

FINAL BILL REPORT

ESHB 2124

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Synopsis as Enacted

Brief Description: Concerning extending collective bargaining to legislative employees.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Riccelli, Sullivan, Frame, Ramel, Chapman, Ryu, Paul, Simmons, Stonier, Bergquist, Wicks, Valdez, Gregerson, Santos, Ramos, Johnson, J., Walen, Tharinger, Bateman, Callan, Thai, Taylor, Leavitt, Senn, Wylie, Macri, Ormsby, Pollet, Morgan, Bronoske, Kloba, Davis, Slatter, Berg, Lekanoff, Entenman, Ortiz-Self, Duerr, Peterson, Harris-Talley, Cody, Hackney, Chopp, Orwall and Rule).

House Committee on Appropriations
Senate Committee on Ways & Means

Background:

Employees of state and local governments may collectively bargain only if authorized by state law. Generally, the Personnel System Reform Act (PSRA) provides collective bargaining for employees of state agencies who are covered by the civil service laws. Legislators and employees of the legislative branch are exempt from the state civil service laws, and therefore, the PSRA does not apply to them. The Public Employee Collective Bargaining Act (PECBA) covers local government employees and some state employees, while other chapters cover specified groups of state employees, like faculty.

Matters subject to collective bargaining under the PSRA include wages, hours, and other terms and conditions of employment and the negotiation of any question arising under a collective bargaining agreement. The employer is not required to bargain over matters related to retirement benefits, healthcare benefits, or other employee insurance benefits. Bargaining over the rights of management is not allowed.

For the purposes of negotiations, state agencies are represented by the Governor. Collective bargaining agreements must be submitted to the Office of Financial Management by October 1, and to the Legislature as part of the Governor's budget proposal.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Summary:

The Office of State Legislative Labor Relations (OSLLR) is created. The OSLLR duties include conducting collective bargaining negotiations for the Legislature as the employer of legislative employees. The OSLLR must study issues related to the implementation of collective bargaining for employees of the Legislature, and provide a preliminary report by December 1, 2022, and a final report by October 1, 2023. The reports will examine mandatory, permissive, and prohibited subjects of bargaining, employer representation, bargaining unit determination, and approval and funding procedures. The OSLLR is also to consider common frameworks for grievance procedures and disciplinary actions.

Collective bargaining with legislative employees cannot commence until May 1, 2024, and initial agreements cannot take effect until July 1, 2025.

Legislative employees have the right to organize, bargain collectively, and have the right to refrain from any or all such activities. The right to strike, refuse to perform official duties, or engage in work stoppages during a Legislative session or Legislative committee assembly days is not granted. Bargaining over management rights is prohibited, including rights established by constitutional provision or statute, the functions and programs of the employer, the committee structure, the size of the workforce and financial basis for layoffs, the hours of work during legislative session and the cutoff calendar, and retirement plans and benefits.

The Public Employment Relations Commission (PERC) determines all questions pertaining to ascertaining exclusive bargaining representatives and collectively bargaining. Employee organizations cannot be recognized as exclusive bargaining representatives unless it receives the votes of a majority of employees in the petitioned for bargaining unit in a secret mail ballot administered by PERC.

Bargaining must begin no later than July 1 of each even-numbered year, and agreements must not exceed the duration of one fiscal biennium. Unfair labor practices of employers and employee organizations are enumerated. For employers, these include that employers must not interfere with employee rights, dominate, or interfere with employees conferring with representatives during working hours, or refuse to bargain. For employee representative organizations, unfair practices include for an employee organization to restrain or coerce employees, to discriminate or cause the employer to discriminate against employees, or to refuse to bargain. Bargaining agreements may not require wage deductions for contributions to political action committees sponsored by employee organizations with legislative employees as members.

If policies adopted by the Legislature regarding wages, hours, and terms of conditions of employment conflict with a collective bargaining agreement (CBA) provision, the CBA prevails, except for code of conduct policies.

Votes on Final Passage:

House	56	41	
Senate	28	20	(Senate amended)
House	57	41	(House concurred)

Effective: June 9, 2022

May 1, 2024 (Sections 3–9)