

*public institutions, and shall take effect immediately.*

Passed the Senate March 17, 1967.

Passed the House April 12, 1967.

Approved by the Governor April 22, 1967, with the exception of Section 3 which was vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill clarifies certain language with regard to the authority of boards of regents and trustees of the universities and colleges of the state. Section 3 of the bill contains a standard emergency clause. I have followed the practice of vetoing emergency clauses on bills submitted to me when no genuine emergency existed.

"An emergency clause defeats the right of the people to reject a bill by referendum, and, therefore, should be sparingly used by the legislature. Representatives of the institutions at whose request the bill was introduced and those who prepared the legislation have been informed and agree that the clarification contained in the law will not be needed prior to the normal effective date of the act.

"Therefore, I have vetoed Section 3. The remainder of Senate Bill 386 is approved."

**DANIEL J. EVANS,**  
Governor.

## CHAPTER 108.

[Engrossed House Bill No. 483.]

### PUBLIC EMPLOYEES—COLLECTIVE BARGAINING.

AN ACT relating to labor relations; providing a uniform statutory basis for implementing the right of public employees to organize and to be represented for the purpose of collective bargaining by organizations of their own choice; amending section 15, chapter 1, Laws of 1961 and RCW 41.06.150; and providing an effective date.

*Be it enacted by the Legislature of the State of Washington:*

Section 1. The intent and purpose of this act is to promote the continued improvement of the relationship between public employers and their employees by providing a uniform basis for implementing the right of public employees to join labor organizations of their own choosing and to be represented by such

Public  
employees—  
Collective  
bargaining—  
Purpose.

organizations in matters concerning their employment relations with public employers.

Sec. 2. This act shall apply to any county or municipal corporation, or any political subdivision of the state of Washington except as otherwise provided by RCW 47.64.030, 47.64.040, 54.04.170, 54.04.180, 28.72.010 through 28.72.090, Senate Bill No. 34 of the 1967 regular session. Application.

Sec. 3. As used in this act:

Definitions.

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this act as designated by section 2 of this act, or any subdivision of such public body.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective

Public employ-  
ees—Collective  
bargaining—  
Definitions.

negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this act.

(5) "Department" means the department of labor and industries.

Interference  
with right to  
organize pro-  
hibited.

Sec. 4. No public employer, or other person, shall directly or indirectly, interfere with, restrain, coerce, or discriminate against any public employee or group of public employees in the free exercise of their right to organize and designate representatives of their own choosing for the purpose of collective bargaining, or in the free exercise of any other right under this act.

Department of  
labor and  
industry to  
arbitrate.

Sec. 5. In the event that a public employer and public employees are in disagreement as to the selection of a bargaining representative the department shall be invited to intervene as is provided in sections 6, 7, 8 and 9 of this act.

Hearing by  
department—  
Certification  
of bargaining  
unit.

Sec. 6. The department, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying, or combining the bargaining unit, the department shall consider the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. The department shall determine the bargaining representative by (1) examination of organization membership rolls, (2) comparison of signatures on organization bargaining authorization

cards, or (3) by conducting an election specifically therefor.

Sec. 7. In the event the department elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the department shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement; nor shall any agreement be valid if it provides for a term of existence for more than three years.

Selection of  
bargaining  
representative  
—Conduct.

Sec. 8. The bargaining representative which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the

Bargaining  
representative  
—Certification  
after election.

Bargaining representative—Certification after election.

department as the exclusive bargaining representative of, and shall be required to represent, all the public employees within the unit without regard to membership in said bargaining representative: *Provided*, That any public employee at any time may present his grievance to the public employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect, and if the exclusive bargaining representative has been given reasonable opportunity to be present at any initial meeting called for the resolution of such grievance.

Rules and regulations.

Sec. 9. The department shall promulgate, revise or rescind such rules and regulations as it may deem necessary or appropriate to administer the provisions of *sections 1 through 13* of this act in conformity with the intent and purpose of this act and consistent with the best standards of labor-management relations.

Collective bargaining requirement—Limitation.

Sec. 10. A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative: *Provided*, That nothing contained herein shall require any public employer to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure and authority to the board created by chapter 41.06 RCW. Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by

either party to the state mediation service of the department of labor and industries.

Sec. 11. A collective bargaining agreement may provide that upon the written authorization of any public employee within the bargaining unit, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

Collective bargaining agreement.

Sec. 12. Nothing contained in this act shall permit or grant any public employee the right to strike or refuse to perform his official duties.

Right to strike not granted.

Sec. 13. Section 15, chapter 1, Laws of 1961 and RCW 41.06.150 are each amended to read as follows:

RCW 41.06.150 amended.

The board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examinations for all positions in the competitive and non-competitive service; appointments; probationary periods of six months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any agency: *Provided*, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining rep-

State civil service—State personnel board—Powers and duties.

State civil  
service—State  
personnel  
board—Powers  
and duties.

representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: *Provided*, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the state budget director in accordance with the provisions of chapter 43.88 RCW; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and providing for veteran's preference as required by existing statutes.

Sec. 14. Sections 1 through 14 of this act shall be known as the "Public Employees' Collective Bargaining Act" and shall take effect on July 1, 1967. Short title.

Passed the House April 19, 1967.

Passed the Senate April 17, 1967.

Approved by the Governor April 28, 1967, with the exception of a certain item in Section 9 which is vetoed.

NOTE: Governor's explanation of partial veto is as follows:

"This executive request bill is intended to promote the continued improvement of the relationship between public employers and their employees by providing a uniform basis for implementing the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in matters concerning their employment relations with public employers. Sections 1 through 12 deal with public employees of counties, municipal corporations or political subdivisions of the state. For such employees, the Department of Labor and Industries is responsible for implementation of the law, through the promulgation of necessary rules and regulations.

"Section 13 deals only with State employees and provides clear statutory authority for the Personnel Department to establish collective bargaining procedures by rule and regulation. Section 13 was deleted by the House. By amendment the Senate reattached this section to the bill, but in doing so, placed it in a new position in the bill. As a result, Section 9 which requires the Department of Labor and Industries to promulgate rules effectuating the Act, includes within its scope, the provisions of Section 13, which are intended to deal only with the duties of the Personnel Board. Two years ago, I vetoed a bill dealing with collective bargaining for public employees, primarily because of its total inadequacy in delineating the responsibilities of the Personnel Board and other agencies of State government. I again believe it would be unfortunate to allow the ambiguity created by the Senate amendment to remain. I have therefore vetoed in Section 9 the words, 'of Sections 1 through 13' to maintain the legislative intent that the Personnel Board retain responsibility for collective bargaining by State employees and that the Department of Labor and Industries retain authority for dealing with collective bargaining by other public employees.

"With the exception of the item in Section 9, which I have vetoed for the reasons set forth above, the remainder of the bill is approved."

DANIEL J. EVANS,  
Governor.