

SENATE BILL REPORT

EHB 1081

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, APRIL 1, 1993

Brief Description: Redefining uniformed personnel for public employee collective bargaining.

SPONSORS: Representatives Heavey and Eide

HOUSE COMMITTEE ON COMMERCE & LABOR

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass as amended.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Minority Report: Do not pass.

Signed by Senators Barr, Cantu, and Newhouse.

Staff: Jonathan Seib (786-7427)

Hearing Dates: March 18, 1993; April 1, 1993

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). For certain uniformed personnel, the act recognizes the public policy against strikes as a means of settling labor disputes. To resolve disputes involving these uniformed personnel, PECBA requires binding arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

Uniformed personnel include fire fighters in all cities and counties and law enforcement officers in the larger jurisdictions (in cities with a population 15,000 or more, and in counties with a population of 70,000 or more). Law enforcement officers include county sheriffs and deputy sheriffs, city police officers, or town marshals.

The binding interest arbitration provisions also apply to publicly employed advanced life support technicians, except those employed by a public hospital district.

Port district employees also collectively bargain under the PECBA, unless different collective bargaining procedures are specified in the port district authorization statutes. Except for certain fire fighters in the LEOFF system, these employees are not covered by the PECBA's binding interest arbitration procedures.

SUMMARY:

Beginning on the effective date of the act, the binding interest arbitration provisions of the Public Employees' Collective Bargaining Act for uniformed personnel are extended to:

- (1) employees of port districts performing fire fighting duties;
- (2) public fire department employees who dispatch exclusively for fire or emergency medical services;
- (3) advanced life support technicians who are employed by public hospital districts; and
- (4) security forces established by a municipal corporation authorized to construct or operate a nuclear power plant.

Beginning on July 1, 1995, the binding interest arbitration provisions are also extended to:

- (1) the law enforcement officers of all cities, towns, and counties;
- (2) peace officers employed by port districts; and
- (3) public employees, other than fire department employees, who receive or dispatch fire, police, or emergency medical services.

For arbitrations involving law enforcement officers in newly covered jurisdictions (cities under 15,000 population and counties under 70,000 population), the arbitrator must consider regional differences in the cost of living.

SUMMARY OF PROPOSED SENATE AMENDMENT:

Only the specified port employees of ports in counties with a population of one million or more will be covered by the binding arbitration provisions.

On July 1, 1995, law enforcement officers in cities and towns with a population of 7,500 or more or counties with a population of 35,000 or more will be covered by the binding arbitration provisions.

Public employees, other than fire department employees, who receive or dispatch fire, police, or emergency medical services are removed from the bill.

Appropriation: none

Revenue: none

Fiscal Note: available

Effective Date: The bill contains an emergency clause. Sections 1, 2, 4, and 6 take effect immediately. Sections 3 and 5 take effect on July 1, 1995.

TESTIMONY FOR:

All police officers should be subject to the same collective bargaining laws, without regard to the size of the employer for whom they work. The small bargaining units operate under the same financial constraints as the small employer. Since neither side can afford the costs of arbitration, they both have incentives to settle disputes through good faith bargaining. Binding arbitration is a means to "level the playing field" and force all parties to the negotiations to bargain towards an agreement. The bill is necessary to avoid some employee abuses and abuses in the bargaining process that now occur.

TESTIMONY AGAINST:

Small jurisdictions are especially vulnerable to large arbitration awards because of budget constraints. Arbitration is expensive and the awards can take control of the budget away from the local government elected officials. Arbitration can be used by the employees as a "threat" during negotiations, but the employers have no similar negotiation tool. If interest arbitration is to be expanded, the committee should consider amendments to expand only to a few more jurisdictions and should address the standards used by arbitrators in making awards.

TESTIFIED: Mike Patrick, Thor Gary, Washington State Council of Police Officers (pro); Howard Veitzke, State Council of Fire Fighters (pro); Mike Matson, WSLEA (pro); Mike Ryherd, Mark Rogstad, Joint Council of Teamsters (pro); Keith Madlena, Milton Police Department (pro); Reed Gillig, Port of Bellingham (con); Pat Jones, Washington Public Ports (con); Pat Hamilton, Pacific County Commissioner (con); Bill Vogler, Washington Association of Counties (con); Kathleen Collins, Association of Washington Cities (con); Bruce Schroeder, Skagit County (con); Frank DeShirla, City of Battleground (con); Margaret Colerick, Oakville City Council (con)