
SUBSTITUTE SENATE BILL 5811

State of Washington

63rd Legislature

2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Tom, Fain, Hill, Rivers, Baumgartner, and Shin)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to employee wellness programs; reenacting and
2 amending RCW 41.80.020; and adding a new section to chapter 41.05 RCW.

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

4 **Sec. 1.** RCW 41.80.020 and 2011 1st sp.s. c 50 s 939 and 2011 1st
5 sp.s. c 43 s 445 are each reenacted and amended to read as follows:

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

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

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

14 (b) Employee wellness programs;

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

16 ((+e)) (d) Rules of the human resources director, the director of
17 enterprise services, or the Washington personnel resources board
18 adopted under RCW 41.06.157.

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. The exclusive
10 bargaining representatives for employees that are subject to chapter
11 47.64 RCW shall bargain the dollar amount expended on behalf of each
12 employee for health care benefits with the employer as part of the
13 coalition under this subsection. Any such provision agreed to by the
14 employer and the coalition shall be included in all master collective
15 bargaining agreements negotiated by the parties. For institutions of
16 higher education, promotional preferences and the number of names to be
17 certified for vacancies shall be bargained under the provisions of RCW
18 41.80.010(4). For agreements covering the 2011-2013 fiscal biennium,
19 any agreement between the employer and the coalition regarding the
20 dollar amount expended on behalf of each employee for health care
21 benefits is a separate agreement and shall not be included in the
22 master collective bargaining agreements negotiated by the parties.

23 (4) For the purposes of subsection (3) of this section, financial
24 incentives included as part of an employee wellness program, including
25 increases or reductions in individual employee premium contributions,
26 shall not be included in calculating or negotiating the dollar amount
27 expended on behalf of each employee for health care benefits.

28 (5) The employer and the exclusive bargaining representative shall
29 not agree to any proposal that would prevent the implementation of
30 approved affirmative action plans or that would be inconsistent with
31 the comparable worth agreement that provided the basis for the salary
32 changes implemented beginning with the 1983-1985 biennium to achieve
33 comparable worth.

34 ~~((+5))~~ (6) The employer and the exclusive bargaining
35 representative shall not bargain over matters pertaining to management
36 rights established in RCW 41.80.040.

37 ~~((+6))~~ (7) Except as otherwise provided in this chapter, if a
38 conflict exists between an executive order, administrative rule, or

1 agency policy relating to wages, hours, and terms and conditions of
2 employment and a collective bargaining agreement negotiated under this
3 chapter, the collective bargaining agreement shall prevail. A
4 provision of a collective bargaining agreement that conflicts with the
5 terms of a statute is invalid and unenforceable.

6 ~~((7))~~ (8) This section does not prohibit bargaining that affects
7 contracts authorized by RCW 41.06.142.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW
9 to read as follows:

10 (1) Beginning no later than January 1, 2014, all state employee
11 health care benefit plans under this chapter must be offered in
12 conjunction with an employee wellness program developed pursuant to RCW
13 41.05.540. The program must include premium reductions, premium
14 increases, or other financial incentives to promote employee
15 achievement of identified wellness targets or goals.

16 (2) The governor shall appoint an eight member health and wellness
17 advisory committee to consult with and advise the director regarding
18 the employee wellness program. Three members must be representatives
19 of state employee labor organizations, one member must be a
20 nonrepresented state employee, and four members must be representatives
21 of state agencies or higher education institutions. The members shall
22 serve at the pleasure of the governor. The director shall convene the
23 advisory committee not less than four times a year to discuss the
24 employee wellness program design and experience, and to solicit
25 recommendations from the committee.

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

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