
SUBSTITUTE HOUSE BILL 1398

State of Washington

69th Legislature

2025 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Scott, Berry, Peterson, Reed, Reeves, Parshley, Doglio, Tharinger, Fosse, Ryu, Street, and Hill)

READ FIRST TIME 02/11/25.

1 AN ACT Relating to factors which are considered in interest
2 arbitration for adult family home providers; and amending RCW
3 41.56.465.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 41.56.465 and 2007 c 278 s 1 are each amended to
6 read as follows:

7 (1) In making its determination, the panel shall be mindful of
8 the legislative purpose enumerated in RCW 41.56.430 and, as
9 additional standards or guidelines to aid it in reaching a decision,
10 the panel shall consider:

11 (a) The constitutional and statutory authority of the employer;
12 (b) Stipulations of the parties;
13 (c) The average consumer prices for goods and services, commonly
14 known as the cost of living;

15 (d) Changes in any of the circumstances under (a) through (c) of
16 this subsection during the pendency of the proceedings; and

17 (e) Such other factors, not confined to the factors under (a)
18 through (d) of this subsection, that are normally or traditionally
19 taken into consideration in the determination of wages, hours, and
20 conditions of employment. For those employees listed in RCW
21 41.56.030(~~(+7)~~) (14)(a) who are employed by the governing body of a

1 city or town with a population of less than fifteen thousand, or a
2 county with a population of less than seventy thousand, consideration
3 must also be given to regional differences in the cost of living.

4 (2) For employees listed in RCW 41.56.030(~~(+7)~~) (14) (a) through
5 (d), the panel shall also consider a comparison of the wages, hours,
6 and conditions of employment of personnel involved in the proceedings
7 with the wages, hours, and conditions of employment of like personnel
8 of like employers of similar size on the west coast of the United
9 States.

10 (3) For employees listed in RCW 41.56.030(~~(+7)~~) (14) (e) through
11 (h), the panel shall also consider a comparison of the wages, hours,
12 and conditions of employment of personnel involved in the proceedings
13 with the wages, hours, and conditions of employment of like personnel
14 of public fire departments of similar size on the west coast of the
15 United States. However, when an adequate number of comparable
16 employers exists within the state of Washington, other west coast
17 employers may not be considered.

18 (4) For employees listed in RCW 41.56.028:

19 (a) The panel shall also consider:

20 (i) A comparison of child care provider subsidy rates and
21 reimbursement programs by public entities, including counties and
22 municipalities, along the west coast of the United States; and

23 (ii) The financial ability of the state to pay for the
24 compensation and benefit provisions of a collective bargaining
25 agreement; and

26 (b) The panel may consider:

27 (i) The public's interest in reducing turnover and increasing
28 retention of child care providers;

29 (ii) The state's interest in promoting, through education and
30 training, a stable child care workforce to provide quality and
31 reliable child care from all providers throughout the state; and

32 (iii) In addition, for employees exempt from licensing under
33 chapter 74.15 RCW, the state's fiscal interest in reducing reliance
34 upon public benefit programs including but not limited to medical
35 coupons, food stamps, subsidized housing, and emergency medical
36 services.

37 (5) For employees listed in RCW 74.39A.270:

38 (a) The panel shall consider:

39 (i) A comparison of wages, hours, and conditions of employment of
40 publicly reimbursed personnel providing similar services to similar

1 clients, including clients who are elderly, frail, or have
2 developmental disabilities, both in the state and across the United
3 States; and

4 (ii) The financial ability of the state to pay for the
5 compensation and fringe benefit provisions of a collective bargaining
6 agreement; and

7 (b) The panel may consider:

8 (i) A comparison of wages, hours, and conditions of employment of
9 publicly employed personnel providing similar services to similar
10 clients, including clients who are elderly, frail, or have
11 developmental disabilities, both in the state and across the United
12 States;

13 (ii) The state's interest in promoting a stable long-term care
14 workforce to provide quality and reliable care to vulnerable elderly
15 and disabled recipients;

16 (iii) The state's interest in ensuring access to affordable,
17 quality health care for all state citizens; and

18 (iv) The state's fiscal interest in reducing reliance upon public
19 benefit programs including but not limited to medical coupons, food
20 stamps, subsidized housing, and emergency medical services.

21 (6) For employees listed in RCW 41.56.029:

22 (a) The panel shall consider:

23 (i) A comparison of wages, hours, and conditions of employment of
24 publicly reimbursed personnel providing similar services to similar
25 clients, including clients who are elderly, frail, or have
26 developmental disabilities, both in the state and across the United
27 States;

28 (ii) A comparison of wages, hours, and conditions of employment
29 of direct care providers working for adult family home providers,
30 with workers providing similar services to similar clients, including
31 clients who are elderly, frail, or have developmental disabilities,
32 both in the state and across the United States; and

33 (iii) A comparison of the wages of adult family home providers
34 with the wages of direct care providers who work for adult family
35 home providers; and

36 (b) The panel may consider:

37 (i) A comparison of wages, hours, and conditions of employment of
38 publicly employed personnel providing similar services to similar
39 clients, including clients who are elderly, frail, or have

1 developmental disabilities, both in the state and across the United
2 States;

3 (ii) The state's interest in promoting a stable long-term care
4 workforce to provide quality and reliable care to vulnerable elderly
5 and disabled recipients;

6 (iii) The state's interest in ensuring access to affordable,
7 quality health care for all state citizens; and

8 (iv) The state's fiscal interest in reducing reliance upon public
9 benefit programs including but not limited to medical coupons, food
10 stamps, subsidized housing, and emergency medical services.

11 (7) Subsections (2) and (3) of this section may not be construed
12 to authorize the panel to require the employer to pay, directly or
13 indirectly, the increased employee contributions resulting from
14 chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required
15 under chapter 41.26 RCW.

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