

E2SSB 6194 - H COMM AMD

By Committee on Labor & Workplace Standards

NOT 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 to assist in a confidential capacity, or serve as
23 counsel to, persons who formulate, determine, and effectuate employer
24 policies with regard to labor relations and personnel matters or who
25 has authorized access to information relating to the effectuation or
26 review of the employer's collective bargaining policies, strategies,
27 or process to the extent that such access creates a conflict of
28 interest, or who assists or aids an employee with managerial
29 authority.

30 (4) "Director" means the director of the office of state
31 legislative labor relations.

1 ~~((3))~~ (5) (a) "Employee" means:

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

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

5 (A) Office of legislative support services;

6 (B) Legislative service center;

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

11 (D) House of representatives and senate administrations.

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

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

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

24 ~~((4))~~ (7) "Employee with managerial authority" means any
25 employee designated by the employer who, regardless of job title: (a)
26 Directs the staff who work for a legislative chamber, caucus, agency,
27 or subdivision thereof; (b) has substantial responsibility in
28 personnel administration, or the preparation and administration of
29 the employer's budgets; and (c) exercises authority that is not
30 merely routine or clerical in nature and requires the use of
31 independent judgment.

32 (8) "Employer" means:

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

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

37 (c) The chief clerk of the house of representatives and the
38 secretary of the senate, acting jointly, or their designees, for the
39 regular employees who are staff of the office of legislative support

1 services, the legislative service center, and the office of the code
2 reviser.

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

6 ~~((+5))~~ (10) "Labor dispute" means any controversy concerning
7 terms, tenure, or conditions of employment, or concerning the
8 association or representation of persons in negotiating, fixing,
9 maintaining, changing, or seeking to arrange terms or conditions of
10 employment with respect to the subjects of bargaining provided in
11 this chapter, regardless of whether the disputants stand in the
12 proximate relation of employer and employee.

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

19 ~~((+6))~~ (12) "Office" means the office of state legislative labor
20 relations.

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

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

32 (1) This chapter does not apply to any legislative employee who
33 has managerial authority, is a confidential employee, or who does not
34 meet the definition of employee for the purpose of collective
35 bargaining.

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

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

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

4 (c) Caucus chiefs of staff and caucus deputy chiefs of staff;

5 (d) The speaker's attorney, house counsel, and leadership counsel
6 to the minority caucus of the house of representatives; and

7 (e) The counsel for the senate that provide direct legal advice
8 to the administration of the senate.

9 (3) Notwithstanding any other provision of this chapter, the
10 employer has the sole and exclusive authority to designate
11 confidential employees, supervisors, and employees who have
12 managerial authority, except that those designated employees may not,
13 collectively, exceed 20 percent of the total employee positions of
14 the employer.

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

17 (1) The office of state legislative labor relations is created to
18 assist the house of representatives, the senate, and legislative
19 agencies in implementing and managing the process of collective
20 bargaining for employees of the legislative branch of state
21 government.

22 (2)(a) Subject to (b) of this subsection, the secretary of the
23 senate and the chief clerk of the house of representatives shall
24 employ a director of the office. The director serves at the pleasure
25 of the secretary of the senate and the chief clerk of the house of
26 representatives, who shall fix the director's salary.

27 (b) The secretary of the senate and the chief clerk of the house
28 of representatives shall, before employing a director, consult with
29 legislative employees, the senate facilities and operations
30 committee, the house executive rules committee, and the human
31 resources officers of the house of representatives, the senate, and
32 legislative agencies.

33 (c) The director serves as the executive and administrative head
34 of the office and may employ additional employees to assist in
35 carrying out the duties of the office. The duties of the office
36 include, but are not limited to, establishing bargaining teams and
37 conducting negotiations on behalf of the employer.

38 ~~((d) The director shall contract with an external consultant for~~
39 ~~the purposes of gathering input from legislative employees, taking~~

1 into consideration RCW 42.52.020 and rules of the house of
2 representatives and the senate. The gathering of input must be in the
3 form of, at a minimum, surveys.

4 (3) The director, in consultation with the secretary of the
5 senate, the chief clerk of the house of representatives, and the
6 administrative heads of legislative agencies shall:

7 (a) Examine issues related to collective bargaining for employees
8 of the house of representatives, the senate, and legislative
9 agencies; and

10 (b) After consultation with the external consultant, develop best
11 practices and options for the legislature to consider in implementing
12 and administering collective bargaining for employees of the house of
13 representatives, the senate, and legislative agencies.

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

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

20 (i) Which employees of the house of representatives, the senate,
21 and legislative agencies for whom collective bargaining may be
22 appropriate;

23 (ii) Mandatory, permissive, and prohibited subjects of
24 bargaining;

25 (iii) Who would negotiate on behalf of the house of
26 representatives, the senate, and legislative agencies, and which
27 entity or entities would be considered the employer for purposes of
28 bargaining;

29 (iv) Definitions for relevant terms;

30 (v) Common public employee collective bargaining agreement
31 frameworks related to grievance procedures and processes for
32 disciplinary actions;

33 (vi) Procedures related to the commission certifying exclusive
34 bargaining representatives, determining bargaining units,
35 adjudicating unfair labor practices, determining representation
36 questions, and coalition bargaining;

37 (vii) The efficiency and feasibility of coalition bargaining;

38 (viii) Procedures for approving negotiated collective bargaining
39 agreements;

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

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

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

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

12 (1) As provided by this chapter, the commission or the court
13 shall determine all questions described by this chapter as under the
14 commission's authority. However, such authority may not result in an
15 order or rule that intrudes upon or interferes with the legislature's
16 core function of efficient and effective law making or the essential
17 operation of the legislature, including that an order or rule may
18 not:

19 (a) Modify any matter relating to the qualifications and
20 elections of members of the legislature, or the holding of office of
21 members of the legislature;

22 (b) Modify any matter relating to the legislature or each house
23 thereof choosing its officers, adopting rules for its proceedings,
24 selecting committees necessary for the conduct of business,
25 considering or enacting legislation, or otherwise exercising the
26 legislative power of this state;

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

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

31 (2) No member of the legislature may be compelled by subpoena or
32 other means to attend a proceeding related to matters covered by this
33 chapter during a legislative session, committee assembly days, or for
34 15 days before commencement of each session.

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

37 (1) Except as may be specifically limited by this chapter,
38 legislative employees shall have the right to self-organization, to

1 form, join, or assist employee organizations, and to bargain
2 collectively through representatives of their own choosing for the
3 purpose of collective bargaining free from interference, restraint,
4 or coercion. Legislative employees shall also have the right to
5 refrain from any or all such activities.

6 (2) Except as may be specifically limited by this chapter, the
7 commission shall determine all questions pertaining to ascertaining
8 exclusive bargaining representatives for legislative employees and
9 collectively bargaining under this chapter. However, no employee
10 organization shall be recognized or certified as the exclusive
11 bargaining representative of a bargaining unit of employees of the
12 legislative branch unless it receives the votes of a majority of
13 employees in the petitioned for bargaining unit voting in a secret
14 election (~~by mail ballot~~) administered by the commission. The
15 commission's process must allow for an employee, group of employees,
16 employee organizations, employer, or their agents to have the right
17 to petition on any question concerning representation.

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

25 (a) Secret balloting;

26 (b) Consulting with employee organizations;

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

29 (d) Absentee voting;

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

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

32 and

33 (g) Election observers.

34 (4) (a) If an employee organization has been certified as the
35 exclusive bargaining representative of the employees of multiple
36 bargaining units, the employee organization may act for and negotiate
37 a master collective bargaining agreement that includes within the
38 coverage of the agreement all covered employees in the bargaining
39 units.

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

6 (5) The certified exclusive bargaining representative is
7 responsible for representing the interests of all the employees in
8 the bargaining unit. This section may not be construed to limit an
9 exclusive bargaining representative's right to exercise its
10 discretion to refuse to process grievances of employees that are
11 unmeritorious.

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

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

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

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

20 (1) The commission, after hearing upon reasonable notice to all
21 interested parties, shall decide, in each application for
22 certification as an exclusive bargaining representative, the unit
23 appropriate for certification. In determining the new units or
24 modifications of existing units, the commission must consider: The
25 duties, skills, and working conditions of the employees; the history
26 of collective bargaining; the extent of organization among the
27 employees; the desires of the employees; and the avoidance of
28 excessive fragmentation. However, a unit is not appropriate if it
29 includes:

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

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

35 (c) Both partisan and nonpartisan employees;

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

1 (e) Employees of the legislative service center, office of
2 legislative support services, and the office of the code reviser, in
3 any combination with each other or in any combination with employees
4 of the house of representatives or employees of the senate.

5 (2) If a single employee organization is the exclusive bargaining
6 representative for two or more units, upon petition by the employee
7 organization, the units may be consolidated into a single larger unit
8 if the commission considers the larger unit to be appropriate. If
9 consolidation is appropriate, the commission shall certify the
10 employee organization as the exclusive bargaining representative of
11 the new unit.

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

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

16 (2) Except as provided in this chapter, a collective bargaining
17 agreement must contain provisions that provide for a grievance
18 procedure of all disputes arising over the interpretation or
19 application of the collective bargaining agreement and that is valid
20 and enforceable under its terms when entered into in accordance with
21 this chapter.

22 (3) RCW 41.56.037 applies to this chapter.

23 (4)(a) If a collective bargaining agreement between an employer
24 and an exclusive bargaining representative is concluded after the
25 termination date of the previous collective bargaining agreement
26 between the employer and an employee organization representing the
27 same bargaining units, the effective date of the collective
28 bargaining agreement may be the day after the termination of the
29 previous collective bargaining agreement, and all benefits included
30 in the new collective bargaining agreement, including wage or salary
31 increases, may accrue beginning with that effective date.

32 (b) If a collective bargaining agreement between an employer and
33 an exclusive bargaining representative is concluded after the
34 termination date of the previous collective bargaining agreement
35 between the employer and the exclusive bargaining representative
36 representing different bargaining units, the effective date of the
37 collective bargaining agreement may be the day after the termination
38 date of whichever previous collective bargaining agreement covering
39 one or more of the units terminated first, and all benefits included

1 in the new collective bargaining agreement, including wage or salary
2 increases, may accrue beginning with that effective date.

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

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

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

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

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

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

22 (3) (a) The director must submit ratified collective bargaining
23 agreements, with cost estimates, to the employer by October 1st
24 before the legislative session at which the request for funds is to
25 be considered. The transmission by the legislature to the governor
26 under RCW 43.88.090 must include a request for funds necessary to
27 implement the provisions of all collective bargaining agreements
28 covering legislative employees.

29 (b) If the legislature or governor fails to provide the funds for
30 a collective bargaining agreement for legislative employees, either
31 party may reopen all or part of the agreement or the exclusive
32 bargaining representative may seek to implement the procedures
33 provided for in section 10 of this act.

34 (4) Negotiation for economic terms will be by a coalition of all
35 exclusive bargaining representatives. Any such provisions agreed to
36 by the employer and the coalition must be included in all collective
37 bargaining agreements negotiated by the parties. The director and the
38 exclusive bargaining representative or representatives are authorized

1 to enter into supplemental bargaining of bargaining unit specific
2 issues for inclusion in the collective bargaining agreement, subject
3 to the parties' agreement regarding the issues and procedures for
4 supplemental bargaining. This subsection does not prohibit
5 cooperation and coordination of bargaining between two or more
6 exclusive bargaining representatives.

7 (5) If a significant revenue shortfall occurs resulting in
8 reduced appropriations, as declared by proclamation of the governor
9 or by resolution of the legislature, both parties must immediately
10 enter into collective bargaining for a mutually agreed upon
11 modification of the agreement.

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

14 (1) Should the parties fail to reach agreement in negotiating a
15 collective bargaining agreement, either party may request of the
16 commission the assistance of an impartial third party to mediate the
17 negotiations. If a collective bargaining agreement previously
18 negotiated under this chapter expires while negotiations are
19 underway, the terms and conditions specified in the collective
20 bargaining agreement remain in effect for a period not to exceed one
21 year from the expiration date stated in the agreement. Thereafter,
22 the employer may unilaterally implement according to law.

23 (2) Nothing in this section may be construed to prohibit an
24 employer and an exclusive bargaining representative from agreeing to
25 substitute, at their own expense, their own procedure for resolving
26 impasses in collective bargaining for that provided in this section
27 or from agreeing to utilize for the purposes of this section any
28 other governmental or other agency or person in lieu of the
29 commission.

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

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

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

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

37 (b) To dominate or interfere with the formation or administration
38 of any employee organization or contribute financial or other support

1 to it: PROVIDED, That subject to rules adopted by the commission, an
2 employer shall not be prohibited from permitting employees to confer
3 with it or its representatives or agents during working hours without
4 loss of time or pay;

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

8 (d) To discharge or discriminate otherwise against an employee
9 because that employee has filed charges or given testimony under this
10 chapter;

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

13 (2) Notwithstanding any other law, the expression of any views,
14 arguments, or opinions, or the dissemination thereof in any form, by
15 a member of the legislature related to this chapter or matters within
16 the scope of representation, shall not constitute, or be evidence of,
17 an unfair labor practice unless the employer has authorized the
18 member to express that view, argument, or opinion on behalf of the
19 employer or as an employer.

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

21 (a) To restrain or coerce an employee in the exercise of the
22 rights guaranteed by this chapter: PROVIDED, That this subsection
23 shall not impair the right of an employee organization to prescribe
24 its own rules with respect to the acquisition or retention of
25 membership in the employee organization or to an employer in the
26 selection of its representatives for the purpose of bargaining or the
27 adjustment of grievances;

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

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

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

34 ~~((3))~~ (4) The expressing of any views, arguments, or opinion,
35 or the dissemination thereof to the public, whether in written,
36 printed, graphic, or visual form, shall not constitute or be evidence
37 of an unfair labor practice under this chapter, if such expression
38 contains no threat of reprisal or force or promise of benefit.

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

3 (1) The commission is empowered and directed to prevent any
4 unfair labor practice and to issue appropriate remedial orders.
5 However, a complaint may not be processed for any unfair labor
6 practice occurring more than six months before the filing of the
7 complaint with the commission or in Thurston county superior court.
8 This power may not be affected or impaired by any means of
9 adjustment, mediation, or conciliation in labor disputes that have
10 been or may hereafter be established by law.

11 (2) Except as may be specifically limited by this chapter, if the
12 commission or court determines that any person has engaged in or is
13 engaging in an unfair labor practice, the commission or court shall
14 issue and cause to be served upon the person an order requiring the
15 person to cease and desist from such unfair labor practice, and to
16 take such affirmative action as will effectuate the purposes and
17 policy of this chapter, such as the payment of damages.

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

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

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

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

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

32 (b) The functions and programs of the employer, the use of
33 technology, and the structure of the organization, including the size
34 and composition of standing committees;

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

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

38 ~~((d))~~ (e) The hours of work during legislative session and the
39 cutoff calendar for a legislative session. Bargaining over hours of

1 work for periods when the legislature is not in session and
2 bargaining over compensation for overtime are permitted, except that
3 bargaining over compensation for overtime may only occur for
4 agreements that take effect after July 1, 2027; ((and

5 (-e-)) (f) The employer's authority to: (i) Lay off employees when
6 there has been a change to the number of members in, or the makeup
7 of, a caucus due to an election or appointment that necessitates a
8 change in the number of staff; (ii) lay off an employee following an
9 election, appointment, or resignation of a legislator; and (iii)
10 terminate an employee for engaging in partisan activities that are
11 incompatible with the employee's job duties or position;

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

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

19 (i) Employees' status as exempt from chapter 41.06 RCW and the
20 federal fair labor standards act (Title 29 U.S.C. Sec. 203); and

21 (j) Retirement plans and retirement benefits.

22 ((+2)) (3) Except for an applicable code of conduct policy
23 adopted by a chamber of the legislature or a legislative agency, if a
24 conflict exists between policies adopted by the legislature relating
25 to wages, hours, and terms and conditions of employment and a
26 provision of a collective bargaining agreement negotiated under this
27 chapter, the collective bargaining agreement shall prevail. A
28 provision of a collective bargaining agreement that conflicts with a
29 statute or an applicable term of a code of conduct policy adopted by
30 a chamber of the legislature or a legislative agency is invalid and
31 unenforceable.

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

34 (1) Upon authorization of an employee within the bargaining unit
35 and after the certification or recognition of the bargaining unit's
36 exclusive bargaining representative, the employer must deduct from
37 the payments to the employee the monthly amount of dues as certified
38 by the secretary of the exclusive bargaining representative and must

1 transmit the same to the treasurer of the exclusive bargaining
2 representative.

3 (2) (a) An employee's written, electronic, or recorded voice
4 authorization to have the employer deduct membership dues from the
5 employee's salary must be made by the employee to the exclusive
6 bargaining representative. If the employer receives a request for
7 authorization of deductions, the employer must, as soon as
8 practicable, forward the request to the exclusive bargaining
9 representative.

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

13 (c) The employee's authorization remains in effect until
14 expressly revoked by the employee in accordance with the terms and
15 conditions of the authorization.

16 (d) An employee's request to revoke authorization for payroll
17 deductions must be in writing and submitted by the employee to the
18 exclusive bargaining representative in accordance with the terms and
19 conditions of the authorization.

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

24 (f) The employer must rely on information provided by the
25 exclusive bargaining representative regarding the authorization and
26 revocation of deductions.

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

29 (1) If the parties to a collective bargaining agreement
30 negotiated under this chapter agree to final and binding arbitration
31 under grievance procedures allowed by section 7 of this act, the
32 parties may agree on one or more permanent umpires to serve as
33 arbitrator, or may agree on any impartial person to serve as
34 arbitrator, or may agree to select arbitrators from any source
35 available to them, including federal and private agencies, in
36 addition to the staff and list of arbitrators maintained by the
37 commission. If the parties cannot agree to the selection of an
38 arbitrator, the commission must supply a list of names in accordance
39 with the procedures established by the commission.

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

3 (3) Except as limited by this chapter, an arbitrator may require
4 any person to attend as a witness and to bring with them any book,
5 record, document, or other evidence. The fees for such attendance
6 must be paid by the party requesting issuance of the subpoena and
7 must be the same as the fees of witnesses in the superior court.
8 Arbitrators may administer oaths. Subpoenas must issue and be signed
9 by the arbitrator and must be served in the same manner as subpoenas
10 to testify before a court of record in this state. If any person so
11 summoned to testify refuses or neglects to obey such subpoena, upon
12 petition authorized by the arbitrator, the superior court may compel
13 the attendance of the person before the arbitrator or punish the
14 person for contempt in the same manner provided for the attendance of
15 witnesses or the punishment of them in the courts of this state.

16 (4) Except as limited by this chapter, the arbitrator shall
17 appoint a time and place for the hearing and notify the parties
18 thereof, and may adjourn the hearing from time to time as may be
19 necessary, and, on application of either party and for good cause,
20 may postpone the hearing to a time not extending beyond the date
21 fixed by the collective bargaining agreement for making the award.
22 The arbitration award must be in writing and signed by the
23 arbitrator. The arbitrator must, promptly upon its rendition, serve a
24 true copy of the award on each of the parties or their attorneys of
25 record.

26 (5) If a party to a collective bargaining agreement negotiated
27 under this chapter that includes final and binding arbitration
28 refuses to submit a grievance for arbitration, the other party to the
29 collective bargaining agreement may invoke the jurisdiction of the
30 superior court of Thurston county and the court shall have
31 jurisdiction to issue an order compelling arbitration. Disputes
32 concerning compliance with grievance procedures shall be reserved for
33 determination by the arbitrator. Arbitration shall be ordered if the
34 grievance states a claim that on its face is covered by the
35 collective bargaining agreement. Doubts as to the coverage of the
36 arbitration clause shall be resolved in favor of arbitration.

37 (6) If a party to a collective bargaining agreement negotiated
38 under this chapter that includes final and binding arbitration
39 refuses to comply with the award of an arbitrator determining a
40 grievance arising under the collective bargaining agreement, the

1 other party to the collective bargaining agreement may invoke the
2 jurisdiction of the superior court of Thurston county and the court
3 shall have jurisdiction to issue an order enforcing the arbitration
4 award.

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

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

24 (2) In making citizen member appointments initially, and
25 subsequently thereafter, the governor shall be cognizant of the
26 desirability of appointing persons knowledgeable in the area of labor
27 relations in the state.

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

32 (4) The commission shall at the close of each fiscal year make a
33 report in writing to the legislature and to the governor stating the
34 cases it has heard, the decisions it has rendered, the names,
35 salaries, and duties of all employees and officers in the employ or
36 under the supervision of the commission, and an account of all moneys
37 it has disbursed.

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

3 (1)(a) There is established a legislative commission (hereafter
4 called "the legislative commission") exclusively for the purpose of
5 certification of bargaining representatives, adjusting and settling
6 complaints, grievances, and disputes arising out of employer-employee
7 relations, and otherwise carrying out the duties required of the
8 commission under chapter 44.90 RCW.

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

11 (i) One member shall be appointed by the speaker of the house of
12 representatives;

13 (ii) One member shall be appointed by the president of the
14 senate;

15 (iii) By mutual consent, the two appointed members shall appoint
16 the third member who shall be the chair of the legislative
17 commission.

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

22 (d) Until all the members of the legislative commission are
23 appointed, the duties required of the legislative commission under
24 chapter 44.90 RCW shall be carried out by the commission created
25 under RCW 41.58.010(1).

26 (2) The commission may delegate to the executive director
27 authority with respect to, but not limited to, representation
28 proceedings, unfair labor practice proceedings, mediation, and, if
29 applicable, arbitration of disputes concerning the interpretation or
30 application of a collective bargaining agreement. Such delegation
31 shall not eliminate a party's right of appeal to the legislative
32 commission.

33 (3) Unless specifically provided, the legislative commission
34 shall not be considered part of the commission created under RCW
35 41.58.010(1). The powers and duties granted in this chapter to the
36 commission created under RCW 41.58.010(1) do not apply to the
37 legislative commission, unless specifically provided.

38 (4) A member of the legislative commission may be removed by the
39 speaker of the house of representatives and the president of the

1 senate acting jointly, upon notice and hearing, for neglect of duty
2 or malfeasance in office, but for no other cause.

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

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

10 (7) The compensation and travel reimbursement provision under RCW
11 41.58.015(1) shall apply to members of the legislative commission.

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

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

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

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

21 (1) Each member of the commission shall be compensated in
22 accordance with RCW 43.03.250. Members of the commission shall also
23 be reimbursed for travel expenses incurred in the discharge of their
24 official duties on the same basis as is provided in RCW 43.03.050 and
25 43.03.060.

26 (2) The commission shall appoint an executive director whose
27 annual salary shall be determined under the provisions of RCW
28 43.03.028. The executive director shall perform such duties and have
29 such powers as the commission shall prescribe in order to implement
30 and enforce the provisions of this chapter. In addition to the
31 performance of administrative duties, the commission may delegate to
32 the executive director authority with respect to, but not limited to,
33 representation proceedings, unfair labor practice proceedings,
34 mediation of labor disputes, arbitration of disputes concerning the
35 interpretation or application of a collective bargaining agreement,
36 and, in certain cases, fact-finding or arbitration of disputes
37 concerning the terms of a collective bargaining agreement. Such
38 delegation shall not eliminate a party's right of appeal to the
39 commission. The executive director, with such assistance as may be

1 provided by the attorney general and such additional legal assistance
2 consistent with chapter 43.10 RCW, shall have authority on behalf of
3 the commission, when necessary to carry out or enforce any action or
4 decision of the commission, to petition any court of competent
5 jurisdiction for an order requiring compliance with the action or
6 decision.

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

10 (b) The employees of the commission shall also provide staff
11 support to the legislative commission in carrying out the legislative
12 commission's duties under chapter 44.90 RCW until the legislative
13 commission expires on December 31, 2029, under section 17 of this
14 act.

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

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

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

25 (a) Using paid time and public resources by an employee to
26 negotiate or administer a collective bargaining agreement when the
27 employee is assigned to negotiate or administer the collective
28 bargaining agreement and the use of paid time and public resources
29 does not include state-purchased supplies or equipment, does not
30 interfere with or distract from the conduct of state business, and is
31 consistent with the employer's policy on the use of paid time;

32 (b) Lobbying conducted by an employee organization, lobbyist,
33 association, or third party on behalf of legislative employees
34 concerning legislation that directly impacts legislative workplace
35 conditions;

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

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

4 (2)(a) Nothing in this section affects the application of the
5 prohibition against the use of special privileges under RCW
6 42.52.070, confidentiality requirements under RCW 42.52.050, or other
7 applicable provisions of chapter 42.52 RCW to legislative employees.

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

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

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

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

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

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

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

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

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

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

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

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

12 Correct the title.

EFFECT: • 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.

- Permits bargaining over hours of work during interim.
- Permits bargaining over compensation for overtime for
agreements taking effect after July 1, 2027.
- Prohibits bargaining over exempt status under civil service
laws and the federal Fair Labor Standards Act.
- 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; (3) the majority and
minority caucus staff unless a majority of each caucus vote is to be
in a combined unit.
- Provides that the employer has sole and exclusive authority to
designate confidential employees, supervisors, and employees with
managerial authority, except that the designated number may not
exceed 20 percent of the total employee positions.
- 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 supplied 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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