

HOUSE BILL REPORT

HB 1043

As Reported by House Committee On:
Labor & Workplace Standards
Appropriations

Title: An act relating to granting binding interest arbitration rights to certain uniformed personnel.

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 History:

Committee Activity:

Labor & Workplace Standards: 1/17/19, 1/24/19 [DP];
Appropriations: 2/7/19, 2/13/19 [DP].

Brief Summary of Bill

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

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Gregerson, Hoff and Ormsby.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler, Assistant Ranking Minority Member.

Staff: Trudes Tango (786-7384).

Background:

The Public Employees' Collective Bargaining Act.

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.

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. Examples of employees covered by interest arbitration include firefighters in cities and counties, law enforcement officers in larger cities and counties, and WSP officers.

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 defined as 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 before being certified to go to arbitration;
- procedures and timeframes 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 the 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 may 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: Available.

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) Campus police officers face the same risks as other law enforcement officers in the field, respond to the same types of calls as other police officers, and are often called as back-up for other law enforcement agencies. However, campus police officers do not have interest arbitration as a way of resolving disputes. These campus police officers face many unique issues, including safety equipment issues, that are different from issues faced by others in the bargaining unit. Interest arbitration would allow campus officers to address these critical issues.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; Loraine Hill and Anthony Stewart, Washington Federation of State Employees; and Marvin McKinney, Teamsters 117.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 26 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Cody, Dolan, Fitzgibbon,

Hansen, Hoff, Hudgins, Jinkins, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Senn, Springer, Stanford, Steele, Tarleton, Tharinger, Volz and Ybarra.

Minority Report: Do not pass. Signed by 4 members: Representatives Stokesbary, Ranking Minority Member; Dye, Kraft and Schmick.

Staff: David Pringle (786-7310).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Labor & Workplace Standards:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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) For almost a decade the Teamsters have worked to provide interest arbitration to our members at the University of Washington Police Department. It would allow them to negotiate over protective equipment that they are lacking in comparison to the Seattle Police Department, whose officers serve alongside ours during joint activities. Current events—such as the suspected active shooter at Central Washington University last week—highlights the hazards that these workers may confront on the job. These arbitration proceedings will allow our officers to keep up on pay and working conditions with other law enforcement agencies.

(Opposed) None.

Persons Testifying: Brenda Wiest, Teamsters Local 17; and Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.