

HOUSE BILL REPORT

SSB 5763

As Reported by House Committee On:

Labor
Appropriations

Title: An act relating to establishing a coalition of commissioned officers of the department of fish and wildlife for the purposes of collective bargaining.

Brief Description: Establishing a coalition of commissioned officers of the department of fish and wildlife for the purposes of collective bargaining.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Warnick, Pearson and Hatfield).

Brief History:

Committee Activity:

Labor: 3/12/15, 3/30/15 [DPA];
Appropriations: 4/6/15, 4/7/15 [DPA(LAB)].

Brief Summary of Substitute Bill (As Amended by Committee)

- Requires the bargaining representatives for commissioned officers and sergeants of the Department of Fish and Wildlife to collectively bargain as its own coalition, rather than part of the larger bargaining coalition.
- Authorizes the Public Employment Relations Commission to order interest arbitration as a remedy, when it determines there has been bad faith bargaining.
- Requires the parties, when negotiating, to reference the wages, hours, and working conditions of similar employees at similar state employers on the west coast, as comparables.

HOUSE COMMITTEE ON LABOR

Majority Report: Do pass as amended. Signed by 4 members: Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

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.

Minority Report: Do not pass. Signed by 3 members: Representatives Manweller, Ranking Minority Member; G. Hunt, Assistant Ranking Minority Member; McCabe.

Staff: Trudes Tango (786-7384).

Background:

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.

For purposes of negotiations, state agencies are represented by the Governor. The PSRA provides for multi-employer bargaining and coalition bargaining. Bargaining representatives of fewer than 500 employees must bargain in one coalition. The coalition must bargain for one master collective bargaining agreement covering all represented employees. The agreement may contain agency-specific issues that have been agreed upon in supplemental bargaining.

Under the PSRA, it is an unfair labor practice for an employer or employee representative to refuse to engage in collective bargaining. Unfair labor practice complaints must be filed with the Public Employment Relations Commission (PERC). 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 PSRA. Based on case law, the PERC may, in certain situations, order interest arbitration as an extraordinary remedy.

The Department of Fish and Wildlife (DFW) sergeants are represented by the Teamsters 760 and the DFW non-supervisory officers in the enforcement program are represented by the Fish and Wildlife Officers' Guild. They are part of the coalition of unions representing fewer than 500 employees each.

Summary of Amended Bill:

The bargaining representatives for commissioned officers, except for lieutenants and captains, of the DFW must negotiate as a separate coalition. They are no longer included in the coalition composed of exclusive bargaining representatives representing fewer than 500 employees each.

In negotiation, the parties must reference the wages, hours, and conditions of employment of like employees from like state employers on the west coast of the United States, as comparables.

If the PERC determines there has been bad faith bargaining or other unfair labor practice, the PERC may order interest arbitration, in addition to existing remedies.

Amended Bill Compared to Substitute Bill:

The striking amendment adds provisions requiring the parties to reference comparables and authorizes the PERC to order interest arbitration when there has been bad faith bargaining. The striking amendment also clarified that lieutenants, not just captains, are not part of the DFW officer coalition.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: 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 unique employment situations and it is difficult for them to bargain as part of the larger group. These officers are fully commissioned general authority peace officers. They should be allowed to independently bargain just like the Washington State Patrol, and should have interest arbitration. This bill gives DFW officers their own table for collective bargaining.

(Opposed) None.

Persons Testifying: Senator Warnick, prime sponsor; and Steve Bruchman, Teamsters Local 760.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Labor. Signed by 27 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Carlyle, Cody, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Pettigrew, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

Minority Report: Do not pass. Signed by 5 members: Representatives Buys, Condotta, G. Hunt, Magendanz and Taylor.

Staff: David Pringle (786-7310).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Labor:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on April 3, 2015.

Effective Date of Amended Bill: 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 Department of Fish and Wildlife (DWF) enforcement officers would rather be hiding in the bush catching poachers than be here testifying in committee, but this is an important bill. Last year in King County, the DFW enforcement officers handled 700 bear complaints. The needs of these officers should be addressed in bargaining. The amendments to the bill do not provide arbitration unless there is a finding by the Public Employment Relations Commission that a party has acted in bad faith—a rare occurrence.

(Opposed) None.

Persons Testifying: Kim Chandler, Washington Department of Fish and Wildlife; and Steve Bruchman, Teamsters Local Union 760.

Persons Signed In To Testify But Not Testifying: None.