

# SENATE BILL REPORT

## SB 5133

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As Reported by Senate Committee On:  
Labor, Commerce & Tribal Affairs, January 20, 2021  
Ways & Means, February 11, 2021

**Title:** An act relating to the definition of confidential employee for the purposes of state collective bargaining.

**Brief Description:** Concerning the definition of confidential employee for the purposes of state collective bargaining.

**Sponsors:** Senators Conway, Hasegawa, Keiser, Saldaña and Wilson, C..

**Brief History:**

**Committee Activity:** Labor, Commerce & Tribal Affairs: 1/18/21, 1/20/21 [DP-WM, DNP, w/oRec].

Ways & Means: 1/28/21, 2/11/21 [DP, DNP, w/oRec].

**Brief Summary of Bill**

- Grants employees who assist the attorneys in the Torts Division of the Attorney General's Office the right to collectively bargain.

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**SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS**

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

**Minority Report:** Do not pass.

Signed by Senators Honeyford and Schoesler.

**Minority Report:** That it be referred without recommendation.

Signed by Senators King, Ranking Member; Braun.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Jarrett Sacks (786-7448)

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**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle, Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Lias, Mullet, Pedersen, Van De Wege and Wellman.

**Minority Report:** Do not pass.

Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Rivers, Wagoner and Warnick.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Braun, Gildon and Muzzall.

**Staff:** Amanda Cecil (786-7460)

**Background:** The Personnel System Reform Act (PSRA) provides for collective bargaining of wages, hours, and other terms and conditions of employment with classified employees of state agencies and higher education institutions. Employees covered by the PSRA include all state civil service employees, unless an exemption applies. One such exemption is for confidential employees. Confidential employees include employees who assist assistant attorneys general who: 1) advise and represent managers or confidential employees in personnel or labor relations matters, or 2) advise or represent the state in tort actions.

In 2019, the Legislature granted assistant attorneys general the right to collectively bargain under the PSRA.

**Summary of Bill:** Assistants to assistant attorneys general who advise or represent the state in tort actions are removed from the definition of confidential employee in the PSRA, granting them the right to collectively bargain.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Labor, Commerce & Tribal Affairs):** PRO: The

pandemic has led to budget cuts and employees want to be represented to have a voice in how cuts take place. An obscure law prevents professional staff in the Torts Division from collective bargaining. Budget constraints have led to turnover and people with institutional knowledge leaving because employees are paid more in the private sector.

**Persons Testifying (Labor, Commerce & Tribal Affairs):** PRO: Senator Steve Conway, Prime Sponsor; Dennis Eagle, Washington Federation of State Employees; Joshua King, Washington Federation of State Employees; Danielle Garrett, Washington Federation of State Employees.

**Persons Signed In To Testify But Not Testifying (Labor, Commerce & Tribal Affairs):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: This broadens the scope of the bill that was passed last year. There is an obscure provision that captures 88 professional employees in the torts division of the Attorney Generals Office that excludes them from collective bargaining. This fixes it.

OTHER: If collective bargaining rights are expanded, three things should also happen: employee rights should be protected regarding union dues and membership; employees should be guaranteed the right to vote by secret ballots; and collective bargaining should be done in a transparent way.

**Persons Testifying (Ways & Means):** PRO: Senator Steve Conway, Prime Sponsor; Dennis Eagle, Washington Federation of State Employees; Joshua King, Washington Federation of State Employees.

OTHER: Maxford Nelsen, Freedom Foundation.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.