
SUBSTITUTE SENATE BILL 5141

State of Washington

68th Legislature

2023 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Hunt, Keiser, Conway, Kuderer, Liias, Stanford, Valdez, and C. Wilson)

READ FIRST TIME 02/01/23.

1 AN ACT Relating to granting Washington management service
2 employees the right to collectively bargain; and amending RCW
3 41.06.022 and 41.80.005.

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

5 **Sec. 1.** RCW 41.06.022 and 2002 c 354 s 207 are each amended to
6 read as follows:

7 For purposes of this chapter, "manager" means any employee who:

8 (1) Formulates statewide policy or directs the work of an agency
9 or agency subdivision;

10 (2) Is responsible to administer one or more statewide policies
11 or programs of an agency or agency subdivision;

12 (3) Manages, administers, and controls a local branch office of
13 an agency or agency subdivision, including the physical, financial,
14 or personnel resources;

15 (4) Has substantial responsibility in personnel administration,
16 legislative relations, public information, or the preparation and
17 administration of budgets; or

18 (5) Functionally is above the first level of supervision and
19 exercises authority that is not merely routine or clerical in nature
20 and requires the consistent use of independent judgment.

1 (~~No employee who is a member of the Washington management~~
2 ~~service may be included in a collective bargaining unit established~~
3 ~~under RCW 41.80.001 and 41.80.010 through 41.80.130.~~)

4 **Sec. 2.** RCW 41.80.005 and 2022 c 71 s 10 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Agency" means any agency as defined in RCW 41.06.020 and
9 covered by chapter 41.06 RCW. "Agency" also includes the assistant
10 attorneys general of the attorney general's office and the
11 administrative law judges of the office of administrative hearings,
12 regardless of whether those employees are exempt under chapter 41.06
13 RCW. "Agency" does not include a comprehensive cancer center
14 participating in a collaborative arrangement as defined in RCW
15 28B.10.930 that is operated in conformance with RCW 28B.10.930.

16 (2) "Collective bargaining" means the performance of the mutual
17 obligation of the representatives of the employer and the exclusive
18 bargaining representative to meet at reasonable times and to bargain
19 in good faith in an effort to reach agreement with respect to the
20 subjects of bargaining specified under RCW 41.80.020. The obligation
21 to bargain does not compel either party to agree to a proposal or to
22 make a concession, except as otherwise provided in this chapter.

23 (3) "Commission" means the public employment relations
24 commission.

25 (4) "Confidential employee" means an employee who, in the regular
26 course of his or her duties, assists in a confidential capacity
27 persons who formulate, determine, and effectuate management policies
28 with regard to labor relations or who, in the regular course of his
29 or her duties, has authorized access to information relating to the
30 effectuation or review of the employer's collective bargaining
31 policies, or who assists or aids a manager. "Confidential employee"
32 also includes employees who assist assistant attorneys general who
33 advise and represent managers or confidential employees in personnel
34 or labor relations matters.

35 (5) "Director" means the director of the public employment
36 relations commission.

37 (6) "Employee" means any employee, including employees whose work
38 has ceased in connection with the pursuit of lawful activities
39 protected by this chapter, covered by chapter 41.06 RCW. "Employee"

1 includes assistant attorneys general of the office of the attorney
2 general and administrative law judges of the office of administrative
3 hearings, regardless of their exemption under chapter 41.06 RCW.

4 "Employee" does not include:

5 (a) Employees covered for collective bargaining by chapter 41.56
6 RCW;

7 (b) Confidential employees;

8 (c) ~~((Members of the Washington management service;~~

9 ~~(d))~~ Internal auditors in any agency; or

10 ~~((e))~~ (d) Any employee of the commission, the office of
11 financial management, or the office of risk management within the
12 department of enterprise services.

13 (7) "Employee organization" means any organization, union, or
14 association in which employees participate and that exists for the
15 purpose, in whole or in part, of collective bargaining with
16 employers.

17 (8) "Employer" means the state of Washington.

18 (9) "Exclusive bargaining representative" means any employee
19 organization that has been certified under this chapter as the
20 representative of the employees in an appropriate bargaining unit.

21 (10) "Institutions of higher education" means the University of
22 Washington, Washington State University, Central Washington
23 University, Eastern Washington University, Western Washington
24 University, The Evergreen State College, and the various state
25 community colleges.

26 (11) "Labor dispute" means any controversy concerning terms,
27 tenure, or conditions of employment, or concerning the association or
28 representation of persons in negotiating, fixing, maintaining,
29 changing, or seeking to arrange terms or conditions of employment
30 with respect to the subjects of bargaining provided in this chapter,
31 regardless of whether the disputants stand in the proximate relation
32 of employer and employee.

33 (12) "Manager" means "manager" as defined in RCW 41.06.022.

34 (13) "Supervisor" means an employee who has authority, in the
35 interest of the employer, to hire, transfer, suspend, lay off,
36 recall, promote, discharge, direct, reward, or discipline employees,
37 or to adjust employee grievances, or effectively to recommend such
38 action, if the exercise of the authority is not of a merely routine
39 nature but requires the consistent exercise of individual judgment.

40 ~~((However, no employee who is a member of the Washington management~~

1 ~~service may be included in a collective bargaining unit established~~
2 ~~under this section.)~~)

3 (14) "Unfair labor practice" means any unfair labor practice
4 listed in RCW 41.80.110.

5 (15) "Uniformed personnel" means duly sworn police officers
6 employed as members of a police force established pursuant to RCW
7 28B.10.550.

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