

HOUSE BILL REPORT

HB 2034

As Reported by House Committee On:
Labor

Title: An act relating to collective bargaining for assistant attorneys general.

Brief Description: Authorizing collective bargaining for assistant attorneys general.

Sponsors: Representatives Reykdal, Goodman, Kilduff, Appleton, Sells and Ormsby.

Brief History:

Committee Activity:

Labor: 2/16/15, 2/17/15 [DP].

Brief Summary of Bill

- Authorizes assistant attorneys general (AAGs) to collectively bargain under the Public Employee's Collective Bargaining Act (PECBA), with certain limitations.
- Limits the scope of bargaining to compensation and grievance procedures.
- Extends interest arbitration provisions of the PECBA to AAGs and provides that AAGs do not have the right to strike.

HOUSE COMMITTEE ON LABOR

Majority Report: Do pass. Signed by 4 members: Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Manweller, Ranking Minority Member; G. Hunt, Assistant Ranking Minority Member; McCabe.

Staff: Trudes Tango (786-7384).

Background:

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).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

For certain uniformed personnel, the PECBA recognizes the public policy against strikes as a means of settling labor disputes. For those employees, the PECBA requires binding interest arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

With certain exceptions, employees of the state covered by the state civil service law collectively bargain under the Personnel System Reform Act (PSRA). The scope of bargaining under the PSRA is limited to wages, hours, and other terms and conditions of employment. The PSRA does not contain interest arbitration provisions.

The PECBA and the PSRA establish procedures for employees to elect their exclusive bargaining representative. Under the PSRA, for purposes of negotiations, state agencies are represented by the Governor. The PSRA provides for multi-employer bargaining and coalition bargaining. Representatives of more than one bargaining unit must negotiate one master collective bargaining agreement covering all of the represented employees. Under the PSRA, the Governor must submit to the Legislature a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. The request must not be submitted to the Legislature unless it has been certified by the Director of the Office of Financial Management as being financially feasible.

The Attorney General (AG) represents the state, including state officials, departments, agencies, and boards and commissions. The AG may appoint assistants and set their compensation. Assistant attorneys general (AAGs) are explicitly excluded from the state civil service laws; therefore the PSRA does not apply to AAGs.

Summary of Bill:

The collective bargaining provisions of the PECBA apply to AAGs subject to expressed limitations.

The scope of bargaining is limited to compensation and grievance procedures. "Compensation" means only the monthly or annual salary. It does not include retirement plans, retirement benefits, health care benefits, other employee insurance benefits, travel or per diem reimbursements, paid leave, or any other type of financial benefit. Similar to the provision in the PSRA, the parties may not bargain over rights of management. In addition, they may not bargain over the right of the AG to, at his or her pleasure, appoint or terminate AAGs.

The mediation and interest arbitration provisions of the PECBA are extended to AAGs, except that: (1) negotiations must be commenced by May 1 of any year prior to the expiration of any existing collective bargaining agreement; and (2) the arbitration decision is not binding on the Legislature. If the Legislature does not approve the request for funds necessary to implement the compensation provision of the agreement, it is not binding on the AG or the state. The AAGs do not have the right to strike.

The only unit appropriate for bargaining is a statewide unit of all AAGs not otherwise excluded. Those AAGs who are excluded from bargaining are senior AAGs, deputy AGs, the solicitor general, special assistant AAGs, confidential employees, and any AAG or deputy AAG who reports directly to the AG. A collective bargaining agreement may contain a union security provision.

The exclusive bargaining representative must be chosen through the election process established under the PECBA. The AG may designate the Governor to bargain on the AG's behalf.

Procedures are established, similar to those in the PSRA, regarding the compensation provisions being part of the Governor's budget proposal submitted to the Legislature.

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) Other public sector attorneys are paid significantly higher wages than Washington's AAGs. If government can't be part of the free market in competition then the employer and employees must have a chance to collectively bargain. The Attorney General's Office (AGO) has seen high attrition rates because of compensation issues. AAGs do not have a salary grid or step system. The starting salaries for AAGs have stayed the same for many years and talented attorneys cannot afford to stay with the AGO. The AGO received about half of the funds it requested last year from the Legislature to try to address compensation issues.

(Opposed) None.

Persons Testifying: Representative Reykdal, prime sponsor; and Joe Panesko, Jason Howell, and Will McGinty, Association of Washington Assistant Attorneys General.

Persons Signed In To Testify But Not Testifying: None.