

2SSB 6194 - S AMD 631

By Senator Stanford

ADOPTED AS AMENDED 02/09/2024

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 public employment relations
17 commission.

18 ~~((2))~~ (3) "Confidential employee" means an employee designated
19 by the employer to assist in a confidential capacity, or serve as
20 counsel to, persons who formulate, determine, and effectuate employer
21 policies with regard to labor relations and personnel matters or who
22 has authorized access to information relating to the effectuation or
23 review of the employer's collective bargaining policies, strategies,
24 or process to the extent that such access creates a conflict of
25 interest, or who assists or aids an employee with managerial
26 authority.

27 (4) "Director" means the director of the office of state
28 legislative labor relations.

29 ~~((3))~~ (5)(a) "Employee" means:

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

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

1 (A) Office of legislative support services;

2 (B) Legislative service center;

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

7 (D) House of representatives and senate administrations.

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

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

16 (6) "Employee organization" means any organization, union, or
17 association in which employees participate and that exists for the
18 purpose, in whole or in part, of collective bargaining with
19 employers.

20 ~~((4))~~ (7) "Employee with managerial authority" means any
21 employee designated by the employer who, regardless of job title: (a)
22 Directs the staff who work for a legislative chamber, caucus, agency,
23 or subdivision thereof; (b) has substantial responsibility in
24 personnel administration, or the preparation and administration of
25 the employer's budgets; and (c) exercises authority that is not
26 merely routine or clerical in nature and requires the use of
27 independent judgment.

28 (8) "Employer" means:

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

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

33 (c) The chief clerk of the house of representatives and the
34 secretary of the senate, acting jointly, or their designees, for the
35 regular employees who are staff of the office of legislative support
36 services, the legislative service center, and the office of the code
37 reviser.

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

1 (~~(5)~~) (10) "Labor dispute" means any controversy concerning
2 terms, tenure, or conditions of employment, or concerning the
3 association or representation of persons in negotiating, fixing,
4 maintaining, changing, or seeking to arrange terms or conditions of
5 employment with respect to the subjects of bargaining provided in
6 this chapter, regardless of whether the disputants stand in the
7 proximate relation of employer and employee.

8 (11) "Legislative agencies" means the joint legislative audit and
9 review committee, the statute law committee, the legislative ethics
10 board, the legislative evaluation and accountability program
11 committee, the office of the state actuary, the legislative service
12 center, the office of legislative support services, the joint
13 transportation committee, and the redistricting commission.

14 (~~(6)~~) (12) "Office" means the office of state legislative labor
15 relations.

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

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

27 (1) This chapter does not apply to any legislative employee who
28 has managerial authority, is a confidential employee, or who does not
29 meet the definition of employee for the purpose of collective
30 bargaining.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 ~~(a) Examine issues related to collective bargaining for employees
35 of the house of representatives, the senate, and legislative
36 agencies; and~~

37 ~~(b) After consultation with the external consultant, develop best
38 practices and options for the legislature to consider in implementing~~

1 and administering collective bargaining for employees of the house of
2 representatives, the senate, and legislative agencies.

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

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

9 (i) Which employees of the house of representatives, the senate,
10 and legislative agencies for whom collective bargaining may be
11 appropriate;

12 (ii) Mandatory, permissive, and prohibited subjects of
13 bargaining;

14 (iii) Who would negotiate on behalf of the house of
15 representatives, the senate, and legislative agencies, and which
16 entity or entities would be considered the employer for purposes of
17 bargaining;

18 (iv) Definitions for relevant terms;

19 (v) Common public employee collective bargaining agreement
20 frameworks related to grievance procedures and processes for
21 disciplinary actions;

22 (vi) Procedures related to the commission certifying exclusive
23 bargaining representatives, determining bargaining units,
24 adjudicating unfair labor practices, determining representation
25 questions, and coalition bargaining;

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

27 (viii) Procedures for approving negotiated collective bargaining
28 agreements;

29 (ix) Procedures for submitting requests for funding to the
30 appropriate legislative committees if appropriations are necessary to
31 implement provisions of the collective bargaining agreements; and

32 (x) Approaches taken by other state legislatures that have
33 authorized collective bargaining for legislative employees.

34 (5) The report must include a summary of any statutory changes
35 needed to address the considerations listed in subsection (4) of this
36 section related to the collective bargaining process for legislative
37 employees.)

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

1 (1) As provided by this chapter, the commission or the court
2 shall determine all questions described by this chapter as under the
3 commission's authority. However, such authority may not result in an
4 order or rule that intrudes upon or interferes with the legislature's
5 core function of efficient and effective law making or the essential
6 operation of the legislature, including that an order or rule may
7 not:

8 (a) Require the legislature to reinstate an employee;

9 (b) Modify any matter relating to the qualifications and
10 elections of members of the legislature, or the holding of office of
11 members of the legislature;

12 (c) Modify any matter relating to the legislature or each house
13 thereof choosing its officers, adopting rules for its proceedings,
14 selecting committees necessary for the conduct of business,
15 considering or enacting legislation, or otherwise exercising the
16 legislative power of this state;

17 (d) Modify any matter relating to legislative calendars,
18 schedules, and deadlines of the legislature; or

19 (e) Modify laws, rules, policies, or procedures regarding ethics
20 or conflicts of interest.

21 (2) No member of the legislature may be compelled by subpoena or
22 other means to attend a proceeding related to matters covered by this
23 chapter during a legislative session, committee assembly days, or for
24 15 days before commencement of each session.

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

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

34 (2) Except as may be specifically limited by this chapter, the
35 commission shall determine all questions pertaining to ascertaining
36 exclusive bargaining representatives for legislative employees and
37 collectively bargaining under this chapter. However, no employee
38 organization shall be recognized or certified as the exclusive
39 bargaining representative of a bargaining unit of employees of the

1 legislative branch unless it receives the votes of a majority of
2 employees in the petitioned for bargaining unit voting in a secret
3 election (~~by mail ballot~~) administered by the commission. The
4 commission's process must allow for an employee, group of employees,
5 employee organizations, employer, or their agents to have the right
6 to petition on any question concerning representation.

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

14 (a) Secret balloting;

15 (b) Consulting with employee organizations;

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

18 (d) Absentee voting;

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

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

21 and

22 (g) Election observers.

23 (4) (a) If an employee organization has been certified as the
24 exclusive bargaining representative of the employees of multiple
25 bargaining units, the employee organization may act for and negotiate
26 a master collective bargaining agreement that includes within the
27 coverage of the agreement all covered employees in the bargaining
28 units.

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

34 (5) The certified exclusive bargaining representative is
35 responsible for representing the interests of all the employees in
36 the bargaining unit. This section may not be construed to limit an
37 exclusive bargaining representative's right to exercise its
38 discretion to refuse to process grievances of employees that are
39 unmeritorious.

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

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

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

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

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

18 (a) Both supervisors and nonsupervisory employees. A unit that
19 includes only supervisors may be considered appropriate if a majority
20 of the supervisory employees indicates by vote that they desire to be
21 included in such a unit; or

22 (b) Both house of representatives and senate employees.

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

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

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

34 (2) Except as provided in this chapter, a collective bargaining
35 agreement must contain provisions that provide for a grievance
36 procedure of all disputes arising over the interpretation or
37 application of the collective bargaining agreement and that is valid

1 and enforceable under its terms when entered into in accordance with
2 this chapter.

3 (3) RCW 41.56.037 applies to this chapter.

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

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

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

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

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

35 **Sec. 9.** RCW 44.90.070 and 2022 c 283 s 7 are each amended to
36 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 are 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 fail 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)). However, this subsection (2)(e) does not prohibit bargaining
23 over compensation for hours worked in excess of 40 hours in a
24 workweek in agreements that take effect after July 1, 2027;

25 (f) The cutoff calendar for a legislative session; ((and

26 ~~(e))~~ (g) The employer's right to hire, terminate, and promote
27 employees. Subject to any collective bargaining agreement,
28 legislative employees hold their positions at the employer's
29 pleasure;

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

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

37 (j) Retirement plans and retirement benefits.

38 ~~((2))~~ (3) Except for an applicable code of conduct policy
39 adopted by a chamber of the legislature or a legislative agency, if a

1 conflict exists between policies adopted by the legislature relating
2 to wages, hours, and terms and conditions of employment and a
3 provision of a collective bargaining agreement negotiated under this
4 chapter, the collective bargaining agreement shall prevail. A
5 provision of a collective bargaining agreement that conflicts with a
6 statute or an applicable term of a code of conduct policy adopted by
7 a chamber of the legislature or a legislative agency is invalid and
8 unenforceable.

9 NEW SECTION. **Sec. 14.** A new section is added to chapter 44.90
10 RCW to read as follows:

11 (1) Upon authorization of an employee within the bargaining unit
12 and after the certification or recognition of the bargaining unit's
13 exclusive bargaining representative, the employer must deduct from
14 the payments to the employee the monthly amount of dues as certified
15 by the secretary of the exclusive bargaining representative and must
16 transmit the same to the treasurer of the exclusive bargaining
17 representative.

18 (2) (a) An employee's written, electronic, or recorded voice
19 authorization to have the employer deduct membership dues from the
20 employee's salary must be made by the employee to the exclusive
21 bargaining representative. If the employer receives a request for
22 authorization of deductions, the employer must, as soon as
23 practicable, forward the request to the exclusive bargaining
24 representative.

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

28 (c) The employee's authorization remains in effect until
29 expressly revoked by the employee in accordance with the terms and
30 conditions of the authorization.

31 (d) An employee's request to revoke authorization for payroll
32 deductions must be in writing and submitted by the employee to the
33 exclusive bargaining representative in accordance with the terms and
34 conditions of the authorization.

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

1 (f) The employer must rely on information provided by the
2 exclusive bargaining representative regarding the authorization and
3 revocation of deductions.

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

6 (1) If the parties to a collective bargaining agreement
7 negotiated under this chapter agree to final and binding arbitration
8 under grievance procedures allowed by section 7 of this act, the
9 parties may agree on one or more permanent umpires to serve as
10 arbitrator, or may agree on any impartial person to serve as
11 arbitrator, or may agree to select arbitrators from any source
12 available to them, including federal and private agencies, in
13 addition to the staff and list of arbitrators maintained by the
14 commission. If the parties cannot agree to the selection of an
15 arbitrator, the commission must supply a list of names in accordance
16 with the procedures established by the commission.

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

19 (3) Except as limited by this chapter, an arbitrator may require
20 any person to attend as a witness and to bring with them any book,
21 record, document, or other evidence. The fees for such attendance
22 must be paid by the party requesting issuance of the subpoena and
23 must be the same as the fees of witnesses in the superior court.
24 Arbitrators may administer oaths. Subpoenas must issue and be signed
25 by the arbitrator and must be served in the same manner as subpoenas
26 to testify before a court of record in this state. If any person so
27 summoned to testify refuses or neglects to obey such subpoena, upon
28 petition authorized by the arbitrator, the superior court may compel
29 the attendance of the person before the arbitrator or punish the
30 person for contempt in the same manner provided for the attendance of
31 witnesses or the punishment of them in the courts of this state.

32 (4) Except as limited by this chapter, the arbitrator shall
33 appoint a time and place for the hearing and notify the parties
34 thereof, and may adjourn the hearing from time to time as may be
35 necessary, and, on application of either party and for good cause,
36 may postpone the hearing to a time not extending beyond the date
37 fixed by the collective bargaining agreement for making the award.
38 The arbitration award must be in writing and signed by the
39 arbitrator. The arbitrator must, promptly upon its rendition, serve a

1 true copy of the award on each of the parties or their attorneys of
2 record.

3 (5) If a party to a collective bargaining agreement negotiated
4 under this chapter that includes final and binding arbitration
5 refuses to submit a grievance for arbitration, the other party to the
6 collective bargaining agreement may invoke the jurisdiction of the
7 superior court of Thurston county and the court shall have
8 jurisdiction to issue an order compelling arbitration. Disputes
9 concerning compliance with grievance procedures shall be reserved for
10 determination by the arbitrator. Arbitration shall be ordered if the
11 grievance states a claim that on its face is covered by the
12 collective bargaining agreement. Doubts as to the coverage of the
13 arbitration clause shall be resolved in favor of arbitration.

14 (6) If a party to a collective bargaining agreement negotiated
15 under this chapter that includes final and binding arbitration
16 refuses to comply with the award of an arbitrator determining a
17 grievance arising under the collective bargaining agreement, the
18 other party to the collective bargaining agreement may invoke the
19 jurisdiction of the superior court of Thurston county and the court
20 shall have jurisdiction to issue an order enforcing the arbitration
21 award.

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

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

28 (a) Use of paid time and public resources for negotiating and
29 administering collective bargaining agreements under this chapter;

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

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

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

1 (2) (a) Nothing in this section affects the application of the
2 prohibition against the use of special privileges under RCW
3 42.52.070, confidentiality requirements under RCW 42.52.050, or other
4 applicable provisions of chapter 42.52 RCW to legislative employees.

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

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

9 **Sec. 17.** RCW 42.52.020 and 1996 c 213 s 2 are each amended to
10 read as follows:

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

16 (2) This section does not apply to activities conducted by
17 legislative employees authorized under section 16 of this act.

18 **Sec. 18.** RCW 42.52.160 and 2023 c 91 s 3 are each amended to
19 read as follows:

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

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

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

35 (4) The appropriate ethics boards may adopt rules providing
36 exceptions to this section for occasional use of the state officer or
37 state employee, of de minimis cost and value, if the activity does

1 not result in interference with the proper performance of public
2 duties.

3 (5) This section does not apply to activities conducted by
4 legislative employees authorized under section 16 of this act.

5 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of
7 the state government and its existing public institutions, and takes
8 effect May 1, 2024."

2SSB 6194 - S AMD 631
By Senator Stanford

ADOPTED AS AMENDED 02/09/2024

9 On page 1, line 2 of the title, after "bargaining;" strike the
10 remainder of the title and insert "amending RCW 44.90.020, 44.90.030,
11 44.90.050, 44.90.060, 44.90.070, 44.90.080, 44.90.090, 42.52.020, and
12 42.52.160; adding new sections to chapter 44.90 RCW; providing an
13 effective date; and declaring an emergency."

EFFECT: Provides that the prohibition on bargaining over hours of
work during legislative session does not prohibit bargaining over
compensation for hours worked in excess of 40 hours in a workweek in
agreements that take effect after July 1, 2027. Specifies that the
provision that employees hold their positions at the employer's
pleasure is subject to any collective bargaining agreement. Removes a
provision prohibiting bargaining over employees' exempt status under
state civil service laws, the Minimum Wage Act, and the Fair Labor
Standards Act.

--- END ---