

SENATE BILL REPORT

SB 5481

As Reported by Senate Committee On:
Labor & Commerce, January 16, 2020
Ways & Means, February 11, 2020

Title: An act relating to 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.

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. [**Revised for 2nd Substitute:** Providing department of fish and wildlife officers interest arbitration under certain circumstances.]

Sponsors: Senators Warnick, Sheldon, Short, Van De Wege, Honeyford, Wagoner, Fortunato and Holy.

Brief History:

Committee Activity: Labor & Commerce: 1/14/20, 1/16/20 [DPS-WM, w/oRec].
Ways & Means: 1/27/20, 2/11/20 [DP2S, w/oRec].

Brief Summary of Second Substitute Bill

- Grants interest arbitration to Department of Fish and Wildlife officers who rank below lieutenant.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña, Schoesler, Stanford, Walsh and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator Braun.

Staff: Jarrett Sacks (786-7448)

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.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5481 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig, Carlyle, Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Liias, Muzzall, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, Ranking Member; Becker.

Staff: Amanda Cecil (786-7460)

Background: 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. Prior to 2019, the PSRA did not allow for interest arbitration. During the 2019 session, the Legislature authorized interest arbitration under the PSRA for both uniformed personnel and certain Department of Corrections employees. Currently, only police officers employed as members of a police force established by state universities, regional universities, or The Evergreen State College are considered uniformed personnel under the PSRA.

The provisions in the PSRA for interest arbitration for uniformed personnel are similar to the interest arbitration provisions for uniformed personnel under the Public Employees' Collective Bargaining Act, including:

- required mediation before being certified to go to arbitration;
- procedures and timeframes for appointing an arbitration panel;
- procedures for an arbitration hearing; and
- factors to be considered by the arbitration panel, including a comparison of similar personnel of similar employers on the west coast.

Separate provisions exist in the PSRA for interest arbitration for Department of Corrections employees.

Summary of Bill (Second Substitute): Department of Fish and Wildlife officers (DFW officers) who rank below lieutenant are included in the definition of uniformed personnel under the PSRA, entitling them to interest arbitration. Uniformed personnel that are DFW officers may not be excluded from coalition bargaining for a master agreement of all exclusive bargaining representatives of fewer than 500 employees. However, the exclusive bargaining representative of uniformed personnel who are DFW officers may choose to enter into separate bargaining, either alone or in conjunction with other exclusive bargaining representatives that represent DFW officers, with the employer regarding agency-specific issues and be subject to the interest arbitration provisions for uniformed personnel under the PSRA.

An exception is added for DFW officers regarding the method an interest arbitration panel must use to compare hours and conditions of employment to similar personnel. Rather than comparing hours and conditions of employment with similar personnel of similar employers on the west coast, the interest arbitration panel must compare hours and conditions of employment of DFW officers with similar personnel of similar employers, agencies, or departments in Washington State.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Second Substitute): If more than one bargaining unit of DFW officers goes to interest arbitration, the units go to interest arbitration as a single coalition rather than separately. One bargaining unit of DFW officers is allowed to engage in interest arbitration even if the other units of DFW officers do not.

EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute): The definition of uniformed personnel is changed to include DFW officers who rank below lieutenant, rather than DFW officers who rank below captain. Exclusive bargaining representatives that represent DFW officers may choose to enter separate bargaining alone or in conjunction with each other. It is specified that the reference to agency-specific issues in the bill applies only to DFW officers.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Proposed Substitute (Labor & Commerce): *The committee recommended a different version of the bill than what was heard.* PRO: DFW officers should receive the same treatment as other uniformed officers and giving them interest arbitration is a matter of fairness. Many times, DFW officers are the first to arrive and their job is just as dangerous and in remote locations. This bill allows them to compete with other law enforcement agencies and will help with recruitment. The bill levels the playing field because DFW officers are the only state general law enforcement officers without interest arbitration.

Persons Testifying (Labor & Commerce): PRO: Senator Judy Warnick, Prime Sponsor; Erik Olson, Department of Fish and Wildlife Teamsters 760; Steve Bear, Chief of Department of Fish and Wildlife; Dave Jones, citizen.

Persons Signed In To Testify But Not Testifying (Labor & Commerce): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: These officers perform the same duties and face the same dangers as other officers and should have the same options. This provides these officers with more independence. The current system is not adequate and this creates a level playing field.

Persons Testifying (Ways & Means): PRO: Senator Judy Warnick, Prime Sponsor; Erik Olson, Department of Fish and Wildlife Teamsters 760; Dave Jones, Fish and Wildlife Officers Guild; Steve Bear, Chief, Department of Fish and Wildlife; Paul Golden, Deputy Chief, Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.