

**E2SSB 6194 - H AMD 1187**

By Representative Fitzgibbon

**ADOPTED 02/29/2024**

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, 2029. After  
19 December 31, 2029, "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 relating to  
26 the effectuation or review of the employer's collective bargaining  
27 policies, strategies, or process to the extent that such access  
28 creates a conflict of interest; or (c) who assists or aids an  
29 employee with managerial authority; or (d) whose duties normally  
30 require access to confidential information that contributes to the  
31 development of the employer's collective bargaining policies or  
32 bargaining strategies. Such employees may include, but are not

1 limited to, employees whose primary functions include supporting the  
2 offices of the secretary of the senate or chief clerk of the house of  
3 representatives, or conducting accounting, payroll, labor management,  
4 collective bargaining, or human resources activities.

5 (4) "Director" means the director of the office of state  
6 legislative labor relations.

7 ((+3)) (5) (a) "Employee" means:

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

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

11 (A) Office of legislative support services;

12 (B) Legislative service center;

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

17 (D) House of representatives and senate administrations.

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

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

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

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

38 (8) "Employer" means:

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

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

3 (c) The chief clerk of the house of representatives and the  
4 secretary of the senate, acting jointly, or their designees, for the  
5 regular employees who are staff of the office of legislative support  
6 services, the legislative service center, and the office of the code  
7 reviser.

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

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

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

24 ~~((+6))~~ (12) "Office" means the office of state legislative labor  
25 relations.

26 (13) "Supervisor" means an employee designated by the employer to  
27 provide supervision to and have authority over legislative employees  
28 on an ongoing basis as part of the employee's regular and usual job  
29 duties. Supervision includes the authority to direct employees,  
30 approve and deny leave, and effectively recommend decisions to hire,  
31 transfer, suspend, lay off, recall, promote, discharge, direct,  
32 reward, or discipline employees, or to adjust employee grievances,  
33 when the exercise of the authority is not of a merely routine nature  
34 but requires the exercise of individual judgment.

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; and

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

23 (3) (a) Notwithstanding any other provision of this chapter, the  
24 employer has the sole and exclusive authority to designate  
25 supervisors. Notwithstanding any other provision of this chapter, the  
26 employer also has the sole and exclusive authority to designate  
27 confidential employees and employees who have managerial authority,  
28 subject to the limitations in (b) of this subsection.

29 (b) The number of employees designated as confidential employees  
30 and employees with managerial authority may not exceed 20 percent of  
31 the total employees, as defined under RCW 44.90.020(5)(a)(i), of the  
32 employer. However, for the office of legislative support services,  
33 the legislative service center, and the office of the code reviser,  
34 the number of employees designated as confidential employees and  
35 employees with managerial authority may not exceed 20 percent of the  
36 total employees in each of those respective agencies.

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

1 (1) The office of state legislative labor relations is created to  
2 assist the house of representatives, the senate, and legislative  
3 agencies in implementing and managing the process of collective  
4 bargaining for employees of the legislative branch of state  
5 government.

6 (2) (a) Subject to (b) of this subsection, the secretary of the  
7 senate and the chief clerk of the house of representatives shall  
8 employ a director of the office. The director serves at the pleasure  
9 of the secretary of the senate and the chief clerk of the house of  
10 representatives, who shall fix the director's salary.

11 (b) The secretary of the senate and the chief clerk of the house  
12 of representatives shall, before employing a director, consult with  
13 legislative employees, the senate facilities and operations  
14 committee, the house executive rules committee, and the human  
15 resources officers of the house of representatives, the senate, and  
16 legislative agencies.

17 (c) The director serves as the executive and administrative head  
18 of the office and may employ additional employees to assist in  
19 carrying out the duties of the office. The duties of the office  
20 include, but are not limited to, establishing bargaining teams and  
21 conducting negotiations on behalf of the employer.

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

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

30 ~~(a) Examine issues related to collective bargaining for employees~~  
31 ~~of the house of representatives, the senate, and legislative~~  
32 ~~agencies; and~~

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

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

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

4 ~~(i) Which employees of the house of representatives, the senate,~~  
5 ~~and legislative agencies for whom collective bargaining may be~~  
6 ~~appropriate;~~

7 ~~(ii) Mandatory, permissive, and prohibited subjects of~~  
8 ~~bargaining;~~

9 ~~(iii) Who would negotiate on behalf of the house of~~  
10 ~~representatives, the senate, and legislative agencies, and which~~  
11 ~~entity or entities would be considered the employer for purposes of~~  
12 ~~bargaining;~~

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

14 ~~(v) Common public employee collective bargaining agreement~~  
15 ~~frameworks related to grievance procedures and processes for~~  
16 ~~disciplinary actions;~~

17 ~~(vi) Procedures related to the commission certifying exclusive~~  
18 ~~bargaining representatives, determining bargaining units,~~  
19 ~~adjudicating unfair labor practices, determining representation~~  
20 ~~questions, and coalition bargaining;~~

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

22 ~~(viii) Procedures for approving negotiated collective bargaining~~  
23 ~~agreements;~~

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

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

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

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

35 (1) As provided by this chapter, the commission or the court  
36 shall determine all questions described by this chapter as under the  
37 commission's authority. However, such authority may not result in an  
38 order or rule that intrudes upon or interferes with the legislature's  
39 core function of efficient and effective law making or the essential

1 operation of the legislature, including that an order or rule may  
2 not:

3 (a) Modify any matter relating to the qualifications and  
4 elections of members of the legislature, or the holding of office of  
5 members of the legislature;

6 (b) Modify any matter relating to the legislature or each house  
7 thereof choosing its officers, adopting rules for its proceedings,  
8 selecting committees necessary for the conduct of business,  
9 considering or enacting legislation, or otherwise exercising the  
10 legislative power of this state;

11 (c) Modify any matter relating to legislative calendars,  
12 schedules, and deadlines of the legislature; or

13 (d) Modify laws, rules, policies, or procedures regarding ethics  
14 or conflicts of interest.

15 (2) No member of the legislature may be compelled by subpoena or  
16 other means to attend a proceeding related to matters covered by this  
17 chapter during a legislative session, committee assembly days, or for  
18 15 days before commencement of each session.

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

21 (1) Except as may be specifically limited by this chapter,  
22 legislative employees shall have the right to self-organization, to  
23 form, join, or assist employee organizations, and to bargain  
24 collectively through representatives of their own choosing for the  
25 purpose of collective bargaining free from interference, restraint,  
26 or coercion. Legislative employees shall also have the right to  
27 refrain from any or all such activities.

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

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

8       (a) Secret balloting;

9       (b) Consulting with employee organizations;

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

12       (d) Absentee voting;

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

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

15 and

16       (g) Election observers.

17       (4) (a) If an employee organization has been certified as the  
18 exclusive bargaining representative of the employees of multiple  
19 bargaining units, the employee organization may act for and negotiate  
20 a master collective bargaining agreement that includes within the  
21 coverage of the agreement all covered employees in the bargaining  
22 units.

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

28       (5) The certified exclusive bargaining representative is  
29 responsible for representing the interests of all the employees in  
30 the bargaining unit. This section may not be construed to limit an  
31 exclusive bargaining representative's right to exercise its  
32 discretion to refuse to process grievances of employees that are  
33 unmeritorious.

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

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

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



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

3        (1) The commission, after hearing upon reasonable notice to all  
4    interested parties, shall decide, in each application for  
5    certification as an exclusive bargaining representative, the unit  
6    appropriate for certification. In determining the new units or  
7    modifications of existing units, the commission must consider: The  
8    duties, skills, and working conditions of the employees; the history  
9    of collective bargaining; the extent of organization among the  
10   employees; the desires of the employees; and the avoidance of  
11   excessive fragmentation. However, a unit is not appropriate if it  
12   includes:

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

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

18        (c) Both partisan and nonpartisan employees;

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

22        (e) Employees of the legislative service center, office of  
23   legislative support services, and the office of the code reviser, in  
24   any combination with each other or in any combination with employees  
25   of the house of representatives or employees of the senate.

26        (2) If a single employee organization is the exclusive bargaining  
27   representative for two or more units, upon petition by the employee  
28   organization, the units may be consolidated into a single larger unit  
29   if the commission considers the larger unit to be appropriate. If  
30   consolidation is appropriate, the commission shall certify the  
31   employee organization as the exclusive bargaining representative of  
32   the new unit.

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

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

37        (2) Except as provided in this chapter, a collective bargaining  
38   agreement must contain provisions that provide for a grievance  
39   procedure of all disputes arising over the interpretation or

1 application of the collective bargaining agreement and that is valid  
2 and enforceable under its terms when entered into in accordance with  
3 this chapter.

4 (3) RCW 41.56.037 applies to this chapter.

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

14 (b) If a collective bargaining agreement between an employer and  
15 an exclusive bargaining representative is concluded after the  
16 termination date of the previous collective bargaining agreement  
17 between the employer and the exclusive bargaining representative  
18 representing different bargaining units, the effective date of the  
19 collective bargaining agreement may be the day after the termination  
20 date of whichever previous collective bargaining agreement covering  
21 one or more of the units terminated first, and all benefits included  
22 in the new collective bargaining agreement, including wage or salary  
23 increases, may accrue beginning with that effective date.

24 (5) The employer and the exclusive bargaining representative of a  
25 bargaining unit of legislative employees may not enter into a  
26 collective bargaining agreement that requires the employer to deduct,  
27 from the salary or wages of an employee, contributions for payments  
28 for political action committees sponsored by employee organizations  
29 with legislative employees as members.

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

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

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

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

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

6 (3) (a) The director must submit ratified collective bargaining  
7 agreements, with cost estimates, to the employer by October 1st  
8 before the legislative session at which the request for funds is to  
9 be considered. The transmission by the legislature to the governor  
10 under RCW 43.88.090 must include a request for funds necessary to  
11 implement the provisions of all collective bargaining agreements  
12 covering legislative employees.

13 (b) If the legislature or governor fails to provide the funds for  
14 a collective bargaining agreement for legislative employees, either  
15 party may reopen all or part of the agreement or the exclusive  
16 bargaining representative may seek to implement the procedures  
17 provided for in section 10 of this act.

18 (4) Negotiation for economic terms will be by a coalition of all  
19 exclusive bargaining representatives. Any such provisions agreed to  
20 by the employer and the coalition must be included in all collective  
21 bargaining agreements negotiated by the parties. The director and the  
22 exclusive bargaining representative or representatives are authorized  
23 to enter into supplemental bargaining of bargaining unit specific  
24 issues for inclusion in the collective bargaining agreement, subject  
25 to the parties' agreement regarding the issues and procedures for  
26 supplemental bargaining. This subsection does not prohibit  
27 cooperation and coordination of bargaining between two or more  
28 exclusive bargaining representatives.

29 (5) If a significant revenue shortfall occurs resulting in  
30 reduced appropriations, as declared by proclamation of the governor  
31 or by resolution of the legislature, both parties must immediately  
32 enter into collective bargaining for a mutually agreed upon  
33 modification of the agreement.

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

36 (1) Should the parties fail to reach agreement in negotiating a  
37 collective bargaining agreement, either party may request of the  
38 commission the assistance of an impartial third party to mediate the  
39 negotiations. If a collective bargaining agreement previously

1 negotiated under this chapter expires while negotiations are  
2 underway, the terms and conditions specified in the collective  
3 bargaining agreement remain in effect for a period not to exceed one  
4 year from the expiration date stated in the agreement. Thereafter,  
5 the employer may unilaterally implement according to law.

6 (2) Nothing in this section may be construed to prohibit an  
7 employer and an exclusive bargaining representative from agreeing to  
8 substitute, at their own expense, their own procedure for resolving  
9 impasses in collective bargaining for that provided in this section  
10 or from agreeing to utilize for the purposes of this section any  
11 other governmental or other agency or person in lieu of the  
12 commission.

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

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

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

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

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

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

29 (d) To discharge or discriminate otherwise against an employee  
30 because that employee has filed charges or given testimony under this  
31 chapter;

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

34 (2) Notwithstanding any other law, the expression of any views,  
35 arguments, or opinions, or the dissemination thereof in any form, by  
36 a member of the legislature related to this chapter or matters within  
37 the scope of representation, shall not constitute, or be evidence of,  
38 an unfair labor practice unless the employer has authorized the

1 member to express that view, argument, or opinion on behalf of the  
2 employer or as an employer.

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

4 (a) To restrain or coerce an employee in the exercise of the  
5 rights guaranteed by this chapter: PROVIDED, That this subsection  
6 shall not impair the right of an employee organization to prescribe  
7 its own rules with respect to the acquisition or retention of  
8 membership in the employee organization or to an employer in the  
9 selection of its representatives for the purpose of bargaining or the  
10 adjustment of grievances;

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

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

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

17 ~~((3))~~ (4) The expressing of any views, arguments, or opinion,  
18 or the dissemination thereof to the public, whether in written,  
19 printed, graphic, or visual form, shall not constitute or be evidence  
20 of an unfair labor practice under this chapter, if such expression  
21 contains no threat of reprisal or force or promise of benefit.

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

24 (1) The commission is empowered and directed to prevent any  
25 unfair labor practice and to issue appropriate remedial orders.  
26 However, a complaint may not be processed for any unfair labor  
27 practice occurring more than six months before the filing of the  
28 complaint with the commission or in Thurston county superior court.  
29 This power may not be affected or impaired by any means of  
30 adjustment, mediation, or conciliation in labor disputes that have  
31 been or may hereafter be established by law.

32 (2) Except as may be specifically limited by this chapter, if the  
33 commission or court determines that any person has engaged in or is  
34 engaging in an unfair labor practice, the commission or court shall  
35 issue and cause to be served upon the person an order requiring the  
36 person to cease and desist from such unfair labor practice, and to  
37 take such affirmative action as will effectuate the purposes and  
38 policy of this chapter, such as the payment of damages.

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

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

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

10 (2) The employer shall not bargain over rights of management  
11 which, in addition to all powers, duties, and rights established by  
12 constitutional provision or statute, shall include, but not be  
13 limited to, the following:

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

15 (b) The functions and programs of the employer, the use of  
16 technology, and the structure of the organization, including the size  
17 and composition of standing committees;

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

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

21 ~~((d))~~ (e) The hours of work during legislative session ((and  
22 the cutoff calendar for a legislative session)) and committee  
23 assembly days, and the hours of work during the 60 calendar days  
24 before the first day of legislative session and during the 20  
25 calendar days after the last day of legislative session. This  
26 subsection (2)(e) does not prohibit bargaining over hours of work  
27 during any other period and bargaining over compensation for hours of  
28 work in excess of a 40-hour workweek, except that bargaining over  
29 hours of work during periods not otherwise prohibited and  
30 compensation for hours worked in excess of a 40-hour workweek may  
31 only occur for agreements that take effect after July 1, 2027; ((and

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

33 (g) The employer's authority to: (i) Lay off employees when there  
34 has been a change to the number of members in, or the makeup of, a  
35 caucus due to an election or appointment that necessitates a change  
36 in the number of staff; (ii) lay off an employee following an  
37 election, appointment, or resignation of a legislator; and (iii)  
38 terminate an employee for engaging in partisan activities that are  
39 incompatible with the employee's job duties or position;

1       (h) Health care benefits and other employee insurance benefits.  
2       The amount paid by a legislative employee for health care premiums  
3       must be the same as that paid by a represented state employee covered  
4       by RCW 41.80.020(3);

5       (i) The right to take whatever actions are deemed necessary to  
6       carry out the mission of the legislature and its agencies during  
7       emergencies; and

8       (j) Retirement plans and retirement benefits.

9       ~~((2))~~ (3) Except for an applicable code of conduct policy  
10      adopted by a chamber of the legislature or a legislative agency, if a  
11      conflict exists between policies adopted by the legislature relating  
12      to wages, hours, and terms and conditions of employment and a  
13      provision of a collective bargaining agreement negotiated under this  
14      chapter, the collective bargaining agreement shall prevail. A  
15      provision of a collective bargaining agreement that conflicts with a  
16      statute or an applicable term of a code of conduct policy adopted by  
17      a chamber of the legislature or a legislative agency is invalid and  
18      unenforceable.

19      NEW SECTION. Sec. 14. A new section is added to chapter 44.90  
20      RCW to read as follows:

21      (1) Upon authorization of an employee within the bargaining unit  
22      and after the certification or recognition of the bargaining unit's  
23      exclusive bargaining representative, the employer must deduct from  
24      the payments to the employee the monthly amount of dues as certified  
25      by the secretary of the exclusive bargaining representative and must  
26      transmit the same to the treasurer of the exclusive bargaining  
27      representative.

28      (2)(a) An employee's written, electronic, or recorded voice  
29      authorization to have the employer deduct membership dues from the  
30      employee's salary must be made by the employee to the exclusive  
31      bargaining representative. If the employer receives a request for  
32      authorization of deductions, the employer must, as soon as  
33      practicable, forward the request to the exclusive bargaining  
34      representative.

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

1 (c) The employee's authorization remains in effect until  
2 expressly revoked by the employee in accordance with the terms and  
3 conditions of the authorization.

4 (d) An employee's request to revoke authorization for payroll  
5 deductions must be in writing and submitted by the employee to the  
6 exclusive bargaining representative in accordance with the terms and  
7 conditions of the authorization.

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

12 (f) The employer must rely on information provided by the  
13 exclusive bargaining representative regarding the authorization and  
14 revocation of deductions.

15 NEW SECTION. **Sec. 15.** A new section is added to chapter 44.90  
16 RCW to read as follows:

17 (1) If the parties to a collective bargaining agreement  
18 negotiated under this chapter agree to final and binding arbitration  
19 under grievance procedures allowed by section 7 of this act, the  
20 parties may agree on one or more permanent umpires to serve as  
21 arbitrator, or may agree on any impartial person to serve as  
22 arbitrator, or may agree to select arbitrators from any source  
23 available to them, including federal and private agencies, in  
24 addition to the staff and list of arbitrators maintained by the  
25 commission. If the parties cannot agree to the selection of an  
26 arbitrator, the commission must supply a list of names in accordance  
27 with the procedures established by the commission.

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

30 (3) Except as limited by this chapter, an arbitrator may require  
31 any person to attend as a witness and to bring with them any book,  
32 record, document, or other evidence. The fees for such attendance  
33 must be paid by the party requesting issuance of the subpoena and  
34 must be the same as the fees of witnesses in the superior court.  
35 Arbitrators may administer oaths. Subpoenas must issue and be signed  
36 by the arbitrator and must be served in the same manner as subpoenas  
37 to testify before a court of record in this state. If any person so  
38 summoned to testify refuses or neglects to obey such subpoena, upon  
39 petition authorized by the arbitrator, the superior court may compel



1 the attendance of the person before the arbitrator or punish the  
2 person for contempt in the same manner provided for the attendance of  
3 witnesses or the punishment of them in the courts of this state.

4 (4) Except as limited by this chapter, the arbitrator shall  
5 appoint a time and place for the hearing and notify the parties  
6 thereof, and may adjourn the hearing from time to time as may be  
7 necessary, and, on application of either party and for good cause,  
8 may postpone the hearing to a time not extending beyond the date  
9 fixed by the collective bargaining agreement for making the award.  
10 The arbitration award must be in writing and signed by the  
11 arbitrator. The arbitrator must, promptly upon its rendition, serve a  
12 true copy of the award on each of the parties or their attorneys of  
13 record.

14 (5) If a party to a collective bargaining agreement negotiated  
15 under this chapter that includes final and binding arbitration  
16 refuses to submit a grievance for arbitration, the other party to the  
17 collective bargaining agreement may invoke the jurisdiction of the  
18 superior court of Thurston county and the court shall have  
19 jurisdiction to issue an order compelling arbitration. Disputes  
20 concerning compliance with grievance procedures shall be reserved for  
21 determination by the arbitrator. Arbitration shall be ordered if the  
22 grievance states a claim that on its face is covered by the  
23 collective bargaining agreement. Doubts as to the coverage of the  
24 arbitration clause shall be resolved in favor of arbitration.

25 (6) If a party to a collective bargaining agreement negotiated  
26 under this chapter that includes final and binding arbitration  
27 refuses to comply with the award of an arbitrator determining a  
28 grievance arising under the collective bargaining agreement, the  
29 other party to the collective bargaining agreement may invoke the  
30 jurisdiction of the superior court of Thurston county and the court  
31 shall have jurisdiction to issue an order enforcing the arbitration  
32 award.

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

35 (1) There is hereby created the public employment relations  
36 commission (hereafter called the "commission") to administer the  
37 provisions of this chapter. ((The)) Notwithstanding section 17 of  
38 this act, the commission shall consist of three members who shall be  
39 citizens appointed by the governor by and with the advice and consent

1 of the senate. One of the original members shall be appointed for a  
2 term of three years, one for a term of four years, and one for a term  
3 of five years. Their successors shall be appointed for terms of five  
4 years each, except that any person chosen to fill a vacancy shall be  
5 appointed only for the unexpired term of the member whom he or she  
6 succeeds. Commission members shall be eligible for reappointment. The  
7 governor shall designate one member to serve as chair of the  
8 commission. Any member of the commission may be removed by the  
9 governor, upon notice and hearing, for neglect of duty or malfeasance  
10 in office, but for no other cause. Commission members shall not be  
11 eligible for state retirement under chapter 41.40 RCW by virtue of  
12 their service on the commission.

13 (2) In making citizen member appointments initially, and  
14 subsequently thereafter, the governor shall be cognizant of the  
15 desirability of appointing persons knowledgeable in the area of labor  
16 relations in the state.

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

21 (4) The commission shall at the close of each fiscal year make a  
22 report in writing to the legislature and to the governor stating the  
23 cases it has heard, the decisions it has rendered, the names,  
24 salaries, and duties of all employees and officers in the employ or  
25 under the supervision of the commission, and an account of all moneys  
26 it has disbursed.

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

29 (1)(a) There is established a legislative commission (hereafter  
30 called "the legislative commission") exclusively for the purpose of  
31 certification of bargaining representatives, adjusting and settling  
32 complaints, grievances, and disputes arising out of employer-employee  
33 relations, and otherwise carrying out the duties required of the  
34 commission under chapter 44.90 RCW.

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

37 (i) One member shall be appointed by the speaker of the house of  
38 representatives;

1 (ii) One member shall be appointed by the president of the  
2 senate;

3 (iii) By mutual consent, the two appointed members shall appoint  
4 the third member who shall be the chair of the legislative  
5 commission.

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

10 (d) Until all the members of the legislative commission are  
11 appointed, the duties required of the legislative commission under  
12 chapter 44.90 RCW shall be carried out by the commission created  
13 under RCW 41.58.010(1).

14 (2) The commission may delegate to the executive director  
15 authority with respect to, but not limited to, representation  
16 proceedings, unfair labor practice proceedings, mediation, and, if  
17 applicable, arbitration of disputes concerning the interpretation or  
18 application of a collective bargaining agreement. Such delegation  
19 shall not eliminate a party's right of appeal to the legislative  
20 commission.

21 (3) Unless specifically provided, the legislative commission  
22 shall not be considered part of the commission created under RCW  
23 41.58.010(1). The powers and duties granted in this chapter to the  
24 commission created under RCW 41.58.010(1) do not apply to the  
25 legislative commission, unless specifically provided.

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

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

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

37 (7) The compensation and travel reimbursement provision under RCW  
38 41.58.015(1) shall apply to members of the legislative commission.

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

4 (9) (a) The legislative commission expires December 31, 2029.

5 (b) After December 31, 2029, the duties required of the  
6 legislative commission under chapter 44.90 RCW shall be carried out  
7 by the commission created under RCW 41.58.010(1).

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

10 (1) Each member of the commission shall be compensated in  
11 accordance with RCW 43.03.250. Members of the commission shall also  
12 be reimbursed for travel expenses incurred in the discharge of their  
13 official duties on the same basis as is provided in RCW 43.03.050 and  
14 43.03.060.

15 (2) The commission shall appoint an executive director whose  
16 annual salary shall be determined under the provisions of RCW  
17 43.03.028. The executive director shall perform such duties and have  
18 such powers as the commission shall prescribe in order to implement  
19 and enforce the provisions of this chapter. In addition to the  
20 performance of administrative duties, the commission may delegate to  
21 the executive director authority with respect to, but not limited to,  
22 representation proceedings, unfair labor practice proceedings,  
23 mediation of labor disputes, arbitration of disputes concerning the  
24 interpretation or application of a collective bargaining agreement,  
25 and, in certain cases, fact-finding or arbitration of disputes  
26 concerning the terms of a collective bargaining agreement. Such  
27 delegation shall not eliminate a party's right of appeal to the  
28 commission. The executive director, with such assistance as may be  
29 provided by the attorney general and such additional legal assistance  
30 consistent with chapter 43.10 RCW, shall have authority on behalf of  
31 the commission, when necessary to carry out or enforce any action or  
32 decision of the commission, to petition any court of competent  
33 jurisdiction for an order requiring compliance with the action or  
34 decision.

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

38 (b) The employees of the commission shall also provide staff  
39 support to the legislative commission in carrying out the legislative

1 commission's duties under chapter 44.90 RCW until the legislative  
2 commission expires on December 31, 2029, under section 17 of this  
3 act.

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

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

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

14 (a) Using paid time and public resources by an employee to  
15 negotiate or administer a collective bargaining agreement when the  
16 employee is assigned to negotiate or administer the collective  
17 bargaining agreement and the use of paid time and public resources  
18 does not include state-purchased supplies or equipment, does not  
19 interfere with or distract from the conduct of state business, and is  
20 consistent with the employer's policy on the use of paid time;

21 (b) Lobbying conducted by an employee organization, lobbyist,  
22 association, or third party on behalf of legislative employees  
23 concerning legislation that directly impacts legislative workplace  
24 conditions;

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

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

30 (2)(a) Nothing in this section affects the application of the  
31 prohibition against the use of special privileges under RCW  
32 42.52.070, confidentiality requirements under RCW 42.52.050, or other  
33 applicable provisions of chapter 42.52 RCW to legislative employees.

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

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

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

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

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

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

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

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

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

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

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

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

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 Senate Human Resources Officer, and the Human Resources Director of the House, and the Human Resources Officers or Directors of LSS, LSC, and CRO; and the Directors of Accounting for the House, Senate, LSS, LSC, and CRO.

• Amends the definition of "confidential employee" to include employees whose duties normally require access to confidential information that contributes to the development of the employer's collective bargaining policies or bargaining strategies, and specifies that such employees may include employees whose primary functions include supporting the offices of the Secretary of the Senate or Chief Clerk of the House or conducting accounting, payroll, labor management, collective bargaining, or human resources activities.

• Provides that the employer has sole and exclusive authority to designate supervisors.

• Provides that the employer has the sole and exclusive authority to designate confidential employees and employees with managerial authority, except that the designated number may not exceed 20 percent of the total number of employees eligible to bargain.

• Allows bargaining over at-will status, but not over the employer's authority to: (1) Lay off employees under certain circumstances related to changes due to elections, appointments, or resignations of legislators; and (2) terminate an employee for engaging in partisan activities incompatible with the employee's job duties.

• Prohibits bargaining over hours of work during committee assembly days, and the hours of work 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 each caucus vote is 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 the CBA 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, and expires the legislative commission on December 31, 2029.

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