

Multiple Agency Fiscal Note Summary

Bill Number: 6194 E 2S SB	Title: Legislative employees
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	173,000	0	0	185,000	0	0	36,000
Total \$	0	0	173,000	0	0	185,000	0	0	36,000

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of State Legislative Labor Relations	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.7	0	0	173,000	.7	0	0	185,000	.3	0	0	36,000
Public Employment Relations Commission	Fiscal note not available											
Total \$	0.7	0	0	173,000	0.7	0	0	185,000	0.3	0	0	36,000

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of State Legislative Labor Relations	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Public Employment Relations Commission	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

Prepared by: Steven Puvogel, OFM

Phone:
(360) 701-6459

Date Published:
Preliminary 2/29/2024

Individual State Agency Fiscal Note

Bill Number: 6194 E 2S SB	Title: Legislative employees	Agency: 036-Office of State Legislative Labor Relations
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Trudes Tango	Phone: 360-786-7384	Date: 02/20/2024
Agency Preparation: Becky DeBoer	Phone: (360) 786-7793	Date: 02/20/2024
Agency Approval: Debbie Brookman	Phone: (360) 786-6444	Date: 02/20/2024
OFM Review: Steven Puvogel	Phone: (360) 701-6459	Date: 02/20/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Upon review of E2S SB6194 the Office of State Legislative Labor Relations anticipates no additional fiscal impact for the proposed revisions to RCW 44.90 Legislative Employee Collective Bargaining.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 6194 E 2S SB	Title: Legislative employees	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	6,000	167,000	173,000	185,000	36,000
Total \$	6,000	167,000	173,000	185,000	36,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.2	1.1	0.7	0.7	0.3
Account					
Legal Services Revolving Account-State 405-1	6,000	167,000	173,000	185,000	36,000
Total \$	6,000	167,000	173,000	185,000	36,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Trudes Tango	Phone: 360-786-7384	Date: 02/20/2024
Agency Preparation: Dan Jensen	Phone: 360-664-9429	Date: 02/28/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/28/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/29/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1: Amends RCW 44.90.020. Defines “collective bargaining” for legislative employees; expands the definition of “commission” to include the temporary commission created by Section 17 of this act; and adds definitions for “confidential employee,” “employee,” “employee with managerial authority,” “employer,” “labor dispute,” and “supervisor.”

Section 2: New Section. Excludes confidential employees, employees with managerial authority, and any other employee who do not meet the definition of employee in Section 1 from this chapter. Prevents such employees from exceeding 20 percent of the total employee positions. Also excludes others from this chapter, such as elected or appointed members of the legislature; appointed members of certain boards, commissions, and committees; caucus chiefs of staff and deputy chiefs of staff; the speaker’s attorney; house counsel; leadership counsel to the minority caucus; and certain senate counsel.

Section 3: Amends RCW 44.90.030. Removes language regarding requirements for the office of the state legislative labor relations to contract with an external consultant to gather input from legislative employees related to collective bargaining and examine collective bargaining issues for legislative staff. Gives the office the authority to establish bargaining teams.

Section 4: New Section. Gives the commission or court authority to determine all questions described by this chapter. Prevents that authority from intruding upon or interfering with the legislature’s core function of efficient and effective law making. Provides further limitations on what a court order or commission rule may do.

Section 5: Amends RCW 44.90.050. Allows the commission to adopt rules related to: secret balloting; consulting with employee organizations; access to lists of employees, job titles, work locations, and home addresses; absentee voting; procedures for the greatest possible voting participation; campaigning on employer property during work hours; and election observers. Allows an employee organization that has been certified as the exclusive bargaining representative of the employees to act for and negotiate a master Collective Bargaining Agreement (CBA) that includes all covered employees. Provides further requirements for the certified exclusive bargaining representative and when questions may be raised concerning representation.

Section 6: New Section. Allows the commission to decide the unit appropriate for certification and provides criteria the commission will consider. Lists employee groups that cannot be a part of the unit.

Section 7: New Section. Requires the parties to create a CBA. Lists minimum provisions that the agreement must contain, including a grievance procedure, and explains effective dates of agreements that are concluded after the termination date of a previous agreement.

Section 8: Amends RCW 44.90.060. Removes language regarding when legislative employees can strike or participate in a work stoppage.

Section 9: Amends RCW 44.90.070. Allows the office of state legislative labor relations to submit ratified CBAs to the employer by October 1st before the legislative session. Allows either party to reopen negotiations if the legislature or Governor fails to provide funds for the CBA. Articulates who may negotiate economic terms of the CBA and requires the agreement to be reopened for modification if there is a significant revenue shortfall.

Section 10: New Section. Allows the parties to request a third party mediator if the parties are unable to reach an agreement. Extends the prior CBA if negotiations expend past the termination date. Requires the commission to bear the costs of the third party mediator.

Section 11: Amends RCW 44.90.080. Clarifies that a member of the legislature may express views, arguments, or opinions without those views, arguments, or opinions constituting an unfair labor practice unless the employer has authorized the member to express the view, argument, or opinion on behalf of the employer.

Section 12: New Section. Gives the commission the authority to prevent any unfair labor practice and to issue appropriate remedial orders. Provides further requirements related to timing of complaints with the commission or in court and enforcement of commission orders in court.

Section 13: Amends RCW 44.90.090. Further clarifies items subject to bargaining as well as items excluded from the bargaining process.

Section 14: New Section. Requires employers to deduct monthly dues from employee within the bargaining unit and transmit them to the Office of the State Treasurer (OST). Provides requirements related to the employee's authorization to deduct monthly dues.

Section 15: New Section. Allows the parties to agree to one or more permanent umpires to serve as arbitrators for the grievance procedures in Section 7 of the act. Provides further authority of the arbitrator, provisions related to accepting evidence and testimony, holding hearings, and when the parties may go to Superior Court.

Section 16: Amends RCW 41.58.010. Incorporate Section 17.

Section 17: New Section. Creates a legislative commission to: certify bargaining representatives; adjust and settle complaints, grievances, and disputes arising out of employer-employee relations; and carry out all duties imposed under RCW 44.90. Provides provisions related to make-up and appointment of commission as well as what it may delegate to an executive director and how members may be terminated. Requires the legislative commission to file a written report to the legislature each year of the cases it heard, and the decisions rendered.

Section 18: Amends RCW 41.58.015. Requires Public Employment Relations Commission (PERC) staff to also staff the legislative commission established by this act.

Section 19: New Section. Exempts activities conducted by or on behalf of the legislative employees related to collective bargaining from the restrictions in RCW 42.52.020 and RCW 42.52.160, pertaining to using paid time and public resources to negotiate or administer a CBA and other related activities.

Section 20: Amends RCW 42.52.020. Exempts activities conducted by legislative employers under Section 19 of this act from the statute.

Section 21: Amends RCW 42.52.160. Exempts activities conducted by legislative employers under Section 19 of this act from the statute.

Section 22: New Section. Provides that this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing institutions. Provides effective date of May 1, 2024.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agencies are the Public Employment Relations Commission (PERC) and the Office of State Legislature Labor Relations (LEG). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agency's fiscal note. Appropriation authority is necessary in the AGO budget.

AGO AGENCY ASSUMPTIONS:

PERC will be billed for non-King county rates:

FY 2024: \$3,000 for 0.1 Assistant Attorney General FTE (AAG) and 0.1 Paralegal 1 FTE (PL1)

FY 2025 and each FY thereafter: \$18,000 for 0.1 AAG and 0.1 PL1

LEG will be billed for non-King county rates:

FY 2024: \$3,000 for 0.1 AAG and 0.1 PL1

FY 2025 and FY 2026: \$149,000 for 0.5 AAG and 0.3 PL1

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Attorney General's Office (AGO) Agency Assumptions:

This bill is assumed to be effective May 1, 2024.

Location of staffing is assumed to be in a non-King County office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables. The Management Analyst 5 FTE (MA) is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal 1 FTE (PL1) and 0.4 MA.

1. The AGO Government Compliance & Enforcement Division (GCE) has reviewed this bill and determined it will increase the division's workload.

GCE assumes it would bill either the Public Employment Relations Commission (PERC) or the newly created legislative commission for legal services as a result of this bill. GCE currently provides legal advice and litigation support to PERC. We assume that we would also provide legal advice and litigation support to the newly created legislative commission at PERC. Section 1 of this bill would expand the existing definition of "commission" in RCW 44.90.020 to mean the legislative commission at PERC created in Section 17 of this bill. Section 17 of this bill would establish a legislative commission for the purpose of certification of bargaining representatives, adjusting and settling complaints, grievances, and disputes arising out of employer-employee relations and otherwise carrying out the duties required under chapter 44.90 RCW. The legislative commission would expire December 31, 2029. Prior to the appointment of the three member commission by September 30, 2024, the duties of this commission would be carried out by PERC. Additionally, the employees of PERC would provide staff support to the legislative commission in carrying out the new commission's duties. We assume that the legislative commission would start generating legal advice requests immediately after passage of this bill. After the appointment of the commission, we assume we would also be asked to be present for all commission meetings. We assume that this new client would generate approximately 20 AAG hours of new advice in FY 2024. Beginning in FY 2025 and continuing through FY 2029, we assume the commission would utilize approximately 30 AAG hours of advice. Because the commission would expire at the end of 2029, we assume that it would utilize 15 AAG hours of advice during FY 2030. We assume the litigation needs for the legislative commission would be comparable to those for PERC. Based on our last two years of experience with PERC, we assume the litigation for the legislative commission would generate about 85 AAG hours of new work from

FY 2025 through FY 2029, and 42 AAG hours in FY 2030.

GCE total FTE workload impact for non-King county rates:

FY 2024: \$3,000 for 0.1 AAG and 0.1 PL1

FY 2025 and in each FY thereafter: \$18,000 for 0.1 AAG and 0.1 PL1

2. The AGO Labor and Personnel Division (LPD) has reviewed this bill and determined it will increase the division’s workload providing legal services to the Office of State Legislature Labor Relations (LEG). This would involve advice and consultation related to organizing of bargaining units, possible litigation with PERC, and ongoing advice for labor issues.

LPD total FTE workload impact for non-King county rates:

FY 2024: \$3,000 for 0.1 AAG and 0.1 PL1

FY 2025 and FY 2026: \$149,000 for 0.5 AAG and 0.3 PL1

Total AGO workload impact:

FY 2024: \$6,000 for 0.1 AAG and 0.1 PL1

FY 2025 and FY 2026: \$167,000 for 0.6 AAG and 0.3 PL1

FY 2027 and in each FY thereafter: \$18,000 for 0.1 AAG and 0.1 PL1

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services Revolving Account	State	6,000	167,000	173,000	185,000	36,000
Total \$			6,000	167,000	173,000	185,000	36,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.2	1.1	0.7	0.7	0.3
A-Salaries and Wages	4,000	113,000	117,000	125,000	24,000
B-Employee Benefits	2,000	35,000	37,000	39,000	8,000
E-Goods and Other Services		18,000	18,000	20,000	4,000
G-Travel		1,000	1,000	1,000	
Total \$	6,000	167,000	173,000	185,000	36,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	129,100	0.1	0.6	0.4	0.4	0.1
Management Analyst 5	95,184		0.2	0.1	0.2	0.1
Paralegal 1	69,072	0.1	0.3	0.2	0.2	0.1
Total FTEs		0.2	1.1	0.7	0.7	0.3

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Government Compliance & Enforcement Division (GCE)	3,000	18,000	21,000	36,000	36,000
Labor & Personnel Division (LPD)	3,000	149,000	152,000	149,000	
Total \$	6,000	167,000	173,000	185,000	36,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.