

CHAPTER VII

CREATING JOBS AND PROTECTING WORKER RIGHTS





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Policy Recommendation:

1. PROTECT WORKER RIGHTS BY MAKING WASHINGTON A RIGHT-TO-WORK STATE

The principle of right-to-work is simple. It is the legal right of a person to hold a job without having to pay a mandatory fee to a union. A right-to-work law does not outlaw unions; it simply ensures that union membership is voluntary to protect every worker's basic right to employment and freedom of association.

Right-to-work laws exist in 26 states

Right-to-work laws are common. They are the law of the land in 26 states and Guam.¹ Washington state is not among those 26 states. Right-to-work laws can help attract new businesses, improve job creation, and promote economic development.² More importantly, and the main reason a right-to-work law is needed in Washington state, these laws protect workers' civil rights. No one should be forced to finance union political activity with which he disagrees.

In 2018, the U.S. Supreme Court ruled in *Janus v. AFSCME* that public employees do not have to pay union dues as a condition of employment.³ The ruling means right-to-work is the law for all public-sector workers in the U.S., although this right is unfairly restricted by laws and practices meant to keep employees from exercising their full rights in Washington state. This problem is discussed further in the next section.

Private-sector employees in Washington state should have their free association rights protected, too.⁴

Right-to-work law is not anti-union

Labor unions operate in right-to-work states, and a right-to-work law does not prevent employees from joining a union voluntarily. Instead, right-to-work laws safeguard employees' freedom of association whether or not they want to be a part of a union. Such protections prohibit the firing of an employee for refusing to join a union, and they prohibit termination when an employee chooses to join or support a union.

This even-handed worker protection law shows that a right-to-work law does not prevent the formation of a union. Unions should not have it both ways, by supporting the right to join to a union while opposing the right not to join a union.

Right-to-work laws promote business growth, jobs

Studies show that states with right-to-work laws attract more new business and investment than states without such laws. Right-to-work states consistently outperform forced-union states in employment growth, population growth, and in-migration.⁵

Research shows that companies consider right-to-work laws a major factor when deciding where to locate. Findings show:

“...roughly half of all major businesses refuse to consider locating in jurisdictions with compulsory dues. Bureau of Labor Statistics data show that between 1990 and 2014, total employment grew more than twice as fast in right-to-work states as in states with compulsory dues.”⁶

An independent economic study measured the business and employment benefits if Washington state were to become a right-to-work state.⁷

Like other right-to-work states, Washington state would benefit from a boost in employment, higher economic growth and greater tax revenue. Washington’s non-right-to-work status hampers the state’s business climate and decreases competitiveness.⁸ This study found that right-to-work states gain from:

- Increased employment – After five years, the state would have almost 120,000 more people working as a right-to-work state than it would have without a right-to-work law, with more than 13,100 in increased manufacturing employment;
- Increased incomes – After five years, the state’s wage and salary incomes would be \$11.1 billion higher.

Personal income growth depends on individual workers, of course. Some would gain substantially from the annual savings of union dues taken for politics with which they disagree.

Results are mixed about how right-to-work laws impact the wages of individuals as a whole.⁹ Individuals’ average wages in right-to-work states are slightly lower than in non-right-to-work states, but this has much to do with states’ cost-of-living. Some research shows that when wages are adjusted for the cost of living, workers protected by right-to-work laws enjoy higher real disposable income than workers in non-right-to-work states. Other studies find that when cost-of-living is controlled for, workers in states where union membership is voluntary do not have lower real wages than workers in states with compulsory unionism. There is also some evidence showing that right-to-work laws can increase wage rates because of increased productivity.

Right-to-work laws promote fairness

Regardless of economics and the effect of right-to-work laws on individual wages, the fairness inherent in right-to-work laws is clear. Workers should have the freedom to decide whether or not they want to support a union financially without getting fired.

If workers find union membership is worthwhile, they will voluntarily join. If they do not, or if they disagree with the politics and campaign spending of a union, they should not be forced to support it.

Conclusion

When comparing state business climates, Washington state enjoys high marks for access to world markets and for a highly-trained, innovative workforce. It is in danger of losing the competitive advantage it has had in the past for not having an income tax. Recently enacted payroll taxes and a capital gains income tax are already harming Washington's business climate.¹⁰

Adding a right-to-work law to protect private-sector workers would serve the public interest by promoting fairness and social justice for workers, while enhancing Washington's economic competitiveness.

Policy Recommendation:

2. ALLOW WORKERS TO LEAVE A UNION AND NOT BE FIRED

In June 2018, the U.S. Supreme Court ruled in *Janus v. AFSCME* that public-sector workers cannot be forced to join a union or pay dues as a condition of employment.¹¹ Yet many public employees in Washington state are not informed about their Janus rights. Even when they are, state officials work to stop their ability to exercise these rights.

State officials even act as bill collectors, taking funds from employee paychecks each month and diverting the money to unions. This secretive practice keeps workers in the dark. Union dues should be voluntary and paid like other bills, openly by the employees themselves. After all, the government doesn't collect people's rent or utility bills.

Blocking worker rights

In April 2019, the Washington state Legislature imposed a series of rules to block public-sector workers from leaving a union.¹² This highly partisan measure, HB 1575, passed along party lines, with only Democrats voting for it and Republicans opposing it. Governor Jay Inslee signed the bill into law on April 30.

The law imposes a number of restrictions on the civil rights public-sector workers, including:

- Allowing unions to sign up a worker based on electronic or recorded voice messages (clear written permission from the worker is no longer required);
- Requiring workers who want to leave the union to submit the request in writing;
- Forbidding employers from recognizing a worker's Janus rights without first getting approval from the union;
- Ending ballot secrecy protections when workers vote on whether to be represented by a union — instead, workers must sign or reject a public “show of interest” card in person in the presence of union organizers;
- Weakening safeguards against forcing union representation at a government agency, cutting the approval threshold from 70% of workers to only 50%.

In 2023, lawmakers passed another partisan bill, HB 1200, along strict party lines.¹³ It requires government agencies to send the home address and personal contact information of their employees to union representatives. Unions can already contact employees in the workplace. This opens employees up to union harassment at home and being pressured in new ways. For public workers, the union literally “knows where you live.”

Favor to unions, disadvantage to workers

The clear purpose of HB 1575 and HB 1200 is to protect the maximum political strength of unions in state policy by keeping employees as members – along with their money. Unions play an influential role at election time, providing financial support to candidates who promise to protect the union's privileged position.

Anti-worker rights bill is likely unconstitutional

Since it represents a clear violation of freedom of association, HB 1575 is almost certainly unconstitutional. This point was raised in committee debate by Rep. Drew Stokesbary (R-Auburn). He noted the bill makes it “... incredibly more difficult to opt out [of a union] than it is to opt in” and exposes the state to liability for wrongful withholding of employee wages.¹⁴

Democrats said they are not concerned about the constitutionality of the proposed bill. They said the Legislature “is not the venue where we determine constitutionality, it happens across the parking lot [at the state supreme court building].”¹⁵

Conclusion

Laws that burden the constitutional rights of workers should be repealed. Instead of making it more difficult for workers to associate freely, lawmakers should enact safeguards that protect the civil rights of public employees and make it as easy to leave a union as it is to join one.

Lawmakers should make it a priority to inform workers of their civil right to leave a union whenever they wish, without threat, intimidation, harassment, or job loss. They should stop the government’s collection of union dues and help ensure dues are only collected with voluntary consent.

Policy Recommendation:

3. PROTECT CAREGIVERS’ WAGES FOR PROVIDING SERVICES TO MEDICAID CLIENTS

Home health care workers are hired by disabled Medicaid recipients or their legal guardians to provide in-home care services and are paid with state funding. The hired worker is often a family member caring for an elderly parent or disabled child. Soon, people qualifying for a long-term care benefit through WA Cares, a controversial social program imposed by the state and funded by taxes on workers, will be able to pay a health care worker, friend or family member to provide in-home care services.¹⁶

Union skimmed money from family caregivers' monthly checks

The politically powerful Service Employees International Union (SEIU) and state officials have joined in dipping into the taxpayer-provided compensation going to home caregivers.¹⁷

SEIU took money from caregivers for “dues” to pay for “union representation,” even though many people did not know the state had labeled them “employees of the state.” Caregivers for Medicaid recipients are clearly not state employees. They are not hired, fired, or even supervised by state managers. They do not receive the pay, vacation, retirement, and health benefits that actual state employees get.

SEIU did not even have to do the collecting. A state agency automatically took the money from the caregivers' Medicaid payment and gave it to the union. Home caregivers never even saw their money before it was diverted to SEIU.

The arrangement between the state and SEIU was highly profitable for the union. SEIU took about \$27 million from Medicaid care payments annually.¹⁸

In 2014, the U.S. Supreme Court invalidated the SEIU's Medicaid dues-skim. Further, in 2019, the U.S. Department of Health and Human Services announced that states cannot take part of monthly Medicaid payments to benefit a third party, such as a union.¹⁹

Not happy with these worker protections, SEIU continues to prevent people from exercising their right not to pay union dues. SEIU sends confusing information to caregivers, files hostile lawsuits, and works to keep home care providers from being informed about their rights.²⁰

In addition to these tactics, SEIU violated the U.S. Supreme Court ruling by imposing an “opt-out” system that puts the burden of stopping dues on the caregivers, not on the union. Worse, the union made the “opt-out” system confusing and difficult, saying caregivers can only ask to leave the union during one 15-day period each year, the dates of which are different for every person.²¹

New SEIU-state arrangement in WA Cares

In 2019, the Legislature imposed a payroll tax to fund a new long-term care program called WA Cares.²² The Legislature included a special favor for SEIU.

The program requires mandatory training for people working as long-term care providers. Only SEIU is allowed to provide this training. The provision states, “Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section.”²³

In 2023, the department made it clear that SEIU 775 Benefits Group will provide that required training as part of an entity called the Consumer Direct Care Network.²⁴

The union will have unfettered access to all caregivers because of the state-required training. SEIU 775 is one of the largest campaign donors in the state and represents more than 45,000 long-term care workers. The union lobbied hard for passage of the bill. The training requirement will increase the cost of care and home services for the elderly. It will also bring a substantial financial windfall to the union leaders at SEIU 775.

Conclusion

Medicaid dollars are supposed to make sure the elderly, sick, and disabled receive the loving in-home care they need rather than being forced to go to a nursing home or a state institution.

WA Cares tax dollars are supposed to go to people in need of assistance with the activities of daily life. The state and federal money paid to caregivers should not be siphoned away to enrich a politically powerful union. Washington lawmakers have a duty to see that home caregivers’ civil rights are respected and that these workers receive the full payments to which they are entitled under the law.

Policy Recommendation:

4. END SECRET UNION NEGOTIATIONS AND HONOR THE OPEN PUBLIC MEETINGS ACT

Washington state has one of the strongest open government laws in the country. The state’s Public Records Act and the Open Meetings Act

(OPMA) require that both laws be “liberally construed” to promote open government and accountability to the public. The law says:

“The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed and informing the people’s public servants of their views so that they may retain control over the instruments they have created.”²⁵

Billions of dollars negotiated in secret

Despite this strong mandate for transparency, government collective bargaining contracts in Washington state are usually negotiated in secret. There is no option for the public to know what happens in such negotiations until well after negotiations are over and agreements have been signed. These secret negotiations between union leaders and public officials involve billions of dollars in public money.

Public shut out of talks

In practice, this means the public, including the public employees themselves, does not have access to these secret negotiations until after an agreement has been struck. At that point, the final contract and its cost are posted on the website of the state Office of Financial Management (OFM). Even then, the details of a collective bargaining agreement are kept secret.

The public can only be informed after contracts have been signed, and only then if someone asks for it. Even then, state agencies take two or three months to respond to a public records request.

Only government officials and union executives who negotiated the deal know what offers were made and rejected in collective bargaining negotiations. Public employees are left in the dark about how well their interests are being represented. They have a right to know what is being negotiated on their behalf.

Open collective bargaining happens in other states

Secrecy is not the rule in every state. Washington's neighbors, Oregon and Idaho, require collective bargaining negotiations to be open to the public. Of the 47 states that have collective bargaining, 22 provide some level of public access to these negotiations.

In addition, at least eight local governments in Washington have ended secrecy and embraced public transparency. Examples include the city of Gig Harbor, Ferry, Lincoln and Kittitas counties, and the Pullman and Kennewick school districts.

Conclusion

Negotiations with public-sector unions should not be conducted in secret, especially when powerful unions are “negotiating” with public officials they helped elect to office. The public should be allowed to follow the process and hold government officials accountable for the spending decisions they make on taxpayers' behalf.

Opening collective bargaining talks would reduce insider corruption, would help rebuild public trust, and would create a more open, honest and accountable government.

Policy Recommendation:

5. LEGALIZE PRIVATE INSURANCE FOR WORKERS' COMPENSATION

Washington is one of only four states that ban business owners from buying affordable workers' compensation insurance in a competitive private market. Instead, Washington state runs its own insurance company and sets its own prices. Buying the product is mandatory, and state officials have passed a law to make sure they face no competition. The state-run insurance company is highly profitable and guarantees long-term and lucrative employment for its executives and staff.

As a result, Washington's workers' compensation system is one of the most expensive in the nation. There is a proposal to increase the current high rates paid by employers and workers in 2024 by 4.9%.²⁶

Ohio, North Dakota, and Wyoming also enforce monopoly systems.²⁷ The 46 other states let employers shop among many competing private insurers, allowing them to find the best coverage for their workers at the best price. Increasing insurance choices through private competition would make workers' compensation more effective and less expensive.

Private insurance increases worker safety

Legalizing private insurance would help reduce workplace injuries. Employers know a dangerous work environment is expensive. Private insurance companies in other states have created extensive safety training programs designed to reduce accidents and protect workers. By working closely with employers, insurance companies have dramatically reduced the risk of workplace injuries.

For example, in 2006, lawmakers in West Virginia ended a state-run monopoly and legalized private workers' compensation insurance. As a result, the cost of work-related injuries fell sharply, saving employers hundreds of millions each year. Even as costs declined and safety increased, workers who did suffer an injury received more protection and better service.

In 2023, the Office of the Insurance Commissioner in West Virginia reported that the state's workers' compensation market comprises over 330 private carriers. Since the state's privatization law went into effect, aggregate injury-loss costs have decreased by more than 80%.²⁸

State insurance monopoly offers no choice

By running its own insurance monopoly, Washington state lags behind other states. Real-world experience shows that allowing competition reduces workers' compensation costs and improves safety. Currently, Washington state managers know their insurance program can never go out of business, so they continue to raise rates. They know buying state-sponsored coverage is the law and that employers have no other choice.

Conclusion

Legalizing market competition would reduce the number of workplace accidents and help workers who are injured return to work sooner. Most

states have found private coverage reduces costs, increases safety and protects workers.

The purpose of state workplace laws is to protect workers, not create a highly-profitable monopoly that benefits a state agency by banning private competition. Ending the state's workers' compensation program may reduce the power and money controlled by public officials, but it could increase safety and benefit all workers in Washington.

Policy Recommendation:

6. REPEAL THE LONG-TERM CARE PAYROLL TAX

In 2019, the Legislature passed a law to create a new payroll tax and impose a mandatory long-term care (LTC) entitlement program on Washington state workers. The law is designed to help the state get more money for its Medicaid budget, given a looming long-term care funding crisis in a graying state population.

By shifting some long-term care costs onto workers, the state could save federal Medicaid dollars and continue to misplace budget priorities. Governor Jay Inslee signed the bill creating the payroll tax on May 13, 2019.²⁹

To help mask the unpopularity of the long-term care tax, the program was later re-named the WA Cares Fund.³⁰

The Legislature set the new payroll tax at 58 cents for every \$100 people earn with no income limit. It was initially planned to start on January 1, 2022. Public opposition and the glaringly unfair details in the program, however, caused Governor Inslee to ask the Legislature to delay collecting the tax and make some small adjustments to the unpopular law.

Lawmakers agreed and delayed the tax to start on July 1, 2023, so it would fall after the 2022 mid-term election. They also created a partial benefit for some near-retirees and additional exemption categories.³¹ The legislation was fast-tracked in the 2022 session, and the governor signed it on January 27, 2022.

Even with the changes to the law, the state-run program will not fix Washington state's long-term care crisis, nor does it provide peace of mind to workers forced to fund it. Solvency concerns, a meager lifetime benefit

of only \$36,500, and unfair eligibility qualifications continue to plague the program.

It also imposes a highly regressive tax. Some low-income workers are being forced to hand a portion of their income over to wealthier people who will never need taxpayer money for long-term care.

Voluntary exemptions

This entitlement program is mandatory for all W-2 employees. The original bill included a voluntary opt-out provision for workers who could show they had private long-term care insurance already. Some 500,000 people rushed to opt out.

In 2021, lawmakers, seeing more trouble than they had already expected, cut off the opt-out provision on November 1st.³² This was two months before the initial tax was scheduled to take effect, so the Legislature ended the opt-out choice before most people even knew they would be paying a new tax.

Despite the lack of state notice to the public, by October 2021, the state opt-out website was overwhelmed with applications and insurance brokers were swamped with requests for affordable private coverage. As noted, half a million people managed to get out of the program before lawmakers cut off the exemption. In response to an inquiry, the Employment Security Department told the Washington Policy Center in 2022 that the number of workers who opted out represents about 11% of those with recent employment.

Unfair eligibility

Workers who live out of state, workers on non-immigrant work visas and near-retirees would have had to pay in but would receive no benefits under the original legislation. Hearing the outcry about the unfairness of taxing out of state residents, the Legislature created new categories of exemption that apply to workers living out of state.

Even so, families of workers who die before needing long-term care will not see any benefit. Unlike private retirement savings, the funds are not transferrable to heirs. Similarly, workers who retire out of state will receive nothing.

There are other restrictions. A worker who pays the tax for nine years or less gets nothing. A retired person must need help with at least three daily activities before receiving any benefit.³³ Most private long-term care plans have better terms and are much more generous.

Funding the program

The tax started in 2023, but the state won't pay any benefits until 2026. All current and future W-2 workers must pay 58 cents of every \$100 they earn, with no income cap. This new payroll tax is in addition to taxes for Social Security, Medicare, Medicaid, unemployment insurance, workers' compensation, the state's Paid Family and Medical Leave program and the federal income tax.

This combination of taxes represents a significant cut in take-home pay for all salaried and hourly workers. For the long-term care tax alone, a worker earning \$25,000 will pay \$145 a year, a worker making \$50,000 will pay \$290, those making \$100,000 will pay \$580, and so on. This is at the initial rate. The Legislature is expected to increase the tax rate in future years.

Inadequate benefit

This program and payroll tax are intended to ease long-term care costs paid out by Medicaid, saving the state money.³⁴ The program's lifetime benefit, however, is only \$36,500, barely enough to pay for three months of nursing home care at current prices.³⁵

Given the way the program is structured, state budget writers, not average workers, are the greatest beneficiaries of WA Care's long-term care payroll tax.

State program harmed the private market

The availability of private long-term care plans halted as the state's mandatory program neared its initial implementation date of January 1, 2022. Even people who wanted the insurance and qualified for it found they were unable to buy it.

Affordable private long-term care coverage was unavailable in Washington state for many months. In 2023, some insurers again offered plans in the state. The state now encourages people to buy long-term care insurance

to supplement the state's low benefit level, an acknowledgment of the poor quality of the WA Cares program.

The 18-month delay passed by the Legislature in 2022 brought even more disruption to the private insurance market. It also brought confusion for many people trying to plan for retirement, and it promoted feelings of betrayal and distrust of state government. Workers who played by the state's rules found they were punished financially by having to buy long-term care insurance they didn't want and may never need.

High administrative costs

Lawmakers say the new program will save the state \$1.9 billion in Medicaid spending from 2022 to 2053. However, given estimated program costs of \$675 million over the same period, workers will pay more than \$30 billion for the state to realize net savings of just over \$1.2 billion.³⁶

Even this level of savings, however, is unlikely. Lawmakers and the governor have underestimated the administrative costs involved. WA Cares commissioners are concerned that the program is likely already insolvent.

Financial insolvency

The state's long-term care program will not be able to pay for itself. It was declared insolvent before it even began. Seeking the ability to invest long-term care trust fund dollars in private stocks to help with program solvency, the Legislature placed a constitutional amendment, Engrossed Senate Joint Resolution 8212, on the ballot. Voters defeated it by 54% to 46%.³⁷

State Actuary Matt Smith reported the program faces a \$15 billion shortfall.³⁸ There is concern that the tax of 58 cents per \$100 will be increased, or the benefit amount of \$36,500 cut, or both, to keep the program viable in future years.

At meetings of the Long-Term Services and Supports Trust Commission, members acknowledge the problem of financial insolvency.³⁹ The expressed concern about the projected shortfall and what that would mean for tax rates and benefit cuts in the future. Despite the program's most recent actuarial report, problems of insolvency remain.

False assurances, misinformation

State officials promised the WA Cares program would meet people's long-term care needs, reduce the burden on families and provide peace of mind.⁴⁰ These claims are not true.

The inadequate benefit does not provide peace of mind and will not cover most long-term care costs. In most cases, people will need to spend their savings and depend on family for assistance. Many elderly people will still end up on Medicaid when the small WA Cares benefit runs out.

Further, the program does nothing for people who need help with fewer than three daily life activities or who move out of state. By spreading misinformation, state officials created a false sense of security and discouraged people from buying private insurance or saving effectively for long-term care expenses.

To hide the socialist nature of the program, lawmakers refer to the payroll tax as a "premium" and to the program as "insurance." The program is not insurance. It is a traditional government entitlement program. Attaching comforting private-sector terms to WA Cares is an attempt to hide the coercive nature of the program and is clearly intended to mislead the public.

Conclusion

An honest review of the weaknesses and failed promises of the WA Cares payroll tax shows it is not a viable solution and should be repealed.

Lawmakers should cut insurance taxes and repeal regulations that make private long-term care insurance so expensive. Lawmakers should encourage private-sector competition so workers can shop for the best coverage at the best price. Officials should stop limiting what coverage can be sold in our state.⁴¹ Washington residents deserve access to a wide range of choices and prices, so they can gain the best coverage to meet their individual needs.

Instead of imposing new taxes and forcing participation in a socialized state program, state lawmakers should repeal the unpopular long-term care law and encourage people to prioritize planning for end-of-life needs. The Legislature should cut insurance taxes and promote a price-competitive private market to make long-term care coverage accessible to everyone.

Policy Recommendation:

7. REPEAL PAYROLL TAXES THAT ARE HARMING WORKERS

Payroll taxes in the state are both too high and too regressive, making Washington a harder place to live, work, and raise a family. High payroll taxes allow state lawmakers to avoid setting clear budget priorities and keeping public spending within the state's means. They create yet another layer of taxation and increase the financial burden officials impose on workers in the state.

In 2017, lawmakers imposed a mandatory paid family and medical leave (PFML) payroll tax on employers and employees.⁴² Washington was only the fifth state to do so. The tax collection began in 2019, and lawmakers set the tax rate at 0.4% of an employee's gross wages, up to the Social Security income cap.

Employees must pay 72.76% of the payroll tax and employers with 50 or more workers pay the remaining 27.24%. Businesses with fewer than 50 workers are not required to pay the employer share, but their workers must still pay 72.76% of the tax. Small business employees are fully eligible for the benefit, and employers must accommodate the impact on their businesses from employees' PFML absences.

In economic terms, however, the employee pays the full tax. Employers base hiring on the total cost of putting a worker on the payroll, regardless of how those costs are allocated. For the employer, the cost of wages, taxes, and benefits to fill a position are all part of the same accounting, and any money devoted to taxes reduces the amount available for wages.

As with many new entitlements lawmakers set the initial tax rate low in order to get the program started and make it more acceptable to the public. Naturally, the underfunding soon became apparent and officials have already doubled the tax rate to 0.8%.⁴³ State lawmakers also bailed the troubled program by diverting \$350 million in taxpayer funds to it.⁴⁴

Shortly after imposing this new tax, lawmakers added another payroll tax for a long-term care entitlement called the WA Cares fund. This tax extracts a further 58 cents per \$100 earned by all W-2 employees, with no income cap, further reducing each worker's take home pay.

Conclusion

If lawmakers really want to help workers and make Washington an attractive place to live and work, the Legislature would repeal these two programs and safeguard wages from future takings by the state. General tax revenues have grown rapidly even without new payroll taxes, yet the Legislature has provided the public with no tax relief at all.⁴⁵

Mandating a new program may make state lawmakers feel generous, but the taxes fund “benefits” that many workers don’t want and wouldn’t pay for if allowed a choice. In this sense mandated benefits punish workers by cutting take-home wages in return for a benefit they may never use.

These extra payroll taxes are unfair and regressive because, in many cases, policymakers make low-wage workers fund mandated benefits that go to high-income earners. Many workers would rather have lower taxes and higher cash earnings than pay for a benefit they don’t want or need while being forced to subsidize benefits for others.

Policy Recommendation:

8. REMOVE THE NEED TO HAVE A COLLEGE DEGREE FROM MOST STATE JOB REQUIREMENTS

In today’s more flexible economy, and with changing social attitudes about the high cost of college, employers increasingly question the need to require that job applicants have a traditional four-year degree.

In the public sector, some states have removed degree requirements that block otherwise qualified applicants from getting a state job. Other states are commissioning research work to analyze which jobs should no longer require a four-year degree and whether this requirement is ever needed to fill certain positions.

Governor Larry Hogan (R-Maryland) started this movement in 2022, and he was soon joined by Governor Jared Polis (D-Colorado).

In January 2023, Governor Josh Shapiro (D-Pennsylvania) signed an executive order on his first full day in office to end the four-year college degree requirement in most state jobs. According to the governor’s office, more than 90% of all the government jobs in Pennsylvania, or about 65,000

positions, have been made available to applicants regardless of college status.⁴⁶

This reform effort is bipartisan, with elected officials of both parties moving to place a higher value on demonstrated skills and experience than automatically requiring a four-year college credential.⁴⁷

Former President Barack Obama has endorsed the idea, saying:

“Here’s an example of a smart policy that gets rid of unnecessary college degree requirements and reduces barriers to good paying jobs. I hope other states follow suit!”⁴⁸

This movement has been happening in the private sector, too.⁴⁹ Companies like Apple, Tesla, IBM, Delta Airlines, and Hilton no longer require a college degree when granting a job interview.⁵⁰ A recent study of the economy found that the percentage of private-sector jobs that require a traditional college degrees fell from 51% in 2017 to 44% in 2021.

A Gallup poll found that the share of young adults who say a college education is “very important” has dropped from 74% to 41% in recent years.⁵¹ The nation is ready to promote government policies that will help millions of Americans who did not go to college, or who spent thousands on college tuition but did not graduate, apply for a wider range of jobs.

Washington leaders should instruct state agencies to emphasize work experience and skills in their hiring practices, not degree requirements. In fact, many agency positions already only require a two-year associate degree rather than a traditional four-year college degree.⁵²

Conclusion

Washington state lawmakers should acknowledge the many different routes people take to prepare to be successful at work, including on-the-job training and advancement, apprenticeships, internships, and vocational training, in addition to traditional college classes.

State leaders should build on this positive trend and drop arbitrary college qualifications that screen out many potential applicants. This reform would reduce the level of college debt and help more qualified workers find employment. It also would help the state fulfill its service role to taxpayers while attracting the best talent available.

State hiring should be based on the skills and abilities needed for the position, without automatically excluding applicants who don't have a college degree. As the Harvard Business School puts it, "Jobs do not require four-year degrees. Employers do."⁵³

Policy Recommendation:

9. RE-HIRE WORKERS FIRED BY GOVERNOR INSLEE'S VACCINE MANDATE

In August 2022, Governor Jay Inslee imposed a COVID-19 vaccine mandate on all state employees and contractors despite widespread health concerns about its effectiveness and potentially harmful side effects.⁵⁴ As a result of the mandate, thousands of workers lost their jobs, many of whom had already acquired a high level of immunity to COVID-19, and in spite of medical findings that showed the vaccine did not prevent infection or stop the spread of the virus.

In an effort to overcome employee concerns about the potential health risks of the vaccine, the governor offered to pay a \$1,000 bonus to any employee who agreed to get a booster shot, no questions asked:

“Beginning July 25, 2023, eligible state employees who choose to provide proof of their up-to-date vaccination status can qualify for a \$1,000 incentive payment.”⁵⁵

On May 10, 2023, Governor Inslee finally cancelled his order that all public workers and contracted employees must get the COVID-19 vaccine shot.⁵⁶ The governor finally lifted his order under pressure from national events. He said his decision to end the mandate:

“..aligns with the end of the federal public health emergency and the lifting of vaccination requirements for federal employees and contractors on May 11. Last week, the World Health Organization announced an end to the global health emergency for COVID-19.”

Still, the injustice imposed by the initial firings remained, and science has since shown these firings to be medically unjustified. When other states and local jurisdictions removed their misguided COVID-19 vaccine requirements, Governor Inslee doubled down on his. Follow-up research showed that some states never imposed vaccine mandates. Research also showed that COVID-19 case outcomes across states were comparable

regardless of whether or not a state's governor imposed a vaccine mandate.⁵⁷

Another study found that vaccinated people still got COVID-19:

“The study details a COVID-19 outbreak that started July 3 in Provincetown, Mass., involving 469 cases. It found that three-quarters of cases occurred in fully vaccinated people.

“It also found no significant difference in the viral load present in breakthrough infections occurring in fully vaccinated people and the other cases, suggesting the viral load of vaccinated and unvaccinated persons infected with the coronavirus is similar.”⁵⁸

The Inslee mandate helped fuel social division and angry criticism directed at people who were unvaccinated. In many social and work circles, even among family members, unvaccinated people were stigmatized and shunned. They were called thoughtless, selfish and uncaring by many people, including public leaders.⁵⁹

The mandate caused widespread harm to the public interest. To cite just two examples, Washington's vaccine mandate led directly to cuts in ferry service at the busiest period of the summer travel season.⁶⁰ State officials later admitted the vaccine mandate had a direct impact on losing trained crews to run state ferries.⁶¹

Further, state officials twice closed Interstate 90 at Snoqualmie Pass during severe weather due to a shortage of snowplow drivers, posing a threat to public safety.⁶²

In all, the vaccine order led to state officials terminating over 2,000 public employees.⁶³

The state Department of Transportation alone lost more than 400 high-skilled employees. A further 3,000 hospital workers lost their jobs due to the vaccine mandate.⁶⁴

After the governor lifted the mandate, the only recourse given to terminated workers was to seek re-employment by applying for their former jobs through the same process as any other interested candidate.

Conclusion

An important step toward healing the divisions in society caused by Governor Inslee's harsh COVID-19 policies would be for state leaders to admit it was not effective and caused widespread social division. They should listen respectfully to those who have honest reservations about the vaccine and recognize the harm the mandate imposed on thousands of workers and their families.

Lawmakers should adopt a caring policy of re-hiring fired state employees and seek to protect those who faced anger and societal scorn because of the governor's vaccine mandate. A thoughtful policy of re-hire would help relieve the staffing problems at various state agencies and would retain access to the institutional knowledge of experienced employees.

ADDITIONAL RESOURCES

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