

**E2SSB 6194 - H AMD 1264**

By Representative Fitzgibbon

**ADOPTED AS AMENDED 03/06/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 44.90.020 and 2022 c 283 s 3 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "Collective bargaining" means the performance of the mutual  
8 obligations of the employer and the exclusive bargaining  
9 representative to meet at reasonable times, except that neither party  
10 may be compelled to negotiate during a legislative session or on  
11 committee assembly days, to confer and negotiate in good faith, and  
12 to execute a written agreement with respect to the subjects of  
13 bargaining specified under RCW 44.90.090. The obligation to bargain  
14 does not compel either party to agree to a proposal or to make a  
15 concession unless otherwise provided in this chapter.

16 (2) "Commission" means the legislative commission created in  
17 section 17 of this act at the public employment relations commission,  
18 until the legislative commission expires on December 31, 2027. After  
19 December 31, 2027, "commission" means the public employment relations  
20 commission created under RCW 41.58.010(1).

21 ~~((2))~~ (3) "Confidential employee" means an employee designated  
22 by the employer: (a) To assist in a confidential capacity, or serve  
23 as counsel to, persons who formulate, determine, and effectuate  
24 employer policies with regard to labor relations and personnel  
25 matters; or (b) who has authorized access to information that  
26 contributes to the development of, or relates to the effectuation or  
27 review of, the employer's collective bargaining policies, strategies,  
28 or process to the extent that such access creates a conflict of  
29 interest; or (c) who assists or aids an employee with managerial  
30 authority; or (d) who has separate and distinct duties which include  
31 handling correspondence relating to labor negotiations and labor  
32 contract administration.

1       (4) "Director" means the director of the office of state  
2 legislative labor relations.

3       ~~((3))~~ (5) (a) "Employee" means:

4       (i) Any regular partisan employee of the house of representatives  
5 or the senate who is covered by this chapter; and

6       (ii) Any regular employee who is staff of the:

7       (A) Office of legislative support services;

8       (B) Legislative service center;

9       (C) Office of the code reviser who, during any legislative  
10 session, does not work full time on drafting and finalizing  
11 legislative bills to be included in the Revised Code of Washington;  
12 and

13       (D) House of representatives and senate administrations.

14       (b) "Employee" also includes temporary staff hired to perform  
15 substantially similar work to that performed by employees included  
16 under (a) of this subsection.

17       (c) All other regular employees and temporary employees,  
18 including casual employees, interns, and pages, and employees in the  
19 office of program research and senate committee services work groups  
20 of the house of representatives and the senate are excluded from the  
21 definition of "employee" for the purposes of this chapter.

22       (6) "Employee organization" means any organization, union, or  
23 association in which employees participate and that exists for the  
24 purpose, in whole or in part, of collective bargaining with  
25 employers.

26       ~~((4))~~ (7) "Employee with managerial authority" means any  
27 employee designated by the employer who, regardless of job title: (a)  
28 Directs the staff who work for a legislative chamber, caucus, agency,  
29 or subdivision thereof; (b) has substantial responsibility in  
30 personnel administration, or the preparation and administration of  
31 the employer's budgets; and (c) exercises authority that is not  
32 merely routine or clerical in nature and requires the use of  
33 independent judgment.

34       (8) "Employer" means:

35       (a) The chief clerk of the house of representatives, or the chief  
36 clerk's designee, for employees of the house of representatives;

37       (b) The secretary of the senate, or the secretary's designee, for  
38 employees of the senate; and

39       (c) The chief clerk of the house of representatives and the  
40 secretary of the senate, acting jointly, or their designees, for the

1 regular employees who are staff of the office of legislative support  
2 services, the legislative service center, and the office of the code  
3 reviser.

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

7 ~~((+5))~~ (10) "Labor dispute" means any controversy concerning  
8 terms, tenure, or conditions of employment, or concerning the  
9 association or representation of persons in negotiating, fixing,  
10 maintaining, changing, or seeking to arrange terms or conditions of  
11 employment with respect to the subjects of bargaining provided in  
12 this chapter, regardless of whether the disputants stand in the  
13 proximate relation of employer and employee.

14 (11) "Legislative agencies" means the joint legislative audit and  
15 review committee, the statute law committee, the legislative ethics  
16 board, the legislative evaluation and accountability program  
17 committee, the office of the state actuary, the legislative service  
18 center, the office of legislative support services, the joint  
19 transportation committee, and the redistricting commission.

20 ~~((+6))~~ (12) "Office" means the office of state legislative labor  
21 relations.

22 (13) "Supervisor" means an employee designated by the employer to  
23 provide supervision to legislative employees as part of the  
24 employee's regular and usual job duties. Supervision includes  
25 directing employees, approving and denying leave, and participating  
26 in decisions to hire, transfer, suspend, lay off, recall, promote,  
27 discharge, direct, reward, or discipline employees, or to adjust  
28 employee grievances, when the exercise of the authority is not of a  
29 merely routine nature but requires the exercise of individual  
30 judgment, regardless of whether such duties are the employee's  
31 primary duties and regardless of whether the employee spends a  
32 preponderance of the employee's time exercising such duties. However,  
33 "supervisor" does not include a legislative assistant to a legislator  
34 of the senate or house of representatives.

35 NEW SECTION. Sec. 2. A new section is added to chapter 44.90  
36 RCW to read as follows:

37 (1) This chapter does not apply to any legislative employee who  
38 has managerial authority, is a confidential employee, or who does not

1 meet the definition of employee for the purpose of collective  
2 bargaining.

3 (2) This chapter also does not apply to:

4 (a) Elected or appointed members of the legislature;

5 (b) Any person appointed to office under statute, ordinance, or  
6 resolution for a specific term of office as a member of a multimember  
7 board, commission, or committee;

8 (c) The deputy secretary of the senate and the deputy chief clerk  
9 of the house of representatives;

10 (d) The senate human resources officer, the human resources  
11 director of the house of representatives, and the human resources  
12 officers or directors of the legislative support services,  
13 legislative service center, and office of the code reviser;

14 (e) The senate director of accounting and the director of  
15 accounting for the house of representatives, and the directors of  
16 accounting for the legislative support services, legislative service  
17 center, and office of the code reviser;

18 (f) Caucus chiefs of staff and caucus deputy chiefs of staff;

19 (g) The speaker's attorney, house counsel, and leadership counsel  
20 to the minority caucus of the house of representatives;

21 (h) The counsels for the senate that provide direct legal advice  
22 to the administration of the senate; and

23 (i) Any employee who provides direct administrative support to  
24 the office of the secretary of the senate or chief clerk of the house  
25 of representatives, or who conducts accounting, payroll, labor  
26 management, collective bargaining, or human resources activities.

27 **Sec. 3.** RCW 44.90.030 and 2022 c 283 s 2 are each amended to  
28 read as follows:

29 (1) The office of state legislative labor relations is created to  
30 assist the house of representatives, the senate, and legislative  
31 agencies in implementing and managing the process of collective  
32 bargaining for employees of the legislative branch of state  
33 government.

34 (2)(a) Subject to (b) of this subsection, the secretary of the  
35 senate and the chief clerk of the house of representatives shall  
36 employ a director of the office. The director serves at the pleasure  
37 of the secretary of the senate and the chief clerk of the house of  
38 representatives, who shall fix the director's salary.

1 (b) The secretary of the senate and the chief clerk of the house  
2 of representatives shall, before employing a director, consult with  
3 legislative employees, the senate facilities and operations  
4 committee, the house executive rules committee, and the human  
5 resources officers of the house of representatives, the senate, and  
6 legislative agencies.

7 (c) The director serves as the executive and administrative head  
8 of the office and may employ additional employees to assist in  
9 carrying out the duties of the office. The duties of the office  
10 include, but are not limited to, establishing bargaining teams and  
11 conducting negotiations on behalf of the employer.

12 ~~((d) The director shall contract with an external consultant for~~  
13 ~~the purposes of gathering input from legislative employees, taking~~  
14 ~~into consideration RCW 42.52.020 and rules of the house of~~  
15 ~~representatives and the senate. The gathering of input must be in the~~  
16 ~~form of, at a minimum, surveys.~~

17 ~~(3) The director, in consultation with the secretary of the~~  
18 ~~senate, the chief clerk of the house of representatives, and the~~  
19 ~~administrative heads of legislative agencies shall:~~

20 ~~(a) Examine issues related to collective bargaining for employees~~  
21 ~~of the house of representatives, the senate, and legislative~~  
22 ~~agencies; and~~

23 ~~(b) After consultation with the external consultant, develop best~~  
24 ~~practices and options for the legislature to consider in implementing~~  
25 ~~and administering collective bargaining for employees of the house of~~  
26 ~~representatives, the senate, and legislative agencies.~~

27 ~~(4) (a) By December 1, 2022, the director shall submit a~~  
28 ~~preliminary report to the appropriate committees of the legislature~~  
29 ~~that provides a progress report on the director's considerations.~~

30 ~~(b) By October 1, 2023, the director shall submit a final report~~  
31 ~~to the appropriate committees of the legislature. At a minimum, the~~  
32 ~~final report must address considerations on the following issues:~~

33 ~~(i) Which employees of the house of representatives, the senate,~~  
34 ~~and legislative agencies for whom collective bargaining may be~~  
35 ~~appropriate;~~

36 ~~(ii) Mandatory, permissive, and prohibited subjects of~~  
37 ~~bargaining;~~

38 ~~(iii) Who would negotiate on behalf of the house of~~  
39 ~~representatives, the senate, and legislative agencies, and which~~

1 ~~entity or entities would be considered the employer for purposes of~~  
2 ~~bargaining;~~

3 ~~(iv) Definitions for relevant terms;~~

4 ~~(v) Common public employee collective bargaining agreement~~  
5 ~~frameworks related to grievance procedures and processes for~~  
6 ~~disciplinary actions;~~

7 ~~(vi) Procedures related to the commission certifying exclusive~~  
8 ~~bargaining representatives, determining bargaining units,~~  
9 ~~adjudicating unfair labor practices, determining representation~~  
10 ~~questions, and coalition bargaining;~~

11 ~~(vii) The efficiency and feasibility of coalition bargaining;~~

12 ~~(viii) Procedures for approving negotiated collective bargaining~~  
13 ~~agreements;~~

14 ~~(ix) Procedures for submitting requests for funding to the~~  
15 ~~appropriate legislative committees if appropriations are necessary to~~  
16 ~~implement provisions of the collective bargaining agreements; and~~

17 ~~(x) Approaches taken by other state legislatures that have~~  
18 ~~authorized collective bargaining for legislative employees.~~

19 ~~(5) The report must include a summary of any statutory changes~~  
20 ~~needed to address the considerations listed in subsection (4) of this~~  
21 ~~section related to the collective bargaining process for legislative~~  
22 ~~employees.))~~

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 44.90  
24 RCW to read as follows:

25 (1) As provided by this chapter, the commission or the court  
26 shall determine all questions described by this chapter as under the  
27 commission's authority. However, such authority may not result in an  
28 order or rule that intrudes upon or interferes with the legislature's  
29 core function of efficient and effective law making or the essential  
30 operation of the legislature, including that an order or rule may  
31 not:

32 (a) Modify any matter relating to the qualifications and  
33 elections of members of the legislature, or the holding of office of  
34 members of the legislature;

35 (b) Modify any matter relating to the legislature or each house  
36 thereof choosing its officers, adopting rules for its proceedings,  
37 selecting committees necessary for the conduct of business,  
38 considering or enacting legislation, or otherwise exercising the  
39 legislative power of this state;

1 (c) Modify any matter relating to legislative calendars,  
2 schedules, and deadlines of the legislature;

3 (d) Modify laws, rules, policies, or procedures regarding ethics  
4 or conflicts of interest; or

5 (e) Require the legislature to reinstate an employee.

6 (2) No member of the legislature may be compelled by subpoena or  
7 other means to attend a proceeding related to matters covered by this  
8 chapter during a legislative session, committee assembly days, or for  
9 15 days before commencement of each session.

10 **Sec. 5.** RCW 44.90.050 and 2022 c 283 s 5 are each amended to  
11 read as follows:

12 (1) Except as may be specifically limited by this chapter,  
13 legislative employees shall have the right to self-organization, to  
14 form, join, or assist employee organizations, and to bargain  
15 collectively through representatives of their own choosing for the  
16 purpose of collective bargaining free from interference, restraint,  
17 or coercion. Legislative employees shall also have the right to  
18 refrain from any or all such activities.

19 (2) Except as may be specifically limited by this chapter, the  
20 commission shall determine all questions pertaining to ascertaining  
21 exclusive bargaining representatives for legislative employees and  
22 collectively bargaining under this chapter. However, no employee  
23 organization shall be recognized or certified as the exclusive  
24 bargaining representative of a bargaining unit of employees of the  
25 legislative branch unless it receives the votes of a majority of  
26 employees in the petitioned for bargaining unit voting in a secret  
27 election (~~by mail ballot~~) administered by the commission. The  
28 commission's process must allow for an employee, group of employees,  
29 employee organizations, employer, or their agents to have the right  
30 to petition on any question concerning representation.

31 ~~(3) ((The employer and the exclusive bargaining representative of~~  
32 ~~a bargaining unit of legislative employees may not enter into a~~  
33 ~~collective bargaining agreement that requires the employer to deduct,~~  
34 ~~from the salary or wages of an employee, contributions for payments~~  
35 ~~for political action committees sponsored by employee organizations~~  
36 ~~with legislative employees as members.)) The commission must adopt~~  
37 rules that provide for at least the following:

38 (a) Secret balloting;

39 (b) Consulting with employee organizations;

1 (c) Access to lists of employees, job titles, work locations, and  
2 home mailing addresses;

3 (d) Absentee voting;

4 (e) Procedures for the greatest possible participation in voting;

5 (f) Campaigning on the employer's property during working hours;

6 and

7 (g) Election observers.

8 (4) (a) If an employee organization has been certified as the  
9 exclusive bargaining representative of the employees of multiple  
10 bargaining units, the employee organization may act for and negotiate  
11 a master collective bargaining agreement that includes within the  
12 coverage of the agreement all covered employees in the bargaining  
13 units.

14 (b) If a master collective bargaining agreement is in effect for  
15 the newly certified exclusive bargaining representative, it applies  
16 to the bargaining unit for which the new certification has been  
17 issued. Nothing in this subsection (4) (b) requires the parties to  
18 engage in new negotiations during the term of that agreement.

19 (5) The certified exclusive bargaining representative is  
20 responsible for representing the interests of all the employees in  
21 the bargaining unit. This section may not be construed to limit an  
22 exclusive bargaining representative's right to exercise its  
23 discretion to refuse to process grievances of employees that are  
24 unmeritorious.

25 (6) No question concerning representation may be raised if:

26 (a) Fewer than 12 months have elapsed since the last  
27 certification or election; or

28 (b) A valid collective bargaining agreement exists covering the  
29 unit, except for that period of no more than 120 calendar days nor  
30 less than 90 calendar days before the expiration of the contract.

31 NEW SECTION. Sec. 6. A new section is added to chapter 44.90  
32 RCW to read as follows:

33 (1) The commission, after hearing upon reasonable notice to all  
34 interested parties, shall decide, in each application for  
35 certification as an exclusive bargaining representative, the unit  
36 appropriate for certification. In determining the new units or  
37 modifications of existing units, the commission must consider: The  
38 duties, skills, and working conditions of the employees; the history  
39 of collective bargaining; the extent of organization among the



1 employees; the desires of the employees; and the avoidance of  
2 excessive fragmentation. However, a unit is not appropriate if it  
3 includes:

4 (a) Both supervisors and nonsupervisory employees. A unit that  
5 includes only supervisors may be considered appropriate if a majority  
6 of the supervisory employees indicates by vote that they desire to be  
7 included in such a unit;

8 (b) Both house of representatives and senate employees;

9 (c) Both partisan and nonpartisan employees;

10 (d) Employees of the majority party caucus and the minority party  
11 caucus, unless a majority of the employees of each caucus indicate by  
12 vote that they desire to be included together in the same unit; or

13 (e) Employees of the legislative service center, office of  
14 legislative support services, and the office of the code reviser, in  
15 any combination with each other or in any combination with employees  
16 of the house of representatives or employees of the senate.

17 (2) If a single employee organization is the exclusive bargaining  
18 representative for two or more units, upon petition by the employee  
19 organization, the units may be consolidated into a single larger unit  
20 if the commission considers the larger unit to be appropriate. If  
21 consolidation is appropriate, the commission shall certify the  
22 employee organization as the exclusive bargaining representative of  
23 the new unit.

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 44.90  
25 RCW to read as follows:

26 (1) The parties to a collective bargaining agreement must reduce  
27 the agreement to writing and both execute it.

28 (2) Except as provided in this chapter, a collective bargaining  
29 agreement must contain provisions that provide for a grievance  
30 procedure of all disputes arising over the interpretation or  
31 application of the collective bargaining agreement and that is valid  
32 and enforceable under its terms when entered into in accordance with  
33 this chapter.

34 (3) RCW 41.56.037 applies to this chapter.

35 (4)(a) If a collective bargaining agreement between an employer  
36 and an exclusive bargaining representative is concluded after the  
37 termination date of the previous collective bargaining agreement  
38 between the employer and an employee organization representing the  
39 same bargaining units, the effective date of the collective

1 bargaining agreement may be the day after the termination of the  
2 previous collective bargaining agreement, and all benefits included  
3 in the new collective bargaining agreement, including wage or salary  
4 increases, may accrue beginning with that effective date.

5 (b) If a collective bargaining agreement between an employer and  
6 an exclusive bargaining representative is concluded after the  
7 termination date of the previous collective bargaining agreement  
8 between the employer and the exclusive bargaining representative  
9 representing different bargaining units, the effective date of the  
10 collective bargaining agreement may be the day after the termination  
11 date of whichever previous collective bargaining agreement covering  
12 one or more of the units terminated first, and all benefits included  
13 in the new collective bargaining agreement, including wage or salary  
14 increases, may accrue beginning with that effective date.

15 (5) The employer and the exclusive bargaining representative of a  
16 bargaining unit of legislative employees may not enter into a  
17 collective bargaining agreement that requires the employer to deduct,  
18 from the salary or wages of an employee, contributions for payments  
19 for political action committees sponsored by employee organizations  
20 with legislative employees as members.

21 **Sec. 8.** RCW 44.90.060 and 2022 c 283 s 6 are each amended to  
22 read as follows:

23 (~~During a legislative session or committee assembly days,~~  
24 ~~nothing~~) Nothing contained in this chapter permits or grants to any  
25 legislative employee the right to strike, participate in a work  
26 stoppage, or refuse to perform their official duties.

27 **Sec. 9.** RCW 44.90.070 and 2022 c 283 s 7 are each amended to  
28 read as follows:

29 (1) Collective bargaining negotiations under this chapter must  
30 commence no later than July 1st of each even-numbered year after a  
31 bargaining unit has been certified.

32 (2) The duration of any collective bargaining agreement shall not  
33 exceed one fiscal biennium.

34 (3)(a) The director must submit ratified collective bargaining  
35 agreements, with cost estimates, to the employer by October 1st  
36 before the legislative session at which the request for funds is to  
37 be considered. The transmission by the legislature to the governor  
38 under RCW 43.88.090 must include a request for funds necessary to

1 implement the provisions of all collective bargaining agreements  
2 covering legislative employees.

3 (b) If the legislature or governor fails to provide the funds for  
4 a collective bargaining agreement for legislative employees, either  
5 party may reopen all or part of the agreement or the exclusive  
6 bargaining representative may seek to implement the procedures  
7 provided for in section 10 of this act.

8 (4) Negotiation for economic terms will be by a coalition of all  
9 exclusive bargaining representatives. Any such provisions agreed to  
10 by the employer and the coalition must be included in all collective  
11 bargaining agreements negotiated by the parties. The director and the  
12 exclusive bargaining representative or representatives are authorized  
13 to enter into supplemental bargaining of bargaining unit specific  
14 issues for inclusion in the collective bargaining agreement, subject  
15 to the parties' agreement regarding the issues and procedures for  
16 supplemental bargaining. This subsection does not prohibit  
17 cooperation and coordination of bargaining between two or more  
18 exclusive bargaining representatives.

19 (5) If a significant revenue shortfall occurs resulting in  
20 reduced appropriations, as declared by proclamation of the governor  
21 or by resolution of the legislature, both parties must immediately  
22 enter into collective bargaining for a mutually agreed upon  
23 modification of the agreement.

24 NEW SECTION. Sec. 10. A new section is added to chapter 44.90  
25 RCW to read as follows:

26 (1) Should the parties fail to reach agreement in negotiating a  
27 collective bargaining agreement, either party may request of the  
28 commission the assistance of an impartial third party to mediate the  
29 negotiations. If a collective bargaining agreement previously  
30 negotiated under this chapter expires while negotiations are  
31 underway, the terms and conditions specified in the collective  
32 bargaining agreement remain in effect for a period not to exceed one  
33 year from the expiration date stated in the agreement. Thereafter,  
34 the employer may unilaterally implement according to law.

35 (2) Nothing in this section may be construed to prohibit an  
36 employer and an exclusive bargaining representative from agreeing to  
37 substitute, at their own expense, their own procedure for resolving  
38 impasses in collective bargaining for that provided in this section  
39 or from agreeing to utilize for the purposes of this section any

1 other governmental or other agency or person in lieu of the  
2 commission.

3 (3) The commission shall bear costs for mediator services.

4 **Sec. 11.** RCW 44.90.080 and 2022 c 283 s 8 are each amended to  
5 read as follows:

6 (1) It is an unfair labor practice for an employer in the  
7 legislative branch of state government:

8 (a) To interfere with, restrain, or coerce employees in the  
9 exercise of the rights guaranteed by this chapter;

10 (b) To dominate or interfere with the formation or administration  
11 of any employee organization or contribute financial or other support  
12 to it: PROVIDED, That subject to rules adopted by the commission, an  
13 employer shall not be prohibited from permitting employees to confer  
14 with it or its representatives or agents during working hours without  
15 loss of time or pay;

16 (c) To encourage or discourage membership in any employee  
17 organization by discrimination in regard to hire, tenure of  
18 employment, or any term or condition of employment;

19 (d) To discharge or discriminate otherwise against an employee  
20 because that employee has filed charges or given testimony under this  
21 chapter;

22 (e) To refuse to bargain collectively with the exclusive  
23 bargaining representatives of its employees.

24 (2) Notwithstanding any other law, the expression of any views,  
25 arguments, or opinions, or the dissemination thereof in any form, by  
26 a member of the legislature related to this chapter or matters within  
27 the scope of representation, shall not constitute, or be evidence of,  
28 an unfair labor practice unless the employer has authorized the  
29 member to express that view, argument, or opinion on behalf of the  
30 employer or as an employer.

31 (3) It is an unfair labor practice for an employee organization:

32 (a) To restrain or coerce an employee in the exercise of the  
33 rights guaranteed by this chapter: PROVIDED, That this subsection  
34 shall not impair the right of an employee organization to prescribe  
35 its own rules with respect to the acquisition or retention of  
36 membership in the employee organization or to an employer in the  
37 selection of its representatives for the purpose of bargaining or the  
38 adjustment of grievances;

1 (b) To cause or attempt to cause an employer to discriminate  
2 against an employee in violation of subsection (1)(c) of this  
3 section;

4 (c) To discriminate against an employee because that employee has  
5 filed charges or given testimony under this chapter;

6 (d) To refuse to bargain collectively with an employer.

7 ~~((3))~~ (4) The expressing of any views, arguments, or opinion,  
8 or the dissemination thereof to the public, whether in written,  
9 printed, graphic, or visual form, shall not constitute or be evidence  
10 of an unfair labor practice under this chapter, if such expression  
11 contains no threat of reprisal or force or promise of benefit.

12 NEW SECTION. **Sec. 12.** A new section is added to chapter 44.90  
13 RCW to read as follows:

14 (1) The commission is empowered and directed to prevent any  
15 unfair labor practice and to issue appropriate remedial orders.  
16 However, a complaint may not be processed for any unfair labor  
17 practice occurring more than six months before the filing of the  
18 complaint with the commission or in Thurston county superior court.  
19 This power may not be affected or impaired by any means of  
20 adjustment, mediation, or conciliation in labor disputes that have  
21 been or may hereafter be established by law.

22 (2) Except as may be specifically limited by this chapter, if the  
23 commission or court determines that any person has engaged in or is  
24 engaging in an unfair labor practice, the commission or court shall  
25 issue and cause to be served upon the person an order requiring the  
26 person to cease and desist from such unfair labor practice, and to  
27 take such affirmative action as will effectuate the purposes and  
28 policy of this chapter, such as the payment of damages.

29 (3) The commission may petition the Thurston county superior  
30 court for the enforcement of its order and for appropriate temporary  
31 relief.

32 **Sec. 13.** RCW 44.90.090 and 2022 c 283 s 9 are each amended to  
33 read as follows:

34 (1) Except as otherwise provided in this chapter, the matters  
35 subject to bargaining include wages, hours, terms and conditions of  
36 employment, and the negotiation of any question arising under a  
37 collective bargaining agreement.

1 (2) Employees hold their positions at the employer's pleasure.  
2 However, the discipline of employees is subject to any collective  
3 bargaining agreement entered into under this chapter.

4 (3) The employer shall not bargain over rights of management  
5 which, in addition to all powers, duties, and rights established by  
6 constitutional provision or statute, shall include, but not be  
7 limited to, the following:

8 (a) Any item listed in section 4(1) of this act;

9 (b) The functions and programs of the employer, the use of  
10 technology, and the structure of the organization, including the size  
11 and composition of standing committees;

12 ~~((b))~~ (c) The employer's budget and the size of the employer's  
13 workforce, including determining the financial basis for layoffs;

14 ~~((e))~~ (d) The right to direct and supervise employees;

15 ~~((d))~~ (e) The hours of work during legislative session ((and  
16 the cutoff calendar for a legislative session)) and committee  
17 assembly days, and the hours of work during the 60 calendar days  
18 before the first day of legislative session and during the 20  
19 calendar days after the last day of legislative session. This  
20 subsection (3)(e) does not prohibit bargaining over hours of work  
21 during any other period and bargaining over compensation for hours of  
22 work in excess of a 40-hour workweek, except that bargaining over  
23 hours of work during periods not otherwise prohibited and  
24 compensation for hours worked in excess of a 40-hour workweek may  
25 only occur for agreements that take effect after July 1, 2027; ((and

26 ~~(e))~~ (f) The cutoff calendar for a legislative session;

27 (g) Health care benefits and other employee insurance benefits.  
28 The amount paid by a legislative employee for health care premiums  
29 must be the same as that paid by a represented state employee covered  
30 by RCW 41.80.020(3);

31 (h) The right to take whatever actions are deemed necessary to  
32 carry out the mission of the legislature and its agencies during  
33 emergencies; and

34 (i) Retirement plans and retirement benefits.

35 ~~((2))~~ (4) Except for an applicable code of conduct policy  
36 adopted by a chamber of the legislature or a legislative agency, if a  
37 conflict exists between policies adopted by the legislature relating  
38 to wages, hours, and terms and conditions of employment and a  
39 provision of a collective bargaining agreement negotiated under this  
40 chapter, the collective bargaining agreement shall prevail. A

1 provision of a collective bargaining agreement that conflicts with a  
2 statute or an applicable term of a code of conduct policy adopted by  
3 a chamber of the legislature or a legislative agency is invalid and  
4 unenforceable.

5 NEW SECTION. **Sec. 14.** A new section is added to chapter 44.90  
6 RCW to read as follows:

7 (1) Upon authorization of an employee within the bargaining unit  
8 and after the certification or recognition of the bargaining unit's  
9 exclusive bargaining representative, the employer must deduct from  
10 the payments to the employee the monthly amount of dues as certified  
11 by the secretary of the exclusive bargaining representative and must  
12 transmit the same to the treasurer of the exclusive bargaining  
13 representative.

14 (2)(a) An employee's written, electronic, or recorded voice  
15 authorization to have the employer deduct membership dues from the  
16 employee's salary must be made by the employee to the exclusive  
17 bargaining representative. If the employer receives a request for  
18 authorization of deductions, the employer must, as soon as  
19 practicable, forward the request to the exclusive bargaining  
20 representative.

21 (b) Upon receiving notice of the employee's authorization, the  
22 employer must deduct from the employee's salary membership dues and  
23 remit the amounts to the exclusive bargaining representative.

24 (c) The employee's authorization remains in effect until  
25 expressly revoked by the employee in accordance with the terms and  
26 conditions of the authorization.

27 (d) An employee's request to revoke authorization for payroll  
28 deductions must be in writing and submitted by the employee to the  
29 exclusive bargaining representative in accordance with the terms and  
30 conditions of the authorization.

31 (e) After the employer receives confirmation from the exclusive  
32 bargaining representative that the employee has revoked authorization  
33 for deductions, the employer must end the deduction no later than the  
34 second payroll after receipt of the confirmation.

35 (f) The employer must rely on information provided by the  
36 exclusive bargaining representative regarding the authorization and  
37 revocation of deductions.

1        NEW SECTION.    **Sec. 15.**    A new section is added to chapter 44.90

2    RCW to read as follows:

3        (1)    If the parties to a collective bargaining agreement  
4    negotiated under this chapter agree to final and binding arbitration  
5    under grievance procedures allowed by section 7 of this act, the  
6    parties may agree on one or more permanent umpires to serve as  
7    arbitrator, or may agree on any impartial person to serve as  
8    arbitrator, or may agree to select arbitrators from any source  
9    available to them, including federal and private agencies, in  
10   addition to the staff and list of arbitrators maintained by the  
11   commission. If the parties cannot agree to the selection of an  
12   arbitrator, the commission must supply a list of names in accordance  
13   with the procedures established by the commission.

14        (2)    The authority of an arbitrator shall be subject to the limits  
15   and restrictions specified under section 4 of this act.

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

29        (4)    Except as limited by this chapter, the arbitrator shall  
30   appoint a time and place for the hearing and notify the parties  
31   thereof, and may adjourn the hearing from time to time as may be  
32   necessary, and, on application of either party and for good cause,  
33   may postpone the hearing to a time not extending beyond the date  
34   fixed by the collective bargaining agreement for making the award.  
35   The arbitration award must be in writing and signed by the  
36   arbitrator. The arbitrator must, promptly upon its rendition, serve a  
37   true copy of the award on each of the parties or their attorneys of  
38   record.

39        (5)    If a party to a collective bargaining agreement negotiated  
40   under this chapter that includes final and binding arbitration



1 refuses to submit a grievance for arbitration, the other party to the  
2 collective bargaining agreement may invoke the jurisdiction of the  
3 superior court of Thurston county and the court shall have  
4 jurisdiction to issue an order compelling arbitration. Disputes  
5 concerning compliance with grievance procedures shall be reserved for  
6 determination by the arbitrator. Arbitration shall be ordered if the  
7 grievance states a claim that on its face is covered by the  
8 collective bargaining agreement. Doubts as to the coverage of the  
9 arbitration clause shall be resolved in favor of arbitration.

10 (6) If a party to a collective bargaining agreement negotiated  
11 under this chapter that includes final and binding arbitration  
12 refuses to comply with the award of an arbitrator determining a  
13 grievance arising under the collective bargaining agreement, the  
14 other party to the collective bargaining agreement may invoke the  
15 jurisdiction of the superior court of Thurston county and the court  
16 shall have jurisdiction to issue an order enforcing the arbitration  
17 award.

18 **Sec. 16.** RCW 41.58.010 and 2012 c 117 s 89 are each amended to  
19 read as follows:

20 (1) There is hereby created the public employment relations  
21 commission (hereafter called the "commission") to administer the  
22 provisions of this chapter. ~~((The))~~ Notwithstanding section 17 of  
23 this act, the commission shall consist of three members who shall be  
24 citizens appointed by the governor by and with the advice and consent  
25 of the senate. One of the original members shall be appointed for a  
26 term of three years, one for a term of four years, and one for a term  
27 of five years. Their successors shall be appointed for terms of five  
28 years each, except that any person chosen to fill a vacancy shall be  
29 appointed only for the unexpired term of the member whom he or she  
30 succeeds. Commission members shall be eligible for reappointment. The  
31 governor shall designate one member to serve as chair of the  
32 commission. Any member of the commission may be removed by the  
33 governor, upon notice and hearing, for neglect of duty or malfeasance  
34 in office, but for no other cause. Commission members shall not be  
35 eligible for state retirement under chapter 41.40 RCW by virtue of  
36 their service on the commission.

37 (2) In making citizen member appointments initially, and  
38 subsequently thereafter, the governor shall be cognizant of the

1 desirability of appointing persons knowledgeable in the area of labor  
2 relations in the state.

3 (3) A vacancy in the commission shall not impair the right of the  
4 remaining members to exercise all of the powers of the commission,  
5 and two members of the commission shall, at all times, constitute a  
6 quorum of the commission.

7 (4) The commission shall at the close of each fiscal year make a  
8 report in writing to the legislature and to the governor stating the  
9 cases it has heard, the decisions it has rendered, the names,  
10 salaries, and duties of all employees and officers in the employ or  
11 under the supervision of the commission, and an account of all moneys  
12 it has disbursed.

13 NEW SECTION. **Sec. 17.** A new section is added to chapter 41.58  
14 RCW to read as follows:

15 (1)(a) There is established a legislative commission (hereafter  
16 called "the legislative commission") exclusively for the purpose of  
17 certification of bargaining representatives, adjusting and settling  
18 complaints, grievances, and disputes arising out of employer-employee  
19 relations, and otherwise carrying out the duties required of the  
20 commission under chapter 44.90 RCW.

21 (b) The legislative commission shall consist of three members who  
22 shall be appointed as follows:

23 (i) One member shall be appointed by the speaker of the house of  
24 representatives;

25 (ii) One member shall be appointed by the president of the  
26 senate;

27 (iii) By mutual consent, the two appointed members shall appoint  
28 the third member who shall be the chair of the legislative  
29 commission.

30 (c) All appointments must be made by September 30, 2024. The  
31 members of the legislative commission, and any person appointed to  
32 fill a vacancy, are appointed for the entire term until the  
33 legislative commission expires under subsection (9) of this section.

34 (d) Until all the members of the legislative commission are  
35 appointed, the duties required of the legislative commission under  
36 chapter 44.90 RCW shall be carried out by the commission created  
37 under RCW 41.58.010(1).

38 (2) The commission may delegate to the executive director  
39 authority with respect to, but not limited to, representation

1 proceedings, unfair labor practice proceedings, mediation, and, if  
2 applicable, arbitration of disputes concerning the interpretation or  
3 application of a collective bargaining agreement. Such delegation  
4 shall not eliminate a party's right of appeal to the legislative  
5 commission.

6 (3) Unless specifically provided, the legislative commission  
7 shall not be considered part of the commission created under RCW  
8 41.58.010(1). The powers and duties granted in this chapter to the  
9 commission created under RCW 41.58.010(1) do not apply to the  
10 legislative commission, unless specifically provided.

11 (4) A member of the legislative commission may be removed by the  
12 speaker of the house of representatives and the president of the  
13 senate acting jointly, upon notice and hearing, for neglect of duty  
14 or malfeasance in office, but for no other cause.

15 (5) In making their appointments, the speaker of the house of  
16 representatives and the president of the senate shall be cognizant of  
17 the desirability of appointing a person who is knowledgeable in the  
18 area of labor relations and of the legislature.

19 (6) Members of the legislative commission are not eligible for  
20 state retirement under chapter 41.40 RCW by virtue of the member's  
21 service as a commissioner.

22 (7) The compensation and travel reimbursement provision under RCW  
23 41.58.015(1) shall apply to members of the legislative commission.

24 (8) The legislative commission shall at the close of each fiscal  
25 year make a report in writing to the legislature stating the cases it  
26 has heard and decisions it has rendered.

27 (9) (a) The legislative commission expires December 31, 2027.

28 (b) After December 31, 2027, the duties required of the  
29 legislative commission under chapter 44.90 RCW shall be carried out  
30 by the commission created under RCW 41.58.010(1).

31 **Sec. 18.** RCW 41.58.015 and 1984 c 287 s 71 are each amended to  
32 read as follows:

33 (1) Each member of the commission shall be compensated in  
34 accordance with RCW 43.03.250. Members of the commission shall also  
35 be reimbursed for travel expenses incurred in the discharge of their  
36 official duties on the same basis as is provided in RCW 43.03.050 and  
37 43.03.060.

38 (2) The commission shall appoint an executive director whose  
39 annual salary shall be determined under the provisions of RCW

1 43.03.028. The executive director shall perform such duties and have  
2 such powers as the commission shall prescribe in order to implement  
3 and enforce the provisions of this chapter. In addition to the  
4 performance of administrative duties, the commission may delegate to  
5 the executive director authority with respect to, but not limited to,  
6 representation proceedings, unfair labor practice proceedings,  
7 mediation of labor disputes, arbitration of disputes concerning the  
8 interpretation or application of a collective bargaining agreement,  
9 and, in certain cases, fact-finding or arbitration of disputes  
10 concerning the terms of a collective bargaining agreement. Such  
11 delegation shall not eliminate a party's right of appeal to the  
12 commission. The executive director, with such assistance as may be  
13 provided by the attorney general and such additional legal assistance  
14 consistent with chapter 43.10 RCW, shall have authority on behalf of  
15 the commission, when necessary to carry out or enforce any action or  
16 decision of the commission, to petition any court of competent  
17 jurisdiction for an order requiring compliance with the action or  
18 decision.

19 (3) (a) The commission shall employ such employees as it may from  
20 time to time find necessary for the proper performance of its duties,  
21 consistent with the provisions of this chapter.

22 (b) The employees of the commission shall also provide staff  
23 support to the legislative commission in carrying out the legislative  
24 commission's duties under chapter 44.90 RCW until the legislative  
25 commission expires on December 31, 2027, under section 17 of this  
26 act.

27 (4) The payment of all of the expenses of the commission,  
28 including travel expenses incurred by the members or employees of the  
29 commission under its orders, shall be subject to the provisions of  
30 RCW 43.03.050 and 43.03.060.

31 NEW SECTION. **Sec. 19.** A new section is added to chapter 44.90  
32 RCW to read as follows:

33 (1) The following activities conducted by or on behalf of  
34 legislative employees related to collective bargaining under this  
35 chapter are exempt from the restrictions contained in RCW 42.52.020  
36 and 42.52.160:

37 (a) Using paid time and public resources by an employee to  
38 negotiate or administer a collective bargaining agreement under this  
39 chapter when the employee is assigned to negotiate or administer the

1 collective bargaining agreement and the use of paid time and public  
2 resources does not include state purchased supplies or equipment,  
3 does not interfere with or distract from the conduct of state  
4 business, and is consistent with the employer's policy on the use of  
5 paid time;

6 (b) Lobbying conducted by an employee organization, lobbyist,  
7 association, or third party on behalf of legislative employees  
8 concerning legislation that directly impacts legislative workplace  
9 conditions;

10 (c) Communication with a prospective employee organization during  
11 nonwork hours and without the use of public resources; or

12 (d) Conducting the day-to-day work of organizing and representing  
13 legislative employees in the workplace while serving in a legislative  
14 employee organization leadership position.

15 (2)(a) Nothing in this section affects the application of the  
16 prohibition against the use of special privileges under RCW  
17 42.52.070, confidentiality requirements under RCW 42.52.050, or other  
18 applicable provisions of chapter 42.52 RCW to legislative employees.

19 (b) Nothing in this section permits any direct lobbying by a  
20 legislative employee.

21 (3) As used in this section, "lobby" and "lobbyist" have the  
22 meanings provided in RCW 42.17A.005.

23 **Sec. 20.** RCW 42.52.020 and 1996 c 213 s 2 are each amended to  
24 read as follows:

25 (1) No state officer or state employee may have an interest,  
26 financial or otherwise, direct or indirect, or engage in a business  
27 or transaction or professional activity, or incur an obligation of  
28 any nature, that is in conflict with the proper discharge of the  
29 state officer's or state employee's official duties.

30 (2) This section does not apply to activities conducted by  
31 legislative employees authorized under section 19 of this act.

32 **Sec. 21.** RCW 42.52.160 and 2023 c 91 s 3 are each amended to  
33 read as follows:

34 (1) No state officer or state employee may employ or use any  
35 person, money, or property under the officer's or employee's official  
36 control or direction, or in his or her official custody, for the  
37 private benefit or gain of the officer, employee, or another.

1 (2) This section does not prohibit the use of public resources to  
2 benefit others as part of a state officer's or state employee's  
3 official duties. It is not a violation of this section for a  
4 legislator or an appropriate legislative staff designee to engage in  
5 activities listed under RCW 42.52.070(2) or 42.52.822.

6 (3) This section does not prohibit de minimis use of state  
7 facilities to provide employees with information about (a) medical,  
8 surgical, and hospital care; (b) life insurance or accident and  
9 health disability insurance; or (c) individual retirement accounts,  
10 by any person, firm, or corporation administering such program as  
11 part of authorized payroll deductions pursuant to RCW 41.04.020.

12 (4) The appropriate ethics boards may adopt rules providing  
13 exceptions to this section for occasional use of the state officer or  
14 state employee, of de minimis cost and value, if the activity does  
15 not result in interference with the proper performance of public  
16 duties.

17 (5) This section does not apply to activities conducted by  
18 legislative employees authorized under section 19 of this act.

19 NEW SECTION. **Sec. 22.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of  
21 the state government and its existing public institutions, and takes  
22 effect May 1, 2024."

23 Correct the title.

EFFECT: • Specifies that the collective bargaining statutes do not apply to: The Deputy Secretary of the Senate and Deputy Chief Clerk of the House; the Human Resources Officers and Directors of the Senate, House, LSS, LSC, and CRO; the Directors of Accounting for the House, Senate, LSS, LSC, and CRO; and any employee who provides direct administrative support to the offices of the Secretary of the Senate or Chief Clerk of the House or who conducts accounting, payroll, labor management, collective bargaining, or human resources activities.

• Amends the definition of "confidential employee" to, among other things, include employees who have separate and distinct duties which include handling correspondence relating to labor negotiations and labor contract administration.

• Amends the definition of "supervisor" to, among other things, provide that certain specified activities are "supervision" regardless of whether they are the employee's primary duties or whether the employee spends a preponderance of the employee's time exercising such duties. Specifies that "supervisor" does not include legislative assistants.

- Specifies that employees hold their positions at the employer's pleasure, but the discipline of employees is subject to any collective bargaining agreement.

- Prohibits bargaining over hours of work during committee assembly days, during the 60 calendar days before session, and during the 20 calendar days after session.

- Specifies that bargaining over hours of work that is not otherwise prohibited may occur only for agreements taking effect after July 1, 2027.

- Prohibits bargaining units consisting of: (1) Partisan and nonpartisan staff; (2) LSC, LSS, and CRO staff in combination with each other or with House or Senate staff; and (3) the majority and minority caucus staff unless a majority of employees in each caucus vote to be in a combined unit.

- Amends the provision exempting the use of paid time and public resources for negotiating and administering a CBA from certain provisions of the Ethics Act to specify that such activities are exempt when the employee is assigned to negotiate or administer a CBA under the chapter and the use does not include state-purchased supplies or equipment, does not interfere with state business, and is consistent with the employer's policy on use of paid time.

- Creates a temporary three-member legislative commission within the PERC. Requires appointments to be made by September 30, 2024, and expires the legislative commission on December 31, 2027.

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