
HOUSE BILL 1764

State of Washington

67th Legislature

2022 Regular Session

By Representatives Sells, Berry, Bateman, Bronoske, Macri, Simmons, Slatter, Pollet, Ormsby, Frame, and Harris-Talley

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1 AN ACT Relating to collective bargaining for resident and fellow
2 physicians employed by certain institutions of higher education;
3 adding new sections to chapter 41.56 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) It is the intent and purpose of
6 section 2 of this act to recognize that:

7 (a) There exists a public policy in the state of Washington
8 against strikes by resident and fellow physicians employed by the
9 University of Washington as a means of settling labor disputes;

10 (b) The uninterrupted and dedicated service of the resident and
11 fellow physicians is vital to the health and welfare of the state and
12 citizens of the state; and

13 (c) The University of Washington school of medicine has an
14 intention to recruit and retain resident and fellow physicians from
15 racially and socioeconomically diverse backgrounds, for the long-term
16 goal of ensuring equitable representation of providers in all
17 communities of the county.

18 (2) Therefore, to promote uninterrupted performance of the
19 University of Washington's medical services, there should exist an
20 effective and adequate alternative means of settling disputes.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.56
2 RCW to read as follows:

3 (1) This section applies only to the resident and fellow
4 physicians employed by the University of Washington who have the
5 right to collective bargaining pursuant to RCW 41.56.021.

6 (2) The provisions of RCW 41.56.440 through 41.56.452 and
7 41.56.470, 41.56.480, and 41.56.490 apply to resident and fellow
8 physicians of the University of Washington school of medicine,
9 subject to the provisions of this section.

10 (3) Within 10 working days after the first Monday in September of
11 every odd-numbered year, the University of Washington's bargaining
12 representative and the bargaining representative for the appropriate
13 bargaining unit shall attempt to agree on an interest arbitration
14 panel consisting of three members to be used if the parties are not
15 successful in negotiating a comprehensive collective bargaining
16 agreement. Each party shall name one person to serve as its
17 arbitrator on the arbitration panel. The two members so appointed
18 shall meet within seven days following the appointment of the later
19 appointed member to attempt to choose a third member to act as the
20 neutral chair of the arbitration panel. Upon the failure of the
21 arbitrators to select a neutral chair within seven days, the two
22 appointed members shall use one of the two following options in the
23 appointment of the third member, who shall act as chair of the panel:

24 (a) By mutual consent, the two appointed members may jointly request
25 the commission to, and the commission shall, appoint a third member
26 within two days of such a request. Costs of each party's appointee
27 shall be borne by each party respectively; other costs of the
28 arbitration proceedings shall be borne by the commission; or (b)
29 either party may apply to the commission, the federal mediation and
30 conciliation service, or the American arbitration association to
31 provide a list of five qualified arbitrators from which the neutral
32 chair shall be chosen. Each party shall pay the fees and expenses of
33 its arbitrator, and the fees and expenses of the neutral chair shall
34 be shared equally between the parties. Immediately upon selecting an
35 interest arbitration panel, the parties shall cooperate to reserve
36 dates with the arbitration panel for potential arbitration between
37 August 1st and September 15th of the following even-numbered year.
38 The parties shall also prepare a schedule of at least five
39 negotiation dates for the following year, absent an agreement to the
40 contrary. The parties shall execute a written agreement before

1 November 1st of each odd-numbered year setting forth the names of the
2 members of the arbitration panel and the dates reserved for
3 bargaining and arbitration. This subsection imposes minimum
4 obligations only and is not intended to define or limit a party's
5 full, good faith bargaining obligation under other sections of this
6 chapter.

7 (4) The arbitration panel may consider only matters that are
8 subject to bargaining under this chapter. The arbitration panel may
9 not consider those subjects listed under RCW 41.56.021(4).

10 (5)(a) The decision of the arbitration panel is not binding on
11 the legislature and funds necessary to implement provisions
12 pertaining to wages, wage-related matters, salaries, stipends, and
13 fringe benefits of an arbitrated collective bargaining agreement must
14 come from the University of Washington's existing resources. The
15 University of Washington may not increase general fund state
16 appropriations to fund increases in compensation or fringe benefits
17 based on an arbitration award. If compensation and fringe benefit
18 increases are funded with lidded grants or dedicated fund sources
19 with insufficient revenue, additional funding from other sources,
20 including from general fund state, is not provided.

21 (b) In the event the University of Washington receives state
22 appropriations to support the operation of the University of
23 Washington school of medicine and associated facilities, a request
24 for funds necessary to support the compensation and fringe benefit
25 provisions of a collective bargaining agreement or arbitration award
26 under this section must be submitted to the legislature consistent
27 with procedures in RCW 41.80.010.

28 (6) In making its determination, the arbitration panel shall be
29 mindful of the legislative purpose enumerated in section 1 of this
30 act. As additional standards or guidelines to aid the arbitration
31 panel in reaching a decision, the arbitration panel shall take into
32 consideration the following factors:

- 33 (a) The constitutional and statutory authority of the employer;
- 34 (b) Stipulations of the parties;
- 35 (c) The financial ability of the University of Washington to pay
36 for the compensation and benefit provisions of a collective
37 bargaining agreement;
- 38 (d) Comparison of the wages, hours, and conditions of employment
39 of personnel involved in the proceedings with the wages, hours, and

1 conditions of employment of personnel of public hospital residency
2 programs of similar size on the west coast of the United States;

3 (e) The intention of recruiting and retaining resident and fellow
4 physicians from racially and socioeconomically diverse backgrounds,
5 for the long-term goal of ensuring equitable representation of
6 providers in all communities of the county;

7 (f) Changes in any of the foregoing circumstances during the
8 pendency of the proceedings; and

9 (g) Such other factors, not confined to the foregoing, which are
10 normally or traditionally taken into consideration in the
11 determination of matters that are subject to bargaining.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.56
13 RCW to read as follows:

14 (1) This section applies only to the resident and fellow
15 physicians employed by the University of Washington who have the
16 right to collective bargaining pursuant to RCW 41.56.021.

17 (2) For the purpose of providing uninterrupted medical services
18 to patients of the University of Washington school of medicine and
19 associated facilities, negotiations for a collective bargaining
20 agreement between the parties must occur on dates and at times, such
21 as weekends and evenings, that least conflict with the working hours
22 of the bargaining representatives who are resident and fellow
23 physicians.

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