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**Labor & Workplace Standards  
Committee**

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**HB 1217**

**Brief Description:** Establishing a coalition of commissioned officers, detectives, and sergeants of the department of fish and wildlife for the purposes of collective bargaining, including interest arbitration.

**Sponsors:** Representatives Blake, Sells, Irwin, Chapman, Griffey, Springer, Appleton, Wylie, Tharinger and Pollet.

**Brief Summary of Bill**

- Authorizes officers of Department of Fish and Wildlife (DFW) to bargain under the Public Employees' Collective Bargaining Act, and grants those officers interest arbitration.
- Removes the DFW officers from coalition bargaining of exclusive bargaining representatives of fewer than 500 employees under the Personnel System Reform Act.

**Hearing Date:** 1/24/19

**Staff:** Trudes Tango (786-7384).

**Background:**

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

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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.

Under the PECBA's interest arbitration procedures, parties must first attempt to mediate any unresolved mandatory subject 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, 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.

The PSRA provides for multi-employer bargaining and coalition bargaining. Representatives of more than one bargaining unit must negotiate one master collective bargaining agreement covering all of the represented employees. Exclusive bargaining representatives that represent fewer than 500 employees each must bargain in a coalition, with one master agreement covering all of the employees represented by the coalition.

#### The Department of Fish and Wildlife.

The Department of Fish and Wildlife (DFW) enforcement officers are currently represented by the Fish and Wildlife Officers Guild (FWOG) and bargain under PSRA. The FWOG bargains for a master bargaining agreement as part of a coalition with other bargaining representatives that represent fewer than 500 employees each.

#### **Summary of Bill:**

Officers of the DFW who rank below captains (which includes officers, detectives, and sergeants) bargain under PECBA rather than PSRA and are granted interest arbitration. The DFW officers are excluded from the coalition bargaining of exclusive bargaining representatives of fewer than 500 employees under the PSRA.

Interest arbitration processes for the DFW officers are similar to the processes for the WSP officers, including required mediation, certification by the Director of PERC of any unresolved issues, and the Governor submitting a request for funds to the OFM before submitting the request to the Legislature.

When making its determination, the interest arbitration panel must take into consideration the following factors:

- the constitutional and statutory authority of the DFW;

- stipulations of the parties;
- a comparison of the hours and conditions of employment with similar employees of similar employers in the state;
- 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.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2019.

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