

HOUSE BILL REPORT

SB 5133

As Passed House:

April 8, 2021

Title: An act relating to the definition of confidential employee for the purposes of state collective bargaining.

Brief Description: Concerning the definition of confidential employee for the purposes of state collective bargaining.

Sponsors: Senators Conway, Hasegawa, Keiser, Saldaña and Wilson, C..

Brief History:

Committee Activity:

Labor & Workplace Standards: 3/16/21, 3/19/21 [DP];

Appropriations: 3/30/21, 3/31/21 [DP].

Floor Activity:

Passed House: 4/8/21, 64-34.

Brief Summary of Bill

- Grants employees who assist the assistant attorneys general of the Torts Division the right to collective bargaining under the Personnel System Reform Act.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 5 members: Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske and Ortiz-Self.

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

Minority Report: Without recommendation. Signed by 1 member: Representative Harris.

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

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Johnson, J., Lekanoff, Pollet, Ryu, Senn, Springer, Stonier, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 10 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke, Chandler, Dye, Hoff, Jacobsen, Schmick and Steele.

Minority Report: Without recommendation. Signed by 4 members: Representatives MacEwen, Assistant Ranking Minority Member; Caldier, Harris and Rude.

Staff: David Pringle (786-7310).

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 higher education institutions. Employees covered by the PSRA include all state civil service employees, unless an exemption applies. One such exemption is for confidential employees. Confidential employees include employees who assist assistant attorneys general (AAGs) who advise and represent managers or confidential employees in personnel or labor relations matters, or who advise or represent the state in tort actions. In 2019 the Legislature granted AAGs the right to collective bargaining under the PSRA.

Summary of Bill:

The definition of "confidential employee" under the PSRA is amended to remove assistants to AAGs who advise and represent the state in tort actions. Therefore, those employees are not precluded from collective bargaining under the PSRA.

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 (Labor & Workplace Standards):

(In support) The legislation that passed two years ago allowed the AAGs to bargain, so the attorneys of the Torts Division can collectively bargain but the paralegals who assist them cannot bargain. This is due to the definition in the statute. Professional staff in this division want to be included in the process and want to join the bargaining unit of other professional staff of the Attorney General's Office.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The professional employees at the Office of the Attorney General (AGO) have been working through bargaining and discovered that this group of staff is prohibited from participating in the bargaining unit. The exception that keeps them out is obscure, and it should be corrected. A paralegal in the Torts Division at the AGO, was surprised to discover being classified as a confidential employee and unable to join the bargaining unit.

(Opposed) None.

Persons Testifying (Labor & Workplace Standards): Dennis Eagle; and Joshua King, Washington Federation of State Employees.

Persons Testifying (Appropriations): Dennis Eagle and Joshua King, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.