



2021 LEGISLATIVE REPORT

KEY BILLS ADOPTED

- [HB 1016](#) makes Juneteenth a paid state holiday beginning June 19, 2022. [WFSE priority]
- [SB 5021](#) protects pensions for employees who were furloughed. [WFSE priority]
- [SB 5133](#) expands the number of workers eligible for union membership in the Attorney General's office. [WFSE priority]
- [HB 1022](#) allows additional financial support for the Horse Racing Commission. [WFSE priority]
- [SB 5096](#) imposes a capital gains tax on extraordinary investment profits. [WFSE priority]
- [HB 1274](#) creates a workgroup to study the impact on labor and need for retraining that would accompany a shift of state data to cloud computing services. [WFSE support after amendment]

KEY BILLS NOT ADOPTED

- [SB 5395](#) would have clarified laws around the use of state resources when teleworking. [WFSE priority]
- [HB 1076](#) would have allowed whistleblowers to take legal action on behalf of the state for workplace violations. [WFSE support]
- [HB 1406](#) would have created a Washington state wealth tax. [WFSE support]
- [SB 5082](#) would have reestablished the state productivity board. [WFSE support]
- [SB 5268](#) would have transformed services for people with developmental disabilities. [WFSE support after amendment]
- [HB 1126](#) would have limited tolling of DOC community custody terms. [WFSE opposed]

MAJOR AMENDMENT VICTORIES

- A WFSE-supported amendment to [SB 5268](#) eliminated a work group that threatened DD institutions.
- A WFSE-supported amendment to [HB 1274](#) eliminated the mandate that the state immediately begin outsourcing its data to private cloud-computing corporations.
- See the "Police Reform" section below for more amendment victories.

CORE ISSUES

COMPENSATION

- Funding was provided in the operating budget to eliminate the need for state employees to take any additional furlough days going forward. [[SB 5092, Sec. 908](#)]
- All WFSE-negotiated collective bargaining agreements for 2021-23 were ratified.
- [HB 1016](#) makes Juneteenth a paid state holiday beginning June 19, 2022. [WFSE priority]

PENSIONS

- All state employee pension plans are fully funded in the 21-23 operating budget.
- [SB 5021](#) protects state employees from seeing a reduction in the calculation of their final average compensation if they were required to take furloughs or use the shared work option as part of agency savings plans. [WFSE priority]

HEALTH CARE

- The collective bargaining agreement related to state employee health care costs was ratified, and the current 15/85% employee/employer cost share split will remain unchanged over the 21-23 biennium. [[SB 5092, Sec. 940](#)]
- [SB 5322](#) prohibits dual enrollment between public employees' benefits board and school employees' benefits board programs. [WFSE neutral]

COLLECTIVE BARGAINING

- [SB 5133](#) allows professional staff in the Torts Division of the Attorney General's Office to join the union, extending collective bargaining rights to approximately 90 more state workers. [WFSE priority]

OUTSOURCING

- [HB 1274](#) as introduced would have mandated the state immediately begin transitioning data to cloud computing services provided by a for-profit company. WFSE opposed the original bill and was able to negotiate substantial changes. Now, instead of requiring a transition to cloud services, the law is permissive (which is status quo), and a task force is created to review the impact on labor and the possible need for retraining current employees. There will be two union representatives on the task force. [WFSE priority]
- [HB 1090](#) prohibits private, for-profit detention facilities from operating in Washington state. [WFSE support]

STATE REVENUE

- [SB 5096](#) imposes a 7% tax on investment profits (capital gains) in excess of \$250,000 a year, beginning January 1, 2022. It's projected this will raise \$445 million/year in new state revenue. [WFSE priority]
- [HB 1297](#) funds the Working Families Tax Exemption for the first time. Washington residents who qualify for the federal EITC may receive an additional annual payment from the state. For example, a family of four earning less than \$53,330 would qualify for a \$900 remittance. It's projected more than \$230 million will be given to lower-income families in FY 2022-23, and more than \$500 million in the 2023-25 biennium. [WFSE support]
- [HB 1406](#) would have established a 1% wealth tax on intangible financial assets of more than \$1 billion, but it died in the House Appropriations Committee. It was projected this would raise \$2.3 billion/year in new state revenue. [WFSE support]

POLICE REFORM

- [HB 1310](#) establishes statewide use of force standards for law enforcement. WFSE worked in coalition with other law enforcement unions to improve the bill. WFSE-supported amendments ensured an officer is provided due process and preserved the "reasonable officers standard" in determining if a criminal act was committed. [WFSE support]
- [HB 1054](#) prohibits police officers from using chokeholds and neck restraints, prohibits law enforcement agencies for using certain types of military equipment, and establishes restrictions on the use of tear gas, vehicular pursuits, and firing on moving vehicles. A WFSE-supported amendment ensured certain tactics and equipment that actually prevent the use of deadly force were not eliminated. [WFSE support]
- [SB 5051](#) expands the authority of the Criminal Justice & Training Commission to provide oversight and accountability for police and corrections officers. WFSE-supported amendments ensured a line officer is on the investigations panel, that line officers were added to the commission, and that unions would be involved in the rule-making process. [WFSE concerns]
- [SB 5066](#) establishes an officer's duty to intervene when improper/excessive force is attempted or used, and requires officers to report misconduct when they are in a position to do so. A WFSE-supported amendment clarified the conditions under which the law could be applied. [WFSE support]
- [SB 5055](#) requires the Public Employee Relations Commission to establish a statewide roster for arbitrating law enforcement personnel disciplinary grievances, and publish their decisions. A WFSE-support amendment ensured there was no limit to the actual arbitration process. [WFSE support]
- [HB 1001](#) creates a grant program to bridge community trust gaps and increase police officer diversity in recruitment and hiring. [WFSE support]
- [HB 1267](#) establishes the Office of Independent Investigations, within the Governor's office, to investigate deadly force incidents involving law enforcement officers. [WFSE neutral]
- [HB 1089](#) requires the state Auditor to conduct a post-deadly force investigation audit to ensure policies and procedures were followed. [WFSE support]
- [SB 5259](#) directs the state Attorney General to establish an advisory group to make recommendations for the collection and reporting of law enforcement use of force data. [WFSE support]

- [SB 5353](#) creates a grant program to facilitate community engagement with law enforcement. [WFSE support]
- [HB 1088](#) creates model policies for law enforcement agencies to investigate all complaints against their officers and disclose to the prosecutor any information that could potentially impair a law enforcement officer’s credibility as a witness, and procedures for prosecutors to follow. [WFSE support]
- [HB 5134](#) would have eliminated certain collective bargaining rights for law enforcement officers, prohibited arbitration for disciplinary appeals, and severely limited an officer’s ability to appeal disciplinary action taken by the employer. This bill died in the Senate Labor, Commerce & Tribal Affairs Committee. [WFSE opposed]

RACIAL JUSTICE

- [HB 1016](#) makes Juneteenth a paid state holiday beginning June 19, 2022. [WFSE priority]
- [SB 5194](#) requires community and technical colleges to develop strategic plans, with community stakeholder input, to achieve greater equity and access to higher education. [WFSE support]
- [HB 1078](#) provides for the automatic restoration of voting rights to felons once released from confinement, and removes the requirement that all financial obligations must be paid to be eligible to vote. [WFSE support]
- [SB 5141](#) establishes the Environmental Justice Council to adopt guidelines and make recommendations, in coordination with an interagency workgroup, regarding state agency implementation of environmental justice requirements. [WFSE support]

CLIMATE CHANGE

- [SB 5126](#) enacts the Climate Commitment Act that establishes a “cap and invest” program to reduce greenhouse gas emissions, invests carbon pricing revenue in clean fuels and energy efficiency projects, requires an environmental justice review, and establishes an Environmental Justice and Equity advisory panel [WFSE support]
- [HB 1091](#) reduces greenhouse gas emissions by lowering the carbon intensity of transportation fuel. [WFSE support]

AFFORDABLE HOUSING

- [SB 5160](#) requires landlords to offer tenants a reasonable schedule for repayment of any unpaid rent accrued during the public health emergency, requires the court to appoint counsel for indigent tenants facing eviction, engages dispute resolution centers in a statewide eviction resolution pilot program, and provides assistance to landlords in certain circumstances. [WFSE support]
- [HB 1236](#) adds additional protections for residential tenants by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination of a lease. [WFSE support]

LABOR

- [SB 5425](#) makes various worker-friendly improvements to unemployment insurance programs by extending benefits, eliminating waiting weeks, and amending job search requirements. [WFSE support]
- [SB 5061](#) increases access to unemployment insurance benefits, modifies weekly benefit amount thresholds, and provides employers with relief from UI rate increases. [WFSE support]
- [SB 5097](#) broadens the definition of “family member” in the Paid Family and Medical Leave program to include any individual who regular resides in the employee’s home or when an individual depends on the employee for care. [WFSE support]
- [HB 1073](#) provides grants to certain employees who are ineligible for paid family and medical leave benefits due to insufficient hours worked. [WFSE support]
- [HB 1076](#) would have allowed whistleblowers to take legal action on behalf of the state for workplace violations. This bill passed the House but died in the Senate Ways & Means Committee. [WFSE support]
- [SB 5188](#) would have created the Washington state public financial cooperative to lend to local and tribal governments. This bill passed the Senate but died in the House Rules Committee. [WFSE support]
- [SB 5284](#) eliminates subminimum wages for persons with developmental disabilities. [WFSE support]

AGENCY HIGHLIGHTS

ADMINISTRATIVE HEARINGS

- The first-ever collective bargaining agreement for administrative law judges in the Office of Administrative Hearings was ratified and funded in the operating budget. [[SB 5092, Sec. 915](#)]
- The budget provides the OAH with \$22 million and 87.5 new FTEs to address the unemployment insurance appeal backlog.

ATTORNEY GENERAL

- The operating budget ratified and funded the AWAAG collective bargaining agreement. [[SB 5092, Sec. 914](#)]
- [SB 5133](#) allows professional staff in the Torts Division of the Attorney General’s Office to join the union, extending collective bargaining rights to approximately 90 more state workers. [WFSE priority]
- The operating budget provides the AGO with \$8 million and 25 FTEs for antitrust enforcement and recovery, \$1.5 million and 6 FTEs for adult protective services, and \$1.2 million and 4.5 FTEs for youth dependency cases.

DCYF CHILDREN & FAMILY SERVICES

- The operating budget adds \$20 million and 81.5 FTEs to Children & Family Services, including 62.5 FTEs dedicated to reducing child welfare caseloads.

- Funding was added to the budget for placement assistance, including a 7.5% placement agency rate increase (\$800K), a pediatric care center for 13 infants through age two needing substance abuse assistance (\$1 million), Hub Home for foster parents (\$900K), and emergent placements and enhanced contracts (\$13.5 million).
- [HB 1194](#) strengthens parent-child visitation during child welfare proceedings by codifying DCYF policy and requiring visitation in the least-restrictive setting within 72 hours of the child being removed from the home. WFSE raised concerns about the effects this bill would have on workloads and resources and advocated for sufficient funding and staff to do the work. The operating budget appropriated \$2.8 million to implement. [WFSE concerns]
- [HB 1219](#) phases in the mandatory appointment of legal counsel for children eight and over in dependency proceedings. WFSE raised concerns about the effects this bill would have on workloads and resources and advocated for sufficient funding and staff to do the work. \$1.9 million was provided in the budget to implement the bill. [WFSE concerns]
- [HB 1227](#) requires hospitals, law enforcement, and courts to find that the removal of a child from the home is necessary to prevent imminent physical harm before doing so, and requires DCYF to make every possible effort to place that child with a relative. WFSE raised concerns about the effects this bill would have on workloads and resources and advocated for sufficient funding and staff to do the work. \$10 million was appropriated to implement this bill, which is \$5 million short of the estimated costs. [WFSE concerns]

DCYF JUVENILE REHABILITATION

- The operating budget added \$21 million and 98 FTEs to address policy changes and staffing shortages throughout the agency including juvenile behavioral health, community reentry, juvenile rehabilitation services up to age 25, and community transition services.

CONSOLIDATED TECHNOLOGY (WATECH)

- [HB 1274](#) as introduced would have mandated the state immediately begin transitioning data to cloud computing services provided by a for-profit company. WFSE opposed the original bill and was able to negotiate substantial changes. Now, instead of requiring a transition to cloud services, the law is permissive (which is the status quo), and a task force is created to review the impact on labor and the possible need for retraining current employees. There will be two union representatives on the task force.
- The operating budget adds \$2 million and 5 FTEs to sustain and expand the privacy office.

CORRECTIONS

- The operating budget provides \$450,000 for DOC to contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated model. [[SB 5092, Sec. 223\(3\)\(g\)](#)]
- [SB 5121](#) expands eligibility for the graduated reentry program to increase the number of incarcerated individuals released into community custody. The operating budget provides almost \$57 million and 218 FTEs to implement the bill. [WFSE support]
- [SB 5304](#) expands reentry services to offenders being released from state and local institutions, and the operating budget provides \$12 million and 35 FTEs to implement the bill. [WFSE neutral]

- Overall, the operating budget increases funding for DOC community supervision by almost \$18 million and adds almost 250 new FTEs.

CRIMINAL JUSTICE TRAINING

- [SB 5051](#) expands the authority of the Criminal Justice & Training Commission to provide oversight and accountability for police and corrections officers. WFSE-supported amendments ensured a line officer is on the investigations panel, that line officers were added to the commission, and that unions would be involved in the rule-making process. The operating budget provides \$4 million and 13 FTEs to implement the bill. [WFSE concerns]

ECOLOGY

- The operating budget provides \$23 million and 52 FTEs to implement [SB 5126](#), the Climate Commitment Act, and \$3.5 million and nine FTEs to implement [HB 1091](#), clean transportation fuels. See Climate Change section above.

EMPLOYMENT SECURITY

- [SB 5193](#) requires ESD to create a training program for UI claim adjudicators, requires OFM to identify state employees who meet minimum qualifications to be an adjudicator, requires ESD to assure written communications are in plainly understood language, and establishes a legislative work group to monitor certain ESD activities. [WFSE support]
- The operating budget adds \$30 million and 94 FTEs for implementation of the long-term care trust program, \$5 million and 15 FTEs for UI adjudicators and improvements, \$4.5 million and 21.7 FTEs to address the UI backlog and user experience, \$3.5 million and 15 FTEs to bolster UI fraud investigations, and \$169 million and 38 FTEs for the paid family and medical leave program.

HIGHER EDUCATION

- [SB 5194](#) requires community and technical colleges to develop strategic plans, with community stakeholder input, to achieve greater equity and access to higher education. [WFSE support]
- The operating budget provides an additional \$40 million in state general fund support for UW Medicine operations and services, and \$2 million in additional support for the School of Dentistry.
- The operating budget provides \$6 million and 17.5 FTEs for completion of the WSU Medical School.
- The operating budget provides \$1 million and 14 FTEs to bolster student support services at WWU.

HORSE RACING COMMISSION

- [HB 1022](#) makes it possible for the HRC to receive support from the state general fund during the 2021-23 biennium. Previous law required the HRC to be entirely self-funded, but pandemic

restrictions have devastated fee revenue, and the HRC's ongoing operations were at risk. [WFSE priority]

INTERPRETERS

- The operating budget ratified and funded the collective bargaining agreement for language access providers. [[SB 5092, Sec. 945](#)]

LABOR & INDUSTRIES

- The operating budget provides \$17 million and 22 FTEs for continued computer system upgrades, and \$4.5 million and 16 FTEs for agricultural inspections.

PARKS & RECREATION

- The operating budget provides almost \$20 million and over 90 FTEs to improve park services and maintenance.

SECRETARY OF STATE

- The operating budget adds \$1.3 million and five FTEs to elections operations, and continues adding funding and FTEs for the archives relocation.

DSHS DEVELOPMENTAL DISABILITIES

- The capital budget provides funding for the construction of a 120-bed skilled nursing facility on the grounds of Fircrest School. This project faced significant opposition from organizations like DRW, ARC and the DDC, who opposed building any state-operated facilities.
- Funding is provided in the operating budget for the department to examine and report on the need for community respite beds, crisis stabilization, Medicaid rates for contracted community providers, uniform quality metrics for residential settings, and a staffing plan.
- Three years ago the legislature provided funding for the [Ruckelshaus Center](#) to convene all stakeholders and recommend a consensus plan for the future of services for the developmentally disabled. WFSE was a member of the Ruckelshaus work group and [supported the recommendations](#) that would have been codified in [SB 5268](#). As introduced, the bill included a provision for a work group hostile to DD institutions, but a WFSE-supported amendment eliminated that section, and we supported the bill thereafter. SB 5268 passed the Senate but died in the House Appropriations Committee. However, much of the substance of the bill was incorporated into the operating budget. [[SB 5092, Sec. 203](#)]

DSHS LONG TERM CARE

- The operating budget adds \$4.6 million and 13 FTEs to strengthen residential care investigations.

DSHS MENTAL HEALTH

- The operating budget provides for a net loss of \$10 million and 39 FTEs agency-wide. There is a \$56 million (-264 FTEs) for civil ward reductions. However, there is a \$27 million appropriation (+99 FTEs) for forensic ward expansion, \$4.3 million (+20.5 FTEs) for ESH direct care staff, and more than \$6 million (23 FTEs) for continued Trueblood implementation.
- The operating budget also adds almost \$22 million and 76 FTEs for the expansion of state-operated facilities and civil commitment services at the Maple Lane and in Clark County, and most of these positions will be in WFSE bargaining units.
- The operating budget provides \$1.6 million to LNI to develop and implement a behavioral health apprenticeship program. WFSE has been working in coalition with other health care unions in support of this effort.
- The capital budget funds the construction of a new forensic ward at WSH, infrastructure improvements at ESH, and new or remodeled mental health facilities at Maple Lane and in Clark County. WFSE has been working closely with the Governor's office for several years to site, design and fund new state-operating mental health facilities as the state hospitals convert to all forensic services.
- [SB 5071](#) requires the appointment of transition teams to facilitate the success of certain civil commitment patients upon release to the community. [WFSE support]

DSHS SPECIAL COMMITMENT CENTER

- [SB 5163](#) requires DSHS to contract with less restrictive alternative housing and treatment providers, and that sexually violent predators have the right to an ongoing, clinically appropriate discharge plan as part of the treatment process. [WFSE neutral]
- The operating budget adds \$11 million and 29 FTEs to implement SB 5163, and another \$2 million and eight FTEs to strengthen on-site aging resident medical services. The budget assumes closure of the Birch Unit, and cuts \$1.8 million and 11 FTEs accordingly. Overall, SCC staff will grow by 34 FTEs.

TRANSPORTATION

- The [2021-23 transportation budget \(SB 5165\)](#) includes new and reappropriated funds for clean fuel alternatives (\$13.8 million), public transportation (\$273 million), highway maintenance (\$520 million), and improvements (\$4 billion). WFSE's transportation budget priorities were fully funding maintenance and operations, taking action to reduce the effects of climate change, increasing transit options for employees who can't afford to live where they work, and investments in infrastructure to stimulate the economy -- and we aggressively supported new transportation revenue to achieve these goals. Ultimately, the legislature punted on new transportation revenue and adopted a status-quo budget.
- [HB 1137](#) requires transportation agencies to prioritize preservation and safety among the state's transportation system policy goals. [WFSE support]

FOR MORE INFORMATION

SB 5092 (operating budget) overview, agency details, and bill text:
<http://leap.leg.wa.gov/leap/budget/detail/2021/so2123Bien.asp>

SB 5165 (transportation budget) agency and program summaries, and bill text:
<http://leap.leg.wa.gov/leap/budget/detail/2021/st2123Bien.asp>

HB 1080 (capital budget) summary and bill text:
<http://leap.leg.wa.gov/leap/budget/detail/2021/hc2123Bien.asp>

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