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**SUBSTITUTE SENATE BILL 5422**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Bateman, Conway, Chapman, Cleveland, Frame, Hasegawa, Nobles, Orwall, Saldaña, Salomon, Stanford, Trudeau, and Valdez)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to allowing bargaining over matters related to  
2 certain uses of artificial intelligence; amending RCW 41.56.021 and  
3 41.80.040; adding a new section to chapter 41.56 RCW; adding a new  
4 section to chapter 41.80 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 41.56.021 and 2007 c 136 s 1 are each amended to  
7 read as follows:

8 (1) In addition to the entities listed in RCW 41.56.020, this  
9 chapter applies to employees of institutions of higher education who  
10 are exempted from civil service pursuant to RCW 41.06.070(2), with  
11 the following exceptions:

12 (a) Executive employees, including all members of the governing  
13 board of each institution of higher education and related boards; all  
14 presidents and vice presidents; deans, directors, and chairs; and  
15 executive heads of major administrative or academic divisions;

16 (b) Managers who perform any of the following functions:

17 (i) Formulate, develop, or establish institutional policy, or  
18 direct the work of an administrative unit;

19 (ii) Manage, administer, and control a program, including its  
20 physical, financial, or personnel resources;

1 (iii) Have substantial responsibility for human resources  
2 administration, legislative relations, public information, internal  
3 audits and investigations, or the preparation and administration of  
4 budgets;

5 (iv) Functionally is above the first level of supervision and  
6 exercises authority that is not merely routine or clerical in nature  
7 and requires the consistent use of independent judgment;

8 (c) Employees who, in the regular course of their duties, act as  
9 a principal assistant, administrative assistant, or personal  
10 assistant to employees as defined by (a) of this subsection;

11 (d) Confidential employees;

12 (e) Employees who assist assistant attorneys general who advise  
13 and represent managers or confidential employees in personnel or  
14 labor relations matters, or who advise or represent the state in tort  
15 actions.

16 (2) Employees subject to this section shall not be included in  
17 any unit of employees certified under RCW 41.56.022, 41.56.024, or  
18 41.56.203, chapter 41.76 RCW, or chapter 41.80 RCW. Employees whose  
19 eligibility for collective bargaining is covered by chapter 28B.52,  
20 41.76, or 41.80 RCW are exempt from the provisions of this chapter.

21 (3) Institutions of higher education and the exclusive bargaining  
22 representatives shall not agree to any proposal that would prevent  
23 the implementation of approved affirmative action plans or that would  
24 be inconsistent with the comparable worth agreement that provided the  
25 basis for the salary changes implemented beginning with the 1983-1985  
26 biennium to achieve comparable worth.

27 (4) Institutions of higher education and the exclusive bargaining  
28 representative shall not bargain over rights of management that, in  
29 addition to all powers, duties, and rights established by  
30 constitutional provision or statute, shall include but not be limited  
31 to the following:

32 (a) The functions and programs of the institution(~~(, the))~~;

33 (b) The use of technology, (~~and the~~) except as provided in  
34 section 3 of this act;

35 (c) The structure of the organization;

36 (~~(b))~~ (d) The institution's budget and the size of its  
37 workforce, including determining the financial basis for layoffs;

38 (~~(e))~~ (e) The right to direct and supervise employees;

1       ~~((d))~~ (f) The right to take whatever actions are deemed  
2 necessary to carry out the mission of the state and the institutions  
3 of higher education during emergencies;

4       ~~((e))~~ (g) Retirement plans and retirement benefits; or

5       ~~((f))~~ (h) Health care benefits or other employee insurance  
6 benefits, except as provided in RCW 41.80.020.

7       **Sec. 2.** RCW 41.80.040 and 2020 c 357 s 913 are each amended to  
8 read as follows:

9       The employer shall not bargain over rights of management which,  
10 in addition to all powers, duties, and rights established by  
11 constitutional provision or statute, shall include but not be limited  
12 to the following:

13       (1) The functions and programs of the employer~~((, the))~~;

14       (2) The use of technology~~((, and the))~~, except as provided in  
15 section 4 of this act;

16       (3) The structure of the organization;

17       ~~((2))~~ (4) The employer's budget, which includes for purposes of  
18 any negotiations conducted during the 2019-2021 fiscal biennium any  
19 specification of the funds or accounts that must be appropriated by  
20 the legislature to fulfill the terms of an agreement, and the size of  
21 the agency workforce, including determining the financial basis for  
22 layoffs;

23       ~~((3))~~ (5) The right to direct and supervise employees;

24       ~~((4))~~ (6) The right to take whatever actions are deemed  
25 necessary to carry out the mission of the state and its agencies  
26 during emergencies; and

27       ~~((5))~~ (7) Retirement plans and retirement benefits.

28       NEW SECTION. **Sec. 3.** A new section is added to chapter 41.56  
29 RCW to read as follows:

30       An employer shall bargain over the decision to adopt artificial  
31 intelligence technology or modify the current uses of artificial  
32 intelligence technology if the adoption or modification affects  
33 employees' wages or performance evaluations.

34       NEW SECTION. **Sec. 4.** A new section is added to chapter 41.80  
35 RCW to read as follows:

36       An employer shall bargain over the decision to adopt artificial  
37 intelligence technology or modify the current uses of artificial

1 intelligence technology if the adoption or modification affects  
2 employees' wages or performance evaluations.

3 NEW SECTION. **Sec. 5.** Contracts in effect prior to the effective  
4 date of this section remain unaffected by sections 3 and 4 of this  
5 act until the contract expires or is renewed or reopened.

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