

SENATE BILL REPORT

SB 5297

As Reported by Senate Committee On:
Labor & Commerce, January 29, 2019
Ways & Means, March 1, 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].
Ways & Means: 2/18/19, 3/01/19 [DPS (LBRC), DNP].

<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.

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)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

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.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Becker, Schoesler, Wagoner, Warnick and Wilson, L..

Staff: Amanda Cecil (786-7460)

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;
- 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 (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 (Labor & Commerce): *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 (Labor & Commerce): 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 (Labor & Commerce): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: As many of you know there are thousands of state employees who are exempt from bargaining rights under state law. Many of those exemptions are proper, such as managers and human resources staff. Those folks are and should be exempt but some of these exemptions are remnants of a different day and time and maybe do not make so much sense anymore in this day and age. The existing attorneys general since the passage of the collective bargaining law in 2002 have found that being exempt works to their disadvantage. These are not managers and they are not setting policy or writing budgets. They are line employees implementing the laws of the state of Washington but they have no mechanism now by which they can compare their salaries. Exempt employees only wage increases are the COLA that everybody gets when it is funded by the Legislature. Over time that has been a hit or miss proposition and the result is over time assistant attorney general salaries are falling further and further behind similar positions in other jurisdictions. Collective bargaining provides a proven and effective mechanism that works for both management and employees to address compensation issues in a rational manner.

AAGs are paid 20 percent less than their peers at public law offices. We have experts in state law that are going to client agencies where they can be paid 15 percent more. Providing the AAGs with collective bargaining will save the state money in that there won't be the turnover and there will not be one out of five AAGs leaving every year. AAGs in Washington make \$40,000 per year less than AAGs in Oregon. The Oregon AAGs have collective bargaining rights. Collective bargaining would provide me and my colleagues a seat at the table so that we would have these issues addressed.

Persons Testifying (Ways & Means): PRO: Dennis Eagle, Washington Federation of State Employees; Allyson Bazan, citizen; Mark Schumock, citizen; Caroline Cress, citizen.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.