

HOUSE BILL REPORT

ESHB 1916

As Passed Legislature

Title: An act relating to interest arbitration regarding certain care providers.

Brief Description: Applying interest arbitration to certain care providers.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Ericksen, Moeller, Strow, Green, Haler, Appleton, Seaquist, Chase, Priest, McDermott, Walsh, Ormsby, Hasegawa, Fromhold, Kessler, Dunshee, Dunn, Sells, Wood, P. Sullivan, Kenney and Morrell).

Brief History:

Committee Activity:

Commerce & Labor: 2/13/07, 2/26/07 [DPS].

Floor Activity:

Passed House: 3/12/07, 88-10.

Senate Amended.

Passed Senate: 4/5/07, 43-3.

House Concurred.

Passed House: 4/16/07, 82-13.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Specifies factors to be considered by an interest arbitration panel resolving an impasse in collective bargaining involving individual providers or family child care providers under the Public Employees' Collective Bargaining Act.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Do not pass. Signed by 2 members: Representatives Condotta, Ranking Minority Member and Chandler, Assistant Ranking Minority Member.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jill Reinmuth (786-7134).

Background:

Both individual home care workers (individual providers) and family child care providers have collective bargaining rights under the Public Employees' Collective Bargaining Act (PECBA). For individual providers and family child care providers, the PECBA recognizes the public policy against strikes as a means of settling labor disputes. To resolve impasses over contract negotiations involving these personnel, the PECBA requires binding interest arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

For all personnel who are subject to binding interest arbitration under the PECBA, an interest arbitration panel must consider:

- the authority of the employer;
- the stipulations of the parties;
- a comparison of wages, hours, and conditions of employment of personnel involved in the proceedings with those of like personnel;
- the cost-of-living;
- changes in circumstances in any of these factors during the proceedings; and
- other factors normally or traditionally considered in the determination of wages, hours, and conditions of employment.

For individual providers and family child care providers, an interest arbitration panel must also consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement.

Summary of Engrossed Substitute Bill:

The factors to be considered by an interest arbitration panel resolving an impasse in collective bargaining involving individual providers or family child care providers under the PECBA are specified.

Individual Providers

For individual home care workers (individual providers), an interest arbitration panel is required to consider:

- a comparison of wages, hours, and conditions of employment of publicly reimbursed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States; and
- the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement.

The panel is permitted to consider:

- a comparison of wages, hours, and conditions of employment of publicly employed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the U.S.;
- the state's interest in promoting a stable long-term care workforce;
- the state's interest in ensuring access to affordable, quality health care; and
- the state's fiscal interest in reducing reliance upon public benefit programs.

Family Child Care Providers

For family child care providers, an interest arbitration panel is required to consider:

- a comparison of child care provider subsidy rates and reimbursement programs by public entities along the west coast of the United States; and
- the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement.

The panel is permitted to consider:

- the public's interest in reducing turnover and increasing retention;
- the state's interest in promoting, through education and training, a stable child care workforce; and
- the state's fiscal interest in reducing reliance upon public benefit programs.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The interest arbitration statute for individual providers and family child care providers is built on the interest arbitration statute for law enforcement officers and firefighters. This framework doesn't make sense for the providers. It is like putting a square peg in a round whole. This bill adds provisions that fit non-traditional bargaining units. These provisions focus on what is relevant and what is comparable for the panel to consider. We are working on some changes with the Public Employment Relations Commission and the Labor Relations Office.

(Neutral) We are neutral and have no concerns about the bill.

(Opposed) We support the concept, but not the bill in its current form. We will continue to work with the advocates for the bill.

Persons Testifying: (In support) Candace Inagi, SEIU Local 775; Kursten Holabird, SEIU Local 925; and Rob Lavitt, Counsel for SEIU Local 775 and SEIU Local 925.

(Neutral) Cathy Callahan, Public Employment Relations Commission.

(Opposed) Steve McLain, Office of Financial Management - Labor Relations Office.

Persons Signed In To Testify But Not Testifying: None.