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**SUBSTITUTE SENATE BILL 5763**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Warnick, Pearson, and Hatfield)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to establishing a coalition of commissioned  
2 officers of the department of fish and wildlife for the purposes of  
3 collective bargaining; and amending RCW 41.80.010.

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

5 **Sec. 1.** RCW 41.80.010 and 2013 2nd sp.s. c 4 s 971 are each  
6 amended to read as follows:

7 (1) For the purpose of negotiating collective bargaining  
8 agreements under this chapter, the employer shall be represented by  
9 the governor or governor's designee, except as provided for  
10 institutions of higher education in subsection (4) of this section.

11 (2)(a) If an exclusive bargaining representative represents more  
12 than one bargaining unit, the exclusive bargaining representative  
13 shall negotiate with each employer representative as designated in  
14 subsection (1) of this section one master collective bargaining  
15 agreement on behalf of all the employees in bargaining units that the  
16 exclusive bargaining representative represents. Except as provided in  
17 (d) of this subsection, for those exclusive bargaining  
18 representatives who represent fewer than a total of five hundred  
19 employees each, negotiation shall be by a coalition of all those  
20 exclusive bargaining representatives. The coalition shall bargain for  
21 a master collective bargaining agreement covering all of the

1 employees represented by the coalition. The governor's designee and  
2 the exclusive bargaining representative or representatives are  
3 authorized to enter into supplemental bargaining of agency-specific  
4 issues for inclusion in or as an addendum to the master collective  
5 bargaining agreement, subject to the parties' agreement regarding the  
6 issues and procedures for supplemental bargaining. This section does  
7 not prohibit cooperation and coordination of bargaining between two  
8 or more exclusive bargaining representatives.

9 (b) This subsection (2) does not apply to exclusive bargaining  
10 representatives who represent employees of institutions of higher  
11 education, except when the institution of higher education has  
12 elected to exercise its option under subsection (4) of this section  
13 to have its negotiations conducted by the governor or governor's  
14 designee under the procedures provided for general government  
15 agencies in subsections (1) through (3) of this section.

16 (c) If five hundred or more employees of an independent state  
17 elected official listed in RCW 43.01.010 are organized in a  
18 bargaining unit or bargaining units under RCW 41.80.070, the official  
19 shall be consulted by the governor or the governor's designee before  
20 any agreement is reached under (a) of this subsection concerning  
21 supplemental bargaining of agency specific issues affecting the  
22 employees in such bargaining unit.

23 (d) For those exclusive bargaining representatives who represent  
24 commissioned officers, except for captains, of the department of fish  
25 and wildlife, negotiation shall be by a coalition of exclusive  
26 bargaining representatives who represent the commissioned officers.

27 (3) The governor shall submit a request for funds necessary to  
28 implement the compensation and fringe benefit provisions in the  
29 master collective bargaining agreement or for legislation necessary  
30 to implement the agreement. Requests for funds necessary to implement  
31 the provisions of bargaining agreements shall not be submitted to the  
32 legislature by the governor unless such requests:

33 (a) Have been submitted to the director of the office of  
34 financial management by October 1 prior to the legislative session at  
35 which the requests are to be considered; and

36 (b) Have been certified by the director of the office of  
37 financial management as being feasible financially for the state.

38 The legislature shall approve or reject the submission of the  
39 request for funds as a whole. The legislature shall not consider a  
40 request for funds to implement a collective bargaining agreement

1 unless the request is transmitted to the legislature as part of the  
2 governor's budget document submitted under RCW 43.88.030 and  
3 43.88.060. If the legislature rejects or fails to act on the  
4 submission, either party may reopen all or part of the agreement or  
5 the exclusive bargaining representative may seek to implement the  
6 procedures provided for in RCW 41.80.090.

7 (4)(a)(i) For the purpose of negotiating agreements for  
8 institutions of higher education, the employer shall be the  
9 respective governing board of each of the universities, colleges, or  
10 community colleges or a designee chosen by the board to negotiate on  
11 its behalf.

12 (ii) A governing board of a university or college may elect to  
13 have its negotiations conducted by the governor or governor's  
14 designee under the procedures provided for general government  
15 agencies in subsections (1) through (3) of this section, except that:

16 (A) The governor or the governor's designee and an exclusive  
17 bargaining representative shall negotiate one master collective  
18 bargaining agreement for all of the bargaining units of employees of  
19 a university or college that the representative represents; or

20 (B) If the parties mutually agree, the governor or the governor's  
21 designee and an exclusive bargaining representative shall negotiate  
22 one master collective bargaining agreement for all of the bargaining  
23 units of employees of more than one university or college that the  
24 representative represents.

25 (iii) A governing board of a community college may elect to have  
26 its negotiations conducted by the governor or governor's designee  
27 under the procedures provided for general government agencies in  
28 subsections (1) through (3) of this section.

29 (b) Prior to entering into negotiations under this chapter, the  
30 institutions of higher education or their designees shall consult  
31 with the director of the office of financial management regarding  
32 financial and budgetary issues that are likely to arise in the  
33 impending negotiations.

34 (c)(i) In the case of bargaining agreements reached between  
35 institutions of higher education other than the University of  
36 Washington and exclusive bargaining representatives agreed to under  
37 the provisions of this chapter, if appropriations are necessary to  
38 implement the compensation and fringe benefit provisions of the  
39 bargaining agreements, the governor shall submit a request for such  
40 funds to the legislature according to the provisions of subsection

1 (3) of this section, except as provided in (c)(iii) of this  
2 subsection.

3 (ii) In the case of bargaining agreements reached between the  
4 University of Washington and exclusive bargaining representatives  
5 agreed to under the provisions of this chapter, if appropriations are  
6 necessary to implement the compensation and fringe benefit provisions  
7 of a bargaining agreement, the governor shall submit a request for  
8 such funds to the legislature according to the provisions of  
9 subsection (3) of this section, except as provided in this subsection  
10 (4)(c)(ii) and as provided in (c)(iii) of this subsection.

11 (A) If appropriations of less than ten thousand dollars are  
12 necessary to implement the provisions of a bargaining agreement, a  
13 request for such funds shall not be submitted to the legislature by  
14 the governor unless the request has been submitted to the director of  
15 the office of financial management by October 1 prior to the  
16 legislative session at which the request is to be considered.

17 (B) If appropriations of ten thousand dollars or more are  
18 necessary to implement the provisions of a bargaining agreement, a  
19 request for such funds shall not be submitted to the legislature by  
20 the governor unless the request:

21 (I) Has been submitted to the director of the office of financial  
22 management by October 1 prior to the legislative session at which the  
23 request is to be considered; and

24 (II) Has been certified by the director of the office of  
25 financial management as being feasible financially for the state.

26 (C) If the director of the office of financial management does  
27 not certify a request under (c)(ii)(B) of this subsection as being  
28 feasible financially for the state, the parties shall enter into  
29 collective bargaining solely for the purpose of reaching a mutually  
30 agreed upon modification of the agreement necessary to address the  
31 absence of those requested funds. The legislature may act upon the  
32 compensation and fringe benefit provisions of the modified collective  
33 bargaining agreement if those provisions are agreed upon and  
34 submitted to the office of financial management and legislative  
35 budget committees before final legislative action on the biennial or  
36 supplemental operating budget by the sitting legislature.

37 (iii) In the case of a bargaining unit of employees of  
38 institutions of higher education in which the exclusive bargaining  
39 representative is certified during or after the conclusion of a  
40 legislative session, the legislature may act upon the compensation

1 and fringe benefit provisions of the unit's initial collective  
2 bargaining agreement if those provisions are agreed upon and  
3 submitted to the office of financial management and legislative  
4 budget committees before final legislative action on the biennial or  
5 supplemental operating budget by the sitting legislature.

6 (5) There is hereby created a joint committee on employment  
7 relations, which consists of two members with leadership positions in  
8 the house of representatives, representing each of the two largest  
9 caucuses; the chair and ranking minority member of the house  
10 appropriations committee, or its successor, representing each of the  
11 two largest caucuses; two members with leadership positions in the  
12 senate, representing each of the two largest caucuses; and the chair  
13 and ranking minority member of the senate ways and means committee,  
14 or its successor, representing each of the two largest caucuses. The  
15 governor shall periodically consult with the committee regarding  
16 appropriations necessary to implement the compensation and fringe  
17 benefit provisions in the master collective bargaining agreements,  
18 and upon completion of negotiations, advise the committee on the  
19 elements of the agreements and on any legislation necessary to  
20 implement the agreements.

21 (6) If, after the compensation and fringe benefit provisions of  
22 an agreement are approved by the legislature, a significant revenue  
23 shortfall occurs resulting in reduced appropriations, as declared by  
24 proclamation of the governor or by resolution of the legislature,  
25 both parties shall immediately enter into collective bargaining for a  
26 mutually agreed upon modification of the agreement.

27 (7) After the expiration date of a collective bargaining  
28 agreement negotiated under this chapter, all of the terms and  
29 conditions specified in the collective bargaining agreement remain in  
30 effect until the effective date of a subsequently negotiated  
31 agreement, not to exceed one year from the expiration date stated in  
32 the agreement. Thereafter, the employer may unilaterally implement  
33 according to law.

34 (8) For the 2013-2015 fiscal biennium, a collective bargaining  
35 agreement related to employee health care benefits negotiated between  
36 the employer and coalition pursuant to RCW 41.80.020(3) regarding the  
37 dollar amount expended on behalf of each employee shall be a separate  
38 agreement for which the governor may request funds necessary to  
39 implement the agreement. The legislature may act upon a 2013-2015  
40 collective bargaining agreement related to employee health care

1 benefits if an agreement is reached and submitted to the office of  
2 financial management and legislative budget committees before final  
3 legislative action on the biennial or supplemental operating  
4 appropriations act by the sitting legislature.

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