

HOUSE BILL REPORT

SSB 5297

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

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

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

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Hunt, Conway, Keiser, Dhingra, Saldaña, Kuderer and Pedersen).

Brief History:

Committee Activity:

Labor & Workplace Standards: 3/21/19, 3/26/19 [DP];

Appropriations: 4/6/19, 4/8/19 [DP].

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

Minority Report: Do not pass. Signed by 3 members: Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Hoff.

Staff: Trudes Tango (786-7384).

Background:

The Personnel System Reform Act.

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

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.

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 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.

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) Assistant Attorneys General are line workers. Retention and maintaining high quality AAGs are issues in the AG's office. It is difficult to make future plans when there is no certainty about salaries. There is no grid or salary predictability. Raises are sporadic. The AAGs in other states, such as Oregon, have the right to bargain.

(Opposed) None.

(Other) The bill should be amended to include provisions: prohibiting cross-check in order to guarantee the employee's right to vote by secret ballot; protecting the employee's first amendment rights regarding dues authorizations; and making the bargaining process transparent to allow taxpayers to evaluate and monitor use of taxpayer money.

Persons Testifying: (In support) Senator Hunt, prime sponsor; Mike Webb, Allyson Bazan, Ari Robbins, and R. July Simpson, Office of the Attorney General; and Dennis Eagle, Washington Federation of State Employees.

(Other) Maxford Nelsen, Freedom Foundation.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Cody, Dolan, Fitzgibbon, Hansen, Hudgins, Jinkins, Macri, Pettigrew, Pollet, Ryu, Senn, Springer, Stanford, Sullivan, Tarleton and Tharinger.

Minority Report: Do not pass. Signed by 11 members: Representatives Stokesbary, Ranking Minority Member; Caldier, Chandler, Dye, Hoff, Kraft, Mosbrucker, Schmick, Steele, Sutherland and Ybarra.

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

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 Attorney General supports the right of Assistant Attorneys General (AAGs) to organize. Nonmanaging AAGs make significantly less money than comparable county attorneys. This bill might help address the challenge of providing adequate pay in the future. The Legislature has only irregularly addressed compensation of exempt employees. The AAGs are among the employee groups subject to this irregular treatment

and subsequently, their pay scale has fallen behind. The type of collective bargaining detailed in this bill has worked for state attorneys in other states. About 600 employees would be covered, and they would have their own bargaining table with the Office of Financial Management. For seven years there have been efforts to pass this bill. No collective bargaining rights have left AAGs behind. Assistant Attorneys General are the last barrier protecting the state against legal exposure as vast sums of money are involved in some legal cases. Washington needs quality attorneys. Choosing not to support this bill is penny-wise and pound-foolish.

(Opposed) None.

(Other) This bill should contain three additional measures that provide the following: (1) open election of representatives rather than cross-check; (2) protection of employees' rights from dues deduction without affirmative authorization; and (3) public observation of the bargaining process. These measures would ensure that the operation of this bill will benefit both employees and the public.

Persons Testifying: (In support) Brittany Gregory, Allyson Bazan, and Anne Egeler, Washington State Office of the Attorney General; and Dennis Eagle, Washington Federation of State Employees.

(Other) Maxford Nelsen, Freedom Foundation.

Persons Signed In To Testify But Not Testifying: None.