

# SENATE BILL REPORT

## E2SSB 5481

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As Passed Senate, February 17, 2020

**Title:** An act relating to providing department of fish and wildlife officers interest arbitration under certain circumstances.

**Brief Description:** Providing department of fish and wildlife officers interest arbitration under certain circumstances.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by 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].

**Floor Activity:**

Passed Senate: 2/17/20, 48-0.

**Brief Summary of Engrossed Second Substitute Bill**

- Moves Fish and Wildlife Officers who rank below lieutenant from collectively bargaining under the Personnel System Reform Act to the Public Employees' Collective Bargaining Act and provides them interest arbitration as an impasse procedure.

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### 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)

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### SENATE COMMITTEE ON WAYS & MEANS

*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.*

**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, Lias, 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:** 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. 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.

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. PECBA also applies to the state with respect to the officers of the Washington State Patrol (WSP). PECBA 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 certain cities and counties, and WSP officers.

**Summary of Engrossed Second Substitute Bill:** Fish and Wildlife Officers who rank below lieutenant are added to the Public Employees' Collective Bargaining Act and granted interest arbitration as an impasse procedure. If more than one exclusive bargaining unit represents fish and wildlife officers, they may choose to enter into separate bargaining or conduct bargaining as a coalition. If more than one bargaining unit enters into interest

arbitration, they must do so as a coalition. Procedures are established for the timing of interest arbitration and the selection of arbitrators.

**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.