

# SENATE BILL REPORT

## ESHB 1916

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As Reported By Senate Committee On:  
Labor, Commerce, Research & Development, March 27, 2007  
Ways & Means, April 2, 2007

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

**Brief Description:** Applying interest arbitration to certain care providers.

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

**Committee Activity:** Labor, Commerce, Research & Development: 3/26/07, 3/27/07 [DPA, DNP].

Ways & Means: 4/02/07 [DPA(LCRD), w/oRec].

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice.

**Minority Report:** Do not pass.

Signed by Senators Clements, Ranking Minority Member; Hewitt and Holmquist.

**Staff:** Kathleen Buchli (786-7488)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Labor, Commerce, Research & Development.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Honeyford.

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*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:** Chelsea Buchanan (786-7446)

**Background:** Both home care workers that provide Medicaid Personal Care services in the long-term care system (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 providers, an interest arbitration panel is required to consider a comparison of wages, hours, and conditions of employment of publicly reimbursed or 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 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 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.

**EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Labor, Commerce, Research & Development):** The requirement that for individual providers the arbitration panel must 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 United States, is removed. Instead, a panel may consider these factors but is not mandated to do so.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Labor, Commerce, Research & Development):**

PRO: Existing statutes provide a lack of clear guidance to arbiters in arbitrations involving child care personnel and individual providers. The language in the bill has been worked thoroughly to address concerns of all the parties.

**Persons Testifying (Labor, Commerce, Research & Development):** PRO: Kursten Holabird, Service Employees International Union # 925 and #775.

**Staff Summary of Public Testimony (Ways & Means):** PRO: This bill addresses technical concerns. The past arbitration panels have indicated that it is difficult to apply the arbitration statute under PECBA for uniformed personnel to family child care workers and individual provider home care workers.

**Persons Testifying (Ways & Means):** PRO: Nora Kelley, SEIU-775.