

HOUSE BILL REPORT

HB 1622

As Reported by House Committee On:

Labor & Workplace Standards

Appropriations

Title: An act relating to allowing bargaining over matters related to the use of artificial intelligence.

Brief Description: Allowing bargaining over matters related to the use of artificial intelligence.

Sponsors: Representatives Parshley, Doglio, Fosse, Ramel, Ortiz-Self, Bergquist, Couture, Timmons, Obras, Reed, Bronoske, Bernbaum, Low, Nance, Schmidt, Simmons, Cortes, Stonier, Farivar, Scott, Peterson, Macri, Paul, Mena, Tharinger, Stearns, Berry, Donaghy, Gregerson, Taylor, Goodman, Hill, Kloba, Fitzgibbon, Salahuddin, Caldier, Thai, Fey, Davis, Shavers, Santos, Hunt, Griffey, Richards, Duerr, Zahn and Thomas.

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/5/25, 2/18/25 [DP];

Appropriations: 2/24/25, 2/27/25 [DPS].

Brief Summary of Substitute Bill

- Requires most state and local government public employers to bargain with employees' unions over the use of artificial intelligence technology that affects the wages, hours, or terms and conditions of employment.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 7 members: Representatives Berry, Chair; Fosse, Vice Chair; Scott, Vice Chair; Schmidt, Ranking Minority Member; Bronoske, Obras and Ortiz-Self.

Minority Report: Without recommendation. Signed by 2 members: Representatives

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.

Ybarra, Assistant Ranking Minority Member; McEntire.

Staff: Benjamin McCarthy (786-7116).

Background:

The Personnel System Reform Act (PSRA) provides a collective bargaining framework for civil service employees working for state agencies and institutions of high learning. Similarly, the Public Employees' Collective Bargaining Act provides a collective bargaining framework for public employees of cities, counties, and municipal corporations, uniformed troopers of the Washington State Patrol, uniformed officers of the Department of Fish and Wildlife, and certain employees at institutions of higher learning who are not covered by civil service laws.

Employers and employees must bargain over mandatory subjects of bargaining—these are subjects that bear on the wages, hours, and working conditions of employees. The parties do not have to bargain over managerial or union prerogatives, which are subjects that lie at the core of entrepreneurial or union control. When determining whether a subject is a mandatory subject of bargaining or a managerial or union prerogative, the Public Employment Relations Commission focuses on whether the subject predominately affects wages, hours, and working conditions of employees or predominately affects something that lies at the core of entrepreneurial or union control.

In addition to mandatory subjects of bargaining, managerial prerogatives, and union prerogatives, there are also prohibited subjects of bargaining. Prohibited subjects of bargaining are subjects that the parties are forbidden to bargain over by law. State employers covered by the PSRA are forbidden from bargaining over certain rights of management, including the use of technology.

Summary of Bill:

Public employers covered by the Personnel System Reform Act or the Public Employees' Collective Bargaining Act must bargain with covered employees over the decision to adopt or modify the use of artificial intelligence technology if it affects employee's wages, hours, or other terms and conditions of employment. Such technology is exempt from the bargaining prohibition regarding use of technology. Artificial intelligence means the use of machine learning and related technology that use data to train statistical models for the purpose of enabling computer systems to perform tasks normally associated with human intelligence or perception.

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:

(In support) This bill gives public sector workers a voice at the table as artificial technology is implemented. Employees are the best suited to knowing what artificial technology will help. This ensures that the implementation augments these jobs and does not cause harm. Corporate employers have been doing better at bargaining about the implementation of artificial technology than public employers. Artificial technology is different than previous technology; this is a bargaining right that reflects modern needs. This is about requiring a conversation. This will not increase costs; it just moves the time of bargaining before implementation.

(Opposed) Artificial technology is intimidating but is already being used throughout workplaces. This bill does more than require a conversation; it makes the decision to use artificial technology a mandatory subject of bargaining. Management needs to be able to make these decisions without bargaining.

(Other) This changes the standard for technology from a manage right to a mandatory subject of bargaining. If the ports want to use artificial technology to increase safety and efficiency, bargaining might delay implementation and prevent the benefits.

Persons Testifying: (In support) Representative Lisa Parshley, prime sponsor; Teresa Taylor, (WACOPS) Washington Council of Police and Sheriffs; Samantha Grad, Teamsters 117; Cherika Carter, Washington State Labor Council; Andrew Vander Stoep; Carl Bond; Rhonda Buchanan and Kati Durkin, Washington Federation of State Employees; and Joey Hicklin, Washington Public Employees Association.

(Opposed) Candice Bock, Association of Washington Cities; and Paul Jewell, Washington State Association of Counties.

(Other) James Cockburn, Washington Public Ports Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 22 members: Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Couture, Ranking Minority Member; Berg, Bergquist, Caldier, Callan, Cortes, Doglio, Fitzgibbon, Leavitt, Lekanoff, Peterson, Pollet, Rude, Ryu, Springer, Stonier,

Street, Thai and Tharinger.

Minority Report: Do not pass. Signed by 7 members: Representatives Penner, Assistant Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Corry, Dye, Keaton, Manjarrez and Marshall.

Minority Report: Without recommendation. Signed by 2 members: Representatives Connors, Assistant Ranking Minority Member; Burnett.

Staff: David Pringle (786-7310).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Labor & Workplace Standards:

The Appropriations Committee recommends the addition of a null and void clause, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) The state faces the challenge of using innovative technologies to make state workers more productive and improve services. Bargaining over the use of new technologies is already required to some extent, but artificial intelligence technologies are different, and need to be bargained differently as well. This bill enables bargaining over the implementation of the technologies, as opposed to just impacts.

(Opposed) This bill impedes management rights. The law already requires that the impacts of artificial intelligence technologies on public workforces be bargained. Requiring that the use of these technologies be bargained ahead of time could be a problem. In recent years, regular software updates may include artificial intelligence. So required software updates could trigger mandatory subjects of bargaining. The use of technology in the workplace is a traditional management right. This technology could improve efficiency and productivity. The decision to adopt cost-saving technologies could be stopped by collective bargaining over a mandatory subject.

Persons Testifying: (In support) Kati Durkin, Washington Federation of State Employees.

(Opposed) Candice Bock, Association of Washington Cities; and Paul Jewell, Washington

State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.