

HOUSE BILL REPORT

HB 1964

As Reported by House Committee On:
Labor

Title: An act relating to the public employees' collective bargaining act as applied to commissioned officers of the department of fish and wildlife.

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 History:

Committee Activity:

Labor: 2/16/15, 2/17/15 [DP].

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 (DFW), except for captains.
- Extends the binding interest arbitration provisions of the PECBA to commissioned officers of the DFW, except for captains.

HOUSE COMMITTEE ON LABOR

Majority Report: Do pass. Signed by 5 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; Moeller and Ormsby.

Minority Report: Do not pass. Signed by 2 members: Representatives G. Hunt, Assistant Ranking Minority Member; McCabe.

Staff: Trudes Tango (786-7384).

Background:

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.

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 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 PECBA, instead of the 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 captains, 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.

Staff Summary of Public Testimony:

(In support) The officers of the DFW have very unique work and training requirements compared to other state employees. Officers often work out of the county sheriff's office and work with both federal and local law enforcement agencies. Their jobs are the same as law enforcement. The DFW enforce all the laws and encounter criminal behavior in the woods. They are often the first to respond to crimes in rural areas. They back up the county law enforcement.

(Opposed) None.

Persons Testifying: Carl Klein and Steve Bruchman, Teamsters Local 760; and Brad Rhoden, Fish and Wildlife Officers Guild.

Persons Signed In To Testify But Not Testifying: None.