

Representatives on September 14, 1973 and by the Senate on September 15, 1973.

Respectfully submitted,

DEAN R. FOSTER  
Chief Clerk

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CHAPTER 3  
[House Bill No. 178]  
HEALTH CARE ACTIVITIES--LABOR RELATIONS

AN ACT Relating to labor relations in health care activities; amending section 1, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.010; amending section 2, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.020; amending section 3, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.030; amending section 5, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.050; amending section 7, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.070; amending section 8, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.080; amending section 9, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.090; and amending section 12, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.120.

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

Section 1. Section 1, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.010 are each amended to read as follows:

It is the public policy of the state to expedite the settlement of labor disputes arising in connection with health care activities, in order that there may be no lessening, however temporary, in the quality of the care given to patients. It is the legislative purpose by this chapter to promote collective bargaining between health care activities and their ((nursing)) employees, to protect the right of ((nursing)) employees of health care activities to organize and select collective bargaining units of their own choosing.

It is further determined that any agreements involving union security including an all-union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee must pay an amount of money equivalent to regular union dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected

and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the ((board)) department shall designate such organization.

Sec. 2. Section 2, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.020 are each amended to read as follows:

As used in this chapter:

(1) "Health care activity" includes any hospital, nursing home, institution, agency or establishment, exclusive of those operated by the state, its municipalities, or political subdivisions, having for one of its principal purposes the preservation of health or the care of sick, aged or infirm persons.

(2) "Bargaining unit" includes any group of employees of a health care activity having substantially common interests with respect to working conditions. The composition of a bargaining unit may be determined by common consent between an employer and its employees, or, in the event either party shall apply to the director of labor and industries for a determination of the composition of a bargaining unit, it shall be determined by the director of labor and industries or his delegated representative. No bargaining unit shall be found appropriate if it includes guards together with other employees.

(3) "Employee" includes any registered nurse or licensed practical nurse or service personnel performing services for wages for a health care activity. The term shall not apply to a member of a religious order assigned to a health care activity by the order as a part of his obligations to it; nor shall it apply to persons performing services in connection with healing by prayer or spiritual means alone in accordance with the tenets and practices of recognized church or religious denominations by adherents thereof; nor shall it apply to supervisors.

(4) "Employer" includes any person, agency, corporation, company or other organization engaged in the operation of a health care activity, whether for profitable or charitable purposes.

(5) "Supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Supervisor includes registered nurses only if administrative supervision is his or her primary duty and activity.

(6) "Guard" means any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises.

(7) "Director" means the director of the department of labor and industries.

(8) "Department" means the department of labor [and] industries.

Sec. 3. Section 3, chapter 156, Laws 1972 ex. sess. and RCW 49.66.030 are each amended to read as follows:

An employee association shall be deemed the properly designated representative of a bargaining unit when it can show evidence that bargaining rights have been assigned to it by a majority of the employees in the bargaining unit. Should questions arise concerning the representative status of any employee organization claiming to represent a bargaining unit of employees, upon petition by such an organization, it shall be the duty of the director (~~of labor and industries~~), acting by himself or through a designee to investigate and determine the composition of the organization. Any organization found authorized by not less than thirty percent of the employees of a bargaining unit shall be eligible to apply for an election to determine its rights to represent the unit. If more than one organization shall claim to represent any unit, the director (~~of labor and industries~~), or his designee, may conduct an election by secret ballot to determine which organization shall be authorized to represent the unit. In order to be certified as a bargaining representative, an employee organization must receive, in a secret ballot election, votes from a majority of the employees who vote in the election(~~no bargaining representative shall be certified except in this manner~~) , except that nothing in this section shall prohibit the voluntary recognition of a labor organization as a bargaining representative by an employer upon a showing of reasonable proof of majority. In any election held pursuant to this section, there shall be a choice on the ballot for employees to designate that they do not wish to be represented by any bargaining representative. No representation election shall be directed in any bargaining unit or any subdivision thereof within which, in the preceding twelve-month period, a valid election has been held. Thirty percent of the employees of an employer may file a petition for a secret ballot election to ascertain whether the employee organization which has been certified or is currently recognized by their employer as their bargaining representative is no longer their bargaining representative.

No employee organization shall be certified as the representative of employees in a bargaining unit of guards, if such

organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards. The determination shall be based upon a plurality of votes cast in such election, and shall remain in effect for a period of not less than one year. In determining appropriate bargaining units, the director shall limit such units to groups consisting of registered nurses, licensed practical nurses or service personnel: PROVIDED, HOWEVER, That if a majority of each such classification desires inclusion within a single bargaining unit, they may combine into a single unit.

Sec. 4. Section 5, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.050 are each amended to read as follows:

It shall be an unfair labor practice and unlawful, for any employee organization or its agent to:

(1) Restrain or coerce (a) employees in the exercise of their right to refrain from self-organization, or (b) an employer in the selection of its representatives for purposes of collective bargaining or the adjustment of grievances;

(2) Cause or attempt to cause an employer to discriminate against an employee in violation of subsection (3) of RCW 49.66.040 or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) Refuse to meet and bargain in good faith with an employer, provided it is the duly designated representative of the employer's employees for purposes of collective bargaining;

(4) Require of employees covered by a union security agreement the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the director (~~of labor and industries~~) finds excessive or discriminatory under all the circumstances. In making such a finding, the director shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;

(5) Cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

(6) Enter into any contract or agreement, express or implied, whereby an employer or other person ceases or refrains, or agrees to cease or refrain, from handling, using, selling, transporting or otherwise dealing in any of the products or services of any other employer or person, or to cease doing business with any other

employer or person, and any such contract or agreement shall be unenforceable and void; or

(7) Engage in, or induce or encourage any individual employed by any employer or to engage in, an activity prohibited by RCW 49.66.060.

Sec. 5. Section 7, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.070 are each amended to read as follows:

The director (~~(of labor and industries)~~) or any employee organization qualified to apply for an election under RCW 49.66.030 as now or hereafter amended or any employer may maintain in its name or in the name of its members legal action in any county in which jurisdiction of the employer or employee organization may be obtained, to seek relief from the commission of an unfair labor practice (~~(= The court in such action shall have full power to grant either mandatory or prohibitory relief and any other relief the court may deem just and equitable)~~): PROVIDED, That such employer or employee organization exhausts the administrative remedies under rules and regulations promulgated by the department prior to seeking such court action.

The department is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. Any party aggrieved by any remedial order is entitled to the judicial review thereof in accordance with the provisions of chapter 34.04 RCW.

Sec. 6. Section 8, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.080 are each amended to read as follows:

The director (~~(of labor and industries)~~) shall have the power to make such rules and regulations not inconsistent with this chapter, including the establishment of procedures for the hearing and determination of charges alleging unfair labor practices, and for a determination on application by either party when an impasse has arisen, and as he shall determine are necessary to effectuate its purpose and to enable him to carry out its provisions.

Sec. 7. Section 9, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.090 are each amended to read as follows:

In the event that a health care activity and an employees' bargaining unit shall reach an impasse, (~~(it)~~) the matters in dispute shall be submitted to a board of arbitration composed of three ((arbiters)) arbitrators for final and binding resolution. The board shall be selected in the following manner: Within ten days, the employer shall appoint one arbitrator and the employees shall appoint one arbitrator. The two arbitrators so selected and named shall within ten days agree upon and select the name of a third arbitrator who shall act as chairman. If, upon the expiration of the period allowed therefor the arbitrators are unable to agree on the selection of a third arbitrator, such arbitrator shall be appointed at the

request of either party in accordance with the provisions of RCW 7.04.050 and he shall act as chairman of the arbitration board.

Section 8. Section 12, chapter 156, Laws of 1972, ex. sess. and RCW 49.66.120 are each amended to read as follows:

((Members of the board)) The arbitrator so selected by the parties shall be paid at the daily rate ((of fifty dollars per day)) or rates not to exceed the usual or customary rates paid to arbitrators in addition to travel expenses and subsistence at the rates by law provided for state employees generally. Such sums together with all expenses of the hearing shall be borne equally by the parties to the arbitration proceedings.

Passed the Senate September 14, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

Filed in Office of Secretary of State September 24, 1973.

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CHAPTER 4

[House Bill No. 189]

SCHOOL FUNDS, STATE GUARANTEE--LEVIES, PUBLIC  
HEALTH WORK, VETERANS' RELIEF

AN ACT Relating to revenue and taxation; amending section 2, chapter 46, Laws of 1973 as amended by section 9, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130; amending section 152, chapter 195, Laws of 1973 1st ex. sess. and RCW (\_\_\_-\_\_\_); amending section 154, chapter 195, Laws of 1973 1st ex. sess. (uncodified); amending section 1, chapter 191, Laws of 1939 as last amended by section 78, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.12.010; amending section 7, page 210, Laws of 1888 as last amended by section 86, chapter 195, Laws of 1973 1st ex. sess. and RCW 73.08.080; prescribing effective dates; and declaring an emergency.

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

Section 1. Section 2, chapter 46, Laws of 1973 as amended by section 9, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted pupil enrolled, based upon one full school year of one