
SUBSTITUTE HOUSE BILL 2325

State of Washington

68th Legislature

2024 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Fitzgibbon, Riccelli, Berry, Walen, Gregerson, Bateman, Doglio, Nance, Ramel, Macri, Pollet, and Ormsby)

READ FIRST TIME 01/30/24.

1 AN ACT Relating to state legislative employee collective
2 bargaining; amending RCW 44.90.020, 44.90.030, 44.90.050, 44.90.060,
3 44.90.070, 44.90.080, 44.90.090, 41.58.010, and 41.58.015; adding new
4 sections to chapter 44.90 RCW; adding a new section to chapter 41.58
5 RCW; providing an effective date; and declaring an emergency.

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

7 **Sec. 1.** RCW 44.90.020 and 2022 c 283 s 3 are each amended to
8 read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Collective bargaining" means the performance of the mutual
12 obligations of the employer and the exclusive bargaining
13 representative to meet at reasonable times, except that neither party
14 may be compelled to negotiate during a legislative session or on
15 committee assembly days, to confer and negotiate in good faith, and
16 to execute a written agreement with respect to the subjects of
17 bargaining specified under RCW 44.90.090. The obligation to bargain
18 does not compel either party to agree to a proposal or to make a
19 concession unless otherwise provided in this chapter.

20 (2) "Commission" means the legislative commissioner at the public
21 employment relations commission.

1 ~~((2))~~ (3) "Confidential employee" means an employee designated
2 by the employer to assist in a confidential capacity, or serve as
3 counsel to, persons who formulate, determine, and effectuate employer
4 policies with regard to labor relations and personnel matters or who
5 has authorized access to information relating to the effectuation or
6 review of the employer's collective bargaining policies, strategies,
7 or process to the extent that such access creates a conflict of
8 interest, or who assists or aids an employee with managerial
9 authority.

10 (4) "Director" means the director of the office of state
11 legislative labor relations.

12 ~~((3))~~ (5) (a) "Employee" means:

13 (i) Any regular partisan employee of the house of representatives
14 or the senate who is covered by this chapter; and

15 (ii) Any regular employee who is staff of the:

16 (A) Office of legislative support services;

17 (B) Legislative service center;

18 (C) Office of the code reviser who, during any legislative
19 session, does not work full time on drafting and finalizing
20 legislative bills to be included in the Revised Code of Washington;
21 and

22 (D) House of representatives and senate administrations.

23 (b) "Employee" also includes temporary staff hired to perform
24 substantially similar work to that performed by employees included
25 under (a) of this subsection.

26 (c) All other regular employees and temporary employees,
27 including casual employees, interns, and pages, and employees in the
28 office of program research and senate committee services work groups
29 of the house of representatives and the senate are excluded from the
30 definition of "employee" for the purposes of this chapter.

31 (6) "Employee organization" means any organization, union, or
32 association in which employees participate and that exists for the
33 purpose, in whole or in part, of collective bargaining with
34 employers.

35 ~~((4))~~ (7) "Employee with managerial authority" means any
36 employee designated by the employer who, regardless of job title: (a)
37 Directs the staff who work for a legislative chamber, caucus, agency,
38 or subdivision thereof; (b) has substantial responsibility in
39 personnel administration, or the preparation and administration of
40 the employer's budgets; and (c) exercises authority that is not

1 merely routine or clerical in nature and requires the use of
2 independent judgment.

3 (8) "Employer" means:

4 (a) The chief clerk of the house of representatives, or the chief
5 clerk's designee, for employees of the house of representatives;

6 (b) The secretary of the senate, or the secretary's designee, for
7 employees of the senate; and

8 (c) The chief clerk of the house of representatives and the
9 secretary of the senate, acting jointly, or their designees, for the
10 regular employees who are staff of the office of legislative support
11 services, the legislative service center, and the office of the code
12 reviser.

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

16 ~~((+5))~~ (10) "Labor dispute" means any controversy concerning
17 terms, tenure, or conditions of employment, or concerning the
18 association or representation of persons in negotiating, fixing,
19 maintaining, changing, or seeking to arrange terms or conditions of
20 employment with respect to the subjects of bargaining provided in
21 this chapter, regardless of whether the disputants stand in the
22 proximate relation of employer and employee.

23 (11) "Legislative agencies" means the joint legislative audit and
24 review committee, the statute law committee, the legislative ethics
25 board, the legislative evaluation and accountability program
26 committee, the office of the state actuary, the legislative service
27 center, the office of legislative support services, the joint
28 transportation committee, and the redistricting commission.

29 ~~((+6))~~ (12) "Office" means the office of state legislative labor
30 relations.

31 (13) "Supervisor" means an employee designated by the employer to
32 provide supervision to and have authority over legislative employees
33 on an ongoing basis as part of the supervisor's regular and usual job
34 duties. Supervision includes the authority to direct employees,
35 approve and deny leave, and effectively recommend decisions to hire,
36 transfer, suspend, lay off, recall, promote, discharge, direct,
37 reward, or discipline employees, or to adjust employee grievances,
38 when the exercise of the authority is not of a merely routine nature
39 but requires the exercise of individual judgment.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 44.90
2 RCW to read as follows:

3 (1) This chapter does not apply to any legislative employee who
4 has managerial authority, is a confidential employee, or who does not
5 meet the definition of employee for the purpose of collective
6 bargaining.

7 (2) This chapter also does not apply to:

8 (a) Elected or appointed members of the legislature;

9 (b) Any person appointed to office under statute, ordinance, or
10 resolution for a specific term of office as a member of a multimember
11 board, commission, or committee;

12 (c) Caucus chiefs of staff and caucus deputy chiefs of staff;

13 (d) The speaker's attorney, house counsel, and leadership counsel
14 to the minority caucus of the house of representatives; and

15 (e) The counsel for the senate that provide direct legal advice
16 to the administration of the senate.

17 (3) Notwithstanding any other provision of this chapter, the
18 employer has the sole and exclusive authority to designate
19 confidential employees, supervisors, and employees who have
20 managerial authority, except that those designated employees may not,
21 collectively, exceed 20 percent of the total employee positions of
22 the employer.

23 **Sec. 3.** RCW 44.90.030 and 2022 c 283 s 2 are each amended to
24 read as follows:

25 (1) The office of state legislative labor relations is created to
26 assist the house of representatives, the senate, and legislative
27 agencies in implementing and managing the process of collective
28 bargaining for employees of the legislative branch of state
29 government.

30 (2)(a) Subject to (b) of this subsection, the secretary of the
31 senate and the chief clerk of the house of representatives shall
32 employ a director of the office. The director serves at the pleasure
33 of the secretary of the senate and the chief clerk of the house of
34 representatives, who shall fix the director's salary.

35 (b) The secretary of the senate and the chief clerk of the house
36 of representatives shall, before employing a director, consult with
37 legislative employees, the senate facilities and operations
38 committee, the house executive rules committee, and the human

1 resources officers of the house of representatives, the senate, and
2 legislative agencies.

3 (c) The director serves as the executive and administrative head
4 of the office and may employ additional employees to assist in
5 carrying out the duties of the office. The duties of the office
6 include, but are not limited to, establishing bargaining teams and
7 conducting negotiations on behalf of the employer.

8 ~~((d) The director shall contract with an external consultant for~~
9 ~~the purposes of gathering input from legislative employees, taking~~
10 ~~into consideration RCW 42.52.020 and rules of the house of~~
11 ~~representatives and the senate. The gathering of input must be in the~~
12 ~~form of, at a minimum, surveys.~~

13 ~~(3) The director, in consultation with the secretary of the~~
14 ~~senate, the chief clerk of the house of representatives, and the~~
15 ~~administrative heads of legislative agencies shall:~~

16 ~~(a) Examine issues related to collective bargaining for employees~~
17 ~~of the house of representatives, the senate, and legislative~~
18 ~~agencies; and~~

19 ~~(b) After consultation with the external consultant, develop best~~
20 ~~practices and options for the legislature to consider in implementing~~
21 ~~and administering collective bargaining for employees of the house of~~
22 ~~representatives, the senate, and legislative agencies.~~

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

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

29 ~~(i) Which employees of the house of representatives, the senate,~~
30 ~~and legislative agencies for whom collective bargaining may be~~
31 ~~appropriate;~~

32 ~~(ii) Mandatory, permissive, and prohibited subjects of~~
33 ~~bargaining;~~

34 ~~(iii) Who would negotiate on behalf of the house of~~
35 ~~representatives, the senate, and legislative agencies, and which~~
36 ~~entity or entities would be considered the employer for purposes of~~
37 ~~bargaining;~~

38 ~~(iv) Definitions for relevant terms;~~

1 ~~(v) Common public employee collective bargaining agreement~~
2 ~~frameworks related to grievance procedures and processes for~~
3 ~~disciplinary actions;~~

4 ~~(vi) Procedures related to the commission certifying exclusive~~
5 ~~bargaining representatives, determining bargaining units,~~
6 ~~adjudicating unfair labor practices, determining representation~~
7 ~~questions, and coalition bargaining;~~

8 ~~(vii) The efficiency and feasibility of coalition bargaining;~~

9 ~~(viii) Procedures for approving negotiated collective bargaining~~
10 ~~agreements;~~

11 ~~(ix) Procedures for submitting requests for funding to the~~
12 ~~appropriate legislative committees if appropriations are necessary to~~
13 ~~implement provisions of the collective bargaining agreements; and~~

14 ~~(x) Approaches taken by other state legislatures that have~~
15 ~~authorized collective bargaining for legislative employees.~~

16 ~~(5) The report must include a summary of any statutory changes~~
17 ~~needed to address the considerations listed in subsection (4) of this~~
18 ~~section related to the collective bargaining process for legislative~~
19 ~~employees.))~~

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 44.90
21 RCW to read as follows:

22 (1) As provided by this chapter, the commission or the court
23 shall determine all questions described by this chapter as under the
24 commission's authority. However, such authority may not result in an
25 order or rule that intrudes upon or interferes with the legislature's
26 core function of efficient and effective law making or the essential
27 operation of the legislature, including that an order or rule may
28 not:

29 (a) Modify any matter relating to the qualifications and
30 elections of members of the legislature, or the holding of office of
31 members of the legislature;

32 (b) Modify any matter relating to the legislature or each house
33 thereof choosing its officers, adopting rules for its proceedings,
34 selecting committees necessary for the conduct of business,
35 considering or enacting legislation, or otherwise exercising the
36 legislative power of this state;

37 (c) Modify any matter relating to legislative calendars,
38 schedules, and deadlines of the legislature; or

1 (d) Modify laws, rules, policies, or procedures regarding ethics
2 or conflicts of interest.

3 (2) No member of the legislature may be compelled by subpoena or
4 other means to attend a proceeding related to matters covered by this
5 chapter during a legislative session, committee assembly days, or for
6 15 days before commencement of each session.

7 **Sec. 5.** RCW 44.90.050 and 2022 c 283 s 5 are each amended to
8 read as follows:

9 (1) Except as may be specifically limited by this chapter,
10 legislative employees shall have the right to self-organization, to
11 form, join, or assist employee organizations, and to bargain
12 collectively through representatives of their own choosing for the
13 purpose of collective bargaining free from interference, restraint,
14 or coercion. Legislative employees shall also have the right to
15 refrain from any or all such activities.

16 (2) Except as may be specifically limited by this chapter, the
17 commission shall determine all questions pertaining to ascertaining
18 exclusive bargaining representatives for legislative employees and
19 collectively bargaining under this chapter. However, no employee
20 organization shall be recognized or certified as the exclusive
21 bargaining representative of a bargaining unit of employees of the
22 legislative branch unless it receives the votes of a majority of
23 employees in the petitioned for bargaining unit voting in a secret
24 election (~~(by mail ballot)~~) administered by the commission. The
25 commission's process must allow for an employee, group of employees,
26 employee organizations, employer, or their agents to have the right
27 to petition on any question concerning representation.

28 ~~(3) ((The employer and the exclusive bargaining representative of~~
29 ~~a bargaining unit of legislative employees may not enter into a~~
30 ~~collective bargaining agreement that requires the employer to deduct,~~
31 ~~from the salary or wages of an employee, contributions for payments~~
32 ~~for political action committees sponsored by employee organizations~~
33 ~~with legislative employees as members.)) The commission must adopt~~
34 ~~rules that provide for at least the following:~~

35 (a) Secret balloting;

36 (b) Consulting with employee organizations;

37 (c) Access to lists of employees, job titles, work locations, and
38 home mailing addresses;

39 (d) Absentee voting;

1 (e) Procedures for the greatest possible participation in voting;
2 (f) Campaigning on the employer's property during working hours;
3 and

4 (g) Election observers.

5 (4) (a) If an employee organization has been certified as the
6 exclusive bargaining representative of the employees of multiple
7 bargaining units, the employee organization may act for and negotiate
8 a master collective bargaining agreement that includes within the
9 coverage of the agreement all covered employees in the bargaining
10 units.

11 (b) If a master collective bargaining agreement is in effect for
12 the newly certified exclusive bargaining representative, it applies
13 to the bargaining unit for which the new certification has been
14 issued. Nothing in this subsection (4) (b) requires the parties to
15 engage in new negotiations during the term of that agreement.

16 (5) The certified exclusive bargaining representative is
17 responsible for representing the interests of all the employees in
18 the bargaining unit. This section may not be construed to limit an
19 exclusive bargaining representative's right to exercise its
20 discretion to refuse to process grievances of employees that are
21 unmeritorious.

22 (6) No question concerning representation may be raised if:

23 (a) Fewer than 12 months have elapsed since the last
24 certification or election; or

25 (b) A valid collective bargaining agreement exists covering the
26 unit, except for that period of no more than 120 calendar days nor
27 less than 90 calendar days before the expiration of the contract.

28 NEW SECTION. Sec. 6. A new section is added to chapter 44.90
29 RCW to read as follows:

30 (1) The commission, after hearing upon reasonable notice to all
31 interested parties, shall decide, in each application for
32 certification as an exclusive bargaining representative, the unit
33 appropriate for certification. In determining the new units or
34 modifications of existing units, the commission must consider: The
35 duties, skills, and working conditions of the employees; the history
36 of collective bargaining; the extent of organization among the
37 employees; the desires of the employees; and the avoidance of
38 excessive fragmentation. However, a unit is not appropriate if it
39 includes:

1 (a) Both supervisors and nonsupervisory employees. A unit that
2 includes only supervisors may be considered appropriate if a majority
3 of the supervisory employees indicates by vote that they desire to be
4 included in such a unit; or

5 (b) Both house of representatives and senate employees.

6 (2) If a single employee organization is the exclusive bargaining
7 representative for two or more units, upon petition by the employee
8 organization, the units may be consolidated into a single larger unit
9 if the commission considers the larger unit to be appropriate. If
10 consolidation is appropriate, the commission shall certify the
11 employee organization as the exclusive bargaining representative of
12 the new unit.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 44.90
14 RCW to read as follows:

15 (1) The parties to a collective bargaining agreement must reduce
16 the agreement to writing and both execute it.

17 (2) Except as provided in this chapter, a collective bargaining
18 agreement must contain provisions that provide for a grievance
19 procedure of all disputes arising over the interpretation or
20 application of the collective bargaining agreement and that is valid
21 and enforceable under its terms when entered into in accordance with
22 this chapter.

23 (3) RCW 41.56.037 applies to this chapter.

24 (4)(a) If a collective bargaining agreement between an employer
25 and an exclusive bargaining representative is concluded after the
26 termination date of the previous collective bargaining agreement
27 between the employer and an employee organization representing the
28 same bargaining units, the effective date of the collective
29 bargaining agreement may be the day after the termination of the
30 previous collective bargaining agreement, and all benefits included
31 in the new collective bargaining agreement, including wage or salary
32 increases, may accrue beginning with that effective date.

33 (b) If a collective bargaining agreement between an employer and
34 an exclusive bargaining representative is concluded after the
35 termination date of the previous collective bargaining agreement
36 between the employer and the exclusive bargaining representative
37 representing different bargaining units, the effective date of the
38 collective bargaining agreement may be the day after the termination
39 date of whichever previous collective bargaining agreement covering

1 one or more of the units terminated first, and all benefits included
2 in the new collective bargaining agreement, including wage or salary
3 increases, may accrue beginning with that effective date.

4 (5) The employer and the exclusive bargaining representative of a
5 bargaining unit of legislative employees may not enter into a
6 collective bargaining agreement that requires the employer to deduct,
7 from the salary or wages of an employee, contributions for payments
8 for political action committees sponsored by employee organizations
9 with legislative employees as members.

10 **Sec. 8.** RCW 44.90.060 and 2022 c 283 s 6 are each amended to
11 read as follows:

12 ~~((During a legislative session or committee assembly days,~~
13 ~~nothing)) Nothing contained in this chapter permits or grants to any
14 legislative employee the right to strike, participate in a work
15 stoppage, or refuse to perform their official duties.~~

16 **Sec. 9.** RCW 44.90.070 and 2022 c 283 s 7 are each amended to
17 read as follows:

18 (1) Collective bargaining negotiations under this chapter must
19 commence no later than July 1st of each even-numbered year after a
20 bargaining unit has been certified.

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

23 (3)(a) The director must submit ratified collective bargaining
24 agreements, with cost estimates, to the employer by October 1st
25 before the legislative session at which the request for funds is to
26 be considered. The transmission by the legislature to the governor
27 under RCW 43.88.090 must include a request for funds necessary to
28 implement the provisions of all collective bargaining agreements
29 covering legislative employees.

30 (b) If the legislature or governor fails to provide the funds for
31 a collective bargaining agreement for legislative employees, either
32 party may reopen all or part of the agreement or the exclusive
33 bargaining representative may seek to implement the procedures
34 provided for in section 10 of this act.

35 (4) Negotiation for economic terms will be by a coalition of all
36 exclusive bargaining representatives. Any such provisions agreed to
37 by the employer and the coalition must be included in all collective
38 bargaining agreements negotiated by the parties. The director and the

1 exclusive bargaining representative or representatives are authorized
2 to enter into supplemental bargaining of bargaining unit specific
3 issues for inclusion in the collective bargaining agreement, subject
4 to the parties' agreement regarding the issues and procedures for
5 supplemental bargaining. This subsection does not prohibit
6 cooperation and coordination of bargaining between two or more
7 exclusive bargaining representatives.

8 (5) If a significant revenue shortfall occurs resulting in
9 reduced appropriations, as declared by proclamation of the governor
10 or by resolution of the legislature, both parties must immediately
11 enter into collective bargaining for a mutually agreed upon
12 modification of the agreement.

13 NEW SECTION. Sec. 10. A new section is added to chapter 44.90
14 RCW to read as follows:

15 (1) Should the parties fail to reach agreement in negotiating a
16 collective bargaining agreement, either party may request of the
17 commission the assistance of an impartial third party to mediate the
18 negotiations. If a collective bargaining agreement previously
19 negotiated under this chapter expires while negotiations are
20 underway, the terms and conditions specified in the collective
21 bargaining agreement remain in effect for a period not to exceed one
22 year from the expiration date stated in the agreement. Thereafter,
23 the employer may unilaterally implement according to law.

24 (2) Nothing in this section may be construed to prohibit an
25 employer and an exclusive bargaining representative from agreeing to
26 substitute, at their own expense, their own procedure for resolving
27 impasses in collective bargaining for that provided in this section
28 or from agreeing to utilize for the purposes of this section any
29 other governmental or other agency or person in lieu of the
30 commission.

31 (3) The commission shall bear costs for mediator services.

32 **Sec. 11.** RCW 44.90.080 and 2022 c 283 s 8 are each amended to
33 read as follows:

34 (1) It is an unfair labor practice for an employer in the
35 legislative branch of state government:

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

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

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

10 (d) To discharge or discriminate otherwise against an employee
11 because that employee has filed charges or given testimony under this
12 chapter;

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

15 (2) Notwithstanding any other law, the expression of any views,
16 arguments, or opinions, or the dissemination thereof in any form, by
17 a member of the legislature related to this chapter or matters within
18 the scope of representation, shall not constitute, or be evidence of,
19 an unfair labor practice unless the employer has authorized the
20 member to express that view, argument, or opinion on behalf of the
21 employer or as an employer.

22 (3) It is an unfair labor practice for an employee organization:

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

30 (b) To cause or attempt to cause an employer to discriminate
31 against an employee in violation of subsection (1)(c) of this
32 section;

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

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

36 ((+3)) (4) The expressing of any views, arguments, or opinion,
37 or the dissemination thereof to the public, whether in written,
38 printed, graphic, or visual form, shall not constitute or be evidence
39 of an unfair labor practice under this chapter, if such expression
40 contains no threat of reprisal or force or promise of benefit.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 44.90
2 RCW to read as follows:

3 (1) The commission is empowered and directed to prevent any
4 unfair labor practice and to issue appropriate remedial orders.
5 However, a complaint may not be processed for any unfair labor
6 practice occurring more than six months before the filing of the
7 complaint with the commission or in Thurston county superior court.
8 This power may not be affected or impaired by any means of
9 adjustment, mediation, or conciliation in labor disputes that have
10 been or may hereafter be established by law.

11 (2) Except as may be specifically limited by this chapter, if the
12 commission or court determines that any person has engaged in or is
13 engaging in an unfair labor practice, the commission or court shall
14 issue and cause to be served upon the person an order requiring the
15 person to cease and desist from such unfair labor practice, and to
16 take such affirmative action as will effectuate the purposes and
17 policy of this chapter, such as the payment of damages.

18 (3) The commission may petition the Thurston county superior
19 court for the enforcement of its order and for appropriate temporary
20 relief.

21 **Sec. 13.** RCW 44.90.090 and 2022 c 283 s 9 are each amended to
22 read as follows:

23 (1) Except as otherwise provided in this chapter, the matters
24 subject to bargaining include wages, hours, terms and conditions of
25 employment, and the negotiation of any question arising under a
26 collective bargaining agreement.

27 (2) The employer shall not bargain over rights of management
28 which, in addition to all powers, duties, and rights established by
29 constitutional provision or statute, shall include, but not be
30 limited to, the following:

31 (a) Any item listed in section 4(1) of this act;

32 (b) The functions and programs of the employer, the use of
33 technology, and the structure of the organization, including the size
34 and composition of standing committees;

35 ~~((b))~~ (c) The employer's budget and the size of the employer's
36 workforce, including determining the financial basis for layoffs;

37 ~~((e))~~ (d) The right to direct and supervise employees;

38 ~~((d))~~ (e) The ~~((hours of work during legislative session and~~
39 ~~the))~~ cutoff calendar for a legislative session; ~~((and~~

1 ~~(e))~~ (f) The employer's authority to: (i) Lay off employees when
2 there has been a change to the number of members in, or the makeup
3 of, a caucus due to an election or appointment that necessitates a
4 change in the number of staff; and (ii) terminate an employee for
5 engaging in partisan activities that are incompatible with the
6 employee's job duties or position;

7 (g) Health care benefits and other employee insurance benefits.
8 The amount paid by a legislative employee for health care premiums
9 must be the same as that paid by a represented state employee covered
10 by RCW 41.80.020(3);

11 (h) The right to take whatever actions are deemed necessary to
12 carry out the mission of the legislature and its agencies during
13 emergencies;

14 (i) Employees' status as exempt from chapter 41.06 RCW and the
15 federal fair labor standards act (Title 29 U.S.C. Sec. 203), except
16 bargaining over terms related to hours of work and overtime are
17 permitted; and

18 (j) Retirement plans and retirement benefits.

19 ~~((2))~~ (3) Except for an applicable code of conduct policy
20 adopted by a chamber of the legislature or a legislative agency, if a
21 conflict exists between policies adopted by the legislature relating
22 to wages, hours, and terms and conditions of employment and a
23 provision of a collective bargaining agreement negotiated under this
24 chapter, the collective bargaining agreement shall prevail. A
25 provision of a collective bargaining agreement that conflicts with a
26 statute or an applicable term of a code of conduct policy adopted by
27 a chamber of the legislature or a legislative agency is invalid and
28 unenforceable.

29 NEW SECTION. Sec. 14. A new section is added to chapter 44.90
30 RCW to read as follows:

31 (1) Upon authorization of an employee within the bargaining unit
32 and after the certification or recognition of the bargaining unit's
33 exclusive bargaining representative, the employer must deduct from
34 the payments to the employee the monthly amount of dues as certified
35 by the secretary of the exclusive bargaining representative and must
36 transmit the same to the treasurer of the exclusive bargaining
37 representative.

38 (2) (a) An employee's written, electronic, or recorded voice
39 authorization to have the employer deduct membership dues from the

1 employee's salary must be made by the employee to the exclusive
2 bargaining representative. If the employer receives a request for
3 authorization of deductions, the employer must, as soon as
4 practicable, forward the request to the exclusive bargaining
5 representative.

6 (b) Upon receiving notice of the employee's authorization, the
7 employer must deduct from the employee's salary membership dues and
8 remit the amounts to the exclusive bargaining representative.

9 (c) The employee's authorization remains in effect until
10 expressly revoked by the employee in accordance with the terms and
11 conditions of the authorization.

12 (d) An employee's request to revoke authorization for payroll
13 deductions must be in writing and submitted by the employee to the
14 exclusive bargaining representative in accordance with the terms and
15 conditions of the authorization.

16 (e) After the employer receives confirmation from the exclusive
17 bargaining representative that the employee has revoked authorization
18 for deductions, the employer must end the deduction no later than the
19 second payroll after receipt of the confirmation.

20 (f) The employer must rely on information provided by the
21 exclusive bargaining representative regarding the authorization and
22 revocation of deductions.

23 NEW SECTION. **Sec. 15.** A new section is added to chapter 44.90
24 RCW to read as follows:

25 (1) If the parties to a collective bargaining agreement
26 negotiated under this chapter agree to final and binding arbitration
27 under grievance procedures allowed by section 7 of this act, the
28 parties may agree on one or more permanent umpires to serve as
29 arbitrator, or may agree on any impartial person to serve as
30 arbitrator, or may agree to select arbitrators from any source
31 available to them, including federal and private agencies, in
32 addition to the staff and list of arbitrators maintained by the
33 commission. If the parties cannot agree to the selection of an
34 arbitrator, the commission must supply a list of names in accordance
35 with the procedures established by the commission.

36 (2) The authority of an arbitrator shall be subject to the limits
37 and restrictions specified under section 4 of this act.

38 (3) Except as limited by this chapter, an arbitrator may require
39 any person to attend as a witness and to bring with them any book,

1 record, document, or other evidence. The fees for such attendance
2 must be paid by the party requesting issuance of the subpoena and
3 must be the same as the fees of witnesses in the superior court.
4 Arbitrators may administer oaths. Subpoenas must issue and be signed
5 by the arbitrator and must be served in the same manner as subpoenas
6 to testify before a court of record in this state. If any person so
7 summoned to testify refuses or neglects to obey such subpoena, upon
8 petition authorized by the arbitrator, the superior court may compel
9 the attendance of the person before the arbitrator or punish the
10 person for contempt in the same manner provided for the attendance of
11 witnesses or the punishment of them in the courts of this state.

12 (4) Except as limited by this chapter, the arbitrator shall
13 appoint a time and place for the hearing and notify the parties
14 thereof, and may adjourn the hearing from time to time as may be
15 necessary, and, on application of either party and for good cause,
16 may postpone the hearing to a time not extending beyond the date
17 fixed by the collective bargaining agreement for making the award.
18 The arbitration award must be in writing and signed by the
19 arbitrator. The arbitrator must, promptly upon its rendition, serve a
20 true copy of the award on each of the parties or their attorneys of
21 record.

22 (5) If a party to a collective bargaining agreement negotiated
23 under this chapter that includes final and binding arbitration
24 refuses to submit a grievance for arbitration, the other party to the
25 collective bargaining agreement may invoke the jurisdiction of the
26 superior court of Thurston county and the court shall have
27 jurisdiction to issue an order compelling arbitration. Disputes
28 concerning compliance with grievance procedures shall be reserved for
29 determination by the arbitrator. Arbitration shall be ordered if the
30 grievance states a claim that on its face is covered by the
31 collective bargaining agreement. Doubts as to the coverage of the
32 arbitration clause shall be resolved in favor of arbitration.

33 (6) If a party to a collective bargaining agreement negotiated
34 under this chapter that includes final and binding arbitration
35 refuses to comply with the award of an arbitrator determining a
36 grievance arising under the collective bargaining agreement, the
37 other party to the collective bargaining agreement may invoke the
38 jurisdiction of the superior court of Thurston county and the court
39 shall have jurisdiction to issue an order enforcing the arbitration
40 award.

1 **Sec. 16.** RCW 41.58.010 and 2012 c 117 s 89 are each amended to
2 read as follows:

3 (1) There is hereby created the public employment relations
4 commission (hereafter called the "commission") to administer the
5 provisions of this chapter. ((The)) Notwithstanding section 17 of
6 this act, the commission shall consist of three members who shall be
7 citizens appointed by the governor by and with the advice and consent
8 of the senate. One of the original members shall be appointed for a
9 term of three years, one for a term of four years, and one for a term
10 of five years. Their successors shall be appointed for terms of five
11 years each, except that any person chosen to fill a vacancy shall be
12 appointed only for the unexpired term of the member whom he or she
13 succeeds. Commission members shall be eligible for reappointment. The
14 governor shall designate one member to serve as chair of the
15 commission. Any member of the commission may be removed by the
16 governor, upon notice and hearing, for neglect of duty or malfeasance
17 in office, but for no other cause. Commission members shall not be
18 eligible for state retirement under chapter 41.40 RCW by virtue of
19 their service on the commission.

20 (2) In making citizen member appointments initially, and
21 subsequently thereafter, the governor shall be cognizant of the
22 desirability of appointing persons knowledgeable in the area of labor
23 relations in the state.

24 (3) A vacancy in the commission shall not impair the right of the
25 remaining members to exercise all of the powers of the commission,
26 and two members of the commission shall, at all times, constitute a
27 quorum of the commission.

28 (4) The commission shall at the close of each fiscal year make a
29 report in writing to the legislature and to the governor stating the
30 cases it has heard, the decisions it has rendered, the names,
31 salaries, and duties of all employees and officers in the employ or
32 under the supervision of the commission, and an account of all moneys
33 it has disbursed.

34 NEW SECTION. **Sec. 17.** A new section is added to chapter 41.58
35 RCW to read as follows:

36 (1)(a) There is established a legislative commission position
37 (hereafter called "the legislative commissioner") exclusively for the
38 purpose of certification of bargaining representatives, adjusting and
39 settling complaints, grievances, and disputes arising out of

1 employer-employee relations, and otherwise carrying out the duties
2 required of the commission under chapter 44.90 RCW.

3 (b) The legislative commissioner may delegate to the executive
4 director authority with respect to, but not limited to,
5 representation proceedings, unfair labor practice proceedings,
6 mediation, and, if applicable, arbitration of disputes concerning the
7 interpretation or application of a collective bargaining agreement.
8 Such delegation shall not eliminate a party's right of appeal to the
9 legislative commissioner.

10 (c) Unless specifically provided, the legislative commissioner
11 shall not be considered a member of the commission created under RCW
12 41.58.010(1). The powers and duties granted in this chapter to the
13 commission created under RCW 41.58.010(1) do not apply to the
14 legislative commissioner, unless specifically provided.

15 (2)(a) The speaker of the house of representatives and the
16 president of the senate shall jointly appoint the legislative
17 commissioner.

18 (b) The legislative commissioner shall serve for a term of five
19 years and is eligible for reappointment. The legislative commissioner
20 may be removed by the speaker of the house of representatives and the
21 president of the senate acting jointly, upon notice and hearing, for
22 neglect of duty or malfeasance in office, but for no other cause.

23 (c) In making their appointment, the speaker of the house of
24 representatives and the president of the senate shall be cognizant of
25 the desirability of appointing a person who is knowledgeable in the
26 area of labor relations and of the legislature. Until a legislative
27 commissioner is appointed, the duties required of the legislative
28 commissioner under chapter 44.90 RCW shall be carried out by the
29 commission created under RCW 41.58.010(1).

30 (3) The legislative commissioner is not eligible for state
31 retirement under chapter 41.40 RCW by virtue of the legislative
32 commissioner's service as a commissioner.

33 (4) The compensation and travel reimbursement provision under RCW
34 41.58.015(1) shall apply to the legislative commissioner.

35 (5) The legislative commissioner shall at the close of each
36 fiscal year make a report in writing to the legislature stating the
37 cases it has heard and decisions it has rendered.

38 **Sec. 18.** RCW 41.58.015 and 1984 c 287 s 71 are each amended to
39 read as follows:

1 (1) Each member of the commission shall be compensated in
2 accordance with RCW 43.03.250. Members of the commission shall also
3 be reimbursed for travel expenses incurred in the discharge of their
4 official duties on the same basis as is provided in RCW 43.03.050 and
5 43.03.060.

6 (2) The commission shall appoint an executive director whose
7 annual salary shall be determined under the provisions of RCW
8 43.03.028. The executive director shall perform such duties and have
9 such powers as the commission shall prescribe in order to implement
10 and enforce the provisions of this chapter. In addition to the
11 performance of administrative duties, the commission may delegate to
12 the executive director authority with respect to, but not limited to,
13 representation proceedings, unfair labor practice proceedings,
14 mediation of labor disputes, arbitration of disputes concerning the
15 interpretation or application of a collective bargaining agreement,
16 and, in certain cases, fact-finding or arbitration of disputes
17 concerning the terms of a collective bargaining agreement. Such
18 delegation shall not eliminate a party's right of appeal to the
19 commission. The executive director, with such assistance as may be
20 provided by the attorney general and such additional legal assistance
21 consistent with chapter 43.10 RCW, shall have authority on behalf of
22 the commission, when necessary to carry out or enforce any action or
23 decision of the commission, to petition any court of competent
24 jurisdiction for an order requiring compliance with the action or
25 decision.

26 (3) (a) The commission shall employ such employees as it may from
27 time to time find necessary for the proper performance of its duties,
28 consistent with the provisions of this chapter.

29 (b) The employees of the commission shall also provide staff
30 support to the legislative commissioner in carrying out the
31 legislative commissioner's duties under chapter 44.90 RCW.

32 (4) The payment of all of the expenses of the commission,
33 including travel expenses incurred by the members or employees of the
34 commission under its orders, shall be subject to the provisions of
35 RCW 43.03.050 and 43.03.060.

36 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
37 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect May 1, 2024.

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