

HOUSE BILL REPORT

HB 1333

As Reported by House Committee On:
Labor & Workplace Standards
Appropriations

Title: An act relating to changing the definition of public employee for public employees' collective bargaining.

Brief Description: Changing the definition of public employee for public employees' collective bargaining.

Sponsors: Representatives Valdez, Hudgins and Pollet.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/24/19, 1/29/19 [DP];

Appropriations: 2/14/19, 1/23/20 [DP].

Brief Summary of Bill

- Allows personal assistants to district court and superior court judges and court commissioners to collectively bargain.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 4 members: Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

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

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

Staff: Trudes Tango (786-7384).

Background:

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.

The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages, hours, and working conditions with public employees of cities, counties, and other political subdivisions.

The PECBA's definition of "public employee" explicitly excludes certain categories of employees, such as elected officials (which includes judges) and court commissioners. Also excluded from the definition is a person who is a personal assistant to a district court judge, superior court judge, or court commissioner. However, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

What constitutes a "personal assistant" is determined on a case-by-case basis by examining the duties and functions of the position.

Recently, the Washington State Council of County and City Employees filed a petition with the Public Employment Relations Commission (PERC) to represent the bailiffs employed by King County. The PERC found that the King County bailiffs were personal assistants of the superior court judges because, among other things, each bailiff primarily works exclusively for the judge who hired him or her, and each bailiff serves as the hiring judge's case manager, trial administrator, executive assistant, and liaison.

Summary of Bill:

The definition of "public employee" under the PECBA is amended to no longer exclude personal assistants to district court judges, superior court judges, and court commissioners. Therefore, those employees are not precluded from collective bargaining under the PECBA.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Over 75 percent of King County bailiffs wanted to join the union but they were excluded because they were found to be "personal assistants" of the judges. There is no definition of "personal assistant" in statute. Personal assistants are like confidential employees because there would be a conflict with bargaining with the person to whom they report. Bailiffs should be entitled to the same rights to bargain and organize as other public employees.

(Opposed) These employees are legal professionals who write orders, talk to the lawyers, and represent the judge in communications. They consult with judges on case proceedings and

other court matters. This bill might end up jeopardizing their jobs. Judges need these assistants.

Persons Testifying: (In support) Representative Valdez, prime sponsor; and J. Pat Thompson, Washington State Council of County and City Employees.

(Opposed) Jim Rogers, Superior Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 18 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Hansen, Hudgins, Kilduff, Macri, Pettigrew, Pollet, Ryu, Senn, Sullivan, Tarleton and Tharinger.

Minority Report: Do not pass. Signed by 11 members: Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Corry, Dye, Hoff, Kraft, Mosbrucker and Sutherland.

Minority Report: Without recommendation. Signed by 2 members: Representatives Schmick and Ybarra.

Staff: David Pringle (786-7310).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Labor & Workplace Standards:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The King County bailiffs came to the Washington State Council of City and Municipal Employees (Council) representatives and asked us to represent them. The Public Employment Relations Commission said that the bailiffs are considered personal assistants, and are excluded from bargaining. This was a surprise to both the bailiffs and our organization, and the bailiffs should have the same rights to bargain as other employees. The change only applies to judges, and not to judges' "confidential employees" which are

separately excluded, and remain excluded under this bill. The Council has been working with judges on this change from the beginning.

(Opposed) None.

(Other) The Superior Court Judges have been working closely with the Council, and have another piece of legislation which deals with the issues that we previously had with this bill.

Persons Testifying: (In support) J. Pat Thompson, Washington State Council of County and City Employees.

(Other) Tom Parker, Superior Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.