
SUBSTITUTE SENATE BILL 5422

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)

1 AN ACT Relating to allowing bargaining over matters related to
2 certain uses of artificial intelligence; amending RCW 41.56.021 and
3 41.80.040; adding a new section to chapter 41.56 RCW; adding a new
4 section to chapter 41.80 RCW; and creating a new section.

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

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

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

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

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

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

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

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

5 (iv) Functionally is above the first level of supervision and
6 exercises authority that is not merely routine or clerical in nature
7 and requires the consistent use of independent judgment;

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

11 (d) Confidential employees;

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

16 (2) Employees subject to this section shall not be included in
17 any unit of employees certified under RCW 41.56.022, 41.56.024, or
18 41.56.203, chapter 41.76 RCW, or chapter 41.80 RCW. Employees whose
19 eligibility for collective bargaining is covered by chapter 28B.52,
20 41.76, or 41.80 RCW are exempt from the provisions of this chapter.

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

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

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

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

35 (c) The structure of the organization;

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

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

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

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

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

7 **Sec. 2.** RCW 41.80.040 and 2020 c 357 s 913 are each amended to
8 read as follows:

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

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

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

16 (3) The structure of the organization;

17 ~~((2))~~ (4) The employer's budget, which includes for purposes of
18 any negotiations conducted during the 2019-2021 fiscal biennium any
19 specification of the funds or accounts that must be appropriated by
20 the legislature to fulfill the terms of an agreement, and the size of
21 the agency workforce, including determining the financial basis for
22 layoffs;

23 ~~((3))~~ (5) The right to direct and supervise employees;

24 ~~((4))~~ (6) The right to take whatever actions are deemed
25 necessary to carry out the mission of the state and its agencies
26 during emergencies; and

27 ~~((5))~~ (7) Retirement plans and retirement benefits.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.56
29 RCW to read as follows:

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

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.80
35 RCW to read as follows:

36 An employer shall bargain over the decision to adopt artificial
37 intelligence technology or modify the current uses of artificial

1 intelligence technology if the adoption or modification affects
2 employees' wages or performance evaluations.

3 NEW SECTION. **Sec. 5.** Contracts in effect prior to the effective
4 date of this section remain unaffected by sections 3 and 4 of this
5 act until the contract expires or is renewed or reopened.

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