

SENATE BILL REPORT

SB 5141

As of February 16, 2023

Title: An act relating to granting Washington management service employees the right to collectively bargain.

Brief Description: Granting Washington management service employees the right to collectively bargain.

Sponsors: Senators Hunt, Keiser, Conway, Kuderer, Lias, Stanford, Valdez and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 1/23/23, 1/31/23 [DPS-WM, DNP, w/oRec].
Ways & Means: 2/16/23.

Brief Summary of First Substitute Bill

- Grants Washington Management Service employees the right to collectively bargain.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5141 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, Vice Chair; Robinson and Stanford.

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Braun and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senator MacEwen.

Staff: Jarrett Sacks (786-7448)

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.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Amanda Cecil (786-7460)

Background: State civil service law governs the appointment, promotion, transfer, layoff, removal, discipline, and other personnel matters of most state agency employees. The Washington Management Service (WMS) is a separate personnel system for managers within state government. Agencies have delegated authority to determine if a position is appropriate for WMS.

A manager is any employee of a position that:

- formulates statewide policy or directs the work of an agency or agency subdivision;
- administers one or more statewide policies or programs of an agency or agency subdivision;
- manages, administers, and controls a local branch office of an agency or an agency subdivision, including the physical, financial or personnel resources;
- has substantial responsibility in personnel administration, legislative relations, public information or the preparation and administration of budgets; or
- functions above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.

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 under the PSRA include all state civil service employees, unless an exemption applies. One such exemption is members of the WMS.

Summary of Bill (First Substitute): WMS members are granted the right to collectively bargain by removing the provisions that prohibit their inclusion in collective bargaining units and exclude them from the definition of employee in the PSRA.

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

An additional provision that prohibits WMS members from being included in a collective bargaining unit under the Personnel System Reform Act is removed.

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 Original Bill (Labor & Commerce): *The committee recommended a different version of the bill than what was heard.* PRO: WMS has evolved over time and it is no longer in the types of positions that have traditionally been exempt from bargaining. When taking WMS positions, employees lose legal protections they had when they were represented. The bill will give the ability to ask for pay increases, coverage of license fees, and other protections. This will help retain employees and fill vacant WMS positions. Employees do not go into management because they do not want to lose representation, which leads to staffing issues.

CON: The bill should be fleshed out more because it would grant managers the right to bargain while the people they supervise are not represented. There is inequality in representation in state management and people of color in management leave at a higher rate.

Persons Testifying (Labor & Commerce): PRO: Senator Sam Hunt, Prime Sponsor; John Conaty; Niles McDonald; George Matthews; Mike Poston.

CON: Laquesha Turner.

Persons Signed In To Testify But Not Testifying (Labor & Commerce): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: Collective bargaining rights give WMS employees a voice at the table and have turned around a dire recruitment and retention problem. Many workers in DSHS have no bargaining rights or protections. Jobs that continue to lack collective bargaining rights will see further eroded quality of representation. There is an amendment to limit the scope of this bill to the lower salary band levels of WMS.

Persons Testifying (Ways & Means): PRO: Eric Nelson, AFSCME Local 5297; Niles McDonald; Brandon Anderson, Washington Federation of State Employees.

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