

# SENATE BILL REPORT

## SB 5733

---

---

As of February 21, 2013

**Title:** An act relating to interest arbitration panels.

**Brief Description:** Establishing criteria to be used by interest arbitration panels.

**Sponsors:** Senators King and Holmquist Newbry.

**Brief History:**

**Committee Activity:** Commerce & Labor: 2/22/13.

---

### SENATE COMMITTEE ON COMMERCE & LABOR

**Staff:** Mac Nicholson (786-7445)

**Background:** The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining by certain public employers and their employees, including uniformed personnel. Uniformed personnel includes law enforcement officers, firefighters, and certain correctional employees. The scope of mandatory bargaining is limited to personnel matters, including wages, hours, and working conditions. To resolve impasses over contract negotiations, PECBA requires binding interest arbitration for uniformed personnel.

The issues for determination by the arbitration panel are limited to issues certified by the Public Employment Relations Commission. The interest arbitration panel consists of one arbitrator named by each party who then select a neutral third arbitrator. The arbitration panel conducts a hearing in which the parties present their positions, after which the neutral arbitrator consults with the other panel members and issues a determination of the issues in dispute, which is final and binding upon both parties.

State law provides a number of factors the arbitration panel must consider when making its determination:

- the constitutional and statutory authority of the employer;
- stipulations of the parties;
- the cost of living;
- changes in circumstances during the pendency of the proceedings;
- other factors traditionally taken into consideration in the determination of wages, hours, and conditions of employment; and

---

*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.*

- the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States.

For firefighter personnel, other west coast employers may not be considered when an adequate number of comparable employers exist within Washington.

Interest arbitration provisions applicable to uniform personnel also apply generally to family child care providers and adult family home providers.

**Summary of Bill:** Uniform personnel interest arbitration panels must consider the following additional criteria when making a determination:

- the budget priorities as determined by the governing body;
- financial and budgetary constraints including the designation of a reasonable operating reserve as established by the governing body; and
- internal equity within the organization.

For law enforcement arbitration proceedings, the wages, hours, and conditions of employment of like personnel of other west coast employers may not be considered when an adequate number of comparable employers exist within Washington.

For both law enforcement and firefighter arbitration proceedings, like employers will be determined by factors including population, financial conditions, population demographics, workforce size, and assessed valuation.

**Appropriation:** None.

**Fiscal Note:** Requested February 20, 2013.

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

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