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SENATE BILL 6702

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State of Washington                      59th Legislature                      2006 Regular Session

By Senators Fraser, Pridemore, Schoesler and Rasmussen

Read first time 01/19/2006. Referred to Committee on Ways & Means.

1            AN ACT Relating to bargaining for employee paid supplemental  
2 pension programs under chapter 41.80 RCW; amending RCW 41.80.020 and  
3 41.80.040; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.** Currently, state employees are prohibited  
6 from collectively bargaining any aspect of the state pension programs  
7 provided by the state for its employees. The intent of this  
8 legislation is to maintain the state's pension programs, benefits, and  
9 systems as items not subject to collective bargaining between the state  
10 and the representatives of its various employee units, but to expressly  
11 allow negotiation for collectively bargained employee paid supplemental  
12 pension programs provided by nonstate entities.

13            **Sec. 2.** RCW 41.80.020 and 2002 c 354 s 303 are each amended to  
14 read as follows:

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

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

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

5 (b) Any retirement system or retirement benefit administered by the  
6 department of retirement systems; or

7 (c) Rules of the director of personnel or the Washington personnel  
8 resources board adopted under section 203, chapter 354, Laws of 2002.

9 (3) Matters subject to bargaining include the number of names to be  
10 certified for vacancies, promotional preferences, and the dollar amount  
11 expended on behalf of each employee for health care benefits. However,  
12 except as provided otherwise in this subsection for institutions of  
13 higher education, negotiations regarding the number of names to be  
14 certified for vacancies, promotional preferences, and the dollar amount  
15 expended on behalf of each employee for health care benefits shall be  
16 conducted between the employer and one coalition of all the exclusive  
17 bargaining representatives subject to this chapter. Any such provision  
18 agreed to by the employer and the coalition shall be included in all  
19 master collective bargaining agreements negotiated by the parties. For  
20 institutions of higher education, promotional preferences and the  
21 number of names to be certified for vacancies shall be bargained under  
22 the provisions of RCW 41.80.010(4).

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

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

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

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

3 **Sec. 3.** RCW 41.80.040 and 2002 c 354 s 305 are each amended to  
4 read as follows:

5 The employer shall not bargain over rights of management which, in  
6 addition to all powers, duties, and rights established by  
7 constitutional provision or statute, shall include but not be limited  
8 to the following:

9 (1) The functions and programs of the employer, the use of  
10 technology, and the structure of the organization;

11 (2) The employer's budget and the size of the agency work force,  
12 including determining the financial basis for layoffs;

13 (3) The right to direct and supervise employees;

14 (4) The right to take whatever actions are deemed necessary to  
15 carry out the mission of the state and its agencies during emergencies;  
16 and

17 (5) Retirement plans and retirement benefits provided by any state  
18 retirement plan, but not including supplemental pension programs that  
19 are provided other than by the state, and purchased entirely through  
20 collectively bargained employee contributions.

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