

SSB 6660 - S AMD 134

By Senators Spanel, Kohl-Welles

ADOPTED 02/14/2006

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

3 "Sec. 1. RCW 41.80.010 and 2002 c 354 s 302 are each amended to
4 read as follows:

5 (1) For the purpose of negotiating collective bargaining agreements
6 under this chapter, the employer shall be represented by the governor
7 or governor's designee, except as provided for institutions of higher
8 education in subsection (~~((4))~~) (5) of this section.

9 (2)(a) If an exclusive bargaining representative represents more
10 than one bargaining unit, the exclusive bargaining representative shall
11 negotiate with each employer representative as designated in subsection
12 (1) of this section one master collective bargaining agreement on
13 behalf of all the employees in bargaining units that the exclusive
14 bargaining representative represents. For those exclusive bargaining
15 representatives who represent fewer than a total of five hundred
16 employees each, negotiation shall be by a coalition of all those
17 exclusive bargaining representatives. The coalition shall bargain for
18 a master collective bargaining agreement covering all of the employees
19 represented by the coalition. The governor's designee and the
20 exclusive bargaining representative or representatives are authorized
21 to enter into supplemental bargaining of agency-specific issues for
22 inclusion in or as an addendum to the master collective bargaining
23 agreement, subject to the parties' agreement regarding the issues and
24 procedures for supplemental bargaining. This section does not prohibit
25 cooperation and coordination of bargaining between two or more
26 exclusive bargaining representatives.

27 (b) This subsection (2) does not apply to exclusive bargaining
28 representatives who represent employees of institutions of higher
29 education, except when the institution of higher education has elected
30 to exercise its option under subsection (~~((4))~~) (5) of this section to

1 have its negotiations conducted by the governor or governor's designee
2 under the procedures provided for general government agencies in
3 subsections (1) through (3) of this section.

4 (c) If five hundred or more employees of an independent state
5 elected official listed in RCW 43.01.010 are organized in a bargaining
6 unit or bargaining units under RCW 41.80.070, the official shall be
7 consulted by the governor or the governor's designee before any
8 agreement is reached under (a) of this subsection concerning
9 supplemental bargaining of agency specific issues affecting the
10 employees in such bargaining unit.

11 (3) The governor shall submit a request for funds necessary to
12 implement the compensation and fringe benefit provisions in the master
13 collective bargaining agreement or for legislation necessary to
14 implement the agreement. Except under subsection (5)(b) of this
15 section, requests for funds necessary to implement the provisions of
16 bargaining agreements shall not be submitted to the legislature by the
17 governor unless such requests:

18 (a) Have been submitted to the director of the office of financial
19 management by October 1 prior to the legislative session at which the
20 requests are to be considered; and

21 (b) Have been certified by the director of the office of financial
22 management as being feasible financially for the state.

23 (4) The legislature shall approve or reject the submission of the
24 request for funds as a whole. The legislature shall not consider a
25 request for funds to implement a collective bargaining agreement unless
26 the request is transmitted to the legislature as part of the governor's
27 budget document submitted under RCW 43.88.030 and 43.88.060. If the
28 legislature rejects or fails to act on the submission, either party may
29 reopen all or part of the agreement or the exclusive bargaining
30 representative may seek to implement the procedures provided for in RCW
31 41.80.090.

32 ~~((4))~~ (5)(a) For the purpose of negotiating agreements for
33 institutions of higher education, the employer shall be the respective
34 governing board of each of the universities, colleges, or community and
35 technical colleges or a designee chosen by the board to negotiate on
36 its behalf. A governing board may elect to have its negotiations
37 conducted by the governor or governor's designee under the procedures
38 provided for general government agencies in subsections (1), (2), and

1 (3) of this section. Prior to entering into negotiations under this
2 chapter, the institutions of higher education or their designees shall
3 consult with the director of the office of financial management
4 regarding financial and budgetary issues that are likely to arise in
5 the impending negotiations. If appropriations are necessary to
6 implement the compensation and fringe benefit provisions of the
7 bargaining agreements reached between institutions of higher education
8 and exclusive bargaining representatives agreed to under the provisions
9 of this chapter, the governor shall submit a request for such funds to
10 the legislature according to the provisions of subsection (3) of this
11 section.

12 ~~((+5))~~ (b) The October 1st deadline under subsection (3)(a) of
13 this section is suspended, however, if one or both of the parties to an
14 agreement make application before that date to the commission for
15 appointment of a mediator to assist in the resolution of differences
16 that occur during the negotiation of an agreement for compensation and
17 fringe benefits, or if the parties are engaged in the fact-finding
18 process provided for in RCW 41.80.090. If the October 1st deadline is
19 suspended, a request for funds necessary to implement the compensation
20 and fringe benefit provisions in the master collective bargaining
21 agreement shall not be submitted by the governor to the legislature
22 unless:

23 (i) An agreement is reached by November 15th preceding the
24 legislative session at which the requests are to be considered on the
25 compensation and fringe benefit provisions in the master collective
26 bargaining agreement;

27 (ii) Such requests have been submitted to the director of financial
28 management; and

29 (iii) Such requests have been certified by the director of the
30 office of financial management as being feasible financially for the
31 state.

32 (6) There is hereby created a joint committee on employment
33 relations, which consists of two members with leadership positions in
34 the house of representatives, representing each of the two largest
35 caucuses; the chair and ranking minority member of the house
36 appropriations committee, or its successor, representing each of the
37 two largest caucuses; two members with leadership positions in the
38 senate, representing each of the two largest caucuses; and the chair

1 and ranking minority member of the senate ways and means committee, or
2 its successor, representing each of the two largest caucuses. The
3 governor shall periodically consult with the committee regarding
4 appropriations necessary to implement the compensation and fringe
5 benefit provisions in the master collective bargaining agreements, and
6 upon completion of negotiations, advise the committee on the elements
7 of the agreements and on any legislation necessary to implement the
8 agreements.

9 ((+6)) (7) If, after the compensation and fringe benefit
10 provisions of an agreement are approved by the legislature, a
11 significant revenue shortfall occurs resulting in reduced
12 appropriations, as declared by proclamation of the governor or by
13 resolution of the legislature, both parties shall immediately enter
14 into collective bargaining for a mutually agreed upon modification of
15 the agreement.

16 ((+7)) (8) After the expiration date of a collective bargaining
17 agreement negotiated under this chapter, all of the terms and
18 conditions specified in the collective bargaining agreement remain in
19 effect until the effective date of a subsequently negotiated agreement,
20 not to exceed one year from the expiration date stated in the
21 agreement. Thereafter, the employer may unilaterally implement
22 according to law."

SSB 6660 - S AMD

By Senators Spanel, Kohl-Welles

ADOPTED 02/14/2006

23 On page 1, line 2 of the title, after "agreement;" strike the
24 remainder of the title and insert "and amending RCW 41.80.010."

--- END ---