

---

HOUSE BILL 1308

---

State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Anderson, Nixon, Pflug, Talcott, Ericksen, Ahern, Schindler, Crouse, Woods, Benson and McMahan

Read first time 01/22/2003.                      Referred to Committee on State Government.

1            AN ACT Relating to contracting for services customarily provided by  
2 state employees; amending RCW 41.80.020; and providing an effective  
3 date.

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

5            **Sec. 1.** RCW 41.80.020 and 2002 c 354 s 303 are each amended to  
6 read as follows:

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

11            (2) The employer is not required to bargain over matters pertaining  
12 to:

13            (a) Health care benefits or other employee insurance benefits,  
14 except as required in subsection (3) of this section;

15            (b) Any retirement system or retirement benefit; or

16            (c) Rules of the director of personnel or the Washington personnel  
17 resources board adopted under section 203, chapter 354, Laws of 2002.

1 (3) Matters subject to bargaining include the number of names to be  
2 certified for vacancies, promotional preferences, and the dollar amount  
3 expended on behalf of each employee for health care benefits. However,  
4 except as provided otherwise in this subsection for institutions of  
5 higher education, negotiations regarding the number of names to be  
6 certified for vacancies, promotional preferences, and the dollar amount  
7 expended on behalf of each employee for health care benefits shall be  
8 conducted between the employer and one coalition of all the exclusive  
9 bargaining representatives subject to this chapter. Any such provision  
10 agreed to by the employer and the coalition shall be included in all  
11 master collective bargaining agreements negotiated by the parties. For  
12 institutions of higher education, promotional preferences and the  
13 number of names to be certified for vacancies shall be bargained under  
14 the provisions of RCW 41.80.010(4).

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

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

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

31 (~~(7) ((This section does not prohibit))~~) (a) Effective July 1, 2005,  
32 bargaining that affects contracts authorized by RCW 41.06.142 is  
33 prohibited.

34 (b) Any provision contrary to or in conflict with (a) of this  
35 subsection in any collective bargaining agreement in effect on July 1,  
36 2005, is not effective beyond the expiration date of the agreement.

1        NEW SECTION.   **Sec. 2.**   Section 1 of this act takes effect July 1,  
2   2004.

--- END ---