

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6194

Chapter 333, Laws of 2024

68th Legislature
2024 Regular Session

LEGISLATIVE EMPLOYEE COLLECTIVE BARGAINING—VARIOUS PROVISIONS

EFFECTIVE DATE: May 1, 2024

Passed by the Senate March 7, 2024
Yeas 29 Nays 18

DENNY HECK

President of the Senate

Passed by the House March 7, 2024
Yeas 58 Nays 39

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 28, 2024 10:55 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6194** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 29, 2024

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6194

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Ways & Means (originally sponsored by Senators Stanford, Saldaña, Cleveland, Conway, Dhingra, Hasegawa, Hunt, Kuderer, Lias, Lovelett, Nobles, Randall, Trudeau, Valdez, Van De Wege, and C. Wilson)

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 until the legislative commission expires on December 31, 2027. After
4 December 31, 2027, "commission" means the public employment relations
5 commission created under RCW 41.58.010(1).

6 ~~((2))~~ (3) "Confidential employee" means an employee designated
7 by the employer: (a) To assist in a confidential capacity, or serve
8 as counsel to, persons who formulate, determine, and effectuate
9 employer policies with regard to labor relations and personnel
10 matters; or (b) who as part of the employee's job duties has
11 authorized access to information that contributes to the development
12 of, or relates to the effectuation or review of, the employer's
13 collective bargaining policies, strategies, or process; or (c) who
14 assists or aids an employee with managerial authority.

15 (4) "Director" means the director of the office of state
16 legislative labor relations.

17 ~~((3))~~ (5)(a) "Employee" means:

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

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

21 (A) Office of legislative support services;

22 (B) Legislative service center;

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

27 (D) House of representatives and senate administrations.

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

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

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

1 ~~((4))~~ (7) "Employee with managerial authority" means any
2 employee designated by the employer who, regardless of job title: (a)
3 Directs the staff who work for a legislative chamber, caucus, agency,
4 or subdivision thereof; (b) has substantial responsibility in
5 personnel administration, or the preparation and administration of
6 the employer's budgets; and (c) exercises authority that is not
7 merely routine or clerical in nature and requires the use of
8 independent judgment.

9 (8) "Employer" means:

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

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

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

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

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

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

35 ~~((6))~~ (12) "Office" means the office of state legislative labor
36 relations.

37 (13) "Supervisor" means an employee designated by the employer to
38 provide supervision to legislative employees as part of the
39 employee's regular and usual job duties. Supervision includes
40 directing employees, approving and denying leave, and participating

1 in decisions to hire, transfer, suspend, lay off, recall, promote,
2 discharge, direct, reward, or discipline employees, or to adjust
3 employee grievances, when the exercise of the authority is not of a
4 merely routine nature but requires the exercise of individual
5 judgment, regardless of whether such duties are the employee's
6 primary duties and regardless of whether the employee spends a
7 preponderance of the employee's time exercising such duties. However,
8 "supervisor" does not include a legislative assistant to a legislator
9 of the senate or house of representatives.

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

12 (1) This chapter does not apply to any legislative employee who
13 has managerial authority, is a confidential employee, or who does not
14 meet the definition of employee for the purpose of collective
15 bargaining.

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

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

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

21 (c) The deputy secretary of the senate and the deputy chief clerk
22 of the house of representatives;

23 (d) The senate human resources officer, the human resources
24 director of the house of representatives, and the human resources
25 officers or directors of the legislative support services,
26 legislative service center, and office of the code reviser;

27 (e) The senate director of accounting and the director of
28 accounting for the house of representatives, and the directors of
29 accounting for the legislative support services, legislative service
30 center, and office of the code reviser;

31 (f) Caucus chiefs of staff and caucus deputy chiefs of staff;

32 (g) The speaker's attorney, house counsel, and leadership counsel
33 to the minority caucus of the house of representatives;

34 (h) The counsels for the senate that provide direct legal advice
35 to the administration of the senate; and

36 (i) Any employee who provides direct administrative support to
37 the office of the secretary of the senate or chief clerk of the house
38 of representatives, or who conducts accounting, payroll, labor
39 management, collective bargaining, or human resources activities.

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

3 (1) The office of state legislative labor relations is created to
4 assist the house of representatives, the senate, and legislative
5 agencies in implementing and managing the process of collective
6 bargaining for employees of the legislative branch of state
7 government.

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

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

19 (c) The director serves as the executive and administrative head
20 of the office and may employ additional employees to assist in
21 carrying out the duties of the office. The duties of the office
22 include, but are not limited to, establishing bargaining teams and
23 conducting negotiations on behalf of the employer.

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

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

32 ~~(a) Examine issues related to collective bargaining for employees~~
33 ~~of the house of representatives, the senate, and legislative~~
34 ~~agencies; and~~

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

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

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

7 ~~(i) Which employees of the house of representatives, the senate,~~
8 ~~and legislative agencies for whom collective bargaining may be~~
9 ~~appropriate;~~

10 ~~(ii) Mandatory, permissive, and prohibited subjects of~~
11 ~~bargaining;~~

12 ~~(iii) Who would negotiate on behalf of the house of~~
13 ~~representatives, the senate, and legislative agencies, and which~~
14 ~~entity or entities would be considered the employer for purposes of~~
15 ~~bargaining;~~

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

17 ~~(v) Common public employee collective bargaining agreement~~
18 ~~frameworks related to grievance procedures and processes for~~
19 ~~disciplinary actions;~~

20 ~~(vi) Procedures related to the commission certifying exclusive~~
21 ~~bargaining representatives, determining bargaining units,~~
22 ~~adjudicating unfair labor practices, determining representation~~
23 ~~questions, and coalition bargaining;~~

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

25 ~~(viii) Procedures for approving negotiated collective bargaining~~
26 ~~agreements;~~

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

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

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

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

38 (1) As provided by this chapter, the commission or the court
39 shall determine all questions described by this chapter as under the

1 commission's authority. However, such authority may not result in an
2 order or rule that intrudes upon or interferes with the legislature's
3 core function of efficient and effective law making or the essential
4 operation of the legislature, including that an order or rule may
5 not:

6 (a) Modify any matter relating to the qualifications and
7 elections of members of the legislature, or the holding of office of
8 members of the legislature;

9 (b) Modify any matter relating to the legislature or each house
10 thereof choosing its officers, adopting rules for its proceedings,
11 selecting committees necessary for the conduct of business,
12 considering or enacting legislation, or otherwise exercising the
13 legislative power of this state;

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

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

18 (2) No member of the legislature may be compelled by subpoena or
19 other means to attend a proceeding related to matters covered by this
20 chapter during a legislative session, committee assembly days, or for
21 15 days before commencement of each session.

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

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

31 (2) Except as may be specifically limited by this chapter, the
32 commission shall determine all questions pertaining to ascertaining
33 exclusive bargaining representatives for legislative employees and
34 collectively bargaining under this chapter. However, no employee
35 organization shall be recognized or certified as the exclusive
36 bargaining representative of a bargaining unit of employees of the
37 legislative branch unless it receives the votes of a majority of
38 employees in the petitioned for bargaining unit voting in a secret
39 election (~~by mail ballot~~) administered by the commission. The

1 commission's process must allow for an employee, group of employees,
2 employee organizations, employer, or their agents to have the right
3 to petition on any question concerning representation.

4 ~~(3) ((The employer and the exclusive bargaining representative of~~
5 ~~a 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.))~~ The commission must adopt
10 rules that provide for at least the following:

11 (a) Secret balloting;

12 (b) Consulting with employee organizations;

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

15 (d) Absentee voting;

16 (e) Procedures for the greatest possible participation in voting;

17 (f) Campaigning on the employer's property during working hours;

18 and

19 (g) Election observers.

20 (4) (a) If an employee organization has been certified as the
21 exclusive bargaining representative of the employees of multiple
22 bargaining units, the employee organization may act for and negotiate
23 a master collective bargaining agreement that includes within the
24 coverage of the agreement all covered employees in the bargaining
25 units.

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

31 (5) The certified exclusive bargaining representative is
32 responsible for representing the interests of all the employees in
33 the bargaining unit. This section may not be construed to limit an
34 exclusive bargaining representative's right to exercise its
35 discretion to refuse to process grievances of employees that are
36 unmeritorious.

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

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

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

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 44.90
5 RCW to read as follows:

6 (1) The commission, after hearing upon reasonable notice to all
7 interested parties, shall decide, in each application for
8 certification as an exclusive bargaining representative, the unit
9 appropriate for certification. In determining the new units or
10 modifications of existing units, the commission must consider: The
11 duties, skills, and working conditions of the employees; the history
12 of collective bargaining; the extent of organization among the
13 employees; the desires of the employees; and the avoidance of
14 excessive fragmentation. However, a unit is not appropriate if it
15 includes:

16 (a) Both supervisors and nonsupervisory employees. A unit that
17 includes only supervisors may be considered appropriate if a majority
18 of the supervisory employees indicates by vote that they desire to be
19 included in such a unit;

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

21 (c) Both partisan and nonpartisan employees;

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

25 (e) Employees of the legislative service center, office of
26 legislative support services, and the office of the code reviser, in
27 any combination with each other or in any combination with employees
28 of the house of representatives or employees of the senate.

29 (2) If a single employee organization is the exclusive bargaining
30 representative for two or more units, upon petition by the employee
31 organization, the units may be consolidated into a single larger unit
32 if the commission considers the larger unit to be appropriate. If
33 consolidation is appropriate, the commission shall certify the
34 employee organization as the exclusive bargaining representative of
35 the new unit.

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

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

3 (2) Except as provided in this chapter, a collective bargaining
4 agreement must contain provisions that provide for a grievance
5 procedure of all disputes arising over the interpretation or
6 application of the collective bargaining agreement and that is valid
7 and enforceable under its terms when entered into in accordance with
8 this chapter.

9 (3) RCW 41.56.037 applies to this chapter.

10 (4) (a) If a collective bargaining agreement between an employer
11 and an exclusive bargaining representative is concluded after the
12 termination date of the previous collective bargaining agreement
13 between the employer and an employee organization representing the
14 same bargaining units, the effective date of the collective
15 bargaining agreement may be the day after the termination of the
16 previous collective bargaining agreement, and all benefits included
17 in the new collective bargaining agreement, including wage or salary
18 increases, may accrue beginning with that effective date.

19 (b) If a collective bargaining agreement between an employer and
20 an exclusive bargaining representative is concluded after the
21 termination date of the previous collective bargaining agreement
22 between the employer and the exclusive bargaining representative
23 representing different bargaining units, the effective date of the
24 collective bargaining agreement may be the day after the termination
25 date of whichever previous collective bargaining agreement covering
26 one or more of the units terminated first, and all benefits included
27 in the new collective bargaining agreement, including wage or salary
28 increases, may accrue beginning with that effective date.

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

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

37 (~~During a legislative session or committee assembly days,~~
38 ~~nothing~~) Nothing contained in this chapter permits or grants to any

1 legislative employee the right to strike, participate in a work
2 stoppage, or refuse to perform their official duties.

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

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

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

10 (3) (a) The director must submit ratified collective bargaining
11 agreements, with cost estimates, to the employer by October 1st
12 before the legislative session at which the request for funds is to
13 be considered. The transmission by the legislature to the governor
14 under RCW 43.88.090 must include a request for funds necessary to
15 implement the provisions of all collective bargaining agreements
16 covering legislative employees.

17 (b) If the legislature or governor fails to provide the funds for
18 a collective bargaining agreement for legislative employees, either
19 party may reopen all or part of the agreement or the exclusive
20 bargaining representative may seek to implement the procedures
21 provided for in section 10 of this act.

22 (4) Negotiation for economic terms will be by a coalition of all
23 exclusive bargaining representatives. Any such provisions agreed to
24 by the employer and the coalition must be included in all collective
25 bargaining agreements negotiated by the parties. The director and the
26 exclusive bargaining representative or representatives are authorized
27 to enter into supplemental bargaining of bargaining unit specific
28 issues for inclusion in the collective bargaining agreement, subject
29 to the parties' agreement regarding the issues and procedures for
30 supplemental bargaining. This subsection does not prohibit
31 cooperation and coordination of bargaining between two or more
32 exclusive bargaining representatives.

33 (5) If a significant revenue shortfall occurs resulting in
34 reduced appropriations, as declared by proclamation of the governor
35 or by resolution of the legislature, both parties must immediately
36 enter into collective bargaining for a mutually agreed upon
37 modification of the agreement.

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

3 (1) Should the parties fail to reach agreement in negotiating a
4 collective bargaining agreement, either party may request of the
5 commission the assistance of an impartial third party to mediate the
6 negotiations. If a collective bargaining agreement previously
7 negotiated under this chapter expires while negotiations are
8 underway, the terms and conditions specified in the collective
9 bargaining agreement remain in effect for a period not to exceed one
10 year from the expiration date stated in the agreement. Thereafter,
11 the employer may unilaterally implement according to law.

12 (2) Nothing in this section may be construed to prohibit an
13 employer and an exclusive bargaining representative from agreeing to
14 substitute, at their own expense, their own procedure for resolving
15 impasses in collective bargaining for that provided in this section
16 or from agreeing to utilize for the purposes of this section any
17 other governmental or other agency or person in lieu of the
18 commission.

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

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

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

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

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

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

35 (d) To discharge or discriminate otherwise against an employee
36 because that employee has filed charges or given testimony under this
37 chapter;

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

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

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

9 (a) To restrain or coerce an employee in the exercise of the
10 rights guaranteed by this chapter: PROVIDED, That this subsection
11 shall not impair the right of an employee organization to prescribe
12 its own rules with respect to the acquisition or retention of
13 membership in the employee organization or to an employer in the
14 selection of its representatives for the purpose of bargaining or the
15 adjustment of grievances;

16 (b) To cause or attempt to cause an employer to discriminate
17 against an employee in violation of subsection (1)(c) of this
18 section;

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

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

22 (~~(3)~~) (4) The expressing of any views, arguments, or opinion,
23 or the dissemination thereof to the public, whether in written,
24 printed, graphic, or visual form, shall not constitute or be evidence
25 of an unfair labor practice under this chapter, if such expression
26 contains no threat of reprisal or force or promise of benefit.

27 NEW SECTION. Sec. 12. A new section is added to chapter 44.90
28 RCW to read as follows:

29 (1) The commission is empowered and directed to prevent any
30 unfair labor practice and to issue appropriate remedial orders.
31 However, a complaint may not be processed for any unfair labor
32 practice occurring more than six months before the filing of the
33 complaint with the commission or in Thurston county superior court.
34 This power may not be affected or impaired by any means of
35 adjustment, mediation, or conciliation in labor disputes that have
36 been or may hereafter be established by law.

37 (2) Except as may be specifically limited by this chapter, if the
38 commission or court determines that any person has engaged in or is
39 engaging in an unfair labor practice, the commission or court shall

1 issue and cause to be served upon the person an order requiring the
2 person to cease and desist from such unfair labor practice, and to
3 take such affirmative action as will effectuate the purposes and
4 policy of this chapter, such as the payment of damages.

5 (3) The commission may petition the Thurston county superior
6 court for the enforcement of its order and for appropriate temporary
7 relief.

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

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

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

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

19 (b) The functions and programs of the employer, the use of
20 technology, and the structure of the organization, including the size
21 and composition of standing committees;

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

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

25 ~~((d))~~ (e) The hours of work during legislative session ((and
26 the cutoff calendar for a legislative session)) and committee
27 assembly days, and the hours of work during the 60 calendar days
28 before the first day of legislative session and during the 20
29 calendar days after the last day of legislative session. This
30 subsection (2)(e) does not prohibit bargaining over hours of work
31 during any other period and bargaining over compensation for hours of
32 work in excess of a 40-hour workweek, except that bargaining over
33 hours of work during periods not otherwise prohibited and
34 compensation for hours worked in excess of a 40-hour workweek may
35 only occur for agreements that take effect after July 1, 2027; ((and

36 ~~(e))~~ (f) The cutoff calendar for a legislative session;

37 (g) The employer's authority to: (i) Lay off employees when there
38 has been a change to the number of members in, or the makeup of, a
39 caucus due to an election or appointment that necessitates a change

1 in the number of staff; (ii) lay off an employee following an
2 election, appointment, or resignation of a legislator; and (iii)
3 terminate an employee for engaging in partisan activities that are
4 incompatible with the employee's job duties or position;

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

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

12 (j) Retirement plans and retirement benefits.

13 ~~((2))~~ (3) Except for an applicable code of conduct policy
14 adopted by a chamber of the legislature or a legislative agency, if a
15 conflict exists between policies adopted by the legislature relating
16 to wages, hours, and terms and conditions of employment and a
17 provision of a collective bargaining agreement negotiated under this
18 chapter, the collective bargaining agreement shall prevail. A
19 provision of a collective bargaining agreement that conflicts with a
20 statute or an applicable term of a code of conduct policy adopted by
21 a chamber of the legislature or a legislative agency is invalid and
22 unenforceable.

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

25 (1) Upon authorization of an employee within the bargaining unit
26 and after the certification or recognition of the bargaining unit's
27 exclusive bargaining representative, the employer must deduct from
28 the payments to the employee the monthly amount of dues as certified
29 by the secretary of the exclusive bargaining representative and must
30 transmit the same to the treasurer of the exclusive bargaining
31 representative.

32 (2) (a) An employee's written, electronic, or recorded voice
33 authorization to have the employer deduct membership dues from the
34 employee's salary must be made by the employee to the exclusive
35 bargaining representative. If the employer receives a request for
36 authorization of deductions, the employer must, as soon as
37 practicable, forward the request to the exclusive bargaining
38 representative.

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

4 (c) The employee's authorization remains in effect until
5 expressly revoked by the employee in accordance with the terms and
6 conditions of the authorization.

7 (d) An employee's request to revoke authorization for payroll
8 deductions must be in writing and submitted by the employee to the
9 exclusive bargaining representative in accordance with the terms and
10 conditions of the authorization.

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

15 (f) The employer must rely on information provided by the
16 exclusive bargaining representative regarding the authorization and
17 revocation of deductions.

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

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

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

33 (3) Except as limited by this chapter, an arbitrator may require
34 any person to attend as a witness and to bring with them any book,
35 record, document, or other evidence. The fees for such attendance
36 must be paid by the party requesting issuance of the subpoena and
37 must be the same as the fees of witnesses in the superior court.
38 Arbitrators may administer oaths. Subpoenas must issue and be signed
39 by the arbitrator and must be served in the same manner as subpoenas

1 to testify before a court of record in this state. If any person so
2 summoned to testify refuses or neglects to obey such subpoena, upon
3 petition authorized by the arbitrator, the superior court may compel
4 the attendance of the person before the arbitrator or punish the
5 person for contempt in the same manner provided for the attendance of
6 witnesses or the punishment of them in the courts of this state.

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

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

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

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

38 (1) There is hereby created the public employment relations
39 commission (hereafter called the "commission") to administer the

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

16 (2) In making citizen member appointments initially, and
17 subsequently thereafter, the governor shall be cognizant of the
18 desirability of appointing persons knowledgeable in the area of labor
19 relations in the state.

20 (3) A vacancy in the commission shall not impair the right of the
21 remaining members to exercise all of the powers of the commission,
22 and two members of the commission shall, at all times, constitute a
23 quorum of the commission.

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

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

32 (1)(a) There is established a legislative commission (hereafter
33 called "the legislative commission") exclusively for the purpose of
34 certification of bargaining representatives, adjusting and settling
35 complaints, grievances, and disputes arising out of employer-employee
36 relations, and otherwise carrying out the duties required of the
37 commission under chapter 44.90 RCW.

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

1 (i) One member shall be appointed by the speaker of the house of
2 representatives;

3 (ii) One member shall be appointed by the president of the
4 senate;

5 (iii) By mutual consent, the two appointed members shall appoint
6 the third member who shall be the chair of the legislative
7 commission.

8 (c) All appointments must be made by September 30, 2024. The
9 members of the legislative commission, and any person appointed to
10 fill a vacancy, are appointed for the entire term until the
11 legislative commission expires under subsection (9) of this section.

12 (d) Until all the members of the legislative commission are
13 appointed, the duties required of the legislative commission under
14 chapter 44.90 RCW shall be carried out by the commission created
15 under RCW 41.58.010(1).

16 (2) The commission may delegate to the executive director
17 authority with respect to, but not limited to, representation
18 proceedings, unfair labor practice proceedings, mediation, and, if
19 applicable, arbitration of disputes concerning the interpretation or
20 application of a collective bargaining agreement. Such delegation
21 shall not eliminate a party's right of appeal to the legislative
22 commission.

23 (3) Unless specifically provided, the legislative commission
24 shall not be considered part of the commission created under RCW
25 41.58.010(1). The powers and duties granted in this chapter to the
26 commission created under RCW 41.58.010(1) do not apply to the
27 legislative commission, unless specifically provided.

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

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

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

39 (7) The compensation and travel reimbursement provision under RCW
40 41.58.015(1) shall apply to members of the legislative commission.

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

4 (9) (a) The legislative commission expires December 31, 2027.

5 (b) After December 31, 2027, the duties required of the
6 legislative commission under chapter 44.90 RCW shall be carried out
7 by the commission created under RCW 41.58.010(1).

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

10 (1) Each member of the commission shall be compensated in
11 accordance with RCW 43.03.250. Members of the commission shall also
12 be reimbursed for travel expenses incurred in the discharge of their
13 official duties on the same basis as is provided in RCW 43.03.050 and
14 43.03.060.

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

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

38 (b) The employees of the commission shall also provide staff
39 support to the legislative commission in carrying out the legislative

1 commission's duties under chapter 44.90 RCW until the legislative
2 commission expires on December 31, 2027, under section 17 of this
3 act.

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

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

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

14 (a) Using paid time and public resources by an employee to
15 negotiate or administer a collective bargaining agreement under this
16 chapter when the employee is assigned to negotiate or administer the
17 collective bargaining agreement and the use of paid time and public
18 resources does not include state purchased supplies or equipment,
19 does not interfere with or distract from the conduct of state
20 business, and is consistent with the employer's policy on the use of
21 paid time;

22 (b) Lobbying conducted by an employee organization, lobbyist,
23 association, or third party on behalf of legislative employees
24 concerning legislation that directly impacts legislative workplace
25 conditions;

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

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

31 (2)(a) Nothing in this section affects the application of the
32 prohibition against the use of special privileges under RCW
33 42.52.070, confidentiality requirements under RCW 42.52.050, or other
34 applicable provisions of chapter 42.52 RCW to legislative employees.

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

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

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

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

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

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

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

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

21 (3) This section does not prohibit de minimis use of state
22 facilities to provide employees with information about (a) medical,
23 surgical, and hospital care; (b) life insurance or accident and
24 health disability insurance; or (c) individual retirement accounts,
25 by any person, firm, or corporation administering such program as
26 part of authorized payroll deductions pursuant to RCW 41.04.020.

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

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

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

Passed by the Senate March 7, 2024.
Passed by the House March 7, 2024.
Approved by the Governor March 28, 2024.
Filed in Office of Secretary of State March 29, 2024.

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