

## **OVERVIEW - PUBLIC EMPLOYEE COLLECTIVE BARGAINING IN WASHINGTON**

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This overview focuses on the Educational Employment Relations Act, which enables collective bargaining between school districts and certificated staff, and the Personal System Reform Act of 2002, which enables collective bargaining between the state and its classified employees in general government and higher education. The attached chart provides a summary comparison of these and other selected collective bargaining laws.

### **School Districts and Certificated Staff Educational Employment Relations Act of 1975, Chapter 41.59 RCW**

#### Representation

For all purposes, including local collective bargaining, the employer is the school district. (Representatives of the state do not participate in bargaining.)

#### Scope of Bargaining

Mandatory subjects of collective bargaining include wages, hours, and terms and conditions of employment, and grievance arbitration.

Salaries and benefits are subject to the following limits:

- Salaries for certificated staff must not be less than the salary provided in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service. Similarly, salaries for certificated staff with a master's degree must not be less than the salary provided in the schedule for an employee with a master's degree and zero years of service.
- Average salaries paid to certificated staff must not exceed the district's average salary used for state basic education allocations.
- Contributions for benefits for certificated staff must be included as salary to the extent that the district's average benefit contribution exceeds the amount of the insurance benefits allocation provided in the state budget.
- Salary and benefits for certificated staff in programs other than basic education must be consistent with the salary and benefits paid to certificated staff in the basic education program.

Salaries and benefits, however, may exceed these limits in supplemental contracts for additional time, additional responsibilities, or incentives (TRI). (Supplemental contracts for services which are a part of the basic education program are prohibited.)

Collective bargaining agreements may contain a union security provision requiring employees to pay agency shop fees as a condition of employment.

### Impasse Resolution

If the parties fail to reach an agreement during negotiations, either party may initiate mediation. If no agreement is reached within 10 days of the mediator's appointment, either party may request that their differences be submitted to fact-finding with recommendations. If the dispute is not settled within 10 days, the fact-finder must make findings of fact and recommend terms of settlement. The fact-finder's recommendations are advisory only.

## **State and Classified Employees in General Government and Higher Education Personnel System Reform Act of 2002, Chapter 41.80 RCW**

### Representation

For purposes of negotiating collective bargaining agreements, the employer is represented by the Governor, except for institutions of higher education, which may be represented by either their governing boards or the Governor.

If an exclusive bargaining representative represents more than one bargaining unit, it must negotiate one master collective bargaining agreement covering all of the bargaining units it represents.

Except for higher education employees, exclusive bargaining representatives representing fewer than 500 employees must bargain in one coalition. The coalition must bargain for a master collective bargaining agreement covering all employees represented.

### Scope of Bargaining

Mandatory subjects of bargaining include wages, hours, terms and conditions of employment, and grievance procedures.

Permissive subjects of bargaining are health care benefits or other employee insurance benefits, any retirement system or retirement benefit, and certain civil service rules.

Bargaining over dollar amounts expended on behalf of each employee for health care benefits must be conducted in one statewide coalition. Except for institutions of higher education, this is also true for the number of names to be certified for vacancies and promotional preferences.

Collective bargaining agreements may contain a union security provision requiring employees to pay agency shop fees as a condition of employment.

Prohibited subjects of bargaining are management rights, as well as proposals that would prevent implementation of affirmative action plans or that would be inconsistent with the comparable worth agreement.

Supplemental bargaining of agency-specific issues is permitted, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. If 500 or more employees of an independent state elected official are organized in a unit, the official shall be consulted before any agreement is reached concerning supplemental bargaining of agency-specific issues.

### Impasse Resolution

If the parties fail to reach an agreement during negotiations, either party may initiate mediation. If no agreement is reached within 100 days of the expiration of the previous agreement, the Public Employment Relations Commission must appoint an independent fact-finder. Nothing permits or grants to any employee the right to strike.

### Legislative Role

When negotiating collective bargaining agreements, the Governor must consult with the Joint Select Committee on Employee Relations.

Collective bargaining agreements may not exceed one fiscal biennium. Requests for funds necessary to implement the compensation and fringe benefit provisions in the 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. The Legislature must approve or reject the requests for funds as a whole.

If a significant revenue shortfall occurs, as declared by either the Governor or the Legislature, modifications to the agreements must be negotiated.

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**COMPARISON CHART - PUBLIC SECTOR COLLECTIVE BARGAINING LAWS IN WASHINGTON**

	<b>School Districts Teachers Ch. 41.59 RCW</b>	<b>School Districts Classified Employees Ch. 41.56 RCW*</b>	<b>Community Colleges Faculty Ch. 28B.52 RCW</b>	<b>4-Year Colleges Faculty Ch. 41.76 RCW</b>	<b>State General Gov't/Higher Ed Ch. 41.80 RCW</b>	<b>State Nontraditional Units Ch. 41.56 RCW, RCW 74.39A.270</b>
<b>Scope of Bargaining</b>	<p><u>Mandatory</u></p> <ul style="list-style-type: none"> <li>▪ Wages</li> <li>▪ Hours</li> <li>▪ Terms and conditions</li> </ul> <p>Salaries and benefits are subject to statutory limits, unless for additional time, additional responsibilities, or incentives (TRI).</p> <p><u>Permissive</u></p> <ul style="list-style-type: none"> <li>▪ Grievance arbitration</li> <li>▪ Union security (agency shop only)</li> </ul>	<p><u>Mandatory</u></p> <ul style="list-style-type: none"> <li>▪ Grievance procedures</li> <li>▪ Personnel matters</li> <li>▪ Wages</li> <li>▪ Hours</li> <li>▪ Working conditions</li> </ul> <p><u>Permissive</u></p> <ul style="list-style-type: none"> <li>▪ Union security (not closed shop)</li> </ul>	<p><u>Mandatory</u></p> <ul style="list-style-type: none"> <li>▪ Wages</li> <li>▪ Hours</li> <li>▪ Terms and conditions</li> </ul> <p>Salaries must not exceed that established by the Legislature and allocated by the State Board for Community and Technical Colleges.</p> <p><u>Permissive</u></p> <ul style="list-style-type: none"> <li>▪ Grievance arbitration</li> <li>▪ Union security (not a closed shop)</li> </ul>	<p><u>Mandatory</u></p> <ul style="list-style-type: none"> <li>▪ Wages</li> <li>▪ Hours</li> <li>▪ Terms and conditions</li> </ul> <p>Compensation must not exceed that established by the Legislature. However, employers may provide additional compensation.</p> <p><u>Permissive</u></p> <ul style="list-style-type: none"> <li>▪ Grievance arbitration</li> <li>▪ Criteria and standards for appointment and tenure</li> <li>▪ Union security (not a closed shop)</li> </ul> <p><u>Prohibited</u></p> <ul style="list-style-type: none"> <li>▪ Program merits, necessity, and organization</li> <li>▪ Amounts of certain fees</li> <li>▪ Admission requirements, degree awards, and course content and evaluation</li> </ul>	<p><u>Mandatory</u></p> <ul style="list-style-type: none"> <li>▪ Grievance procedures</li> <li>▪ Wages</li> <li>▪ Dollar amounts expended on behalf of each employee for health care benefits</li> <li>▪ Hours</li> <li>▪ Other terms and conditions</li> </ul> <p><u>Permissive</u></p> <ul style="list-style-type: none"> <li>▪ Health care benefits or other insurance benefits</li> <li>▪ Retirement system or retirement benefit</li> <li>▪ Certain civil service rules</li> <li>▪ Union security (agency shop)</li> </ul> <p><u>Prohibited</u></p> <ul style="list-style-type: none"> <li>▪ Management rights</li> </ul>	<p><u>Mandatory - Home Care Workers</u></p> <ul style="list-style-type: none"> <li>▪ Wages, hours, working conditions, and upon request, contributions to training partnership</li> </ul> <p><u>Mandatory - Family Child Care Providers and Adult Family Home Providers</u></p> <ul style="list-style-type: none"> <li>▪ Economic compensation, health and welfare benefits, training, labor-mgmt committees, grievance procedures, and other economic matters</li> </ul> <p><u>Permissive</u></p> <ul style="list-style-type: none"> <li>▪ Union security</li> </ul> <p><u>Prohibited - Family Child Care Providers and Adult Family Home Providers</u></p> <ul style="list-style-type: none"> <li>▪ Retirement benefits</li> </ul>
<b>Impasse Resolution</b>	<ul style="list-style-type: none"> <li>▪ Mediation</li> <li>▪ Fact-finding</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mediation</li> <li>▪ Voluntary arbitration</li> <li>▪ Nothing permits or grants right to strike</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mediation</li> <li>▪ Unlawful to strike or lockout</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mediation</li> <li>▪ Voluntary arbitration</li> <li>▪ Unlawful to strike or lockout</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mediation</li> <li>▪ Fact-finding</li> <li>▪ Nothing permits or grants right to strike</li> </ul>	<ul style="list-style-type: none"> <li>▪ Interest arbitration</li> <li>▪ No right to strike</li> </ul>
<b>Governor's Role</b>					For negotiations, Governor represents the employer	Solely for bargaining, Governor is employer

\* Includes: employees of port districts, public utility districts, courts, and the state patrol; certain employees of higher education institutions; and classified employees of technical colleges.