
SUBSTITUTE SENATE BILL 6589

State of Washington

60th Legislature

2008 Regular Session

By Senate Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Kohl-Welles, Brandland, and Delvin)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to financial negotiations between civil service
2 unions and institutions of higher education following October 1st; and
3 amending RCW 41.80.010.

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

5 **Sec. 1.** RCW 41.80.010 and 2002 c 354 s 302 are each amended to
6 read as follows:

7 (1) For the purpose of negotiating collective bargaining agreements
8 under this chapter, the employer shall be represented by the governor
9 or governor's designee, except as provided for institutions of higher
10 education in subsection (4) of this section.

11 (2)(a) If an exclusive bargaining representative represents more
12 than one bargaining unit, the exclusive bargaining representative shall
13 negotiate with each employer representative as designated in subsection
14 (1) of this section one master collective bargaining agreement on
15 behalf of all the employees in bargaining units that the exclusive
16 bargaining representative represents. For those exclusive bargaining
17 representatives who represent fewer than a total of five hundred
18 employees each, negotiation shall be by a coalition of all those
19 exclusive bargaining representatives. The coalition shall bargain for

1 a master collective bargaining agreement covering all of the employees
2 represented by the coalition. The governor's designee and the
3 exclusive bargaining representative or representatives are authorized
4 to enter into supplemental bargaining of agency-specific issues for
5 inclusion in or as an addendum to the master collective bargaining
6 agreement, subject to the parties' agreement regarding the issues and
7 procedures for supplemental bargaining. This section does not prohibit
8 cooperation and coordination of bargaining between two or more
9 exclusive bargaining representatives.

10 (b) This subsection (2) does not apply to exclusive bargaining
11 representatives who represent employees of institutions of higher
12 education, except when the institution of higher education has elected
13 to exercise its option under subsection (4) of this section to have its
14 negotiations conducted by the governor or governor's designee under the
15 procedures provided for general government agencies in subsections (1)
16 through (3) of this section.

17 (c) If five hundred or more employees of an independent state
18 elected official listed in RCW 43.01.010 are organized in a bargaining
19 unit or bargaining units under RCW 41.80.070, the official shall be
20 consulted by the governor or the governor's designee before any
21 agreement is reached under (a) of this subsection concerning
22 supplemental bargaining of agency specific issues affecting the
23 employees in such bargaining unit.

24 (3) The governor shall submit a request for funds necessary to
25 implement the compensation and fringe benefit provisions in the master
26 collective bargaining agreement or for legislation necessary to
27 implement the agreement. Requests for funds necessary to implement the
28 provisions of bargaining agreements shall not be submitted to the
29 legislature by the governor unless such requests:

30 (a) Have been submitted to the director of the office of financial
31 management by October 1 prior to the legislative session at which the
32 requests are to be considered; and

33 (b) Have been certified by the director of the office of financial
34 management as being feasible financially for the state.

35 In the case of a bargaining unit of employees in which the
36 exclusive bargaining representative is certified by the public
37 employment relations commission after the October 1st deadline and for
38 which there is no existing master agreement, the legislature may act

1 upon the compensation and fringe benefit provisions of the unit's
2 collective bargaining agreement if those provisions are agreed upon and
3 submitted to the office of financial management no fewer than thirty-
4 five days before the adjournment of a regular session in an even-
5 numbered year or no fewer than fifty days prior to the adjournment of
6 a regular session in an odd-numbered year. The office of financial
7 management shall then submit the compensation and fringe benefit
8 provisions of the unit's collective bargaining agreement to the fiscal
9 committees of the legislature no fewer than thirty days before the
10 adjournment of a regular session in an even-numbered year or no fewer
11 than forty-five days prior to the adjournment of a regular session in
12 an odd-numbered year. If the deadline for submittal to the office of
13 financial management is not met, then the governor shall submit the
14 request for funds necessary to implement the compensation and fringe
15 benefit provisions in the unit's collective bargaining agreement in the
16 next budget request submitted to the legislature.

17 The legislature shall approve or reject the submission of the
18 request for funds as a whole. The legislature shall not consider a
19 request for funds to implement a collective bargaining agreement unless
20 the request is transmitted to the legislature as part of the governor's
21 budget document submitted under RCW 43.88.030 and 43.88.060. If the
22 legislature rejects or fails to act on the submission, either party may
23 reopen all or part of the agreement or the exclusive bargaining
24 representative may seek to implement the procedures provided for in RCW
25 41.80.090.

26 (4) For the purpose of negotiating agreements for institutions of
27 higher education, the employer shall be the respective governing board
28 of each of the universities, colleges, or community and technical
29 colleges or a designee chosen by the board to negotiate on its behalf.
30 A governing board may elect to have its negotiations conducted by the
31 governor or governor's designee under the procedures provided for
32 general government agencies in subsections (1), (2), and (3) of this
33 section. Prior to entering into negotiations under this chapter, the
34 institutions of higher education or their designees shall consult with
35 the director of the office of financial management regarding financial
36 and budgetary issues that are likely to arise in the impending
37 negotiations. If appropriations are necessary to implement the
38 compensation and fringe benefit provisions of the bargaining agreements

1 reached between institutions of higher education and exclusive
2 bargaining representatives agreed to under the provisions of this
3 chapter, the governor shall submit a request for such funds to the
4 legislature according to the provisions of subsection (3) of this
5 section.

6 (5) There is hereby created a joint committee on employment
7 relations, which consists of two members with leadership positions in
8 the house of representatives, representing each of the two largest
9 caucuses; the chair and ranking minority member of the house
10 appropriations committee, or its successor, representing each of the
11 two largest caucuses; two members with leadership positions in the
12 senate, representing each of the two largest caucuses; and the chair
13 and ranking minority member of the senate ways and means committee, or
14 its successor, representing each of the two largest caucuses. The
15 governor shall periodically consult with the committee regarding
16 appropriations necessary to implement the compensation and fringe
17 benefit provisions in the master collective bargaining agreements, and
18 upon completion of negotiations, advise the committee on the elements
19 of the agreements and on any legislation necessary to implement the
20 agreements.

21 (6) If, after the compensation and fringe benefit provisions of an
22 agreement are approved by the legislature, a significant revenue
23 shortfall occurs resulting in reduced appropriations, as declared by
24 proclamation of the governor or by resolution of the legislature, both
25 parties shall immediately enter into collective bargaining for a
26 mutually agreed upon modification of the agreement.

27 (7) After the expiration date of a collective bargaining agreement
28 negotiated under this chapter, all of the terms and conditions
29 specified in the collective bargaining agreement remain in effect until
30 the effective date of a subsequently negotiated agreement, not to
31 exceed one year from the expiration date stated in the agreement.
32 Thereafter, the employer may unilaterally implement according to law.

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