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HOUSE BILL 2736

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State of Washington

65th Legislature

2018 Regular Session

By Representative Sells

1 AN ACT Relating to the statute of limitations for unfair labor  
2 practice complaints filed in superior court; and amending RCW  
3 41.56.160, 41.59.150, 41.76.055, 41.80.120, 47.64.132, 49.39.140, and  
4 28B.52.065.

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

6 **Sec. 1.** RCW 41.56.160 and 1994 c 58 s 1 are each amended to read  
7 as follows:

8 (1) The commission is empowered and directed to prevent any  
9 unfair labor practice and to issue appropriate remedial orders:  
10 PROVIDED, That a complaint shall not be processed for any unfair  
11 labor practice occurring more than six months before the filing of  
12 the complaint with the commission or in superior court. This power  
13 shall not be affected or impaired by any means of adjustment,  
14 mediation or conciliation in labor disputes that have been or may  
15 hereafter be established by law.

16 (2) If the commission determines that any person has engaged in  
17 or is engaging in an unfair labor practice, the commission shall  
18 issue and cause to be served upon the person an order requiring the  
19 person to cease and desist from such unfair labor practice, and to  
20 take such affirmative action as will effectuate the purposes and

1 policy of this chapter, such as the payment of damages and the  
2 reinstatement of employees.

3 (3) The commission may petition the superior court for the county  
4 in which the main office of the employer is located or in which the  
5 person who has engaged or is engaging in such unfair labor practice  
6 resides or transacts business, for the enforcement of its order and  
7 for appropriate temporary relief.

8 **Sec. 2.** RCW 41.59.150 and 1983 c 58 s 3 are each amended to read  
9 as follows:

10 (1) The commission is empowered to prevent any person from  
11 engaging in any unfair labor practice as defined in RCW 41.59.140:  
12 PROVIDED, That a complaint shall not be processed for any unfair  
13 labor practice occurring more than six months before the filing of  
14 the complaint with the commission or in superior court. This power  
15 shall not be affected by any other means of adjustment or prevention  
16 that has been or may be established by agreement, law, equity or  
17 otherwise.

18 (2) If the commission determines that any person has engaged in  
19 or is engaging in any such unfair labor practices as defined in RCW  
20 41.59.140, then the commission shall issue and cause to be served  
21 upon such person an order requiring such person to cease and desist  
22 from such unfair labor practice, and to take such affirmative action  
23 as will effectuate the purposes and policy of this chapter, such as  
24 the payment of damages and/or the reinstatement of employees.

25 (3) The commission may petition the superior court for the county  
26 in which the main office of the employer is located or wherein the  
27 person who has engaged or is engaging in such unfair labor practice  
28 resides or transacts business, for the enforcement of its order and  
29 for appropriate temporary relief.

30 **Sec. 3.** RCW 41.76.055 and 2002 c 356 s 14 are each amended to  
31 read as follows:

32 (1) The commission is empowered to prevent any person from  
33 engaging in any unfair labor practice as defined in RCW 41.76.050:  
34 PROVIDED, That a complaint shall not be processed for any unfair  
35 labor practice occurring more than six months before the filing of  
36 the complaint with the commission or in superior court. This power  
37 shall not be affected by any other means of adjustment or prevention

1 that has been or may be established by agreement, law, equity or  
2 otherwise.

3 (2) If the commission determines that any person has engaged in  
4 or is engaging in any such unfair labor practice as defined in RCW  
5 41.76.050, then the commission shall issue and cause to be served  
6 upon such person an order requiring such person to cease and desist  
7 from such unfair labor practice, and to take such affirmative action  
8 as will effectuate the purposes and policy of this chapter, such as  
9 the payment of damages and/or the reinstatement of faculty members.

10 (3) The commission may petition the superior court for the county  
11 in which the main office of the employer is located or wherein the  
12 person who has engaged or is engaging in such unfair labor practice  
13 resides or transacts business, for the enforcement of its order and  
14 for appropriate temporary relief.

15 **Sec. 4.** RCW 41.80.120 and 2002 c 354 s 313 are each amended to  
16 read as follows:

17 (1) The commission is empowered and directed to prevent any  
18 unfair labor practice and to issue appropriate remedial orders:  
19 PROVIDED, That a complaint shall not be processed for any unfair  
20 labor practice occurring more than six months before the filing of  
21 the complaint with the commission or in superior court. This power  
22 shall not be affected or impaired by any means of adjustment,  
23 mediation, or conciliation in labor disputes that have been or may  
24 hereafter be established by law.

25 (2) If the commission determines that any person has engaged in  
26 or is engaging in an unfair labor practice, the commission shall  
27 issue and cause to be served upon the person an order requiring the  
28 person to cease and desist from such unfair labor practice, and to  
29 take such affirmative action as will effectuate the purposes and  
30 policy of this chapter, such as the payment of damages and the  
31 reinstatement of employees.

32 (3) The commission may petition the superior court for the county  
33 in which the main office of the employer is located or in which the  
34 person who has engaged or is engaging in such unfair labor practice  
35 resides or transacts business, for the enforcement of its order and  
36 for appropriate temporary relief.

37 **Sec. 5.** RCW 47.64.132 and 2011 1st sp.s. c 16 s 26 are each  
38 amended to read as follows:

1 (1) The commission is empowered and directed to prevent any  
2 unfair labor practice and to issue appropriate remedial orders;  
3 however, a complaint shall not be processed for any unfair labor  
4 practice occurring more than six months before the filing of the  
5 complaint with the commission or in superior court. This power shall  
6 not be affected or impaired by any means of adjustment, mediation, or  
7 conciliation in labor disputes that have been or may hereafter be  
8 established by law.

9 (2) If the commission determines that any person has engaged in  
10 or is engaging in an unfair labor practice, the commission shall  
11 issue and cause to be served upon the person an order requiring the  
12 person to cease and desist from such unfair labor practice, and to  
13 take such affirmative action as will effectuate the purposes and  
14 policy of this chapter, such as the payment of damages and the  
15 reinstatement of employees.

16 (3) The commission may petition the superior court for the county  
17 in which the main office of the employer is located or in which the  
18 person who has engaged or is engaging in such unfair labor practice  
19 resides or transacts business, for the enforcement of its order and  
20 for appropriate temporary relief.

21 **Sec. 6.** RCW 49.39.140 and 2010 c 6 s 15 are each amended to read  
22 as follows:

23 (1) The commission must prevent unfair labor practices and issue  
24 appropriate remedial orders. However, a complaint may not be  
25 processed for an unfair labor practice occurring more than six months  
26 before the filing of the complaint with the commission or in superior  
27 court.

28 (2) If the commission determines that a person has engaged in or  
29 is engaging in an unfair labor practice, the commission must issue  
30 and serve upon the person an order requiring the person to cease and  
31 desist from the unfair labor practice. The commission may take action  
32 to carry out the purposes and policy of this chapter, including  
33 requiring the person to pay damages and reinstate employees.

34 (3) The commission may petition the superior court for the county  
35 in which the main office of the employer is located or in which the  
36 person who has engaged or is engaging in the unfair labor practice  
37 resides or transacts business, for the enforcement of its order and  
38 for appropriate temporary relief.

1       **Sec. 7.** RCW 28B.52.065 and 1987 c 314 s 10 are each amended to  
2 read as follows:

3       The commission may adjudicate any unfair labor practices alleged  
4 by a board of trustees or an employee organization and shall adopt  
5 reasonable rules to administer this section, except that a complaint  
6 must not be processed for any unfair labor practice occurring more  
7 than six months before the filing of the complaint with the  
8 commission or in superior court. However, the parties may agree to  
9 seek relief from unfair labor practices through binding arbitration.

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