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SECOND SUBSTITUTE HOUSE BILL 2325

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State of Washington

68th Legislature

2024 Regular Session

**By** House Appropriations (originally sponsored by Representatives Fitzgibbon, Riccelli, Berry, Walen, Gregerson, Bateman, Doglio, Nance, Ramel, Macri, Pollet, and Ormsby)

READ FIRST TIME 02/05/24.

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, 41.58.015, 42.52.020, and  
4 42.52.160; adding new sections to chapter 44.90 RCW; adding a new  
5 section to chapter 41.58 RCW; providing an effective date; and  
6 declaring an emergency.

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

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

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

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

1       (2) "Commission" means the legislative commission created in  
2 section 17 of this act at the public employment relations commission.

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

12       (4) "Director" means the director of the office of state  
13 legislative labor relations.

14       ~~((3))~~ (5) (a) "Employee" means:

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

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

18       (A) Office of legislative support services;

19       (B) Legislative service center;

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

24       (D) House of representatives and senate administrations.

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

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

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

37       ~~((4))~~ (7) "Employee with managerial authority" means any  
38 employee designated by the employer who, regardless of job title: (a)  
39 Directs the staff who work for a legislative chamber, caucus, agency,  
40 or subdivision thereof; (b) has substantial responsibility in

1 personnel administration, or the preparation and administration of  
2 the employer's budgets; and (c) exercises authority that is not  
3 merely routine or clerical in nature and requires the use of  
4 independent judgment.

5 (8) "Employer" means:

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

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

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

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

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

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

31 ~~((+6))~~ (12) "Office" means the office of state legislative labor  
32 relations.

33 (13) "Supervisor" means an employee designated by the employer to  
34 provide supervision to and have authority over legislative employees  
35 on an ongoing basis as part of the supervisor's regular and usual job  
36 duties. Supervision includes the authority to direct employees,  
37 approve and deny leave, and effectively recommend decisions to hire,  
38 transfer, suspend, lay off, recall, promote, discharge, direct,  
39 reward, or discipline employees, or to adjust employee grievances,

1 when the exercise of the authority is not of a merely routine nature  
2 but requires the exercise of individual judgment.

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

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

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

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

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

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

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

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

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

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

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

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

37 (b) The secretary of the senate and the chief clerk of the house  
38 of representatives shall, before employing a director, consult with

1 legislative employees, the senate facilities and operations  
2 committee, the house executive rules committee, and the human  
3 resources officers of the house of representatives, the senate, and  
4 legislative agencies.

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

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

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

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

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

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

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

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

34 ~~(ii) Mandatory, permissive, and prohibited subjects of~~  
35 ~~bargaining;~~

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

40 ~~(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;

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

6 (c) Both partisan and nonpartisan employees;

7 (d) Employees of the majority party caucus and the minority party  
8 caucus, unless a majority of the employees of each caucus indicate by  
9 vote that they desire to be included together in the same unit; or

10 (e) Employees of the legislative service center, office of  
11 legislative support services, and the office of the code reviser, in  
12 any combination with each other or in any combination with employees  
13 of the house of representatives or employees of the senate.

14 (2) If a single employee organization is the exclusive bargaining  
15 representative for two or more units, upon petition by the employee  
16 organization, the units may be consolidated into a single larger unit  
17 if the commission considers the larger unit to be appropriate. If  
18 consolidation is appropriate, the commission shall certify the  
19 employee organization as the exclusive bargaining representative of  
20 the new unit.

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

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

25 (2) Except as provided in this chapter, a collective bargaining  
26 agreement must contain provisions that provide for a grievance  
27 procedure of all disputes arising over the interpretation or  
28 application of the collective bargaining agreement and that is valid  
29 and enforceable under its terms when entered into in accordance with  
30 this chapter.

31 (3) RCW 41.56.037 applies to this chapter.

32 (4)(a) If a collective bargaining agreement between an employer  
33 and an exclusive bargaining representative is concluded after the  
34 termination date of the previous collective bargaining agreement  
35 between the employer and an employee organization representing the  
36 same bargaining units, the effective date of the collective  
37 bargaining agreement may be the day after the termination of the  
38 previous collective bargaining agreement, and all benefits included

1 in the new collective bargaining agreement, including wage or salary  
2 increases, may accrue beginning with that effective date.

3 (b) If a collective bargaining agreement between an employer and  
4 an exclusive bargaining representative is concluded after the  
5 termination date of the previous collective bargaining agreement  
6 between the employer and the exclusive bargaining representative  
7 representing different bargaining units, the effective date of the  
8 collective bargaining agreement may be the day after the termination  
9 date of whichever previous collective bargaining agreement covering  
10 one or more of the units terminated first, and all benefits included  
11 in the new collective bargaining agreement, including wage or salary  
12 increases, may accrue beginning with that effective date.

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

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

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

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

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

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

32 (3)(a) The director must submit ratified collective bargaining  
33 agreements, with cost estimates, to the employer by October 1st  
34 before the legislative session at which the request for funds is to  
35 be considered. The transmission by the legislature to the governor  
36 under RCW 43.88.090 must include a request for funds necessary to  
37 implement the provisions of all collective bargaining agreements  
38 covering legislative employees.

1 (b) If the legislature or governor fails to provide the funds for  
2 a collective bargaining agreement for legislative employees, either  
3 party may reopen all or part of the agreement or the exclusive  
4 bargaining representative may seek to implement the procedures  
5 provided for in section 10 of this act.

6 (4) Negotiation for economic terms will be by a coalition of all  
7 exclusive bargaining representatives. Any such provisions agreed to  
8 by the employer and the coalition must be included in all collective  
9 bargaining agreements negotiated by the parties. The director and the  
10 exclusive bargaining representative or representatives are authorized  
11 to enter into supplemental bargaining of bargaining unit specific  
12 issues for inclusion in the collective bargaining agreement, subject  
13 to the parties' agreement regarding the issues and procedures for  
14 supplemental bargaining. This subsection does not prohibit  
15 cooperation and coordination of bargaining between two or more  
16 exclusive bargaining representatives.

17 (5) If a significant revenue shortfall occurs resulting in  
18 reduced appropriations, as declared by proclamation of the governor  
19 or by resolution of the legislature, both parties must immediately  
20 enter into collective bargaining for a mutually agreed upon  
21 modification of the agreement.

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

24 (1) Should the parties fail to reach agreement in negotiating a  
25 collective bargaining agreement, either party may request of the  
26 commission the assistance of an impartial third party to mediate the  
27 negotiations. If a collective bargaining agreement previously  
28 negotiated under this chapter expires while negotiations are  
29 underway, the terms and conditions specified in the collective  
30 bargaining agreement remain in effect for a period not to exceed one  
31 year from the expiration date stated in the agreement. Thereafter,  
32 the employer may unilaterally implement according to law.

33 (2) Nothing in this section may be construed to prohibit an  
34 employer and an exclusive bargaining representative from agreeing to  
35 substitute, at their own expense, their own procedure for resolving  
36 impasses in collective bargaining for that provided in this section  
37 or from agreeing to utilize for the purposes of this section any  
38 other governmental or other agency or person in lieu of the  
39 commission.

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

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

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

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

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

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

17 (d) To discharge or discriminate otherwise against an employee  
18 because that employee has filed charges or given testimony under this  
19 chapter;

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

22 (2) Notwithstanding any other law, the expression of any views,  
23 arguments, or opinions, or the dissemination thereof in any form, by  
24 a member of the legislature related to this chapter or matters within  
25 the scope of representation, shall not constitute, or be evidence of,  
26 an unfair labor practice unless the employer has authorized the  
27 member to express that view, argument, or opinion on behalf of the  
28 employer or as an employer.

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

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

37 (b) To cause or attempt to cause an employer to discriminate  
38 against an employee in violation of subsection (1)(c) of this  
39 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)~~) (4) The expressing of any views, arguments, or opinion,  
5 or the dissemination thereof to the public, whether in written,  
6 printed, graphic, or visual form, shall not constitute or be evidence  
7 of an unfair labor practice under this chapter, if such expression  
8 contains no threat of reprisal or force or promise of benefit.

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

11 (1) The commission is empowered and directed to prevent any  
12 unfair labor practice and to issue appropriate remedial orders.  
13 However, a complaint may not be processed for any unfair labor  
14 practice occurring more than six months before the filing of the  
15 complaint with the commission or in Thurston county superior court.  
16 This power may not be affected or impaired by any means of  
17 adjustment, mediation, or conciliation in labor disputes that have  
18 been or may hereafter be established by law.

19 (2) Except as may be specifically limited by this chapter, if the  
20 commission or court determines that any person has engaged in or is  
21 engaging in an unfair labor practice, the commission or court shall  
22 issue and cause to be served upon the person an order requiring the  
23 person to cease and desist from such unfair labor practice, and to  
24 take such affirmative action as will effectuate the purposes and  
25 policy of this chapter, such as the payment of damages.

26 (3) The commission may petition the Thurston county superior  
27 court for the enforcement of its order and for appropriate temporary  
28 relief.

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

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

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

1       (a) Any item listed in section 4(1) of this act;  
2       (b) The functions and programs of the employer, the use of  
3 technology, and the structure of the organization, including the size  
4 and composition of standing committees;  
5       ~~((b))~~ (c) The employer's budget and the size of the employer's  
6 workforce, including determining the financial basis for layoffs;  
7       ~~((e))~~ (d) The right to direct and supervise employees;  
8       ~~((d))~~ (e) The ~~((hours of work during legislative session and~~  
9 the)) cutoff calendar for a legislative session; ~~((and~~  
10 the)) (f) The employer's authority to: (i) Lay off employees when  
11 there has been a change to the number of members in, or the makeup  
12 of, a caucus due to an election or appointment that necessitates a  
13 change in the number of staff; (ii) lay off an employee following an  
14 election, appointment, or resignation of a legislator; and (iii)  
15 terminate an employee for engaging in partisan activities that are  
16 incompatible with the employee's job duties or position;  
17       (g) Health care benefits and other employee insurance benefits.  
18 The amount paid by a legislative employee for health care premiums  
19 must be the same as that paid by a represented state employee covered  
20 by RCW 41.80.020(3);  
21       (h) The right to take whatever actions are deemed necessary to  
22 carry out the mission of the legislature and its agencies during  
23 emergencies;  
24       (i) Employees' status as exempt from chapter 41.06 RCW and the  
25 federal fair labor standards act (Title 29 U.S.C. Sec. 203).  
26 Bargaining over terms related to hours of work and overtime are  
27 permitted, except that bargaining related to hours of work and  
28 overtime is prohibited for agreements that take effect earlier than  
29 July 1, 2027; and  
30       (j) Retirement plans and retirement benefits.  
31       ~~((2))~~ (3) Except for an applicable code of conduct policy  
32 adopted by a chamber of the legislature or a legislative agency, if a  
33 conflict exists between policies adopted by the legislature relating  
34 to wages, hours, and terms and conditions of employment and a  
35 provision of a collective bargaining agreement negotiated under this  
36 chapter, the collective bargaining agreement shall prevail. A  
37 provision of a collective bargaining agreement that conflicts with a  
38 statute or an applicable term of a code of conduct policy adopted by  
39 a chamber of the legislature or a legislative agency is invalid and  
40 unenforceable.

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

3        (1) Upon authorization of an employee within the bargaining unit  
4    and after the certification or recognition of the bargaining unit's  
5    exclusive bargaining representative, the employer must deduct from  
6    the payments to the employee the monthly amount of dues as certified  
7    by the secretary of the exclusive bargaining representative and must  
8    transmit the same to the treasurer of the exclusive bargaining  
9    representative.

10       (2) (a) An employee's written, electronic, or recorded voice  
11    authorization to have the employer deduct membership dues from the  
12    employee's salary must be made by the employee to the exclusive  
13    bargaining representative. If the employer receives a request for  
14    authorization of deductions, the employer must, as soon as  
15    practicable, forward the request to the exclusive bargaining  
16    representative.

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

20       (c) The employee's authorization remains in effect until  
21    expressly revoked by the employee in accordance with the terms and  
22    conditions of the authorization.

23       (d) An employee's request to revoke authorization for payroll  
24    deductions must be in writing and submitted by the employee to the  
25    exclusive bargaining representative in accordance with the terms and  
26    conditions of the authorization.

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

31       (f) The employer must rely on information provided by the  
32    exclusive bargaining representative regarding the authorization and  
33    revocation of deductions.

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

36       (1) If the parties to a collective bargaining agreement  
37    negotiated under this chapter agree to final and binding arbitration  
38    under grievance procedures allowed by section 7 of this act, the  
39    parties may agree on one or more permanent umpires to serve as

1 arbitrator, or may agree on any impartial person to serve as  
2 arbitrator, or may agree to select arbitrators from any source  
3 available to them, including federal and private agencies, in  
4 addition to the staff and list of arbitrators maintained by the  
5 commission. If the parties cannot agree to the selection of an  
6 arbitrator, the commission must supply a list of names in accordance  
7 with the procedures established by the commission.

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

10 (3) Except as limited by this chapter, an arbitrator may require  
11 any person to attend as a witness and to bring with them any book,  
12 record, document, or other evidence. The fees for such attendance  
13 must be paid by the party requesting issuance of the subpoena and  
14 must be the same as the fees of witnesses in the superior court.  
15 Arbitrators may administer oaths. Subpoenas must issue and be signed  
16 by the arbitrator and must be served in the same manner as subpoenas  
17 to testify before a court of record in this state. If any person so  
18 summoned to testify refuses or neglects to obey such subpoena, upon  
19 petition authorized by the arbitrator, the superior court may compel  
20 the attendance of the person before the arbitrator or punish the  
21 person for contempt in the same manner provided for the attendance of  
22 witnesses or the punishment of them in the courts of this state.

23 (4) Except as limited by this chapter, the arbitrator shall  
24 appoint a time and place for the hearing and notify the parties  
25 thereof, and may adjourn the hearing from time to time as may be  
26 necessary, and, on application of either party and for good cause,  
27 may postpone the hearing to a time not extending beyond the date  
28 fixed by the collective bargaining agreement for making the award.  
29 The arbitration award must be in writing and signed by the  
30 arbitrator. The arbitrator must, promptly upon its rendition, serve a  
31 true copy of the award on each of the parties or their attorneys of  
32 record.

33 (5) If a party to a collective bargaining agreement negotiated  
34 under this chapter that includes final and binding arbitration  
35 refuses to submit a grievance for arbitration, the other party to the  
36 collective bargaining agreement may invoke the jurisdiction of the  
37 superior court of Thurston county and the court shall have  
38 jurisdiction to issue an order compelling arbitration. Disputes  
39 concerning compliance with grievance procedures shall be reserved for  
40 determination by the arbitrator. Arbitration shall be ordered if the



1 grievance states a claim that on its face is covered by the  
2 collective bargaining agreement. Doubts as to the coverage of the  
3 arbitration clause shall be resolved in favor of arbitration.

4 (6) If a party to a collective bargaining agreement negotiated  
5 under this chapter that includes final and binding arbitration  
6 refuses to comply with the award of an arbitrator determining a  
7 grievance arising under the collective bargaining agreement, the  
8 other party to the collective bargaining agreement may invoke the  
9 jurisdiction of the superior court of Thurston county and the court  
10 shall have jurisdiction to issue an order enforcing the arbitration  
11 award.

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

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

31 (2) In making citizen member appointments initially, and  
32 subsequently thereafter, the governor shall be cognizant of the  
33 desirability of appointing persons knowledgeable in the area of labor  
34 relations in the state.

35 (3) A vacancy in the commission shall not impair the right of the  
36 remaining members to exercise all of the powers of the commission,  
37 and two members of the commission shall, at all times, constitute a  
38 quorum of the commission.

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

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

9 (1)(a) There is established a legislative commission (hereafter  
10 called "the legislative commission") exclusively for the purpose of  
11 certification of bargaining representatives, adjusting and settling  
12 complaints, grievances, and disputes arising out of employer-employee  
13 relations, and otherwise carrying out the duties required of the  
14 commission under chapter 44.90 RCW.

15 (b) The legislative commission shall consist of three members who  
16 shall be appointed as follows:

17 (i) One member shall be appointed by the speaker of the house of  
18 representatives;

19 (ii) One member shall be appointed by the president of the  
20 senate;

21 (iii) By mutual consent, the two appointed members shall appoint  
22 the third member who shall be the chair of the legislative  
23 commission.

24 (c) The original member of the commission appointed by the house  
25 of representatives shall be appointed for a term of three years. The  
26 original member of the commission appointed by the senate shall be  
27 appointed for a term of four years. The third original member shall  
28 be appointed for a term of five years. Their successors shall be  
29 appointed for terms of five years each, except that any person chosen  
30 to fill a vacancy shall be appointed only for the unexpired term of  
31 the member being succeeded. Commission members are eligible for  
32 reappointment.

33 (d) Until all the members of the legislative commission are  
34 appointed, the duties required of the legislative commission under  
35 chapter 44.90 RCW shall be carried out by the commission created  
36 under RCW 41.58.010(1).

37 (2) The commission may delegate to the executive director  
38 authority with respect to, but not limited to, representation  
39 proceedings, unfair labor practice proceedings, mediation, and, if

1 applicable, arbitration of disputes concerning the interpretation or  
2 application of a collective bargaining agreement. Such delegation  
3 shall not eliminate a party's right of appeal to the legislative  
4 commission.

5 (3) Unless specifically provided, the legislative commission  
6 shall not be considered part of the commission created under RCW  
7 41.58.010(1). The powers and duties granted in this chapter to the  
8 commission created under RCW 41.58.010(1) do not apply to the  
9 legislative commission, unless specifically provided.

10 (4) A member of the legislative commission may be removed by the  
11 speaker of the house of representatives and the president of the  
12 senate acting jointly, upon notice and hearing, for neglect of duty  
13 or malfeasance in office, but for no other cause.

14 (5) In making their appointments, the speaker of the house of  
15 representatives and the president of the senate shall be cognizant of  
16 the desirability of appointing a person who is knowledgeable in the  
17 area of labor relations and of the legislature.

18 (6) Members of the legislative commission are not eligible for  
19 state retirement under chapter 41.40 RCW by virtue of the member's  
20 service as a commissioner.

21 (7) The compensation and travel reimbursement provision under RCW  
22 41.58.015(1) shall apply to members of the legislative commission.

23 (8) The legislative commission shall at the close of each fiscal  
24 year make a report in writing to the legislature stating the cases it  
25 has heard and decisions it has rendered.

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

28 (1) Each member of the commission shall be compensated in  
29 accordance with RCW 43.03.250. Members of the commission shall also  
30 be reimbursed for travel expenses incurred in the discharge of their  
31 official duties on the same basis as is provided in RCW 43.03.050 and  
32 43.03.060.

33 (2) The commission shall appoint an executive director whose  
34 annual salary shall be determined under the provisions of RCW  
35 43.03.028. The executive director shall perform such duties and have  
36 such powers as the commission shall prescribe in order to implement  
37 and enforce the provisions of this chapter. In addition to the  
38 performance of administrative duties, the commission may delegate to  
39 the executive director authority with respect to, but not limited to,

1 representation proceedings, unfair labor practice proceedings,  
2 mediation of labor disputes, arbitration of disputes concerning the  
3 interpretation or application of a collective bargaining agreement,  
4 and, in certain cases, fact-finding or arbitration of disputes  
5 concerning the terms of a collective bargaining agreement. Such  
6 delegation shall not eliminate a party's right of appeal to the  
7 commission. The executive director, with such assistance as may be  
8 provided by the attorney general and such additional legal assistance  
9 consistent with chapter 43.10 RCW, shall have authority on behalf of  
10 the commission, when necessary to carry out or enforce any action or  
11 decision of the commission, to petition any court of competent  
12 jurisdiction for an order requiring compliance with the action or  
13 decision.

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

17 (b) The employees of the commission shall also provide staff  
18 support to the legislative commission in carrying out the legislative  
19 commission's duties under chapter 44.90 RCW.

20 (4) The payment of all of the expenses of the commission,  
21 including travel expenses incurred by the members or employees of the  
22 commission under its orders, shall be subject to the provisions of  
23 RCW 43.03.050 and 43.03.060.

24 NEW SECTION. Sec. 19. A new section is added to chapter 44.90  
25 RCW to read as follows:

26 (1) The following activities conducted by or on behalf of  
27 legislative employees related to collective bargaining under this  
28 chapter are exempt from the restrictions contained in RCW 42.52.020  
29 and 42.52.160:

30 (a) Using paid time and public resources by an employee to  
31 negotiate or administer a collective bargaining agreement when the  
32 employee is assigned to negotiate or administer the collective  
33 bargaining agreement and the use of paid time and public resources  
34 does not include state-purchased supplies or equipment, does not  
35 interfere with or distract from the conduct of state business, and is  
36 consistent with the employer's policy on the use of paid time;

37 (b) Lobbying conducted by an employee organization, lobbyist,  
38 association, or third party on behalf of legislative employees

1 concerning legislation that directly impacts legislative workplace  
2 conditions;

3 (c) Communication with a prospective employee organization during  
4 nonwork hours and without the use of public resources; or

5 (d) Conducting the day-to-day work of organizing and representing  
6 legislative employees in the workplace while serving in a legislative  
7 employee organization leadership position.

8 (2)(a) Nothing in this section affects the application of the  
9 prohibition against the use of special privileges under RCW  
10 42.52.070, confidentiality requirements under RCW 42.52.050, or other  
11 applicable provisions of chapter 42.52 RCW to legislative employees.

12 (b) Nothing in this section permits any direct lobbying by a  
13 legislative employee.

14 (3) As used in this section, "lobby" and "lobbyist" have the  
15 meanings provided in RCW 42.17A.005.

16 **Sec. 20.** RCW 42.52.020 and 1996 c 213 s 2 are each amended to  
17 read as follows:

18 (1) No state officer or state employee may have an interest,  
19 financial or otherwise, direct or indirect, or engage in a business  
20 or transaction or professional activity, or incur an obligation of  
21 any nature, that is in conflict with the proper discharge of the  
22 state officer's or state employee's official duties.

23 (2) This section does not apply to activities conducted by  
24 legislative employees authorized under section 19 of this act.

25 **Sec. 21.** RCW 42.52.160 and 2023 c 91 s 3 are each amended to  
26 read as follows:

27 (1) No state officer or state employee may employ or use any  
28 person, money, or property under the officer's or employee's official  
29 control or direction, or in his or her official custody, for the  
30 private benefit or gain of the officer, employee, or another.

31 (2) This section does not prohibit the use of public resources to  
32 benefit others as part of a state officer's or state employee's  
33 official duties. It is not a violation of this section for a  
34 legislator or an appropriate legislative staff designee to engage in  
35 activities listed under RCW 42.52.070(2) or 42.52.822.

36 (3) This section does not prohibit de minimis use of state  
37 facilities to provide employees with information about (a) medical,  
38 surgical, and hospital care; (b) life insurance or accident and

1 health disability insurance; or (c) individual retirement accounts,  
2 by any person, firm, or corporation administering such program as  
3 part of authorized payroll deductions pursuant to RCW 41.04.020.

4 (4) The appropriate ethics boards may adopt rules providing  
5 exceptions to this section for occasional use of the state officer or  
6 state employee, of de minimis cost and value, if the activity does  
7 not result in interference with the proper performance of public  
8 duties.

9 (5) This section does not apply to activities conducted by  
10 legislative employees authorized under section 19 of this act.

11 NEW SECTION. **Sec. 22.** This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of  
13 the state government and its existing public institutions, and takes  
14 effect May 1, 2024.

--- END ---