
SENATE BILL 5969

State of Washington 65th Legislature 2017 3rd Special Session

By Senators Keiser, Braun, Hobbs, Mullet, and Conway; by request of
Office of Financial Management

Read first time 06/28/17.

1 AN ACT Relating to increasing transparency in public employee
2 collective bargaining through the posting of the content of
3 bargaining agreements and meetings of the joint committee of
4 employment relations; amending RCW 41.80.010; adding a new section to
5 chapter 43.88 RCW; and adding a new section to chapter 41.80 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.88
8 RCW to read as follows:

9 (1) To facilitate public inspection of state collective
10 bargaining agreements, the office of financial management must
11 maintain a web site that is accessible to the public of all
12 agreements collectively bargained with state employees under the
13 authority of chapters 28B.52, 41.56, 41.76, 41.80, and 47.64 RCW. In
14 addition, the web site must contain all agreements collectively
15 bargained with persons who are state employees solely for the purpose
16 of collective bargaining under RCW 41.56.026, 41.56.028, 41.56.029,
17 41.56.473, 41.56.510, and 74.39A.270. Tentatively agreed to
18 collective bargaining agreements must be posted to the web site in a
19 searchable format within forty-five days of being submitted to the
20 office of financial management. Revisions and modification to

1 agreements must be posted to the web site within fifteen days of the
2 agreement being signed by both parties.

3 (2) To facilitate public understanding of state collective
4 bargaining agreements, the office of financial management must
5 prepare a summary of each agreement subject to subsection (1) of this
6 section for posting on the web site by December 20th of the year in
7 which the agreement was negotiated, but no later than the date that
8 the governor submits a request for funding to the legislature. The
9 summary must identify the following information for each agreement:

10 (a) The term of the agreement;

11 (b) The bargaining units covered by the agreement by state
12 agency;

13 (c) Base compensation;

14 (d) Provisions for and rate of overtime pay;

15 (e) Provisions for and rate of compensatory time;

16 (f) Provisions for and rate of any other compensation including,
17 but not limited to, shift premium pay, on-call pay, stand-by pay,
18 assignment pay, special pay, or employer-provided housing or meals;

19 (g) Provisions for and rate of pay for each paid leave provision;

20 (h) Provisions for and rate of pay for any cash out provisions
21 for compensatory time or paid leave;

22 (i) Temporary layoff provision;

23 (j) Any impasse procedure subject to bargaining;

24 (k) Health care benefits provisions expressed as a percentage of
25 cost or as a dollar amount, or in the case of contributions to a
26 third-party benefit fund, the hourly contribution rate to the fund;

27 (l) Any retirement benefit subject to bargaining, or in the case
28 of contributions to a third-party benefit fund, the hourly
29 contribution rate to the fund;

30 (m) For compensation or fringe benefits with an anticipated cost
31 of fifty thousand dollars or more, a brief description of each
32 component and its cost that comprises the amount funded by the
33 legislature to implement in accordance with RCW 41.80.010(3);

34 (n) Number of bargaining unit members covered by the agreement as
35 of the date submitted to the office of financial management;

36 (o) Content of any agency-specific supplemental agreements
37 affecting (a) through (m) of this subsection; and

38 (p) Any contract provisions that allow the contract to be
39 reopened during the contract term.

1 (3) For collective bargaining agreements negotiated by
2 institutions of higher education, the institution of higher education
3 must:

4 (a) Provide the office of financial management with a searchable
5 version of the tentatively agreed to collective bargaining agreements
6 to be posted on the web site identified in subsection (1) of this
7 section to within forty days of submitting the agreements to the
8 office of financial management.

9 (b) Submit revisions and modifications to agreements to the
10 office of financial management to be posted to the web site
11 identified in subsection (1) of this section within ten days of the
12 agreement being signed by both parties.

13 (c) Submit a summary of each agreement to the office of financial
14 management by December 10th of the year in which a master agreement
15 was negotiated or within fifteen days of a contract revision. The
16 summary must include the information identified in subsection (2)(a)
17 through (p) of this section.

18 (4) The office of financial management must also include on the
19 web site any additional information identified in budget instructions
20 developed by the office of financial management or that is otherwise
21 required under RCW 43.88.030.

22 (5) Information on the web site may include links to salary
23 schedules, pay ranges, and other information on state or federal
24 agency web sites to summarize information. Information may include
25 links to specific language within an agreement to summarize
26 information.

27 (6) By January 1, 2018, the information under this section must
28 be incorporated into the state expenditure information web site
29 maintained by the legislative evaluation and accountability program
30 committee under RCW 44.48.150.

31 (7) The summaries of collective bargaining agreements created
32 under this section must not disclose personally identifiable
33 information of any bargaining unit member.

34 (8) The summaries of collective bargaining agreements created
35 under this section have no legal effect on the interpretation of the
36 agreements.

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.80
38 RCW to read as follows:

1 (1) A joint committee on employment relations is established,
2 composed of the following members:

3 (a) Two members with leadership positions in the house of
4 representatives, representing each of the two largest caucuses;

5 (b) The chair and ranking minority member of the house
6 appropriations committee, or its successor, representing each of the
7 two largest caucuses;

8 (c) Two members with leadership positions in the senate,
9 representing each of the two largest caucuses;

10 (d) The chair and ranking minority member of the senate ways and
11 means committee, or its successor, representing each of the two
12 largest caucuses; and

13 (e) One nonvoting member, appointed by the governor, representing
14 the office of financial management.

15 (2) The committee shall elect a chairperson and a vice
16 chairperson.

17 (3) The governor or a designee shall convene meetings of the
18 committee. The committee must meet at least six times, generally
19 every two months, for the purpose of consulting with the governor or
20 the governor's designee and institutions of higher education on
21 matters related to collective bargaining with state employees
22 conducted under the authority of this chapter and chapters 41.56,
23 47.64, and 74.39A RCW. The governor or the governor's designee or the
24 institution of higher education may not share internal bargaining
25 notes.

26 (4) In years when master collective bargaining agreements are
27 negotiated, the committee must meet prior to the start of bargaining
28 to identify goals and objectives for public employee collective
29 bargaining that the governor may take into consideration during
30 negotiations.

31 (5) One meeting must be convened following the governor's budget
32 submittal to the legislature to consult with the committee regarding
33 the appropriations necessary to implement the compensation and fringe
34 benefit provisions in the master collective bargaining agreements and
35 to advise the committee on the elements of the agreements and on any
36 legislation necessary to implement the agreements.

37 (6) The committee shall, by a majority of the members, adopt
38 rules to govern its conduct as may be necessary or appropriate,
39 including reasonable procedures for calling and conducting meetings
40 of the committee, ensuring reasonable advance notice of each meeting,

1 and providing for the right of the public to attend each such meeting
2 with enumerated exceptions designed to protect the public's interest,
3 the privacy of individuals, and confidential information used or to
4 be used in collective bargaining, including the specific details of
5 bargaining proposals.

6 (7) The committee may, by a majority of the members, meet more or
7 less frequently. A quorum of the joint committee is not required for
8 the meeting to take place. Meetings may take place by conference
9 telephone or similar communications equipment so that all persons
10 participating in the meeting can hear each other at the same time.
11 Participation by that method constitutes presence in person at a
12 meeting.

13 **Sec. 3.** RCW 41.80.010 and 2016 sp.s. c 36 s 923 are each amended
14 to read as follows:

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

19 (2)(a) If an exclusive bargaining representative represents more
20 than one bargaining unit, the exclusive bargaining representative
21 shall negotiate with each employer representative as designated in
22 subsection (1) of this section one master collective bargaining
23 agreement on behalf of all the employees in bargaining units that the
24 exclusive bargaining representative represents. For those exclusive
25 bargaining representatives who represent fewer than a total of five
26 hundred employees each, negotiation shall be by a coalition of all
27 those exclusive bargaining representatives. The coalition shall
28 bargain for a master collective bargaining agreement covering all of
29 the employees represented by the coalition. The governor's designee
30 and the exclusive bargaining representative or representatives are
31 authorized to enter into supplemental bargaining of agency-specific
32 issues for inclusion in or as an addendum to the master collective
33 bargaining agreement, subject to the parties' agreement regarding the
34 issues and procedures for supplemental bargaining. This section does
35 not prohibit cooperation and coordination of bargaining between two
36 or more exclusive bargaining representatives.

37 (b) This subsection (2) does not apply to exclusive bargaining
38 representatives who represent employees of institutions of higher
39 education, except when the institution of higher education has

1 elected to exercise its option under subsection (4) of this section
2 to have its negotiations conducted by the governor or governor's
3 designee under the procedures provided for general government
4 agencies in subsections (1) through (3) of this section.

5 (c) If five hundred or more employees of an independent state
6 elected official listed in RCW 43.01.010 are organized in a
7 bargaining unit or bargaining units under RCW 41.80.070, the official
8 shall be consulted by the governor or the governor's designee before
9 any agreement is reached under (a) of this subsection concerning
10 supplemental bargaining of agency specific issues affecting the
11 employees in such bargaining unit.

12 (3) The governor shall submit a request for funds necessary to
13 implement the compensation and fringe benefit provisions in the
14 master collective bargaining agreement or for legislation necessary
15 to implement the agreement. Requests for funds necessary to implement
16 the provisions of bargaining agreements shall not be submitted to the
17 legislature by the governor unless such requests:

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

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

23 The legislature shall approve or reject the submission of the
24 request for funds as a whole. The legislature shall not consider a
25 request for funds to implement a collective bargaining agreement
26 unless the request is transmitted to the legislature as part of the
27 governor's budget document submitted under RCW 43.88.030 and
28 43.88.060. If the legislature rejects or fails to act on the
29 submission, either party may reopen all or part of the agreement or
30 the exclusive bargaining representative may seek to implement the
31 procedures provided for in RCW 41.80.090.

32 (4)(a)(i) For the purpose of negotiating agreements for
33 institutions of higher education, the employer shall be the
34 respective governing board of each of the universities, colleges, or
35 community colleges or a designee chosen by the board to negotiate on
36 its behalf.

37 (ii) A governing board of a university or college may elect to
38 have its negotiations conducted by the governor or governor's
39 designee under the procedures provided for general government
40 agencies in subsections (1) through (3) of this section, except that:

1 (A) The governor or the governor's designee and an exclusive
2 bargaining representative shall negotiate one master collective
3 bargaining agreement for all of the bargaining units of employees of
4 a university or college that the representative represents; or

5 (B) If the parties mutually agree, the governor or the governor's
6 designee and an exclusive bargaining representative shall negotiate
7 one master collective bargaining agreement for all of the bargaining
8 units of employees of more than one university or college that the
9 representative represents.

10 (iii) A governing board of a community college may elect to have
11 its negotiations conducted by the governor or governor's designee
12 under the procedures provided for general government agencies in
13 subsections (1) through (3) of this section.

14 (b) Prior to entering into negotiations under this chapter, the
15 institutions of higher education or their designees shall consult
16 with the director of the office of financial management regarding
17 financial and budgetary issues that are likely to arise in the
18 impending negotiations.

19 (c)(i) In the case of bargaining agreements reached between
20 institutions of higher education other than the University of
21 Washington and exclusive bargaining representatives agreed to under
22 the provisions of this chapter, if appropriations are necessary to
23 implement the compensation and fringe benefit provisions of the
24 bargaining agreements, the governor shall submit a request for such
25 funds to the legislature according to the provisions of subsection
26 (3) of this section, except as provided in (c)(iii) of this
27 subsection.

28 (ii) In the case of bargaining agreements reached between the
29 University of Washington and exclusive bargaining representatives
30 agreed to under the provisions of this chapter, if appropriations are
31 necessary to implement the compensation and fringe benefit provisions
32 of a bargaining agreement, the governor shall submit a request for
33 such funds to the legislature according to the provisions of
34 subsection (3) of this section, except as provided in this subsection
35 (4)(c)(ii) and as provided in (c)(iii) of this subsection.

36 (A) If appropriations of less than ten thousand dollars are
37 necessary to implement the provisions of a bargaining agreement, a
38 request for such funds shall not be submitted to the legislature by
39 the governor unless the request has been submitted to the director of

1 the office of financial management by October 1 prior to the
2 legislative session at which the request is to be considered.

3 (B) If appropriations of ten thousand dollars or more are
4 necessary to implement the provisions of a bargaining agreement, a
5 request for such funds shall not be submitted to the legislature by
6 the governor unless the request:

7 (I) Has been submitted to the director of the office of financial
8 management by October 1 prior to the legislative session at which the
9 request is to be considered; and

10 (II) Has been certified by the director of the office of
11 financial management as being feasible financially for the state.

12 (C) If the director of the office of financial management does
13 not certify a request under (c)(ii)(B) of this subsection as being
14 feasible financially for the state, the parties shall enter into
15 collective bargaining solely for the purpose of reaching a mutually
16 agreed upon modification of the agreement necessary to address the
17 absence of those requested funds. The legislature may act upon the
18 compensation and fringe benefit provisions of the modified collective
19 bargaining agreement if those provisions are agreed upon and
20 submitted to the office of financial management and legislative
21 budget committees before final legislative action on the biennial or
22 supplemental operating budget by the sitting legislature.

23 (iii) In the case of a bargaining unit of employees of
24 institutions of higher education in which the exclusive bargaining
25 representative is certified during or after the conclusion of a
26 legislative session, the legislature may act upon the compensation
27 and fringe benefit provisions of the unit's initial collective
28 bargaining agreement if those provisions are agreed upon and
29 submitted to the office of financial management and legislative
30 budget committees before final legislative action on the biennial or
31 supplemental operating budget by the sitting legislature.

32 (5) ~~((There is hereby created a joint committee on employment
33 relations, which consists of two members with leadership positions in
34 the house of representatives, representing each of the two largest
35 caucuses; the chair and ranking minority member of the house
36 appropriations committee, or its successor, representing each of the
37 two largest caucuses; two members with leadership positions in the
38 senate, representing each of the two largest caucuses; and the chair
39 and ranking minority member of the senate ways and means committee,
40 or its successor, representing each of the two largest caucuses. The~~

1 ~~governor shall periodically consult with the committee regarding~~
2 ~~appropriations necessary to implement the compensation and fringe~~
3 ~~benefit provisions in the master collective bargaining agreements,~~
4 ~~and upon completion of negotiations, advise the committee on the~~
5 ~~elements of the agreements and on any legislation necessary to~~
6 ~~implement the agreements.~~

7 ~~(6))~~ If, after the compensation and fringe benefit provisions of
8 an agreement are approved by the legislature, a significant revenue
9 shortfall occurs resulting in reduced appropriations, as declared by
10 proclamation of the governor or by resolution of the legislature,
11 both parties shall immediately enter into collective bargaining for a
12 mutually agreed upon modification of the agreement.

13 ~~((7))~~ (6) After the expiration date of a collective bargaining
14 agreement negotiated under this chapter, all of the terms and
15 conditions specified in the collective bargaining agreement remain in
16 effect until the effective date of a subsequently negotiated
17 agreement, not to exceed one year from the expiration date stated in
18 the agreement. Thereafter, the employer may unilaterally implement
19 according to law.

20 ~~((8))~~ (7) For the 2013-2015 fiscal biennium, a collective
21 bargaining agreement related to employee health care benefits
22 negotiated between the employer and coalition pursuant to RCW
23 41.80.020(3) regarding the dollar amount expended on behalf of each
24 employee shall be a separate agreement for which the governor may
25 request funds necessary to implement the agreement. The legislature
26 may act upon a 2013-2015 collective bargaining agreement related to
27 employee health care benefits if an agreement is reached and
28 submitted to the office of financial management and legislative
29 budget committees before final legislative action on the biennial or
30 supplemental operating appropriations act by the sitting legislature.

31 ~~((9))~~ (8)(a) For the 2015-2017 fiscal biennium, the governor
32 may request funds to implement:

33 (i) Modifications to collective bargaining agreements as set
34 forth in a memorandum of understanding negotiated between the
35 employer and the service employees international union healthcare
36 1199nw, an exclusive bargaining representative, that was necessitated
37 by an emergency situation or an imminent jeopardy determination by
38 the center for medicare and medicaid services that relates to the
39 safety or health of the clients, employees, or both the clients and
40 employees.

1 (ii) Unilaterally implemented modifications to collective
2 bargaining agreements, resulting from the employer being prohibited
3 from negotiating with an exclusive bargaining representative due to a
4 pending representation petition, necessitated by an emergency
5 situation or an imminent jeopardy determination by the center for
6 medicare and medicaid services that relates to the safety or health
7 of the clients, employees, or both the clients and employees.

8 (iii) Modifications to collective bargaining agreements as set
9 forth in a memorandum of understanding negotiated between the
10 employer and the union of physicians of Washington, an exclusive
11 bargaining representative, that was necessitated by an emergency
12 situation or an imminent jeopardy determination by the center for
13 medicare and medicaid services that relates to the safety or health
14 of the clients, employees, or both the clients and employees. If the
15 memorandum of understanding submitted to the legislature as part of
16 the governor's budget document is rejected by the legislature, and
17 the parties reach a new memorandum of understanding by June 30, 2016,
18 within the funds, conditions, and limitations provided in section
19 204, chapter 36, Laws of 2016 sp. sess., the new memorandum of
20 understanding shall be considered approved by the legislature and may
21 be retroactive to December 1, 2015.

22 (iv) Modifications to collective bargaining agreements as set
23 forth in a memorandum of understanding negotiated between the
24 employer and the teamsters union local 117, an exclusive bargaining
25 representative, for salary adjustments for the state employee job
26 classifications of psychiatrist, psychiatric social worker(~~(+)~~),
27 and psychologist.

28 (b) For the 2015-2017 fiscal biennium, the legislature may act
29 upon the request for funds for modifications to a 2015-2017
30 collective bargaining agreement under (a)(i), (ii), (iii), and (iv)
31 of this subsection if funds are requested by the governor before
32 final legislative action on the supplemental omnibus appropriations
33 act by the sitting legislature.

34 (c) The request for funding made under this subsection and any
35 action by the legislature taken pursuant to this subsection is
36 limited to the modifications described in this subsection and may not
37 otherwise affect the original terms of the 2015-2017 collective
38 bargaining agreement.

1 (d) (~~Subsections~~[~~Subsection~~]) Subsection (3)(a) and (b) of
2 this section do not apply to requests for funding made pursuant to
3 this subsection.

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