

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5969**

65th Legislature  
2017 3rd Special Session

Passed by the Senate June 29, 2017  
Yeas 49 Nays 0

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**President of the Senate**

Passed by the House June 29, 2017  
Yeas 93 Nays 1

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5969** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 5969

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Passed Legislature - 2017 3rd Special Session

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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