

SENATE BILL REPORT

SB 5422

As of February 13, 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: Senators Bateman, Conway, Chapman, Cleveland, Frame, Hasegawa, Nobles, Orwall, Saldaña, Salomon, Stanford, Trudeau and Valdez.

Brief History:

Committee Activity: Labor & Commerce: 2/17/25.

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, hours, or other conditions of employment.

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, 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

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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. However, 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, hours, or other terms or conditions of employment.

AI is 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: 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.