
Labor Committee

HB 1230

Brief Description: Authorizing the ordering of interest arbitration.

Sponsors: Representatives Sells and Ormsby.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Statutorily authorizes the Public Employment Relations Commission (PERC) to order interest arbitration, as part of remedial orders, when there has been unfair labor practices.

Hearing Date: 2/16/15

Staff: Trudes Tango (786-7384).

Background:

The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages and working conditions between counties, cities, and other political subdivisions and their employees. The PECBA authorizes interest arbitration for "uniformed personnel" and certain other employees when employer and employee representatives have reached an impasse in collective bargaining over mandatory subjects of bargaining. Under interest arbitration, an impartial third party arbitrator makes decisions as to the terms of the contract.

Under the PECBA, it is an unfair labor practice for an employer or employee representative to, among other things, refuse to engage in collective bargaining. Unfair labor practice complaints must be filed with the Public Employment Relations Commission (PERC). The PERC administers and enforces most public sector collective bargaining laws in Washington. In an unfair labor practice case, a PERC examiner will issue a decision, which could be appealed to the entire Commission.

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 PERC is authorized to issue appropriate remedial orders, such as cease and desist orders and the reinstatement of employees, and take affirmative action that will effectuate the purposes and policy of the PECBA.

Based on case law, the PERC may, in certain situations, order interest arbitration as an extraordinary remedy. The court case and decisions issued by the PERC emphasize that interest arbitration should only be ordered when there has been a clear history of bad faith refusal to bargain and when other standard remedies are insufficient to address the violations.

Summary of Bill:

The statute authorizing the PERC to issue remedial orders when there are unfair labor practices is amended to explicitly include the ability to order interest arbitration.

Appropriation: None.

Fiscal Note: Requested on February 10, 2015.

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