

SENATE BILL REPORT

SB 5297

As Reported by Senate Committee On:
Labor & Commerce, January 29, 2019

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

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

Sponsors: Senators Hunt, Conway, Keiser, Dhingra, Saldaña, Kuderer and Pedersen.

Brief History:

Committee Activity: Labor & Commerce: 1/21/19, 1/29/19 [DPS-WM, DNP, w/oRec].

<p style="text-align: center;">Brief Summary of First Substitute Bill</p> <ul style="list-style-type: none">• Grants assistant attorneys general collective bargaining rights under the Personnel System Reform Act.

- Grants assistant attorneys general collective bargaining rights under the Personnel System Reform Act.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5297 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Walsh and Wellman.

Minority Report: Do not pass.

Signed by Senator Braun.

Minority Report: That it be referred without recommendation.

Signed by Senator King, Ranking Member.

Staff: Jarrett Sacks (786-7448)

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 institutions of higher education. Employees covered by the PSRA include all state civil service employees except:

- employees covered by the Public Employees' Collective Bargaining Act;
- confidential employees;

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- members of the Washington Management Service;
- internal auditors in any agency; and
- any employee of the Public Employment Relations Commission, the Office of Financial Management, or the Office of Risk Management.

The attorney general (AG) is authorized to appoint assistants and set their compensation. Assistant attorneys general (AAGs) are explicitly excluded from state civil service laws. As a result, the PSRA does not cover AAGs.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): AAGs are granted the right to collectively bargain under the PSRA. The right to collectively bargain does not include division chiefs, deputy attorneys general, the solicitor general, assistant attorneys general in the labor and personnel division, special assistant attorneys general, confidential employees, or any assistant or deputy attorney general who reports directly to the AG.

The only unit appropriate for bargaining is a statewide unit of all AAGs not otherwise excluded. The Governor or the Governor's designee and the exclusive bargaining representative must negotiate one master collective bargaining agreement for AAGs.

EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):

- Adds assistant attorneys general to the definition of employee in the Personnel System Reform Act.

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 on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: AAGs make \$14,500 less on average than their public sector peers. They also do not have the same salary predictability. Raises for AAGs are sporadic, which means they cannot plan ahead or prepare for life events. When the AG's office receives appropriations for raises, it is not always predictable as to how the raises will be distributed, and the distribution may not be even. The bill would normalize compensation and help the AG's office retain employees.

Persons Testifying: PRO: Mike Webb, Chief of Staff, Office of the Attorney General; Allyson Bazan; Caroline Cress, Assistant Attorney General; Kaythryn McCleod, citizen; Anne Hall, citizen; Dennis Eagle, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: No one.