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## Labor Committee

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### HB 1964

**Brief Description:** Addressing the public employees' collective bargaining act as applied to commissioned officers of the department of fish and wildlife.

**Sponsors:** Representatives Blake, Haler, MacEwen and Ormsby.

#### Brief Summary of Bill

- Applies the collective bargaining provisions of the Public Employee's Collective Bargaining Act (PECBA), instead of the Personnel System Reform Act (PRSA), to commissioned officers of the Department of Fish and Wildlife, except for captains.
- Extends the binding interest arbitration provisions of the PECBA to commissioned officers of the Department, except for captains.

**Hearing Date:** 2/16/15

**Staff:** Trudes Tango (786-7384).

#### Background:

Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employee's Collective Bargaining Act (PECBA). The PECBA also applies to some state employees, such as Washington State Patrol officers.

For certain uniformed personnel, the PECBA recognizes the public policy against strikes as a means of settling labor disputes. For those employees, PECBA requires binding interest arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation. Under interest arbitration, an impartial third party arbitrator makes decisions as to the terms of the contract.

"Uniformed personnel" include, among others: correctional employees who are employed in jails by counties with a population of 70,000 or more, and who are trained for and charged with responsibility for custody of inmates in the jail; firefighters in all cities and counties; law

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enforcement officers in larger cities and counties; general authority peace officers and firefighters employed by certain port districts; security forces at a nuclear power plant; and publicly employed advanced life support technicians. Other public employees covered by interest arbitration include Washington State Patrol officers.

The Personnel System Reform Act (PSRA) provides for collective bargaining of wages, hours, and other terms and conditions of employment with classified employees of state agencies and institutions of higher education. The PSRA does not provide for binding interest arbitration.

### **Summary of Bill:**

The provisions of the Public Employee Collective Bargaining Act (PECBA), instead of the Personnel Services Reform Act (PSRA), apply to the state with respect to commissioned officers, except for captains, of the Department of Fish and Wildlife (DFW).

The interest arbitration provisions of the PECBA are extended to commissioned officers, except for captions, of the DFW.

Exclusive bargaining representatives currently in existence for these officers are "grandfathered" and are appropriate units and representatives under the PECBA.

Other collective bargaining provisions comparable to the PSRA are included. For example, the scope of bargaining is wages, hours, and other terms and conditions of employment and does not include management rights. The state is represented by the Governor. Bargaining representatives must negotiate one master agreement with the Governor if they represent multiple units within the DFW. They also must be part of the coalition that negotiates certain subjects, such as health care benefits.

The Governor must submit requests to the Legislature for any funds and legislation necessary to implement a collective bargaining agreement or arbitration award. A request must not be submitted unless it has been certified by the Director of the Office of Financial Management as being financially feasible. The Legislature must approve or reject the request for funds as a whole. If the Legislature rejects the request or fails to act, an agreement or award may be reopened. The parties may enter into collective bargaining if a significant revenue shortfall occurs.

Procedures are established for selecting an arbitration panel. The arbitration panel may consider only matters that are subject to bargaining, and when making its determination, the panel must, among other things, consider the following factors:

- the financial ability of the agency to pay for compensation and benefit provisions;
- the employer's authority;
- the parties' stipulations;
- comparisons of hours and conditions of similar employees in similar state agencies in the western United States;
- the ability of the state to retain employees working for the agency;
- the overall compensation presently received by the DFW employees;
- changes in any listed factors during the proceedings; and

- other factors normally or traditionally considered in the determination of wages, hours, and conditions of employment.

The decision of an arbitration panel is not binding on the Legislature, and if the Legislature does not approve funds to implement the agreement, is not binding on the state or the DFW.

Provisions are made regarding when negotiations under the PECBA must begin and the duration of agreements.

**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.