

ESHB 2124 - S COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 03/09/2022

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

3 "NEW SECTION. **Sec. 1.** The legislature intends to create the
4 office of state legislative labor relations for the purposes of
5 considering and managing the unique issues raised by legislative
6 collective bargaining. By examining issues set forth in section 2 of
7 this act, the office will provide the legislature with a fuller
8 understanding of how the legislature as an employer can best
9 implement legislation for collective bargaining for legislative
10 employees, which would be administered by the public employment
11 relations commission.

12 NEW SECTION. **Sec. 2.** (1) The office of state legislative labor
13 relations is created to assist the house of representatives, the
14 senate, and legislative agencies in implementing and managing the
15 process of collective bargaining for employees of the legislative
16 branch of state government.

17 (2)(a) Subject to (b) of this subsection, the secretary of the
18 senate and the chief clerk of the house of representatives shall
19 employ a director of the office. The director serves at the pleasure
20 of the secretary of the senate and the chief clerk of the house of
21 representatives, who shall fix the director's salary.

22 (b) The secretary of the senate and the chief clerk of the house
23 of representatives shall, before employing a director, consult with
24 legislative employees, the senate facilities and operations
25 committee, the house executive rules committee, and the human
26 resources officers of the house of representatives, the senate, and
27 legislative agencies.

28 (c) The director serves as the executive and administrative head
29 of the office and may employ additional employees to assist in
30 carrying out the duties of the office. The duties of the office

1 include, but are not limited to, conducting negotiations on behalf of
2 the employer.

3 (d) The director shall contract with an external consultant for
4 the purposes of gathering input from legislative employees, taking
5 into consideration RCW 42.52.020 and rules of the house of
6 representatives and the senate. The gathering of input must be in the
7 form of, at a minimum, surveys.

8 (3) The director, in consultation with the secretary of the
9 senate, the chief clerk of the house of representatives, and the
10 administrative heads of legislative agencies shall:

11 (a) Examine issues related to collective bargaining for employees
12 of the house of representatives, the senate, and legislative
13 agencies; and

14 (b) After consultation with the external consultant, develop best
15 practices and options for the legislature to consider in implementing
16 and administering collective bargaining for employees of the house of
17 representatives, the senate, and legislative agencies.

18 (4)(a) By December 1, 2022, the director shall submit a
19 preliminary report to the appropriate committees of the legislature
20 that provides a progress report on the director's considerations.

21 (b) By October 1, 2023, the director shall submit a final report
22 to the appropriate committees of the legislature. At a minimum, the
23 final report must address considerations on the following issues:

24 (i) Which employees of the house of representatives, the senate,
25 and legislative agencies for whom collective bargaining may be
26 appropriate;

27 (ii) Mandatory, permissive, and prohibited subjects of
28 bargaining;

29 (iii) Who would negotiate on behalf of the house of
30 representatives, the senate, and legislative agencies, and which
31 entity or entities would be considered the employer for purposes of
32 bargaining;

33 (iv) Definitions for relevant terms;

34 (v) Common public employee collective bargaining agreement
35 frameworks related to grievance procedures and processes for
36 disciplinary actions;

37 (vi) Procedures related to the commission certifying exclusive
38 bargaining representatives, determining bargaining units,
39 adjudicating unfair labor practices, determining representation
40 questions, and coalition bargaining;

- 1 (vii) The efficiency and feasibility of coalition bargaining;
2 (viii) Procedures for approving negotiated collective bargaining
3 agreements;
4 (ix) Procedures for submitting requests for funding to the
5 appropriate legislative committees if appropriations are necessary to
6 implement provisions of the collective bargaining agreements; and
7 (x) Approaches taken by other state legislatures that have
8 authorized collective bargaining for legislative employees.

9 (5) The report must include a summary of any statutory changes
10 needed to address the considerations listed in subsection (4) of this
11 section related to the collective bargaining process for legislative
12 employees.

13 NEW SECTION. **Sec. 3.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires
15 otherwise.

16 (1) "Commission" means the public employment relations
17 commission.

18 (2) "Director" means the director of the office of state
19 legislative labor relations.

20 (3) "Employee organization" means any organization, union, or
21 association in which employees participate and that exists for the
22 purpose, in whole or in part, of collective bargaining with
23 employers.

24 (4) "Exclusive bargaining representative" means any employee
25 organization that has been certified under this chapter as the
26 representative of the employees in an appropriate bargaining unit.

27 (5) "Legislative agencies" means the joint legislative audit and
28 review committee, the statute law committee, the legislative ethics
29 board, the legislative evaluation and accountability program
30 committee, the office of the state actuary, the legislative service
31 center, the office of legislative support services, the joint
32 transportation committee, and the redistricting commission.

33 (6) "Office" means the office of state legislative labor
34 relations.

35 NEW SECTION. **Sec. 4.** Collective bargaining negotiations under
36 this chapter shall commence no earlier than May 1, 2024. No
37 collective bargaining agreement entered into under this chapter may
38 take effect prior to July 1, 2025.

1 NEW SECTION. **Sec. 5.** (1) Except as may be specifically limited
2 by this chapter, legislative employees shall have the right to self-
3 organization, to form, join, or assist employee organizations, and to
4 bargain collectively through representatives of their own choosing
5 for the purpose of collective bargaining free from interference,
6 restraint, or coercion. Legislative employees shall also have the
7 right to refrain from any or all such activities.

8 (2) Except as may be specifically limited by this chapter, the
9 commission shall determine all questions pertaining to ascertaining
10 exclusive bargaining representatives for legislative employees and
11 collectively bargaining under this chapter. However, no employee
12 organization shall be recognized or certified as the exclusive
13 bargaining representative of a bargaining unit of employees of the
14 legislative branch unless it receives the votes of a majority of
15 employees in the petitioned for bargaining unit voting in a secret
16 election by mail ballot administered by the commission. The
17 commission's process must allow for an employee, group of employees,
18 employee organizations, employer, or their agents to have the right
19 to petition on any question concerning representation.

20 (3) The employer and the exclusive bargaining representative of a
21 bargaining unit of legislative employees may not enter into a
22 collective bargaining agreement that requires the employer to deduct,
23 from the salary or wages of an employee, contributions for payments
24 for political action committees sponsored by employee organizations
25 with legislative employees as members.

26 NEW SECTION. **Sec. 6.** During a legislative session or committee
27 assembly days, nothing contained in this chapter permits or grants to
28 any legislative employee the right to strike, participate in a work
29 stoppage, or refuse to perform their official duties.

30 NEW SECTION. **Sec. 7.** (1) Collective bargaining negotiations
31 under this chapter must commence no later than July 1st of each even-
32 numbered year after a bargaining unit has been certified.

33 (2) The duration of any collective bargaining agreement shall not
34 exceed one fiscal biennium.

35 NEW SECTION. **Sec. 8.** (1) It is an unfair labor practice for an
36 employer in the legislative branch of state government:

1 (a) To interfere with, restrain, or coerce employees in the
2 exercise of the rights guaranteed by this chapter;

3 (b) To dominate or interfere with the formation or administration
4 of any employee organization or contribute financial or other support
5 to it: PROVIDED, That subject to rules adopted by the commission, an
6 employer shall not be prohibited from permitting employees to confer
7 with it or its representatives or agents during working hours without
8 loss of time or pay;

9 (c) To encourage or discourage membership in any employee
10 organization by discrimination in regard to hire, tenure of
11 employment, or any term or condition of employment;

12 (d) To discharge or discriminate otherwise against an employee
13 because that employee has filed charges or given testimony under this
14 chapter;

15 (e) To refuse to bargain collectively with the exclusive
16 bargaining representatives of its employees.

17 (2) It is an unfair labor practice for an employee organization:

18 (a) To restrain or coerce an employee in the exercise of the
19 rights guaranteed by this chapter: PROVIDED, That this subsection
20 shall not impair the right of an employee organization to prescribe
21 its own rules with respect to the acquisition or retention of
22 membership in the employee organization or to an employer in the
23 selection of its representatives for the purpose of bargaining or the
24 adjustment of grievances;

25 (b) To cause or attempt to cause an employer to discriminate
26 against an employee in violation of subsection (1)(c) of this
27 section;

28 (c) To discriminate against an employee because that employee has
29 filed charges or given testimony under this chapter;

30 (d) To refuse to bargain collectively with an employer.

31 (3) The expressing of any views, arguments, or opinion, or the
32 dissemination thereof to the public, whether in written, printed,
33 graphic, or visual form, shall not constitute or be evidence of an
34 unfair labor practice under this chapter, if such expression contains
35 no threat of reprisal or force or promise of benefit.

36 NEW SECTION. **Sec. 9.** (1) The employer shall not bargain over
37 rights of management which, in addition to all powers, duties, and
38 rights established by constitutional provision or statute, shall
39 include, but not be limited to, the following:

1 (a) The functions and programs of the employer, the use of
2 technology, and the structure of the organization, including the size
3 and composition of standing committees;

4 (b) The employer's budget and the size of the employer's
5 workforce, including determining the financial basis for layoffs;

6 (c) The right to direct and supervise employees;

7 (d) The hours of work during legislative session and the cutoff
8 calendar for a legislative session; and

9 (e) Retirement plans and retirement benefits, health care
10 benefits, or other employee insurance benefits.

11 (2) Except for an applicable code of conduct policy adopted by a
12 chamber of the legislature or a legislative agency, if a conflict
13 exists between policies adopted by the legislature relating to wages,
14 hours, and terms and conditions of employment and a provision of a
15 collective bargaining agreement negotiated under this chapter, the
16 collective bargaining agreement shall prevail. A provision of a
17 collective bargaining agreement that conflicts with a statute or an
18 applicable term of a code of conduct policy adopted by a chamber of
19 the legislature or a legislative agency is invalid and unenforceable.

20 NEW SECTION. **Sec. 10.** Sections 1 through 9 and 11 of this act
21 constitute a new chapter in Title 44 RCW.

22 NEW SECTION. **Sec. 11.** Sections 3 through 9 of this act take
23 effect May 1, 2024."

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24 On page 1, line 16 of the title, after "employment;" strike the
25 remainder of the title and insert "adding a new chapter to Title 44
26 RCW; and providing an effective date."

EFFECT: Requires a majority vote in a secret election by mail
ballot for an employee organization to be certified as an exclusive
bargaining representative of legislative employees. Prohibits
collective bargaining agreements that require the employer to deduct
contributions for payments for political action committees sponsored
by employee organizations with legislative employees as members.
Provides that, in addition to not permitting striking or refusing to
perform official duties, the bill does not permit participation in

work stoppages but only during the legislative session or committee assembly. Prohibits bargaining over management rights and establishes topics that are considered management rights. Provides that a provision of a collective bargaining agreement that conflicts with a statute or a code of conduct policy adopted by a chamber of the legislature or a legislative agency is invalid and unenforceable. Provides that the collective bargaining agreement prevails in the event the collective bargaining agreement conflicts with a policy adopted by the legislature related to wages, hours, and terms and conditions of employment.

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