

SENATE BILL REPORT

ESHB 1622

As of March 20, 2025

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: House Committee on Appropriations (originally sponsored by 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: Passed House: 3/8/25, 58-38.

Committee Activity: Labor & Commerce: 3/28/25.

Brief Summary of Bill

- Requires certain public employers to bargain over the decision to adopt, or modify current uses of, artificial intelligence technology if the adoption or modification affects employee wages or performance evaluations.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

Background: The Personnel System Reform Act (PSRA) provides for collective bargaining for classified employees of state agencies and institutions of higher education. Matters subject to bargaining under the PSRA include wages, hours, other terms of conditions of employment, and the negotiation of any question arising under a collective bargaining agreement. The PSRA prohibits bargaining over management rights, which,

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.

among other things, includes the functions and programs of the employer, use of technology, and the structure of the organization.

Employees of cities, counties, and other political subdivisions of the state, bargain their wages and working conditions under the Public Employee's Collective Bargaining Act (PECBA). Certain higher education and state employees also bargain under PECBA. For certain higher education employees under PECBA, the use of technology is considered a management right and is a prohibited subject of bargaining. For the rest of the employees and employers covered under PECBA, the use of technology is a permissive subject of bargaining, where the parties are neither required nor prohibited from bargaining the subject matter. Bargaining is required if the use of technology affects a mandatory subject of bargaining, such as wages, hours, or working conditions.

Summary of Bill: Public employers covered by PECBA and the PSRA are required to bargain over the decision to adopt, or modify current uses of, artificial intelligence (AI) technology if the adoption or modification affects employees' wages or performance evaluations.

An employer is not required to bargain over the implementation or modification of AI technology if it is part of an update made by a third party to technology already in use and does not meaningfully impact employee's wages or performance evaluations. A third party is an individual or entity that provides services such as technology services, digital services, equipment, or software, but does not have an employment or a co-employment relationship with the employer.

AI means the use of machine learning and related technologies that use data to train statistical models for the purpose of enabling computer systems to perform tasks normally associated with human intelligence or perception, such as computer vision, speech or natural language processing, translation, decision making, and content generation.

Machine learning is the process by which AI is developed using data and algorithms to draw inferences to automatically adapt or improve its accuracy without explicit programming.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

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.