
SENATE BILL 5694

State of Washington

68th Legislature

2023 Regular Session

By Senators Hunt, Saldaña, and C. Wilson

Read first time 02/03/23. Referred to Committee on State Government & Elections.

1 AN ACT Relating to public employee salary surveys; amending RCW
2 41.06.152, 41.06.157, and 41.80.020; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that the state
5 is in an ongoing staffing crisis; that many state agencies are unable
6 to fill positions required to do the work that the people of the
7 state of Washington have asked them to perform; and that many state
8 jobs pay far behind what the state considers to be fair market value
9 according to the state's biennial salary survey, especially those
10 jobs filled largely by women and people of color.

11 (2)(a) The legislature further finds that the state salary survey
12 is a tool that is underutilized in the collective bargaining process.

13 (b) The state salary survey is conducted by the office of
14 financial management every two years, as permitted under RCW
15 41.06.157. The state salary survey consistently shows many job
16 classifications far behind fair market value, as determined by the
17 survey itself. The office of financial management does not use the
18 disparity between state salaries and fair market value to determine
19 whether to grant a targeted pay increase to a given job
20 classification.

1 (c) The office of financial management is currently not required
2 to accept input from state employees in creating the salary survey or
3 the job classification specifications used in determining which
4 positions to use to compare to state service jobs. The result is
5 often inaccurate benchmarks leading to comparatives which are
6 unrepresentative of the full scale of the requirements of
7 classification.

8 (3) The legislature intends to improve the state salary survey as
9 a tool during collective bargaining by:

10 (a) Giving state employees a role in crafting the job
11 classification specifications that are used to determine fair market
12 value of the work that state employees are doing; and

13 (b) Allowing the office of financial management greater
14 flexibility in using the state salary survey in collective bargaining
15 and when determining which state job classifications will receive
16 targeted pay increases.

17 **Sec. 2.** RCW 41.06.152 and 2011 1st sp.s. c 43 s 410 are each
18 amended to read as follows:

19 (1) The director shall adopt only those job classification
20 revisions, class studies, and salary adjustments under RCW 41.06.157
21 that:

22 (a) As defined by the director, are due to documented recruitment
23 or retention difficulties, salary compression or inversion,
24 classification plan maintenance, higher level duties and
25 responsibilities, inequities documented in salary survey data showing
26 specific job classifications that are significantly behind market
27 rate, or other inequities; and

28 (b) Are such that the office of financial management has reviewed
29 the affected agency's fiscal impact statement and has concurred that
30 the affected agency can absorb the biennialized cost of the
31 reclassification, class study, or salary adjustment within the
32 agency's current authorized level of funding for the current fiscal
33 biennium and subsequent fiscal biennia.

34 (2) This section does not apply to the higher education hospital
35 special pay plan or to any adjustments to the classification plan
36 under RCW 41.06.157 that are due to emergent conditions. Emergent
37 conditions are defined as emergency conditions requiring the
38 establishment of positions necessary for the preservation of the
39 public health, safety, or general welfare.

1 **Sec. 3.** RCW 41.06.157 and 2015 3rd sp.s. c 1 s 315 are each
2 amended to read as follows:

3 (1) To promote the most effective use of the state's workforce
4 and improve the effectiveness and efficiency of the delivery of
5 services to the citizens of the state, the director shall adopt and
6 maintain a comprehensive classification plan for all positions in the
7 classified service. The classification plan must:

8 (a) Be simple and streamlined;

9 (b) Support state agencies in responding to changing
10 technologies, economic and social conditions, and the needs of its
11 citizens;

12 (c) Value workplace diversity;

13 (d) Facilitate the reorganization and decentralization of
14 governmental services;

15 (e) Enhance mobility and career advancement opportunities; and

16 (f) Consider rates in other public employment and private
17 employment in the state.

18 (2) Beginning January 1, 2024, the director may not adopt any
19 classification plan unless the plan has been negotiated with the
20 appropriate employee organization representing classified employees.

21 (3) An appointing authority and an employee organization
22 representing classified employees of the appointing authority for
23 collective bargaining purposes may jointly request the director of
24 financial management to initiate a classification study.

25 ~~((3))~~ (4) For institutions of higher education and related
26 boards, the director may adopt special salary ranges to be
27 competitive with positions of a similar nature in the state or the
28 locality in which the institution of higher education or related
29 board is located.

30 ~~((4))~~ (5) The director may undertake salary surveys of
31 positions in other public and private employment to establish market
32 rates. Any salary survey information collected from private employers
33 which identifies a specific employer with salary rates which the
34 employer pays to its employees shall not be subject to public
35 disclosure under chapter 42.56 RCW.

36 **Sec. 4.** RCW 41.80.020 and 2021 c 13 s 6 are each amended to read
37 as follows:

38 (1) Except as otherwise provided in this chapter, the matters
39 subject to bargaining include wages, hours, and other terms and

1 conditions of employment, and the negotiation of any question arising
2 under a collective bargaining agreement.

3 (2) The employer is not required to bargain over matters
4 pertaining to:

5 (a) Health care benefits or other employee insurance benefits,
6 except as required in subsection (3) of this section;

7 (b) Any retirement system or retirement benefit; or

8 (c) Rules of the director of financial management, the director
9 of enterprise services, or the Washington personnel resources board
10 adopted under RCW 41.06.157.

11 (3) (a) Matters subject to bargaining include the number of names
12 to be certified for vacancies, promotional preferences, and the
13 dollar amount expended on behalf of each employee for health care
14 benefits. However, except as provided otherwise in this subsection
15 for institutions of higher education, negotiations regarding the
16 number of names to be certified for vacancies, promotional
17 preferences, and the dollar amount expended on behalf of each
18 employee for health care benefits shall be conducted between the
19 employer and one coalition of all the exclusive bargaining
20 representatives subject to this chapter. The exclusive bargaining
21 representatives for employees that are subject to chapter 47.64 RCW
22 shall bargain the dollar amount expended on behalf of each employee
23 for health care benefits with the employer as part of the coalition
24 under this subsection. Any such provision agreed to by the employer
25 and the coalition shall be included in all master collective
26 bargaining agreements negotiated by the parties. For institutions of
27 higher education, promotional preferences and the number of names to
28 be certified for vacancies shall be bargained under the provisions of
29 RCW 41.80.010(4). For agreements covering the 2013-2015 fiscal
30 biennium, any agreement between the employer and the coalition
31 regarding the dollar amount expended on behalf of each employee for
32 health care benefits is a separate agreement and shall not be
33 included in the master collective bargaining agreements negotiated by
34 the parties.

35 (b) Beginning January 1, 2024, matters subject to bargaining
36 include the benchmark descriptions and job classifications that will
37 be used by the office of financial management in conducting salary
38 surveys. Negotiations shall be conducted between the employer and one
39 coalition of all bargaining representatives representing specific
40 classifications.

1 (4) The employer and the exclusive bargaining representative
2 shall not agree to any proposal that would prevent the implementation
3 of approved affirmative action plans or that would be inconsistent
4 with the comparable worth agreement that provided the basis for the
5 salary changes implemented beginning with the 1983-1985 biennium to
6 achieve comparable worth.

7 (5) The employer and the exclusive bargaining representative
8 shall not bargain over matters pertaining to management rights
9 established in RCW 41.80.040.

10 (6) Except as otherwise provided in this chapter, if a conflict
11 exists between an executive order, administrative rule, or agency
12 policy relating to wages, hours, and terms and conditions of
13 employment and a collective bargaining agreement negotiated under
14 this chapter, the collective bargaining agreement shall prevail. A
15 provision of a collective bargaining agreement that conflicts with
16 the terms of a statute is invalid and unenforceable.

17 (7) This section does not prohibit bargaining that affects
18 contracts authorized by RCW 41.06.142.

19 (8) RCW 41.58.070 applies to uniformed personnel.

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