
SENATE BILL 6480

State of Washington

54th Legislature

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By Senators Pelz, Heavey, Franklin, Smith, Quigley, Fraser, Thibaudeau, McAuliffe, Kohl and Goings

Read first time 01/16/96. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to state contracts; and adding a new section to
2 chapter 43.19 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.19 RCW
5 to read as follows:

6 To ensure the economical and efficient administration and
7 completion of state contracts, the following procedures must be used
8 for all contracts for purchases and sales executed by the state
9 purchasing and material control director under RCW 43.19.190 through
10 43.19.1939, or executed by agencies, including educational
11 institutions, under delegated authority granted in accordance with RCW
12 43.19.190 or 28B.10.029:

13 (1) Contracting is not permitted with employers that permanently
14 replace lawfully striking employees. A contract for purchases or sales
15 may not be executed unless it includes a provision certifying that the
16 contracting employer will not permanently replace lawfully striking
17 employees. Contracts for purchases or sales are subject to termination
18 in accordance with this section if the contracting employer permanently
19 replaces his or her lawfully striking employees.

1 (2)(a) The director of the department of labor and industries may
2 investigate an organizational unit of an employer contracting with the
3 state to determine whether the unit has permanently replaced lawfully
4 striking workers. Such investigation must be conducted in accordance
5 with procedures established by the director.

6 (b) The director shall receive and may investigate complaints by
7 employees of any employer covered under (a) of this subsection if the
8 complaints allege that lawfully striking employees have been
9 permanently replaced.

10 (3)(a) If the director of the department of labor and industries
11 determines, after notice and an opportunity for hearing, that an
12 employer contracting with the state has permanently replaced lawfully
13 striking employees, the director may make a finding that it is
14 appropriate to terminate the contract. The director shall transmit
15 that finding to the head of any agency that contracts with the
16 contractor.

17 (b) The head of the contracting agency may object to the
18 termination of a contract or contracts of a state contractor determined
19 to have permanently replaced legally striking employees. If the head
20 of the agency so objects because termination of the contract would
21 severely disrupt the operation of the agency to the detriment of state
22 government or would not be in the public interest, he or she shall set
23 forth the reasons for not terminating the contract or contracts in a
24 written response to the director. In such case, the termination may
25 not be issued. The head of the contracting agency shall report to the
26 director and appropriate committees of the legislature at least
27 annually those contracts that have been terminated under this section.

28 (4) If the director of the department of labor and industries
29 determines that a contractor has permanently replaced lawfully striking
30 employees, the director shall debar the contractor, thereby making the
31 contractor ineligible to receive state contracts. Agencies may not
32 solicit offers from, award contracts to, or consent to subcontracts
33 with these contractors unless the head of the agency or his or her
34 designee determines, in writing, that there is a compelling reason for
35 such action. Unless exceptional circumstances exist, the scope of the
36 debarment is limited to those organizational units of a state
37 contractor that the director finds to have permanently replaced
38 lawfully striking workers. The period of the debarment may not extend
39 beyond the date when the labor dispute precipitating the permanent

1 replacement of lawfully striking workers has been resolved, as
2 determined by the director.

3 (5) The director of the department of labor and industries shall
4 publish, or cause to be published, in the Washington State Register,
5 the names of contractors that have, in the judgment of the director,
6 permanently replaced lawfully striking employees and have been the
7 subject of debarment.

8 (6)(a) The director of the department of labor and industries is
9 responsible for the administration and enforcement of this section.
10 The director may adopt rules deemed necessary and appropriate to
11 achieve the purposes of this section.

12 (b) Each agency or educational institution executing a contract for
13 purchases or sales shall cooperate with the director and provide such
14 information and assistance as the director may require in the
15 performance of the director's functions under this section.

16 (c) The director may delegate any function or duty under this
17 section to any employee of the department of labor and industries or to
18 any other employee of an agency or educational institution, with the
19 consent of the head of the agency or educational institution in which
20 that employee serves.

21 (7) This section is not intended, and should not be construed, to
22 create any right or benefit, substantive or procedural, enforceable at
23 law by a party against the state, its agencies, its officers, or its
24 employees. This section does not preclude, however, review of final
25 agency decisions in accordance with chapter 34.05 RCW.

26 (8) This section applies only to situations in which contractors
27 have permanently replaced lawfully striking employees after the
28 effective date of this section.

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