

HOUSE BILL REPORT

HB 1299

As Reported by House Committee On: Labor & Workplace Standards

Title: An act relating to extending collective bargaining rights to assistant attorneys general.

Brief Description: Extending collective bargaining rights to assistant attorneys general.

Sponsors: Representatives Dolan, Doglio, Jinkins, Sells, Kilduff, Gregerson, Peterson, Goodman, Valdez, Riccelli, Macri, Frame, Appleton, Fitzgibbon, Tharinger, Ryu, Stanford, Hudgins, Lekanoff, Bergquist, Leavitt, Ormsby and Pollet.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/24/19, 1/29/19 [DPS].

Brief Summary of Substitute Bill

- Grants Assistant Attorneys General collective bargaining rights under the Personnel System Reform Act.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

Minority Report: Without recommendation. Signed by 2 members: Representatives Mosbrucker, Ranking Minority Member; Hoff.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler, Assistant Ranking Minority Member.

Staff: Trudes Tango (786-7384).

Background:

The Personnel System Reform Act.

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

With certain exceptions, state employees covered by the state civil service laws have collective bargaining under the Personnel System Reform Act (PSRA) for wages, hours, and other terms and conditions of employment. The PSRA does not contain interest arbitration provisions. Under the PSRA, for purposes of negotiations, state agencies are generally represented by the Governor.

The PSRA provides for multi-employer bargaining and coalition bargaining. Exclusive bargaining representatives of more than one bargaining unit must negotiate one master collective bargaining agreement covering all of the represented employees. Exclusive bargaining representatives that represent fewer than 500 employees each must bargain in a coalition, with one master agreement covering all of the employees represented by the coalition.

The Office of the Attorney General.

The Attorney General (AG) represents the state, including state officials, departments, agencies, and boards and commissions. The AG may appoint assistants and set their compensation. Assistant Attorneys General (AAGs) are explicitly excluded from the state civil service laws; therefore, the PSRA does not apply to AAGs.

Summary of Substitute Bill:

Assistant Attorneys General are granted collective bargaining under the PSRA. Division chiefs, deputy attorneys general, AAGs in the labor and personnel division, the solicitor general, special AAGs, confidential employees, and any AAG or deputy AG who reports directly to the AG are excluded from bargaining.

The only unit appropriate for the purposes of collective bargaining is a statewide unit of all AAGs authorized to bargain. The Governor or Governor's designee and the exclusive bargaining representative must negotiate one master collective bargaining agreement for AAGs.

Substitute Bill Compared to Original Bill:

The substitute bill excludes AAGs in the labor and personnel division from collective bargaining, and adds AAGs to the definition of employee under the PSRA.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Assistant Attorneys General play a critical role in the state by providing legal advice and representation for state agencies. They represent the state in protecting children, enforcing clean water standards and doing other important business of the state. There is a critical turnover rate in the Office of the Attorney General (AGO). There has been an effort to raise AAGs' salaries, but their wages remain about 20 percent behind similar government attorneys. This bill would give the AAGs the ability to advocate for themselves and gives them the same right as other public sector employees. Without higher salaries, the AGO is losing quality attorneys who leave to make higher salaries in the cities and counties. Unlike other public employees, there is no salary grid and no systemic structure for AAGs to get merit increases. It is difficult for AAGs to plan ahead because there is no salary predictability. The AGO loses about 64 attorneys a year.

(Opposed) None.

(Other) A technical correction is needed for the definition of employee in the PSRA.

Persons Testifying: (In support) Representative Dolan, prime sponsor; Eric Nelson, Association of Washington Assistant Attorneys General; Allyson Bazan; Caroline Cress; Dennis Eagle, Washington Federation of State Employees; and Mike Webb, Office of the Attorney General.

(Other) Charity Atchison, Public Employment Relations Commission.

Persons Signed In To Testify But Not Testifying: None.