S-1749.1

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**SUBSTITUTE SENATE BILL 5422**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Bateman, Conway, Chapman, Cleveland, Frame, Hasegawa, Nobles, Orwall, Saldaña, Salomon, Stanford, Trudeau, and Valdez)

AN ACT Relating to allowing bargaining over matters related to certain uses of artificial intelligence; amending RCW 41.56.021 and 41.80.040; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.80 RCW; and creating a new section.

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

**Sec.**  RCW 41.56.021 and 2007 c 136 s 1 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to employees of institutions of higher education who are exempted from civil service pursuant to RCW 41.06.070(2), with the following exceptions:

(a) Executive employees, including all members of the governing board of each institution of higher education and related boards; all presidents and vice presidents; deans, directors, and chairs; and executive heads of major administrative or academic divisions;

(b) Managers who perform any of the following functions:

(i) Formulate, develop, or establish institutional policy, or direct the work of an administrative unit;

(ii) Manage, administer, and control a program, including its physical, financial, or personnel resources;

(iii) Have substantial responsibility for human resources administration, legislative relations, public information, internal audits and investigations, or the preparation and administration of budgets;

(iv) Functionally is 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;

(c) Employees who, in the regular course of their duties, act as a principal assistant, administrative assistant, or personal assistant to employees as defined by (a) of this subsection;

(d) Confidential employees;

(e) Employees who assist assistant attorneys general who advise and represent managers or confidential employees in personnel or labor relations matters, or who advise or represent the state in tort actions.

(2) Employees subject to this section shall not be included in any unit of employees certified under RCW 41.56.022, 41.56.024, or 41.56.203, chapter 41.76 RCW, or chapter 41.80 RCW. Employees whose eligibility for collective bargaining is covered by chapter 28B.52, 41.76, or 41.80 RCW are exempt from the provisions of this chapter.

(3) Institutions of higher education and the exclusive bargaining representatives shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(4) Institutions of higher education and the exclusive bargaining representative shall not bargain over rights of management that, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include but not be limited to the following:

(a) The functions and programs of the institution((~~, the~~));

(b) The use of technology, ((~~and the~~)) except as provided in section 3 of this act;

(c) The structure of the organization;

((~~(b)~~)) (d) The institution's budget and the size of its workforce, including determining the financial basis for layoffs;

((~~(c)~~)) (e) The right to direct and supervise employees;

((~~(d)~~)) (f) The right to take whatever actions are deemed necessary to carry out the mission of the state and the institutions of higher education during emergencies;

((~~(e)~~)) (g) Retirement plans and retirement benefits; or

((~~(f)~~)) (h) Health care benefits or other employee insurance benefits, except as provided in RCW 41.80.020.

**Sec.**  RCW 41.80.040 and 2020 c 357 s 913 are each amended to read as follows:

The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include but not be limited to the following:

(1) The functions and programs of the employer((~~, the~~));

(2) The use of technology((~~, and the~~)), except as provided in section 4 of this act;

(3) The structure of the organization;

((~~(2)~~)) (4) The employer's budget, which includes for purposes of any negotiations conducted during the 2019-2021 fiscal biennium any specification of the funds or accounts that must be appropriated by the legislature to fulfill the terms of an agreement, and the size of the agency workforce, including determining the financial basis for layoffs;

((~~(3)~~)) (5) The right to direct and supervise employees;

((~~(4)~~)) (6) The right to take whatever actions are deemed necessary to carry out the mission of the state and its agencies during emergencies; and

((~~(5)~~)) (7) Retirement plans and retirement benefits.

NEW SECTION. **Sec.**  A new section is added to chapter 41.56 RCW to read as follows:

An employer shall bargain over the decision to adopt artificial intelligence technology or modify the current uses of artificial intelligence technology if the adoption or modification affects employees' wages or performance evaluations.

NEW SECTION. **Sec.**  A new section is added to chapter 41.80 RCW to read as follows:

An employer shall bargain over the decision to adopt artificial intelligence technology or modify the current uses of artificial intelligence technology if the adoption or modification affects employees' wages or performance evaluations.

NEW SECTION. **Sec.**  Contracts in effect prior to the effective date of this section remain unaffected by sections 3 and 4 of this act until the contract expires or is renewed or reopened.

**--- END ---**