
HOUSE BILL 1399

State of Washington

60th Legislature

2007 Regular Session

By Representatives Conway, Green, Kenney, Sells, Wood, Williams, Hasegawa, McCoy, Morrell, Moeller, Chase, Wallace, P. Sullivan, Haler, Strow, Fromhold, Walsh, Hankins, Grant, Appleton, Ormsby, Miloscia and Simpson

Read first time 01/18/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to collective bargaining for certain employees of
2 institutions of higher education and related boards; and amending RCW
3 41.80.005.

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

5 **Sec. 1.** RCW 41.80.005 and 2002 c 354 s 321 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Agency" means any agency as defined in RCW 41.06.020 and
10 covered by chapter 41.06 RCW.

11 (2) "Collective bargaining" means the performance of the mutual
12 obligation of the representatives of the employer and the exclusive
13 bargaining representative to meet at reasonable times and to bargain in
14 good faith in an effort to reach agreement with respect to the subjects
15 of bargaining specified under RCW 41.80.020. The obligation to bargain
16 does not compel either party to agree to a proposal or to make a
17 concession, except as otherwise provided in this chapter.

18 (3) "Commission" means the public employment relations commission.

1 (4) "Confidential employee" means an employee who, in the regular
2 course of his or her duties, assists in a confidential capacity persons
3 who formulate, determine, and effectuate management policies with
4 regard to labor relations or who, in the regular course of his or her
5 duties, has authorized access to information relating to the
6 effectuation or review of the employer's collective bargaining
7 policies, or who assists or aids a manager. "Confidential employee"
8 also includes employees who assist assistant attorneys general who
9 advise and represent managers or confidential employees in personnel or
10 labor relations matters, or who advise or represent the state in tort
11 actions.

12 (5) "Director" means the director of the public employment
13 relations commission.

14 (6)(a) For agencies other than institutions of higher education and
15 related boards, "employee" means any employee, including employees
16 whose work has ceased in connection with the pursuit of lawful
17 activities protected by this chapter, covered by chapter 41.06 RCW,
18 except:

19 ((+a)) (i) Employees covered for collective bargaining by chapter
20 41.56 RCW;

21 ((+b)) (ii) Confidential employees;

22 ((+c)) (iii) Members of the Washington management service;

23 ((+d)) (iv) Internal auditors in any agency; or

24 ((+e)) (v) Any employee of the commission, the office of financial
25 management, or the department of personnel.

26 (b) For institutions of higher education and related boards,
27 "employee" means any employee, including employees whose work has
28 ceased in connection with the pursuit of lawful activities protected by
29 this chapter, except:

30 (i) Employees covered for collective bargaining by chapters 28B.52,
31 41.56, and 41.76 RCW;

32 (ii) Confidential employees; or

33 (iii) Members of the governing board of each institution of higher
34 education and related boards, all presidents, and vice-presidents;
35 deans, directors, and chairs; and executive heads of major
36 administrative or academic divisions.

37 (7) "Employee organization" means any organization, union, or

1 association in which employees participate and that exists for the
2 purpose, in whole or in part, of collective bargaining with employers.

3 (8) "Employer" means the state of Washington.

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

7 (10) "Institutions of higher education" means the University of
8 Washington, Washington State University, Central Washington University,
9 Eastern Washington University, Western Washington University, The
10 Evergreen State College, and the various state community colleges.

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

18 (12) "Manager" means "manager" as defined in RCW 41.06.022.

19 (13) "Supervisor" means an employee who has authority, in the
20 interest of the employer, to hire, transfer, suspend, lay off, recall,
21 promote, discharge, direct, reward, or discipline employees, or to
22 adjust employee grievances, or effectively to recommend such action, if
23 the exercise of the authority is not of a merely routine nature but
24 requires the consistent exercise of individual judgment. However, no
25 employee who is a member of the Washington management service may be
26 included in a collective bargaining unit established under this
27 section.

28 (14) "Unfair labor practice" means any unfair labor practice listed
29 in RCW 41.80.110.

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