

HOUSE BILL REPORT

2SHB 1188

As Passed Legislature

Title: An act relating to negotiating state patrol officer wages and wage-related matters.

Brief Description: Negotiating state patrol officer wages and wage-related matters.

Sponsors: Representatives Murray, Woods, Conway, O'Brien, Ericks, Condotta, Wood, Simpson, Campbell, P. Sullivan, Lovick, Williams, Chase, Hinkle and Ormsby.

Brief History:

Committee Activity:

Commerce & Labor: 1/24/05 [DPS];

Appropriations: 2/16/05, 2/24/05 [DP2S(w/o sub CL)].

Transportation: 3/3/05, 3/5/05 [DP2S(APP)].

Floor Activity:

Passed House: 3/10/05, 96-0.

Senate Amended.

Passed Senate: 4/6/05, 48-0.

House Refused to Concur.

Senate Amended.

Passed Senate: 4/20/05, 46-0.

House Concurred.

Passed House: 4/21/05, 98-0.

Passed Legislature.

Brief Summary of Second Substitute Bill

- Makes wage issues, other than certain employee benefits, a subject of bargaining for Washington State Patrol officers, and requires bargaining for wages, wage-related matters, and nonwage matters with the Governor's designee.
- Requires the governor to submit a legislative request for funds necessary to implement the wage and wage-related matters in the collective bargaining agreement under specified conditions.
- States that an arbitration award is not binding on the Legislature and, if the Legislature does not approve funding for the wage and wage-related matters, is not binding on the state or the Washington State Patrol.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Crouse, Hudgins, McCoy and Sump.

Staff: Chris Cordes (786-7103).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by 26 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: David Pringle (786-7310).

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The second substitute bill by Committee on Appropriations be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Buck, Campbell, Curtis, Dickerson, Ericksen, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Rodne, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

Staff: Jerry Long (786-7306).

Background:

Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA). The Washington State Patrol is also subject to the PECBA as the public employer of its appointed officers.

Under the PECBA, the employer and exclusive bargaining representative have a mutual obligation to negotiate in good faith over specified mandatory subjects of bargaining: grievance procedures and personnel matters, including wages, hours, and working conditions. With respect to negotiations between the Washington State Patrol and its appointed officers, the subjects of bargaining include wage-related matters, but negotiations are prohibited over rates of pay, wage levels, or matters relating to retirement benefits, health care, or other employee insurance benefits. If wage-related provisions are entered into before the Legislature approves the necessary funding, then these provisions must be conditioned on subsequent approval of the funds.

State Patrol officers and certain other law enforcement officers and fire fighters are considered "uniformed personnel." To resolve bargaining disputes involving these uniformed personnel, the PECBA requires binding interest arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

Summary of Second Substitute Bill:

For the officers of the Washington State Patrol, subjects of bargaining include all wage and wage-related matters. However, negotiations over retirement benefits, health care, or other employee insurance benefits continue to be prohibited.

For the purpose of bargaining with state patrol officers, the state is the employer. The state is represented by the Governor or Governor's designee appointed under the Personnel System Reform Act of 2002. The Governor or Governor's designee must consult with the Chief of the Washington State Patrol regarding collective bargaining.

When negotiating wages and wage-related matters, the Governor's designee must also consult with a subcommittee of the Joint Employment Relations Committee (JCER). This subcommittee will consist of the JCER leadership members and the chairs and ranking minority members of the Senate Transportation Committee and the House Transportation Committee.

The Governor must submit a legislative request for funds necessary to implement the wage and wage-related matters in the collective bargaining agreement, or for legislation necessary to implement the agreement, if the requests have been submitted to the Office of Financial Management (OFM) by October 1 before the legislative session at which the request would be considered and the Director of OFM certifies the requests as financially feasible, or if the request reflects the decision of an arbitration panel.

If an impasse in negotiations results in an arbitration award, that decision is not binding on the Legislature. If the Legislature does not approve the funds necessary to implement the wage and wage-related matters of an arbitrated collective bargaining agreement, the arbitration decision is not binding on the state or the Washington State Patrol.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed..

Testimony For: (Commerce & Labor) The state patrol troopers have been collectively bargaining for over 20 years, but this bargaining has not included full bargaining over wage issues. In 2002, the troopers were not included in the new wage bargaining law for state employees. This leaves the troopers as one of a few groups of state employees that do not have the right to bargain over wages. The agency supports these bargaining rights, although the bifurcated bargaining required by the bill may add some additional costs.

Testimony For: (Appropriations) This passed the House unanimously last year. There are very few police agencies in the state that do not bargain wages. The governor's office prefers that all bargaining be done with one agency. This is an equity issue - there are no other large groups of state employees that can't bargain now. This is the most important legislation to the Troopers before the Legislature this year. We would add bargaining both wages and nonwage matters to the Chief's powers.

Testimony For: (Transportation) This would grant Washington State Patrol troopers the same bargaining rights as other state employees. Since the 1980s, the Washington State Patrol troopers have had collective bargaining over wage-related items. The Washington State Patrol is in support of this legislation.

Testimony Against: (Commerce & Labor) None.

Testimony Against: (Appropriations) None.

Testimony Against: (Transportation) None.

Persons Testifying: (Commerce & Labor) Rick Jensen and Bob Thurston, Washington State Patrol Troopers Association; and Jeff DeVere, Washington State Patrol.

Persons Testifying: (Appropriations) Rick Jensen and Bob Thurston, Washington State Patrol Troopers Association; and Chief John Batiste and Captain Fred Fakkema, Washington State Patrol.

Persons Testifying: (Transportation) Bob Thurston, Washington State Patrol Troopers Association; Rick Jensen, Washington State Patrol Troopers Association; and Jerri Devere, Washington State Patrol Troopers Association.

Persons Signed In To Testify But Not Testifying: (Commerce & Labor) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.

Persons Signed In To Testify But Not Testifying: (Transportation) None.