bill No. 5022 entitled:

"AN ACT Relating to granting binding interest arbitration rights  
to certain higher education uniformed personnel."

This bill establishes interest arbitration for uniformed personnel,  
which is defined as sworn police officers employed as a member of a  
police force established by state universities, regional  
universities, or the Evergreen State College. Section 2 amends  
current law and exempts such arbitration awards from submission to  
the Office of Financial Management to be certified as financially  
feasible. This could result in requiring the governor to include  
funds necessary to implement the award in his/her budget regardless  
of whether it was financially feasible.

Although I support granting interest arbitration to uniformed  
personnel, it is important to ensure that any award from interest  
arbitration must be submitted for certification of financial  
feasibility before being included in the governor's budget proposal.  
This check and balance on arbitration awards protects the governor's  
discretion in developing future budget proposals.

For these reasons I have vetoed Section 2 of Senate Bill No. 5022.

With the exception of Section 2, Senate Bill No. 5022 is approved."

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