
ENGROSSED SUBSTITUTE HOUSE BILL 2124

State of Washington

67th Legislature

2022 Regular Session

By House Appropriations (originally sponsored by Representatives Riccelli, Sullivan, Frame, Ramel, Chapman, Ryu, Paul, Simmons, Stonier, Bergquist, Wicks, Valdez, Gregerson, Santos, Ramos, J. Johnson, Walen, Tharinger, Bateman, Callan, Thai, Taylor, Leavitt, Senn, Wylie, Macri, Ormsby, Pollet, Morgan, Bronoske, Kloba, Davis, Slatter, Berg, Lekanoff, Entenman, Ortiz-Self, Duerr, Peterson, Harris-Talley, Cody, Hackney, Chopp, Orwall, and Rule)

READ FIRST TIME 02/28/22.

1 AN ACT Relating to extending collective bargaining to legislative
2 employees by creating the office of state legislative labor relations
3 that will consider issues of the subjects of bargaining, the
4 employees for whom collective bargaining would be appropriate, who
5 would provide negotiation services, which entities would be
6 considered the employer, definitions of relevant terms, coalition
7 bargaining, grievance procedures, procedures for disciplinary
8 actions, procedures related to certifying exclusive bargaining
9 representatives, determining bargaining units, adjudicating unfair
10 labor practices, and determining representation questions, procedures
11 for approving negotiated collective bargaining agreements, procedures
12 for submitting requests for funding, and considering approaches taken
13 by other state legislatures, and specifying unfair labor practices,
14 but without mandating what the collective bargaining agreement must
15 provide regarding wages, hours, working conditions, or other
16 provisions related to conditions of employment; adding a new chapter
17 to Title 44 RCW; and providing an effective date.

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

19 NEW SECTION. **Sec. 1.** The legislature intends to create the
20 office of state legislative labor relations for the purposes of
21 considering and managing the unique issues raised by legislative

1 collective bargaining. By examining issues set forth in section 2 of
2 this act, the office will provide the legislature with a fuller
3 understanding of how the legislature as an employer can best
4 implement legislation for collective bargaining for legislative
5 employees, which would be administered by the public employment
6 relations commission.

7 NEW SECTION. **Sec. 2.** (1) The office of state legislative labor
8 relations is created to assist the house of representatives, the
9 senate, and legislative agencies in implementing and managing the
10 process of collective bargaining for employees of the legislative
11 branch of state government.

12 (2)(a) Subject to (b) of this subsection, the secretary of the
13 senate and the chief clerk of the house of representatives shall
14 employ a director of the office. The director serves at the pleasure
15 of the secretary of the senate and the chief clerk of the house of
16 representatives, who shall fix the director's salary.

17 (b) The secretary of the senate and the chief clerk of the house
18 of representatives shall, before employing a director, consult with
19 legislative employees, the senate facilities and operations
20 committee, the house executive rules committee, and the human
21 resources officers of the house of representatives, the senate, and
22 legislative agencies.

23 (c) The director serves as the executive and administrative head
24 of the office and may employ additional employees to assist in
25 carrying out the duties of the office. The duties of the office
26 include, but are not limited to, conducting negotiations on behalf of
27 the employer.

28 (d) The director shall contract with an external consultant for
29 the purposes of gathering input from legislative employees, taking
30 into consideration RCW 42.52.020 and rules of the house of
31 representatives and the senate. The gathering of input must be in the
32 form of, at a minimum, surveys.

33 (3) The director, in consultation with the secretary of the
34 senate, the chief clerk of the house of representatives, and the
35 administrative heads of legislative agencies shall:

36 (a) Examine issues related to collective bargaining for employees
37 of the house of representatives, the senate, and legislative
38 agencies; and

1 (b) After consultation with the external consultant, develop best
2 practices and options for the legislature to consider in implementing
3 and administering collective bargaining for employees of the house of
4 representatives, the senate, and legislative agencies.

5 (4) (a) By December 1, 2022, the director shall submit a
6 preliminary report to the appropriate committees of the legislature
7 that provides a progress report on the director's considerations.

8 (b) By October 1, 2023, the director shall submit a final report
9 to the appropriate committees of the legislature. At a minimum, the
10 final report must address considerations on the following issues:

11 (i) Which employees of the house of representatives, the senate,
12 and legislative agencies for whom collective bargaining may be
13 appropriate;

14 (ii) Mandatory, permissive, and prohibited subjects of
15 bargaining;

16 (iii) Who would negotiate on behalf of the house of
17 representatives, the senate, and legislative agencies, and which
18 entity or entities would be considered the employer for purposes of
19 bargaining;

20 (iv) Definitions for relevant terms;

21 (v) Common public employee collective bargaining agreement
22 frameworks related to grievance procedures and processes for
23 disciplinary actions;

24 (vi) Procedures related to the commission certifying exclusive
25 bargaining representatives, determining bargaining units,
26 adjudicating unfair labor practices, determining representation
27 questions, and coalition bargaining;

28 (vii) The efficiency and feasibility of coalition bargaining;

29 (viii) Procedures for approving negotiated collective bargaining
30 agreements;

31 (ix) Procedures for submitting requests for funding to the
32 appropriate legislative committees if appropriations are necessary to
33 implement provisions of the collective bargaining agreements; and

34 (x) Approaches taken by other state legislatures that have
35 authorized collective bargaining for legislative employees.

36 (5) The report must include a summary of any statutory changes
37 needed to address the considerations listed in subsection (4) of this
38 section related to the collective bargaining process for legislative
39 employees.

1 NEW SECTION. **Sec. 3.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires
3 otherwise.

4 (1) "Commission" means the public employment relations
5 commission.

6 (2) "Director" means the director of the office of state
7 legislative labor relations.

8 (3) "Employee organization" means any organization, union, or
9 association in which employees participate and that exists for the
10 purpose, in whole or in part, of collective bargaining with
11 employers.

12 (4) "Exclusive bargaining representative" means any employee
13 organization that has been certified under this chapter as the
14 representative of the employees in an appropriate bargaining unit.

15 (5) "Legislative agencies" means the joint legislative audit and
16 review committee, the statute law committee, the legislative ethics
17 board, the legislative evaluation and accountability program
18 committee, the office of the state actuary, the legislative service
19 center, the office of legislative support services, the joint
20 transportation committee, and the redistricting commission.

21 (6) "Office" means the office of state legislative labor
22 relations.

23 NEW SECTION. **Sec. 4.** Collective bargaining negotiations under
24 this chapter shall commence no earlier than May 1, 2024. No
25 collective bargaining agreement entered into under this chapter may
26 take effect prior to July 1, 2025.

27 NEW SECTION. **Sec. 5.** (1) Except as may be specifically limited
28 by this chapter, legislative employees shall have the right to self-
29 organization, to form, join, or assist employee organizations, and to
30 bargain collectively through representatives of their own choosing
31 for the purpose of collective bargaining free from interference,
32 restraint, or coercion. Legislative employees shall also have the
33 right to refrain from any or all such activities.

34 (2) Except as may be specifically limited by this chapter, the
35 commission shall determine all questions pertaining to ascertaining
36 exclusive bargaining representatives for legislative employees and
37 collectively bargaining under this chapter.

1 NEW SECTION. **Sec. 6.** Nothing contained in this chapter permits
2 or grants to any legislative employee the right to strike or refuse
3 to perform their official duties.

4 NEW SECTION. **Sec. 7.** (1) Collective bargaining negotiations
5 under this chapter must commence no later than July 1st of each even-
6 numbered year after a bargaining unit has been certified.

7 (2) The duration of any collective bargaining agreement shall not
8 exceed one fiscal biennium.

9 NEW SECTION. **Sec. 8.** (1) It is an unfair labor practice for an
10 employer in the legislative branch of state government:

11 (a) To interfere with, restrain, or coerce employees in the
12 exercise of the rights guaranteed by this chapter;

13 (b) To dominate or interfere with the formation or administration
14 of any employee organization or contribute financial or other support
15 to it: PROVIDED, That subject to rules adopted by the commission, an
16 employer shall not be prohibited from permitting employees to confer
17 with it or its representatives or agents during working hours without
18 loss of time or pay;

19 (c) To encourage or discourage membership in any employee
20 organization by discrimination in regard to hire, tenure of
21 employment, or any term or condition of employment;

22 (d) To discharge or discriminate otherwise against an employee
23 because that employee has filed charges or given testimony under this
24 chapter;

25 (e) To refuse to bargain collectively with the exclusive
26 bargaining representatives of its employees.

27 (2) It is an unfair labor practice for an employee organization:

28 (a) To restrain or coerce an employee in the exercise of the
29 rights guaranteed by this chapter: PROVIDED, That this subsection
30 shall not impair the right of an employee organization to prescribe
31 its own rules with respect to the acquisition or retention of
32 membership in the employee organization or to an employer in the
33 selection of its representatives for the purpose of bargaining or the
34 adjustment of grievances;

35 (b) To cause or attempt to cause an employer to discriminate
36 against an employee in violation of subsection (1)(c) of this
37 section;

1 (c) To discriminate against an employee because that employee has
2 filed charges or given testimony under this chapter;

3 (d) To refuse to bargain collectively with an employer.

4 (3) The expressing of any views, arguments, or opinion, or the
5 dissemination thereof to the public, whether in written, printed,
6 graphic, or visual form, shall not constitute or be evidence of an
7 unfair labor practice under this chapter, if such expression contains
8 no threat of reprisal or force or promise of benefit.

9 NEW SECTION. **Sec. 9.** Sections 1 through 8 and 10 of this act
10 constitute a new chapter in Title 44 RCW.

11 NEW SECTION. **Sec. 10.** Sections 3 through 8 of this act take
12 effect May 1, 2024.

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