
SENATE BILL 6096

State of Washington

66th Legislature

2020 Regular Session

By Senators Keiser, Stanford, and Saldaña

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1 AN ACT Relating to preventing disruption of certain state-
2 financed and procured services due to labor unrest within contracted
3 service providers; adding a new section to chapter 43.20A RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature intends to provide the
7 uninterrupted delivery of essential services to its most vulnerable
8 citizens and to provide efficiency and quality in the delivery of
9 such services purchased by the state. The legislature finds that the
10 state's proprietary interest in procuring the services authorized by
11 chapter 43.20A RCW includes providing continuity in the delivery of
12 such services without interruption by its vendors and contractors.
13 The legislature finds that this interest is served by making sure
14 private sector providers contracted by the state have averted or
15 meaningfully mitigated the possibility of service disruptions
16 resulting from labor management disputes and employee unrest.

17 The legislature finds that the contracts and services subject to
18 chapter 43.20A RCW are essential and, if disrupted, could harm
19 vulnerable members of the community, compromise the efficient
20 delivery of essential state services, and burden taxpayers with
21 additional costs. Thus, the legislature designates the continuity of

1 operations as a vital procurement goal with respect to services that
2 the state funds to provide these services to the public.

3 The legislature further finds that by contracting for the
4 provisions of the services rather than providing them directly, the
5 state may negotiate contracts with vendors that are conditioned on
6 meeting this procurement goal insofar as private entities continue to
7 find it commercially advantageous to offer such services to the state
8 on the terms sought by the state.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A
10 RCW to read as follows:

11 (1) Any contract entered into or renewed by the department with a
12 private contractor for adult care, mental health, addiction,
13 disability support, or youth services must contain an assurance that
14 the contracted services will not be disrupted or delayed by economic
15 or industrial action. The assurance may be provided through the
16 execution of an agreement between the contractor and any labor
17 organization that represents or seeks to represent the employees of
18 the private contractor that perform or will perform the essential
19 services contracted for by the department.

20 (2) The assurance required under subsection (1) of this section
21 must be a condition of contracting with the department and may be
22 satisfied through one or more of the following contractual
23 commitments made on the part of the contractor through the life of
24 the contract as a condition of receiving or renewing a contract:

25 (a) An agreement between the contractor and any exclusive
26 representative labor organization representing the employees
27 performing the contracted services that contains a provision
28 prohibiting economic or industrial action on the part of all parties
29 and includes a process for the resolution of disputes between them;

30 (b) An agreement between the contractor and any labor
31 organization seeking to represent the employees performing the
32 contracted services that includes a provision prohibiting the parties
33 from causing, promoting, or encouraging economic, industrial, or
34 other disruptive activity on the part of the contractor or employees
35 performing services under the contract, and includes a process for
36 resolution of disputes between parties; or

37 (c) Any other agreement or binding obligation providing
38 assurances equivalent to those specified in (a) and (b) of this

1 subsection that are to be maintained through the life of the
2 contract.

3 (3) The assurance made to the department must be a binding
4 provision of any contract subject to this section and constitutes a
5 warranty to the department on the part of the contractor.

6 (4) Failure to maintain the assurance, such that the services
7 contracted by the department are interrupted, shall entitle the
8 department to terminate, suspend, or revoke the contract and make
9 arrangements for the provision of services by other means.

10 (5) In awarding any contract subject to this section, the
11 department must take into consideration any prior disruptions in the
12 provision of services by the contractor and whether the assurance
13 provided by the contractor pursuant to this section has mitigated the
14 risk of a reoccurrence of the disruptions, if any.

15 (6) Any contract subject to this section that is awarded or
16 renewed must include a provision providing for reimbursement to the
17 department of the actual costs to the department arising from the
18 inadequacy of the assurance provided by the contractor.

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