

SENATE BILL REPORT

2SHB 1122

As Reported by Senate Committee On:
Labor & Commerce, March 14, 2023
Ways & Means, March 28, 2023

Title: An act relating to granting Washington management service employees the right to collectively bargain.

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).

Brief History: Passed House: 3/4/23, 88-8.

Committee Activity: Labor & Commerce: 3/14/23 [DP-WM, DNP, w/oRec].
Ways & Means: 3/28/23 [DP, DNP, w/oRec].

Brief Summary of Bill

- Grants Washington Management Service (WMS) employees the right to collective bargaining, except for WMS employees in positions with salary bands three, four, and medical, and other specified WMS managers.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; Robinson and Stanford.

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Braun and Schoesler.

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.

Minority Report: That it be referred without recommendation.

Signed by Senator MacEwen.

Staff: Jarrett Sacks (786-7448)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Nguyen, Pedersen, Saldaña, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senators Schoesler, Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Boehnke, Braun and Muzzall.

Minority Report: That it be referred without recommendation.

Signed by Senators Gildon, Assistant Ranking Member, Operating; Torres and Wagoner.

Staff: Amanda Cecil (786-7460)

Background: State civil service law governs 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 state government. Agencies have delegated authority to determine if a position is appropriate for WMS. A manager is any employee of a position that:

- formulates statewide policy or directs the work of an agency or agency subdivision;
- administers one or more statewide policies or programs of an agency or agency subdivision;
- manages, administers, and controls a local branch office of an agency or an agency subdivision, including the physical, financial or personnel resources;
- has substantial responsibility in personnel administration, legislative relations, public information or the preparation and administration of budgets; or
- functions above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.

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 all state civil service employees, unless an exemption applies. One such exemption is members of WMS.

Summary of Bill: WMS employees are granted the right to collectively bargain. WMS employees excluded from bargaining are:

- in positions within salary bands three, four, and medical;
- human resource managers;
- budget managers;
- risk and litigation managers;
- employees in positions whose primary official duties include conducting employee related investigations, including possible unfair practices under the Washington Law Against Discrimination, unlawful conduct, conduct violating an agency's internal policy, or employee misconduct or performance;
- 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. However, more than two bargaining units may be designated at 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.

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

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill takes effect on January 1, 2024.

Staff Summary of Public Testimony (Labor & Commerce): No public hearing was held.

Persons Testifying (Labor & Commerce): N/A

Persons Signed In To Testify But Not Testifying (Labor & Commerce): N/A

Staff Summary of Public Testimony (Ways & Means): No public hearing was held.

Persons Testifying (Ways & Means): N/A

Persons Signed In To Testify But Not Testifying (Ways & Means): N/A