
**Labor & Workplace Standards
Committee**

HB 1043

Brief Description: Granting binding interest arbitration rights to certain uniformed personnel.

Sponsors: Representatives Goodman, Irwin, Sells, Griffey, Lovick, Ryu, Appleton, Kirby, Riccelli, Pellicciotti, Kilduff, Chapman, Tharinger, Stonier, Sullivan, Fitzgibbon, Bergquist, Doglio, Pollet, Stanford, Frame and Leavitt.

Brief Summary of Bill

- Provides interest arbitration for duly sworn police officers employed by the public four-year institutions of higher education.

Hearing Date: 1/17/19

Staff: Trudes Tango (786-7384).

Background:

The Public Employees' Collective Bargaining Act.

The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages, hours, and working conditions with employees of cities, counties, and other political subdivisions. The PECBA also applies to the state with respect to the officers of the Washington State Patrol (WSP).

The PECBA recognizes the public policy against strikes by uniformed personnel as a means of settling labor disputes, and explicitly authorizes binding interest arbitration to resolve impasses over contract negotiations between uniformed personnel and their employers. Examples of employees covered by interest arbitration include firefighters in cities and counties, law enforcement officers in larger cities and counties, and the WSP officers.

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.

Under the PECBA's interest arbitration procedures, parties must first attempt to mediate unresolved mandatory subjects of bargaining before utilizing an arbitrator. If mediation is unsuccessful, the Director of the Public Employment Relations Commission (PERC) will certify any unresolved issues for the arbitrator to consider. The PECBA establishes procedures and timeframes for arbitration. In addition, for the WSP, the Governor is required to submit to the Legislature a request for funds to implement the compensation provisions of an agreement. Before the Governor may submit the request, the Director of the Office of Financial Management (OFM) must have certified it to be feasible financially or, in the case of interest arbitration for the WSP, certified that the request reflects the decision of an arbitration panel.

The Personnel System Reform Act.

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.

Police Force at Public Institutions of Higher Education.

The boards of the University of Washington, Washington State University, the regional universities, and The Evergreen State College are authorized to establish police forces for their institutions. These police officers collectively bargain under the PSRA.

Summary of Bill:

The PSRA is amended to provide binding interest arbitration for uniformed personnel. Uniformed personnel are the duly sworn police officers employed as members of a police force established by the state universities, regional universities, or The Evergreen State College.

Provisions establishing interest arbitration are added to the PSRA, similar to existing provisions in the PECBA. These provisions specify that the right of uniformed personnel to strike is not granted, and provide for the following:

- required mediation first before being certified to go to arbitration;
- interest arbitration if an agreement is not reached through mediation;
- procedures and timeframe for appointing an arbitration panel;
- powers and duties of an arbitration panel;
- procedures for an arbitration hearing; and
- factors to be considered by the arbitration panel (including comparison of similar personnel of similar employers on the west coast).

In addition, provisions are added to the PSRA (similar to provisions in the PECBA for the WSP) specifying that: (1) the Director of OFM must certify that the Governor's request for funds reflects the decision of an arbitration panel; and (2) an arbitration award is not binding on the Legislature.

The PERC is required to review whether existing bargaining units that include uniformed personnel are appropriate and is authorized to modify a unit that is not appropriate. Exclusive bargaining representatives of uniformed personnel are "grandfathered" and continue to represent those units without the necessity of an election as of the bill's effective date; however, there may be proceedings concerning representation after the bill's effective date.

Appropriation: None.

Fiscal Note: Requested on January 9, 2019.

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