
HOUSE BILL 3002

State of Washington 60th Legislature 2008 Regular Session

By Representatives Williams, Sells, Ericks, Simpson, Hurst, Loomis, Conway, Liias, VanDeWege, Kenney, Linville, and Ormsby

Read first time 01/21/08. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to applying arbitration to bargaining by the state
2 and the Washington state patrol; and amending RCW 41.56.475.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.56.475 and 2005 c 438 s 2 are each amended to read
5 as follows:

6 In addition to the classes of employees listed in RCW 41.56.030(7),
7 the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470,
8 41.56.480, and 41.56.490 also apply to Washington state patrol officers
9 appointed under RCW 43.43.020 as provided in this section, subject to
10 the following:

11 (1) Within ten working days after the first Monday in September of
12 every odd-numbered year, the state's bargaining representative and the
13 bargaining representative for the appropriate bargaining unit shall
14 attempt to agree on an interest arbitrator to be used if the parties
15 are not successful in negotiating a comprehensive collective bargaining
16 agreement. If the parties cannot agree on an arbitrator within the
17 ten-day period, either party may request a list of seven arbitrators
18 from the west coast who have previous experience in trying interest
19 arbitration cases from the federal mediation and conciliation service.

1 The parties shall select an interest arbitrator using the coin
2 toss/alternatives strike method within thirty calendar days of receipt
3 of the list. Immediately upon selecting an interest arbitrator, the
4 parties shall cooperate to reserve dates with the arbitrator for
5 potential arbitration between June 1st and July 15th of the following
6 even-numbered year. The parties shall also prepare a schedule of at
7 least five negotiation dates for the following year, absent an
8 agreement to the contrary. The parties shall execute a written
9 agreement before November 1st of each odd-numbered year setting forth
10 the name of the arbitrator and the dates reserved for bargaining and
11 arbitration. This subsection imposes minimum obligations only and is
12 not intended to define or limit a party's full, good faith bargaining
13 obligation under other sections of this chapter.

14 (2) The mediator or arbitration panel may consider only matters
15 that are subject to bargaining under RCW 41.56.473.

16 ((+2)) (3) The decision of an arbitration panel is not binding on
17 the legislature and, if the legislature does not approve the funds
18 necessary to implement provisions pertaining to wages and wage-related
19 matters of an arbitrated collective bargaining agreement, is not
20 binding on the state or the Washington state patrol.

21 ((+3)) (4) In making its determination, the arbitration panel
22 shall be mindful of the legislative purpose enumerated in RCW 41.56.430
23 and, as additional standards or guidelines to aid it in reaching a
24 decision, shall take into consideration the following factors:

25 (a) The constitutional and statutory authority of the employer;

26 (b) Stipulations of the parties;

27 (c) Comparison of the hours and conditions of employment of
28 personnel involved in the proceedings with the hours and conditions of
29 employment of like personnel of like employers of similar size on the
30 west coast of the United States;

31 (d) Changes in any of the foregoing circumstances during the
32 pendency of the proceedings; and

33 (e) Such other factors, not confined to the foregoing, which are
34 normally or traditionally taken into consideration in the determination
35 of matters that are subject to bargaining under RCW 41.56.473.

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