

HB 1069 - S COMM AMD

By Committee on Labor & Commerce

OUT OF ORDER 03/04/2026

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 41.80.020 and 2021 c 13 s 6 are each amended to
4 read as follows:

5 (1) Except as otherwise provided in this chapter, the matters
6 subject to bargaining include wages, hours, and other terms and
7 conditions of employment, and the negotiation of any question arising
8 under a collective bargaining agreement.

9 (2) The employer is not required to bargain over matters
10 pertaining to:

11 (a) Health care benefits or other employee insurance benefits,
12 except as required in subsection (3) of this section and RCW
13 41.80.040(2);

14 (b) Any retirement system or retirement benefit, except as
15 required in RCW 41.80.040(2); or

16 (c) Rules of the director of financial management, the director
17 of enterprise services, or the Washington personnel resources board
18 adopted under RCW 41.06.157.

19 (3) Matters subject to bargaining include the number of names to
20 be certified for vacancies, promotional preferences, and the dollar
21 amount expended on behalf of each employee for health care benefits.
22 However, except as provided otherwise in this subsection for
23 institutions of higher education, negotiations regarding the number
24 of names to be certified for vacancies, promotional preferences, and
25 the dollar amount expended on behalf of each employee for health care
26 benefits shall be conducted between the employer and one coalition of
27 all the exclusive bargaining representatives subject to this chapter.
28 The exclusive bargaining representatives for employees that are
29 subject to chapter 47.64 RCW shall bargain the dollar amount expended
30 on behalf of each employee for health care benefits with the employer
31 as part of the coalition under this subsection. Any such provision
32 agreed to by the employer and the coalition shall be included in all

1 master collective bargaining agreements negotiated by the parties.
2 For institutions of higher education, promotional preferences and the
3 number of names to be certified for vacancies shall be bargained
4 under the provisions of RCW 41.80.010(4). For agreements covering the
5 2013-2015 fiscal biennium, any agreement between the employer and the
6 coalition regarding the dollar amount expended on behalf of each
7 employee for health care benefits is a separate agreement and shall
8 not be included in the master collective bargaining agreements
9 negotiated by the parties.

10 (4) The employer and the exclusive bargaining representative
11 shall not agree to any proposal that would prevent the implementation
12 of approved affirmative action plans or that would be inconsistent
13 with the comparable worth agreement that provided the basis for the
14 salary changes implemented beginning with the 1983-1985 biennium to
15 achieve comparable worth.

16 (5) The employer and the exclusive bargaining representative
17 shall not bargain over matters pertaining to management rights
18 established in RCW 41.80.040.

19 (6) Except as otherwise provided in this chapter, if a conflict
20 exists between an executive order, administrative rule, or agency
21 policy relating to wages, hours, and terms and conditions of
22 employment and a collective bargaining agreement negotiated under
23 this chapter, the collective bargaining agreement shall prevail. A
24 provision of a collective bargaining agreement that conflicts with
25 the terms of a statute is invalid and unenforceable.

26 (7) This section does not prohibit bargaining that affects
27 contracts authorized by RCW 41.06.142.

28 (8) RCW 41.58.070 applies to uniformed personnel.

29 **Sec. 2.** RCW 41.80.040 and 2020 c 357 s 913 are each amended to
30 read as follows:

31 (1) The employer shall not bargain over rights of management
32 which, in addition to all powers, duties, and rights established by
33 constitutional provision or statute, shall include but not be limited
34 to the following:

35 ~~((1))~~ (a) The functions and programs of the employer, the use
36 of technology, and the structure of the organization;

37 ~~((2))~~ (b) The employer's budget, which includes for purposes of
38 any negotiations conducted during the 2019-2021 fiscal biennium any
39 specification of the funds or accounts that must be appropriated by

1 the legislature to fulfill the terms of an agreement, and the size of
2 the agency workforce, including determining the financial basis for
3 layoffs;

4 ~~((3))~~ (c) The right to direct and supervise employees;

5 ~~((4))~~ (d) The right to take whatever actions are deemed
6 necessary to carry out the mission of the state and its agencies
7 during emergencies; and

8 ~~((5—Retirement))~~ (e) Except for bargaining over supplemental
9 retirement benefits for department of corrections employees as
10 required under subsection (2) of this section, retirement plans and
11 retirement benefits.

12 (2)(a) For department of corrections employees, subsection (1)(e)
13 of this section does not prevent the employer from bargaining over
14 contributions for supplemental retirement benefits, including medical
15 plans, administered by, or on behalf of, an employee organization
16 that represents department of corrections employees.

17 (b) Notwithstanding any other provision of this chapter,
18 contributions for supplemental retirement benefits for department of
19 corrections employees covered under (a) of this subsection are a
20 mandatory subject of bargaining."

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21 On page 1, line 2 of the title, after "benefits;" strike the
22 remainder of the title and insert "and amending RCW 41.80.020 and
23 41.80.040."

EFFECT: Makes contributions for supplemental benefits
administered by, or on behalf of, an employee organization a
mandatory subject of bargaining. Limits the application of the bill
to Department of Corrections employees.

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