

SENATE BILL REPORT

SB 5763

As Reported by Senate Committee On:
Commerce & Labor, February 18, 2015

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: Senators Warnick, Pearson and Hatfield.

Brief History:

Committee Activity: Commerce & Labor: 2/13/15, 2/18/15 [DP-WM, w/oRec].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Conway, Keiser, King and Warnick.

Minority Report: That it be referred without recommendation.
Signed by Senators Baumgartner, Chair; Braun, Vice Chair.

Staff: Mac Nicholson (786-7445)

Background: The Personnel System Reform Act of 2002 (PSRA) allows for collective bargaining of wages, hours, and working conditions between bargaining representatives of state employees and the Governor. Department of Fish and Wildlife (DFW) enforcement officers are currently represented by the Fish and Wildlife Officers Guild (FWOG) and bargain under PSRA. FWOG bargains for a master bargaining agreement as part of a coalition with other bargaining representatives that represent fewer than 500 employees each. The master agreement covers all of the employees represented by the coalition, and can include agency-specific issues.

Local government public employees, along with some state employees including commissioned officers of the Washington State Patrol (WSP), collectively bargain under the Public Employee's Collective Bargaining Act (PECBA). Interest arbitration is authorized for certain employees under PECBA, including WSP and other uniformed personnel. Interest arbitration is a process whereby the issues not resolved in bargaining between the employer

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and the union may be presented to an impartial arbitrator for final resolution. Interest arbitration is not permitted under PSRA.

Summary of Bill: Commissioned officers of DFW bargain under PECBA rather than PSRA. The union currently representing the DFW officers under PRSA continue to represent the officers under PECBA without the necessity of an election. The scope of bargaining remains the same as do provisions regarding bargaining processes.

Interest arbitration is authorized for DFW officers. Interest arbitration processes for DFW officers is similar to the processes for other employees with interest arbitration rights. When making its determination, the interest arbitration panel must take into consideration the following factors:

- the financial ability of DFW to pay for the compensation and benefit provisions;
- the constitutional and statutory authority of DFW;
- stipulations of the parties;
- a comparison of the hours and conditions of employment with employees of state government employers of similar size in the western United States;
- the ability of the state to retain employees working for DFW;
- the overall compensation presently received by DFW employees, including direct wage compensation, vacations, holidays, and other paid excused time, pensions, insurance benefits, and all other direct or indirect monetary benefits;
- changes in any factors during the pendency of the proceedings; and
- other factors which are normally or traditionally taken into consideration in the determination of matters subject to bargaining and mediation or arbitration.

Bargaining under PECBA for DFW officers must begin by July 1, 2016, but agreements cannot be effective until July 1, 2017. Existing agreements bargained under PSRA remain in effect until they expire, but cannot be renewed or extended beyond July 1, 2017.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: DFW officers provide an enforcement presence on millions of acres of land. DFW officers have greater responsibilities, yet staffing levels have decreased over the years. The current bargaining process is inefficient and this bill will fix that. Most public safety groups have access to unique bargaining processes because the groups are unique, and this bill brings the DFW officers in line with other uniformed officers. This bill will allow the DFW group to bargain independently.

Persons Testifying: PRO: Sergeant Michael Jewell, Sergeant Carl Klein, Sergeant Chandler, Tony Leonetti, Brad Rhoden, Fish and Wildlife Officer's Guild.