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**ENGROSSED SUBSTITUTE HOUSE BILL 2124**

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AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

**State of Washington                      67th Legislature                      2022 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Riccelli, Sullivan, Frame, Ramel, Chapman, Ryu, Paul, Simmons, Stonier, Bergquist, Wicks, Valdez, Gregerson, Santos, Ramos, J. Johnson, 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)

READ FIRST TIME 02/28/22.

1            AN ACT Relating to extending collective bargaining to legislative  
2 employees by creating the office of state legislative labor relations  
3 that will consider issues of the subjects of bargaining, the  
4 employees for whom collective bargaining would be appropriate, who  
5 would provide negotiation services, which entities would be  
6 considered the employer, definitions of relevant terms, coalition  
7 bargaining, grievance procedures, procedures for disciplinary  
8 actions, procedures related to certifying exclusive bargaining  
9 representatives, determining bargaining units, adjudicating unfair  
10 labor practices, and determining representation questions, procedures  
11 for approving negotiated collective bargaining agreements, procedures  
12 for submitting requests for funding, and considering approaches taken  
13 by other state legislatures, and specifying unfair labor practices,  
14 but without mandating what the collective bargaining agreement must  
15 provide regarding wages, hours, working conditions, or other  
16 provisions related to conditions of employment; adding a new chapter  
17 to Title 44 RCW; and providing an effective date.

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

19            NEW SECTION.    **Sec. 1.**    The legislature intends to create the  
20 office of state legislative labor relations for the purposes of  
21 considering and managing the unique issues raised by legislative

1 collective bargaining. By examining issues set forth in section 2 of  
2 this act, the office will provide the legislature with a fuller  
3 understanding of how the legislature as an employer can best  
4 implement legislation for collective bargaining for legislative  
5 employees, which would be administered by the public employment  
6 relations commission.

7 NEW SECTION. **Sec. 2.** (1) The office of state legislative labor  
8 relations is created to assist the house of representatives, the  
9 senate, and legislative agencies in implementing and managing the  
10 process of collective bargaining for employees of the legislative  
11 branch of state government.

12 (2)(a) Subject to (b) of this subsection, the secretary of the  
13 senate and the chief clerk of the house of representatives shall  
14 employ a director of the office. The director serves at the pleasure  
15 of the secretary of the senate and the chief clerk of the house of  
16 representatives, who shall fix the director's salary.

17 (b) The secretary of the senate and the chief clerk of the house  
18 of representatives shall, before employing a director, consult with  
19 legislative employees, the senate facilities and operations  
20 committee, the house executive rules committee, and the human  
21 resources officers of the house of representatives, the senate, and  
22 legislative agencies.

23 (c) The director serves as the executive and administrative head  
24 of the office and may employ additional employees to assist in  
25 carrying out the duties of the office. The duties of the office  
26 include, but are not limited to, conducting negotiations on behalf of  
27 the employer.

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

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

36 (a) Examine issues related to collective bargaining for employees  
37 of the house of representatives, the senate, and legislative  
38 agencies; and

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

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

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

11 (i) Which employees of the house of representatives, the senate,  
12 and legislative agencies for whom collective bargaining may be  
13 appropriate;

14 (ii) Mandatory, permissive, and prohibited subjects of  
15 bargaining;

16 (iii) Who would negotiate on behalf of the house of  
17 representatives, the senate, and legislative agencies, and which  
18 entity or entities would be considered the employer for purposes of  
19 bargaining;

20 (iv) Definitions for relevant terms;

21 (v) Common public employee collective bargaining agreement  
22 frameworks related to grievance procedures and processes for  
23 disciplinary actions;

24 (vi) Procedures related to the commission certifying exclusive  
25 bargaining representatives, determining bargaining units,  
26 adjudicating unfair labor practices, determining representation  
27 questions, and coalition bargaining;

28 (vii) The efficiency and feasibility of coalition bargaining;

29 (viii) Procedures for approving negotiated collective bargaining  
30 agreements;

31 (ix) Procedures for submitting requests for funding to the  
32 appropriate legislative committees if appropriations are necessary to  
33 implement provisions of the collective bargaining agreements; and

34 (x) Approaches taken by other state legislatures that have  
35 authorized collective bargaining for legislative employees.

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

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

4        (1)    "Commission" means the public employment relations  
5 commission.

6        (2)    "Director" means the director of the office of state  
7 legislative labor relations.

8        (3)    "Employee organization" means any organization, union, or  
9 association in which employees participate and that exists for the  
10 purpose, in whole or in part, of collective bargaining with  
11 employers.

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

15       (5)    "Legislative agencies" means the joint legislative audit and  
16 review committee, the statute law committee, the legislative ethics  
17 board, the legislative evaluation and accountability program  
18 committee, the office of the state actuary, the legislative service  
19 center, the office of legislative support services, the joint  
20 transportation committee, and the redistricting commission.

21       (6)    "Office" means the office of state legislative labor  
22 relations.

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

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

34       (2) Except as may be specifically limited by this chapter, the  
35 commission shall determine all questions pertaining to ascertaining  
36 exclusive bargaining representatives for legislative employees and  
37 collectively bargaining under this chapter. However, no employee  
38 organization shall be recognized or certified as the exclusive

1 bargaining representative of a bargaining unit of employees of the  
2 legislative branch unless it receives the votes of a majority of  
3 employees in the petitioned for bargaining unit voting in a secret  
4 election by mail ballot administered by the commission. The  
5 commission's process must allow for an employee, group of employees,  
6 employee organizations, employer, or their agents to have the right  
7 to petition on any question concerning representation.

8 (3) The employer and the exclusive bargaining representative of a  
9 bargaining unit of legislative employees may not enter into a  
10 collective bargaining agreement that requires the employer to deduct,  
11 from the salary or wages of an employee, contributions for payments  
12 for political action committees sponsored by employee organizations  
13 with legislative employees as members.

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

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

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

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

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

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

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

1 (d) To discharge or discriminate otherwise against an employee  
2 because that employee has filed charges or given testimony under this  
3 chapter;

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

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

7 (a) To restrain or coerce an employee in the exercise of the  
8 rights guaranteed by this chapter: PROVIDED, That this subsection  
9 shall not impair the right of an employee organization to prescribe  
10 its own rules with respect to the acquisition or retention of  
11 membership in the employee organization or to an employer in the  
12 selection of its representatives for the purpose of bargaining or the  
13 adjustment of grievances;

14 (b) To cause or attempt to cause an employer to discriminate  
15 against an employee in violation of subsection (1)(c) of this  
16 section;

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

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

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

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

29 (a) The functions and programs of the employer, the use of  
30 technology, and the structure of the organization, including the size  
31 and composition of standing committees;

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

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

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

37 (e) Retirement plans and retirement benefits.

38 (2) Except for an applicable code of conduct policy adopted by a  
39 chamber of the legislature or a legislative agency, if a conflict

1 exists between policies adopted by the legislature relating to wages,  
2 hours, and terms and conditions of employment and a provision of a  
3 collective bargaining agreement negotiated under this chapter, the  
4 collective bargaining agreement shall prevail. A provision of a  
5 collective bargaining agreement that conflicts with a statute or an  
6 applicable term of a code of conduct policy adopted by a chamber of  
7 the legislature or a legislative agency is invalid and unenforceable.

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

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

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