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SENATE BILL 5811

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State of Washington                      63rd Legislature                      2013 Regular Session

By Senators Tom, Fain, Hill, Rivers, Baumgartner, and Shin

Read first time 02/18/13. Referred to Committee on Ways & Means.

1            AN ACT Relating to employee wellness programs; reenacting and  
2 amending RCW 41.80.020; and adding a new section to chapter 41.05 RCW.

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

4            **Sec. 1.** RCW 41.80.020 and 2011 1st sp.s. c 50 s 939 and 2011 1st  
5 sp.s. c 43 s 445 are each reenacted and amended to read as follows:

6            (1) Except as otherwise provided in this chapter, the matters  
7 subject to bargaining include wages, hours, and other terms and  
8 conditions of employment, and the negotiation of any question arising  
9 under a collective bargaining agreement.

10           (2) The employer is not required to bargain over matters pertaining  
11 to:

12           (a) Health care benefits or other employee insurance benefits,  
13 except as required in subsection (3) of this section;

14           (b) Employee wellness programs;

15           (c) Any retirement system or retirement benefit; or

16           (~~(e)~~) (d) Rules of the human resources director, the director of  
17 enterprise services, or the Washington personnel resources board  
18 adopted under RCW 41.06.157.

1 (3) Matters subject to bargaining include the number of names to be  
2 certified for vacancies, promotional preferences, and the dollar amount  
3 expended on behalf of each employee for health care benefits. However,  
4 except as provided otherwise in this subsection for institutions of  
5 higher education, negotiations regarding the number of names to be  
6 certified for vacancies, promotional preferences, and the dollar amount  
7 expended on behalf of each employee for health care benefits shall be  
8 conducted between the employer and one coalition of all the exclusive  
9 bargaining representatives subject to this chapter. The exclusive  
10 bargaining representatives for employees that are subject to chapter  
11 47.64 RCW shall bargain the dollar amount expended on behalf of each  
12 employee for health care benefits with the employer as part of the  
13 coalition under this subsection. Any such provision agreed to by the  
14 employer and the coalition shall be included in all master collective  
15 bargaining agreements negotiated by the parties. For institutions of  
16 higher education, promotional preferences and the number of names to be  
17 certified for vacancies shall be bargained under the provisions of RCW  
18 41.80.010(4). For agreements covering the 2011-2013 fiscal biennium,  
19 any agreement between the employer and the coalition regarding the  
20 dollar amount expended on behalf of each employee for health care  
21 benefits is a separate agreement and shall not be included in the  
22 master collective bargaining agreements negotiated by the parties.

23 (4) The employer and the exclusive bargaining representative shall  
24 not agree to any proposal that would prevent the implementation of  
25 approved affirmative action plans or that would be inconsistent with  
26 the comparable worth agreement that provided the basis for the salary  
27 changes implemented beginning with the 1983-1985 biennium to achieve  
28 comparable worth.

29 (5) The employer and the exclusive bargaining representative shall  
30 not bargain over matters pertaining to management rights established in  
31 RCW 41.80.040.

32 (6) Except as otherwise provided in this chapter, if a conflict  
33 exists between an executive order, administrative rule, or agency  
34 policy relating to wages, hours, and terms and conditions of employment  
35 and a collective bargaining agreement negotiated under this chapter,  
36 the collective bargaining agreement shall prevail. A provision of a  
37 collective bargaining agreement that conflicts with the terms of a  
38 statute is invalid and unenforceable.

1           (7) This section does not prohibit bargaining that affects  
2 contracts authorized by RCW 41.06.142.

3           NEW SECTION.   **Sec. 2.** A new section is added to chapter 41.05 RCW  
4 to read as follows:

5           Beginning no later than January 1, 2014, all state employee health  
6 care benefit plans under this chapter must be offered in conjunction  
7 with an employee wellness program developed pursuant to RCW 41.05.540.  
8 The program must include premium reductions or other financial  
9 incentives for employees who achieve identified wellness targets or  
10 goals.

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