

FINAL BILL REPORT

2SSB 5021

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Synopsis as Enacted

Brief Description: Granting interest arbitration to certain department of corrections employees.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Van De Wege, Walsh, Keiser, Conway, Hunt, Hobbs, Wellman, Hasegawa and Kuderer).

Senate Committee on Labor & Commerce
Senate Committee on Ways & Means
House Committee on Labor & Workplace Standards
House Committee on Appropriations

Background: The Public Employees' Collective Bargaining Act. Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA). For certain uniformed personnel, PECBA requires binding interest arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation. Under interest arbitration, an impartial third-party makes decisions regarding the unresolved terms of the contract.

Uniformed personnel include, among others:

- firefighters;
- law enforcement officers in cities and counties of a certain size;
- general authority peace officers and firefighters employed by certain port districts;
- certain correctional employees of jails in counties with populations of 70,000 or more;
- security forces at nuclear power plants; and
- Washington State Patrol officers.

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 higher education institutions. PSRA does not provide for binding interest arbitration, but does allow parties to agree on their own procedures for resolving impasses in collective bargaining.

The Department of Corrections. The Department of Corrections (DOC) is responsible for managing state-operated adult prison facilities and supervising adult offenders residing in communities. DOC manages minimum to maximum custody level institutions, partial confinement programs, and community supervision services.

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.

Summary: Employees of DOC, except for confidential employees, nonsupervisory marine department employees, members of the Washington Management Service, and internal auditors, are granted interest arbitration under the PSRA.

Procedures are established for the parties to attend mediation if negotiations reach an impasse, and for selecting an arbitrator if an agreement cannot be reached through mediation. The fees and expenses of the arbitrator, the court reporter, and other costs will be shared equally between the parties; however, each party is responsible for the costs of its attorneys and other costs related to developing and presenting their cases.

The arbitrator may only consider matters regarding wages, hours, and other terms and conditions of employment. In making its determination, the arbitrator must take into account:

- the financial ability of DOC to pay for compensation and benefit provisions of the collective bargaining agreement;
- the constitutional and statutory authority of the employer;
- stipulations of the parties;
- a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like state government employers of similar size in the western United States;
- the ability of DOC to retain employees;
- the overall compensation presently received by DOC employees, including direct wage compensation, vacations, holidays, and other paid excused time, pensions, insurance benefits, and all other direct or indirect monetary benefits received;
- changes in any of the factors listed; and
- other factors that are normally or traditionally taken into consideration in the determination of matters regarding wages, hours, and other terms and conditions of employment.

Interest arbitration awards must be submitted to the Governor and certified by the director of the Office of Financial Management as financially feasible. A decision by the arbitration panel is binding on both parties. However, interest arbitration decisions are not binding on the Legislature. If the Legislature does not approve the funds necessary to implement the interest arbitration award, the award is not binding on the state or DOC.

Votes on Final Passage:

Senate	47	0	
House	83	9	(House amended)
Senate	48	1	(Senate concurred)

Effective: July 28, 2019