

FINAL BILL REPORT

2SHB 1122

C 136 L 23
Synopsis as Enacted

Brief Description: Granting Washington management service employees the right to collectively bargain.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Doglio, Berry, Reed, Ramel, Simmons, Reeves, Lekanoff, Bergquist, Kloba, Pollet, Donaghy, Fosse and Ormsby).

House Committee on Labor & Workplace Standards
House Committee on Appropriations
Senate Committee on Labor & Commerce
Senate Committee on Ways & Means

Background:

The Washington Management Service.

State civil service laws govern the appointment, promotion, transfer, layoff, removal, discipline, and other personnel matters of most state agency employees. The Washington Management Service (WMS) is a separate personnel system for managers within the executive branch of state government.

Positions in the WMS are grouped into salary range categories known as WMS bands. Management bands are a series of levels, each with a minimum and maximum salary level. Placement in a band reflects the nature of the work responsibilities, management skill requirements, and reporting accountability. The WMS positions requiring a medical degree are placed into the WMS medical band. Agencies determine if a position is appropriate for the WMS.

Collective bargaining.

The Personnel System Reform Act (PSRA) provides for collective bargaining of wages, hours, and other terms and conditions of employment with classified employees of state agencies and institutions of higher education. Employees covered under the PSRA include

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.

all state civil service employees, unless specifically excluded.

The PSRA excludes WMS employees from collective bargaining. In addition, the PSRA excludes: employees already covered under the Public Employee Collective Bargaining Act; confidential employees; internal auditors in any agency; and employees of the Public Employment Relations Commission (PERC), the Office of Financial Management, and the Office of Risk Management within the Department of Enterprise Services.

The PERC administers the PSRA, and has the authority to determine and certify appropriate bargaining units. Under the PSRA, exclusive bargaining representatives of more than one bargaining unit must negotiate one master collective bargaining agreement covering all of the represented employees.

Summary:

The provisions prohibiting WMS employees from collective bargaining are amended to allow certain WMS employees the right to collective bargaining. The WMS employees excluded from bargaining are those who are:

- in positions within salary bands three, four, and medical;
- human resource managers;
- budget managers;
- risk and litigation managers;
- employees in positions whose official primary duties include conducting employee-related investigations, such as discrimination and misconduct investigations;
- employees in positions that report directly to an assistant secretary, deputy secretary, agency director, or equivalent; and
- employees who are already excluded under the PSRA.

Bargaining over wages is limited to salary band levels, not individual WMS classifications or positions.

Generally, the only bargaining units that may be designated are a supervisory or nonsupervisory unit of all salary band one and salary band two WMS employees within an agency. Subject to PERC's review and to avoid excessive fragmentation, more than two bargaining units may be designated within a major administrative division of the following agencies:

- Department of Corrections;
- Department of Social and Health Services;
- Department of Children, Youth and Families;
- Department of Transportation;
- Department of Health;
- Health Care Authority;
- Department of Natural Resources;
- Department of Enterprise Services;

- Department of Ecology;
- Employment Security Department; and
- Department of Fish and Wildlife.

Negotiations for eligible WMS employees must be within the bargaining agreements under the provision requiring one master bargaining agreement when the exclusive bargaining representative represents more than one bargaining unit.

Any agreement entered into with WMS employees may not take effect before July 1, 2025.

Votes on Final Passage:

House	88	8
Senate	40	9

Effective: January 1, 2024