

SSB 5811 - S AMD 216

By Senators Tom, Mullet, Keiser

ADOPTED 03/13/2013

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

3 "Sec. 1. RCW 41.80.020 and 2011 1st sp.s. c 50 s 939 and 2011 1st
4 sp.s. c 43 s 445 are each reenacted and amended to 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 pertaining
10 to:

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

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

14 (c) Rules of the human resources director, the director of
15 enterprise services, or the Washington personnel resources board
16 adopted under RCW 41.06.157.

17 (3) Matters subject to bargaining include the number of names to be
18 certified for vacancies, promotional preferences, and ~~((the dollar
19 amount expended on behalf of each employee for health care benefits))~~
20 the employer's percentage contribution of the total weighted average of
21 the projected health care premium for each employee eligible for
22 insurance. The projected health care premium is the weighted average
23 across all health care benefit plans and tiers. However, except as
24 provided otherwise in this subsection for institutions of higher
25 education, negotiations regarding the number of names to be certified
26 for vacancies, promotional preferences, and the ~~((dollar amount
27 expended on behalf of each employee for health care benefits))~~
28 employer's percentage contribution of the total weighted average of the
29 projected health care premium for each employee eligible for insurance
30 shall be conducted between the employer and one coalition of all the

1 exclusive bargaining representatives subject to this chapter. The
2 exclusive bargaining representatives for employees that are subject to
3 chapter 47.64 RCW shall bargain the (~~dollar amount expended on behalf~~
4 ~~of each employee for health care benefits~~) employer's percentage
5 contribution of the total weighted average of the projected health care
6 premium for each employee eligible for insurance with the employer as
7 part of the coalition under this subsection. Any such provision agreed
8 to by the employer and the coalition shall be included in all master
9 collective bargaining agreements negotiated by the parties. For
10 institutions of higher education, promotional preferences and the
11 number of names to be certified for vacancies shall be bargained under
12 the provisions of RCW 41.80.010(4). For agreements covering the
13 (~~2011-2013~~) 2013-2015 fiscal biennium, any agreement between the
14 employer and the coalition regarding (~~the dollar amount expended on~~
15 ~~behalf of each employee for~~) health care benefits is a separate
16 agreement and shall not be included in the master collective bargaining
17 agreements negotiated by the parties.

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

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

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

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

36 **Sec. 2.** RCW 47.64.270 and 2011 c 367 s 713 are each amended to
37 read as follows:

1 (1) The employer and one coalition of all the exclusive bargaining
2 representatives subject to this chapter and chapter 41.80 RCW shall
3 conduct negotiations regarding the ~~((dollar amount expended on behalf
4 of each employee for health care benefits))~~ employer's percentage
5 contribution of the total weighted average of the projected health care
6 premium for each employee eligible for insurance.

7 (2) Absent a collective bargaining agreement to the contrary, the
8 department of transportation shall provide contributions to insurance
9 and health care plans for ferry system employees and dependents, as
10 determined by the state health care authority, under chapter 41.05 RCW.

11 (3) The employer and employee organizations may collectively
12 bargain for insurance plans other than health care benefits, and
13 employer contributions may exceed that of other state agencies as
14 provided in RCW 41.05.050.

15 (4) For the ~~((2011-2013))~~ 2013-2015 fiscal biennium, a collective
16 bargaining agreement related to employee health care benefits
17 negotiated between the employer and coalition pursuant to RCW
18 41.80.020(3) ~~((regarding the dollar amount expended on behalf of each
19 employee))~~ must be a separate agreement for which the governor may
20 request funds necessary to implement the agreement. ~~((If such an
21 agreement is negotiated and funded by the legislature, this agreement
22 will supersede any terms and conditions of an expired 2009-2011
23 biennial collective bargaining agreement under this chapter regarding
24 health care benefits.))~~

25 NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW
26 to read as follows:

27 (1) Beginning no later than January 1, 2014, all state employee
28 health care benefit plans under this chapter must be offered in
29 conjunction with an employee wellness program developed pursuant to RCW
30 41.05.540. The program must include premium reductions, premium
31 increases, or other financial incentives to promote employee
32 achievement of identified wellness targets or goals.

33 (2) The governor shall appoint an eight member health and wellness
34 advisory committee to consult with and advise the director regarding
35 the employee wellness program. Three members must be representatives
36 of state employee labor organizations, one member must be a
37 nonrepresented state employee, and four members must be representatives

1 of state agencies or higher education institutions. The members shall
2 serve at the pleasure of the governor. The director shall convene the
3 advisory committee not less than four times a year to discuss the
4 employee wellness program design and experience, and to solicit
5 recommendations from the committee.

6 (3) For employees covered by collective bargaining agreements for
7 the period of July 1, 2011, through June 30, 2013, the employee
8 wellness program must be offered at the end of the time period
9 established in RCW 41.80.010(7).

10 **Sec. 4.** RCW 41.05.540 and 2007 c 259 s 40 are each amended to read
11 as follows:

12 (1) The health care authority, in coordination with the
13 (~~department of health,~~) health plans participating in public
14 employees' benefits board programs(~~(~~) and the (~~University of~~
15 ~~Washington's center for health promotion, shall establish~~) state
16 agencies shall expand and maintain a state employee health and wellness
17 program focused on reducing the health risks and improving the health
18 status of state employees(~~(~~) and dependents(~~(~~ and ~~retirees~~))
19 enrolled in the public employees' benefits board. The program shall
20 use public and private sector best practices to achieve goals of
21 measurable health outcomes, measurable productivity improvements,
22 positive impact on the cost of medical care, and positive return on
23 investment. The program shall establish standards for health promotion
24 and disease prevention activities, and develop a mechanism to update
25 standards as evidence-based research brings new information and best
26 practices forward.

27 (2) The state employee health and wellness program shall:

28 (a) Provide technical assistance and other services as needed to
29 wellness staff in all state agencies and institutions of higher
30 education by; building on the success with the worksite wellness
31 demonstrations and expanding the Washington worksite wellness program;

32 (b) Develop effective communication tools and ongoing training for
33 wellness staff;

34 (c) (~~Contract~~) Complete consolidated contracting with outside
35 vendors for (~~evaluation of program goals;~~

36 ~~(d) Strongly encourage the widespread completion of online health~~

1 ~~assessment tools for all state employees, dependents, and retirees.~~
2 ~~The health assessment tool must be voluntary and confidential. Health~~
3 ~~assessment data and claims data shall be used to:~~

4 ~~(i) Engage state agencies and institutions of higher education in~~
5 ~~providing evidence-based programs targeted at reducing identified~~
6 ~~health risks;~~

7 ~~(ii) Guide contracting with third-party vendors to implement~~
8 ~~behavior change tools for targeted high-risk populations; and~~

9 ~~(iii) Guide the benefit structure for state employees, dependents,~~
10 ~~and retirees to include covered services and medications known to~~
11 ~~manage and reduce health risks)) worksite wellness activities such as,~~
12 ~~but not limited to, on-site flu vaccination clinics, mobile~~
13 ~~mammography, healthy weight control programs, chronic disease~~
14 ~~management courses, and other evidence-based programs that support~~
15 ~~employee health and wellness;~~

16 ~~(d) Develop and refine common core data elements for health plans~~
17 ~~and agency worksites to assist with comparable measurement and~~
18 ~~assessment of outcomes;~~

19 ~~(e) Gather and monitor data from agencies on the worksite wellness~~
20 ~~activities and outcomes including impacts on productivity and employee~~
21 ~~wellness, and complete an analysis and summary of the outcomes~~
22 ~~annually;~~

23 ~~(f) Coordinate with the public employees benefits board to design~~
24 ~~a benefit package that more strongly encourages the use of high-value~~
25 ~~services and member engagement in health assessment and wellness~~
26 ~~programs. A benefit design must incorporate a financial incentive for~~
27 ~~completing a health assessment and participating in health activities~~
28 ~~as an integral structural component in the benefit design rather than~~
29 ~~as a freestanding assessment tool;~~

30 ~~(g) Ensure the design of the health and wellness program and~~
31 ~~benefit structure complement the development of chronic care management~~
32 ~~and medical home models consistent with the requirements of RCW~~
33 ~~41.05.023 and 41.05.670.~~

34 ~~(3) ((The health care authority shall report to the legislature in~~
35 ~~December 2008 and December 2010 on outcome goals for the employee~~
36 ~~health program.)) To expand the employee health and wellness program~~
37 ~~and build a strategic link with the benefit design and worksite~~
38 ~~supports, the health care authority must engage in collaborative~~

1 discussions with enrollees in the public employees benefits board
2 program, the various employee unions representing employees, and state
3 agencies. Consolidated recommendations from all participants on the
4 benefit design and incentive structure must be shared with the board
5 for consideration."

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6 On page 1, line 1 of the title, after "programs;" strike the
7 remainder of the title and insert "amending RCW 47.64.270 and
8 41.05.540; reenacting and amending RCW 41.80.020; and adding a new
9 section to chapter 41.05 RCW."

EFFECT: Health plans offered to state employees must include an employee wellness program. The health care authority must coordinate with the Public Employees' Benefits Board to design a benefit package that more strongly encourages the use of high-value services and member engagement in health assessment and wellness programs.

Removes changes related to the scope of bargaining. Provides that health care bargaining is over the percentage contribution of the average projected health care premium, which is what the parties have consistently negotiated over the prior three biennia. Makes the change both for general government and ferry employees.

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