

1. What law gives state employees the right to bargain?

Employees of the state of Washington (higher education and general government) have long held the right to join unions and to negotiate certain working conditions.

The [Personnel System Reform Act](#) of 2002 expanded employee rights to collectively bargain over wages and other terms and conditions of employment. Specific rights are covered in [RCW 41.80](#), which is the state's collective bargaining law. Many of the provisions in RCW 41.80 took effect on July 1, 2004. Separate statutes afford collective bargaining rights to employees of the Washington State Ferries (RCW 47.64) and the Washington State Patrol commissioned officers (RCW 41.56.473).

2. Which state employees may collectively bargain?

Some employees are excluded from bargaining by statute, but most state employees are eligible to bargain. Those excluded include those defined as “confidential” employees by the Public Employment Relations Commission, those in positions within the Washington Management Service in band 3 or higher, internal auditors, employees of PERC and the Office of Financial Management, and some specific employees at other agencies.

Employees can organize and petition PERC to certify a bargaining unit. Once a bargaining unit is certified, the chosen labor union can bargain with the state on behalf of that bargaining unit. Employees who are not in a bargaining unit have their wages and other terms and conditions of employment established by state civil service rules.

3. How do I know if I am in a bargaining unit?

Check with the human resources office at your agency or institution if you are unsure of your bargaining unit status.

4. My position is not in a bargaining unit. If I join a union, will I be covered by the collective bargaining agreement?

No. You are only covered by the terms of a CBA if your position is part of a bargaining unit.

5. When does collective bargaining take place?

Labor negotiations for the collective bargaining agreements occur every two years, corresponding with biennia. Negotiations begin in the spring of every even-numbered year and must be completed by October 1 of that year to be considered for funding during the subsequent legislative session. Collective bargaining agreements are effective for the ensuing biennium, from July 1 through June 30 (two fiscal years), once approved by the legislature.

6. Who negotiates the collective bargaining agreements for the state?

Labor Negotiators employed by the Office of Financial Management/State Human Resources, Labor Relations and Compensation Section, serve as governor's designee and lead negotiators, and with agency management staff represent the Employer at the bargaining table. The union also has a lead negotiator, with a team of represented agency employees.

Under the law, higher education institutions have the option to negotiate labor agreements themselves, or they may request the Labor Relations and Compensation Section to negotiate on their behalf.

Currently, the majority of the state's community colleges have opted to be represented by the Labor Relations and Compensation Section, and together they negotiate coalition master agreements that cover classified staff. Two of the community colleges and all of the four-year higher education institutions bargain independently with their respective unions.

7. What issues are subject to negotiations?

It varies by bargaining law, but typical mandatory subjects for collective bargaining include wages, hours, and terms and conditions of employment. For some bargaining units, the state also negotiates provisions for hiring, and for funding of health care premiums.

Topics typically off-limits for collective bargaining include: the state's right to determine its functions, programs, and organizational structure; the use of technology; budgets;

the size of the workforce; the financial bases for layoffs; retirement plans and benefits; the right to direct and supervise employees; and the right to take any actions necessary to carry out an agency's mission during emergencies.

8. How does collective bargaining work?

For most state employees, an assigned LRS negotiator, representing the Governor, will lead a team of management representatives and negotiate collective bargaining agreements with each union. For unions representing general government bargaining units of fewer than 500 employees, negotiations occur with a coalition of all the unions representing these smaller units. Some agencies will have more than one collective bargaining agreement that applies to various groups of its employees. Unions representing employees of the Washington State Ferry system and the commissioned officers of the Washington State Patrol are exceptions and negotiate agreements for each bargaining unit, regardless of size.

After bargaining is complete, unions typically conduct a ratification process. For some bargaining units, if the parties are unable to reach agreement through the bargaining process, the unresolved issues may be decided by a third party arbitrator through interest arbitration.

The final agreement of the parties on all the terms of the CBA, or alternatively the interest arbitration award, must be completed by October 1 of the even numbered year. The law requires that all master agreements be submitted to OFM by the October 1 date, and the Director of the Office of Financial Management (OFM) must then certify that the economic portions of the agreement are financially feasible. Upon certification by OFM, the Governor submits a budget to the legislature that includes the funding needed to implement the economic provisions of the collective bargaining agreements. Following approval by the legislature, the terms of the negotiated agreements will typically take effect at the start of the next biennium, on July 1 of odd-numbered years.

9. Do state employees have the right to strike or refuse to perform official duties?

Nothing in the bargaining law permits or grants to any employee the right to strike or refuse to perform their official duties.

10. Where can I see a copy of my collective bargaining agreement?

The [collective bargaining agreements](#) are available on this website. If you have questions about a CBA, and are a represented employee, contact your union.

Otherwise, contact your agency human resources or labor relations representative, or the OFM/Labor Relations and Compensation Section at labor.relations@ofm.wa.gov.

11. Where can I find information about union membership options for employees who are covered under a collective bargaining agreement?

You should contact the union directly. Your agency human resources department can provide you with the correct contact information.