

# SENATE BILL REPORT

## SB 6367

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As of January 28, 2020

**Title:** An act relating to changing the definition of public employee for public employees' collective bargaining.

**Brief Description:** Changing the definition of public employee for public employees' collective bargaining.

**Sponsors:** Senators Conway, Hasegawa and Liias.

**Brief History:**

**Committee Activity:** Labor & Commerce: 1/27/20.

**Brief Summary of Bill**

- Authorizes personal assistants to district court and superior court judges and court commissioners to collectively bargain.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Staff:** Jarrett Sacks (786-7448)

**Background:** The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages, hours, and working conditions with public employees of cities, counties, and other political subdivisions. Under PECBA, a public employee is any employee of a public employer. PECBA specifically excludes certain categories of employees, such as elected officials, including judges, and court commissioners. Also excluded from the definition is a person who is a personal assistant to a district court judge, superior court judge, or court commissioner. However, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

What constitutes a personal assistant is determined on a case-by-case basis by examining the duties and functions of the position. A job title is not determinative of whether an individual is a personal assistant.

In 2017, the Washington State Council of County and City Employees filed a petition with the Public Employment Relations Commission (PERC) to represent bailiffs employed by

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King County. PERC found that, based on their duties and functions, the bailiffs were personal assistants of the superior court judges because, among other things, each bailiff primarily worked exclusively for the judge who hired them, and each bailiff served as the hiring judge's case manager, trial administrator, executive assistant, and liaison.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** The exclusion of personal assistants to district court judges, superior court judges, and court commissioners is removed from the definition of public employee under PECBA, granting those employees the right to collectively bargain.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2020.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Proposed Substitute:** PRO: The bill addresses an exclusion to collective bargaining and these individuals should have the right to collectively bargain.

CON: The bill will significantly alter the job of a bailiff. They are hired by a specific job and are confidential employees. Judges will not be able to hire the individuals they want and the jobs will likely start going away.

**Persons Testifying:** PRO: Senator Steve Conway, Prime Sponsor.

CON: Judge Jim Rogers, Superior Court Judges' Association; Intisar Surur, Superior Court Judges.

**Persons Signed In To Testify But Not Testifying:** No one.