

SENATE BILL REPORT

SB 5630

AS OF FEBRUARY 15, 1993

Brief Description: Regulating state employees' collective bargaining.

SPONSORS: Senators Prentice, Pelz, Skratek, Hargrove, Sutherland, Fraser and Winsley

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jonathan Seib (786-7427)

Hearing Dates: February 16, 1993

BACKGROUND:

Under the state civil service system and the higher education personnel law, classified employees have the right to collectively bargain on grievance procedures and personnel matters over which the agency or institution may "lawfully exercise discretion." Because state civil service and the higher education personnel law provide rules for most major personnel functions (recruitment, hiring, discipline, sick leave, vacations and salary schedules), collective bargaining for these classified employees is limited.

A typical bargaining agreement might contain provisions dealing with bargaining unit procedures and union activity rules, management and employee rights, labor-management committees, procedures for communicating impacts of changes in civil service rules, provisions supplementing civil service rules, such as vacation scheduling or education and training opportunities, and items specific to the work of the bargaining unit, such as uniforms and clothing, safety rules, and duty stations.

The Public Employee Collective Bargaining Act establishes a collective bargaining system for local government employees in Washington. The act contains provisions regarding appropriate bargaining units, employee representation, unfair labor practices, and other provisions necessary to implement and administer a collective bargaining system.

SUMMARY:

A joint labor-management board is established with an equal number of labor representatives appointed by state employee organizations of various sizes, and management representatives appointed by the Governor as specified in the act. The management and labor representatives select a neutral, fulltime chair.

The board is to: (1) adopt and revise a state salary schedule; (2) adopt rules for sick leave, vacations, and holidays; (3) adopt rules for transfers within state service; (4) review and approve health care and insurance plans adopted by the State Health Care Authority; (5) adopt rules for travel and relocation rates.

The board must publish salary schedules and benefit plans which are to be included in the Governor's recommended budget to the Legislature no later than December 10 of each even-numbered year. The Legislature must approve or reject the request for funds for the board salary schedules and fringe benefit plans as a whole. If the Legislature fails to act by March 31, the request for funds is considered approved. If the Legislature rejects the request, the board must submit a new request, and must continue to do so until such request is not rejected. The salary schedule and fringe benefit plans adopted by the board, and not rejected by the Legislature, become a part of the contract of all state employees and take effect July 1 of the year following their adoption.

Agency and institution heads are to determine, subject to collective bargaining with employees, salary-related matters over and above the basic salary schedules, including overtime rates, holiday compensation, shift premiums, standby compensation rates, shift-change and call back penalties, merit pay and performance incentives, and retention and recruitment enhancements to maintain locally competitive salaries.

The Public Employees Collective Bargaining Act is made applicable to state agencies and institutions of higher education. Matters not subject to bargaining include employee recruitment and rating, retirement benefits, and matters relating to wages, fringe benefits, transfers, leaves and holidays subject to the joint labor-management board.

Nonessential state employees are granted the right to strike over matters other than those determined by the joint labor-management board. The superior court is authorized to grant a restraining order in such a strike if there is clear and convincing evidence that the strike creates a substantial and imminent threat to the public health or safety.

The State Personnel Appeals Board is abolished and its powers, duties and functions are transferred to the State Personnel Board.

All powers, duties and functions of the State Personnel Board and the labor relations unit of the Department of Personnel pertaining to labor relations are transferred to the Public Employment Relations Commission.

All powers, duties and functions of the Higher Education Personnel Board pertaining to labor relations activities are transferred to the Public Employment Relations Commission.

Appropriation: none

Revenue: none

Fiscal Note: requested February 15, 1993

Effective Date: July 1, 1993