

HB 1785 - S COMM AMD

By Committee on Transportation

ADOPTED 03/01/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 43.43.380 and 2018 c 140 s 1 are each amended to
4 read as follows:

5 (1) (a) The minimum monthly salary paid to state patrol troopers
6 and sergeants must be competitive with law enforcement agencies
7 within the boundaries of the state of Washington, guided by the
8 results of a survey undertaken in the collective bargaining process
9 during each biennium. ~~((The salary levels must be guided by the
10 average of compensation paid to the corresponding rank from the
11 Seattle police department, King county sheriff's office, Tacoma
12 police department, Snohomish county sheriff's office, Spokane police
13 department, and Vancouver police department.))~~ Compensation must be
14 calculated using base salary, premium pay (a pay received by more
15 than a majority of employees), education pay, and longevity pay. The
16 compensation comparison data is based on the Washington state patrol
17 and the law enforcement agencies listed in this section. Increases
18 ~~((in))~~ for sergeants will be extended to the salary levels for
19 captains and lieutenants ~~((that are collectively bargained must be
20 proportionate to the))~~ through the collective bargaining process to
21 ensure proportionality of increases ~~((in salaries for troopers and
22 sergeants as a result of the survey described in this section)).~~

23 (b) (i) Until July 1, 2028, the comparisons for determining
24 competitiveness with other law enforcement agency salary levels must
25 be guided by the average of compensation paid to the corresponding
26 rank from the Seattle police department, King county sheriff's
27 office, Tacoma police department, Snohomish county sheriff's office,
28 Spokane police department, and Vancouver police department.

29 (ii) Beginning July 1, 2028, the comparisons for determining
30 competitiveness with other law enforcement agency salary levels must
31 be guided by the average of compensation paid to the corresponding

1 rank from the Seattle police department, King county sheriff's
2 office, Tacoma police department, Snohomish county sheriff's office,
3 Spokane police department, and Vancouver police department, unless
4 the office of financial management determines that one or more
5 agencies should be replaced in this comparison with another law
6 enforcement agency pursuant to the periodic evaluation process
7 specified in (b)(iii) of this subsection.

8 (iii) By January 1, 2028, and each decade thereafter, the office
9 of financial management must conduct an evaluation of the six
10 agencies that are relevant for comparison to ensure state patrol
11 troopers and sergeant salary levels are competitive with other law
12 enforcement agencies within the boundaries of the state of
13 Washington. If the office of financial management determines that one
14 or more agencies specified in (b)(ii) of this subsection should be
15 replaced in this comparison with a different law enforcement agency
16 that is more relevant to ensure salary competitiveness, the office of
17 financial management may utilize that revised compensation comparison
18 data in the survey undertaken in the collective bargaining process
19 during each biennium.

20 (2) By December 1, 2024, as part of the salary survey required in
21 this section, the office of financial management must report to the
22 governor and transportation committees of the legislature on the
23 efficacy of Washington state patrol recruitment and retention
24 efforts. Using the results of the 2016 salary survey as the baseline
25 data, the report must include an analysis of voluntary resignations
26 of state patrol troopers and sergeants and a comparison of state
27 patrol academy class sizes and trooper graduations.

28 (~~((3) This section expires June 30, 2025.))~~)

29 **Sec. 2.** RCW 41.56.475 and 2008 c 149 s 1 are each amended to
30 read as follows:

31 In addition to the classes of employees listed in RCW
32 41.56.030(~~((7))~~) (14), the provisions of RCW 41.56.430 through
33 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to
34 Washington state patrol officers appointed under RCW 43.43.020 as
35 provided in this section, subject to the following:

36 (1) Within (~~(ten)~~) 10 working days after the first Monday in
37 September of every odd-numbered year, the state's bargaining
38 representative and the bargaining representative for the appropriate
39 bargaining unit shall attempt to agree on an interest arbitration

1 panel consisting of three members to be used if the parties are not
2 successful in negotiating a comprehensive collective bargaining
3 agreement. Each party shall name one person to serve as its
4 arbitrator on the arbitration panel. The two members so appointed
5 shall meet within seven days following the appointment of the later
6 appointed member to attempt to choose a third member to act as the
7 neutral chair of the arbitration panel. Upon the failure of the
8 arbitrators to select a neutral chair within seven days, the two
9 appointed members shall use one of the two following options in the
10 appointment of the third member, who shall act as chair of the panel:
11 (a) By mutual consent, the two appointed members may jointly request
12 the commission to, and the commission shall, appoint a third member
13 within two days of such a request. Costs of each party's appointee
14 shall be borne by each party respectively; other costs of the
15 arbitration proceedings shall be borne by the commission; or (b)
16 either party may apply to the commission, the federal mediation and
17 conciliation service, or the American arbitration association to
18 provide a list of five qualified arbitrators from which the neutral
19 chair shall be chosen. Each party shall pay the fees and expenses of
20 its arbitrator, and the fees and expenses of the neutral chair shall
21 be shared equally between the parties. Immediately upon selecting an
22 interest arbitration panel, the parties shall cooperate to reserve
23 dates with the arbitration panel for potential arbitration between
24 August 1st and September 15th of the following even-numbered year.
25 The parties shall also prepare a schedule of at least five
26 negotiation dates for the following year, absent an agreement to the
27 contrary. The parties shall execute a written agreement before
28 November 1st of each odd-numbered year setting forth the names of the
29 members of the arbitration panel and the dates reserved for
30 bargaining and arbitration. This subsection imposes minimum
31 obligations only and is not intended to define or limit a party's
32 full, good faith bargaining obligation under other sections of this
33 chapter.

34 (2) The mediator or arbitration panel may consider only matters
35 that are subject to bargaining under RCW 41.56.473.

36 (3) The decision of an arbitration panel is not binding on the
37 legislature and, if the legislature does not approve the funds
38 necessary to implement provisions pertaining to wages and wage-
39 related matters of an arbitrated collective bargaining agreement, is
40 not binding on the state or the Washington state patrol.

1 (4) In making its determination, the arbitration panel shall be
2 mindful of the legislative purpose enumerated in RCW 41.56.430 and,
3 as additional standards or guidelines to aid it in reaching a
4 decision, shall take into consideration the following factors:

5 (a) The constitutional and statutory authority of the employer;

6 (b) Stipulations of the parties;

7 (c) Comparison of the hours and conditions of employment of
8 personnel involved in the proceedings with the hours and conditions
9 of employment of (~~(like personnel of)~~) like employers of similar size
10 (~~(on the west coast of the United States)~~) identified in RCW
11 43.43.380;

12 (d) Changes in any of the foregoing circumstances during the
13 pendency of the proceedings; and

14 (e) Such other factors, not confined to the foregoing, which are
15 normally or traditionally taken into consideration in the
16 determination of matters that are subject to bargaining under RCW
17 41.56.473."

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18 On page 1, line 2 of the title, after "sergeants;" strike the
19 remainder of the title and insert "and amending RCW 43.43.380 and
20 41.56.475."

EFFECT: (1) Creates a periodic review of the six local law enforcement agencies to be used in determining whether State Patrol trooper and sergeant salary level are competitive.

(2) Beginning January 1, 2028, and each decade thereafter, allows the Office of Financial Management to replace one or more local law enforcement agencies in the comparison based on a determination that it is more relevant to ensure salary competitiveness.

(3) Aligns the State Patrol mediation and arbitration statute to the six local law enforcement agency comparison rather than similar law enforcement agencies on the west coast of the United States.

(4) Clarifies that the proportionate salary increases for captains and lieutenants will be guided by the increases provided to sergeants as part of the collective bargaining process.

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