

RCW 41.80.410 Administrative law judges. (1) In addition to the agencies defined in RCW 41.80.005 and subject to the provisions of this section, this chapter applies to administrative law judges of the office of administrative hearings appointed under RCW 34.12.030(1).

(2) Administrative law judges of the office of administrative hearings who are not otherwise excluded from bargaining under subsection (3) of this section are granted the right to collectively bargain.

(3) The following administrative law judges of the office of administrative hearings are excluded from this section and do not have the right to collectively bargain:

(a) Administrative law judges in manager positions as defined in RCW 41.06.022, including deputy chief administrative law judges, division chief administrative law judges, and assistant chief administrative law judges;

(b) Administrative law judges serving on a contractual basis under RCW 34.12.030(2);

(c) Confidential employees as defined in RCW 41.80.005; and

(d) Any administrative law judge who reports directly to the chief administrative law judge.

(4) The only unit appropriate for the purpose of collective bargaining under this chapter is a statewide unit of all administrative law judges of the office of administrative hearings not otherwise excluded from bargaining. [2020 c 77 § 2.]

Findings—Intent—2020 c 77: "The legislature finds that the independent adjudication services provided by administrative law judges of the office of administrative hearings are crucial to the due process rights of the citizens of this state and the just functioning of the government. Administrative law judges of the office of administrative hearings are exempt from civil service under RCW 34.12.030(5). These administrative law judges currently have no mechanism through which to collectively bargain for salary increases. The legislature finds the office of administrative hearings has experienced increased difficulty recruiting and retaining administrative law judges due to the disparity in wages paid to administrative law judges as compared to similar public sector positions. This type of turnover is costly to the office of administrative hearings, negatively impacts morale, interferes with the ability of the office to develop a succession plan, and ultimately harms the citizens of this state. Therefore, it is the legislature's intent to empower these administrative law judges to collectively bargain for fair wages that will foster job satisfaction and the highest standards of professional competence among administrative law judges." [2020 c 77 § 1.]

Effective date—2020 c 77: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 19, 2020]." [2020 c 77 § 7.]