

HOUSE BILL REPORT

EHB 3183

As Passed House:

February 14, 2004

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: By Representatives Conway, Delvin, G. Simpson, Cooper, Roach, Campbell and Morrell.

Brief History:

Committee Activity:

Commerce & Labor: 2/5/04 [DP].

Floor Activity:

Passed House: 2/14/04, 96-0.

Brief Summary of Engrossed Bill

- Requires, for state patrol officers, bargaining for wages and wage-related matters with the Governor's designee and bargaining non-wage matters with the State Patrol.
- 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: Do pass. Signed by 9 members: Representatives Conway, Chair; Wood, Vice Chair; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse, Holmquist, Hudgins, Kenney and McCoy.

Staff: Chris Cordes (786-7103).

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 Engrossed Bill:

Subjects of bargaining for the officers of the Washington State Patrol include all wage and wage-related matters, except that 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. When negotiating:

- wages and wage-related matters, the state is represented by the Governor or Governor's designee appointed under the Personnel System Reform Act of 2002; and
- nonwage-related matters, the state is represented by the Washington State Patrol.

When negotiating wages and wage-related matters, the Governor's designee must 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 Highways and Transportation Committee and the House Transportation Committee.

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 July 1, 2004.

Testimony For: (Presented on HB 2664) This bill provides equal treatment for the State Patrol troopers. Nearly all other state employees will be allowed to bargain for wages. The troopers have had bargaining on nonwage issues for many years through the PECBA and have never had a dispute that required mediation. Wage levels must be high enough for the State Patrol to retain the brightest and best troopers possible. An amendment could be added to require that wage issues be negotiated through the Governor's office, like other state employees. The troopers are not in civil service and are prohibited from striking by the PECBA and by their collective bargaining agreement.

Testimony Against: None.

Persons Testifying: (In support) Rick Jensen and Bob Thurston, Washington State Patrol Troopers Association.

(Information only) Marv Schurke, Public Employment Relations Commission.

Persons Signed In To Testify But Not Testifying: None.