
SENATE BILL 5473

State of Washington

69th Legislature

2025 Regular Session

By Senators Conway, Chapman, and Holy

Read first time 01/24/25. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to law enforcement personnel grievance
2 arbitration procedures; and amending RCW 41.58.070.

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

4 **Sec. 1.** RCW 41.58.070 and 2021 c 13 s 1 are each amended to read
5 as follows:

6 (1) For the purposes of this section, the definitions in this
7 subsection have the meanings given them.

8 (a) "Employer" means a political subdivision or law enforcement
9 agency employing law enforcement personnel.

10 (b) (i) "Law enforcement personnel" means:

11 (A) Any individual employed, hired, or otherwise commissioned to
12 enforce criminal laws by any municipal, county, or state agency or
13 department, or combination thereof, that has, as its primary
14 function, the enforcement of criminal laws in general, rather than
15 the implementation or enforcement of laws related to specialized
16 subject matter areas. For the purposes of this subsection (1)(b),
17 officers employed, hired, or otherwise commissioned by the department
18 of fish and wildlife are considered law enforcement personnel.

19 (B) Corrections officers and community corrections officers
20 employed by the department of corrections.

1 (ii) "Law enforcement personnel" does not include any individual
2 hired as an attorney to prosecute or litigate state or local criminal
3 laws or ordinances, nor any civilian individuals hired to do
4 administrative work.

5 (iii) For the purposes of this subsection (1)(b), "primary
6 function" means that function to which the greater allocation of
7 resources is made.

8 (c) "Disciplinary grievance" means a dispute or disagreement
9 regarding any disciplinary action, discharge, or termination decision
10 arising under a collective bargaining agreement covering law
11 enforcement personnel.

12 (d) "Grievance arbitration" means binding arbitration of a
13 disciplinary grievance under the grievance procedures established in
14 a collective bargaining agreement covering law enforcement personnel
15 that is requested in accordance with the procedures established in
16 the collective bargaining agreement.

17 (2)(a) The arbitrator selection procedure established under this
18 section applies to all grievance arbitrations for disciplinary
19 actions, discharges, or terminations of law enforcement personnel
20 which are heard on or after January 1, 2022.

21 (b)(i) The grievance procedures for all collective bargaining
22 agreements covering law enforcement personnel negotiated or renewed
23 on or after January 1, 2022, must include the arbitrator selection
24 procedure established in this section if the collective bargaining
25 agreement provides for arbitration as a means of resolving grievances
26 for disciplinary actions, discharges, or terminations.

27 (ii) The provisions of grievance procedures governing the appeal
28 of disciplinary grievances in collective bargaining agreements
29 covering law enforcement personnel negotiated or renewed prior to
30 January 1, 2022, that provide for arbitration but do not contain the
31 arbitrator selection procedures established in this section expire
32 upon the expiration date of the collective bargaining agreement and
33 may not be extended or rolled over beyond the expiration date of the
34 collective bargaining agreement.

35 (c) This section does not require any party to a collective
36 bargaining agreement in existence on July 25, 2021, to reopen
37 negotiations of the agreement or to apply any of the rights and
38 responsibilities under chapter 13, Laws of 2021 unless and until the
39 existing agreement is reopened or renegotiated by the parties or
40 expires.

1 (3) All fees charged by arbitrators under this section must be in
2 accordance with a schedule of fees established by the commission on
3 an annual basis. The parties are responsible for paying the
4 arbitrator's fees as set forth in the parties' negotiated fee-sharing
5 provisions of their collective bargaining agreement or, in the
6 absence of contractual fee-sharing provisions, shall be borne equally
7 by the parties.

8 (4) The commission must appoint a roster of a minimum of nine
9 persons and a maximum of 18 persons suited and qualified by training
10 and experience to act as arbitrators for law enforcement personnel
11 grievance arbitrations under this section.

12 (a) The commission may only consider appointing persons who
13 possess:

14 (i) A minimum of six years' experience as a full-time labor
15 relations advocate and who has been the principal representative of
16 either labor or management in at least 10 arbitration proceedings;

17 (ii) A minimum of six years' experience as a full-time labor
18 mediator with substantial mediation experience;

19 (iii) A minimum of six years' experience as an arbitrator and who
20 has decided at least 10 cases involving collective bargaining
21 disputes; or

22 (iv) A minimum of six years' experience as a practitioner or
23 full-time instructor of labor law or industrial relations, including
24 substantial content in the area of collective bargaining, labor
25 agreements, and contract administration.

26 (b) In making these appointments, and as applicable, the
27 commission must consider these factors:

28 (i) A candidate's familiarity, experience, and technical and
29 theoretical understanding of and experience with labor law, the
30 grievance process, and the field of labor arbitration;

31 (ii) A candidate's ability and willingness to travel through the
32 state, conduct hearings in a fair and impartial manner, analyze and
33 evaluate testimony and exhibits, write clear and concise awards in a
34 timely manner, and be available for hearings within a reasonable time
35 after the request of the parties;

36 (iii) A candidate's experience and training in cultural
37 competency, racism, implicit bias, and recognizing and valuing
38 community diversity and cultural differences; and

39 (iv) A candidate's familiarity and experience with the law
40 enforcement profession, including ride-alongs with on-duty officers,

1 participation in a citizen's academy conducted by a law enforcement
2 agency, or other activities that provide exposure to the
3 environments, choices, and judgments required by officers in the
4 field.

5 (5) The appointments are effective immediately upon selection by
6 the commission. Except for appointments subject to subsection (6) of
7 this section, appointments are for three years to expire on the first
8 Monday in January.

9 (6) The commission must make at least three of the initial
10 appointments to the roster of arbitrators for terms to expire on the
11 first Monday in January 2024, at least three of the appointments for
12 terms to expire on the first Monday in January 2025, and at least
13 three of the appointments for terms to expire on the first Monday in
14 January 2026. The initial terms of arbitrators appointed under this
15 subsection may be for longer than three years.

16 (7) Subsequent appointments to the roster of arbitrators must be
17 for three-year terms to expire on the first Monday in January (~~(, with~~
18 ~~the terms of no more than three arbitrators to expire in the same~~
19 ~~year)).~~

20 (8) Nothing in this section prevents roster arbitrators from
21 issuing decisions, or retaining jurisdiction to address issues
22 relating to remedy, after the expiration of their term, if the
23 arbitration hearing occurred during the term of their appointment.

24 (9) An arbitrator may be reappointed to the roster upon
25 expiration of the arbitrator's term. If the arbitrator is not
26 reappointed, the arbitrator may continue to serve until a successor
27 is appointed, but in no case later than July 1st of the year in which
28 the arbitrator's term expires.

29 (10) The commission may remove an arbitrator from the roster
30 through a majority vote. A vacancy on the roster caused by a removal,
31 a resignation, or another reason must be filled by the commission as
32 necessary to fill the remainder of the arbitrator's term. A vacancy
33 on the roster occurring with less than six months remaining in the
34 arbitrator's term must be filled for the existing term and the
35 following three-year term.

36 (11) A person appointed to the arbitrator roster under this
37 section must complete training as developed, implemented, and
38 required by the executive director. The commission may adopt rules
39 establishing training requirements consistent with this section. The
40 commission may also establish fees in order to cover the costs of

1 developing and providing the training. At a minimum, an initial
2 training must include:

3 (a) At least six hours on the topics of cultural competency,
4 racism, implicit bias, and recognizing and valuing community
5 diversity and cultural differences; and

6 (b) At least six hours on topics related to the daily experience
7 of law enforcement personnel, which may include ride-alongs with on-
8 duty officers, participation in a citizen's academy conducted by a
9 law enforcement agency, shoot/don't shoot training provided by a law
10 enforcement agency, or other activities that provide exposure to the
11 environments, choices, and judgments required of officers in the
12 field. For the purposes of this subsection (11)(b), "shoot/don't
13 shoot training" means an interactive firearms training that simulates
14 real-world scenarios to train law enforcement personnel on the use of
15 force.

16 (12) An arbitrator appointed to the roster of arbitrators must
17 complete the required initial training within six months of the
18 arbitrator's appointment.

19 (13)(a) The executive director must assign an arbitrator or panel
20 of arbitrators from the roster to each law enforcement personnel
21 grievance arbitration under this section on rotation through the
22 roster alphabetically ordered by last name.

23 (i) If the arbitrator is unable to hear the case within three
24 months from the request for an arbitrator, the executive director
25 must appoint the next arbitrator from the roster alphabetically.

26 (ii) If an arbitrator has a conflict of interest that may
27 reasonably be expected to materially impact the arbitrator's
28 impartiality, the arbitrator must disclose such conflict to the
29 executive director. The executive director may determine whether the
30 conflict merits assigning the next arbitrator on the roster. Either
31 party may petition the executive director to have an assigned
32 arbitrator removed due to a conflict of interest that may reasonably
33 be expected to materially impact the arbitrator's impartiality. If
34 their petition is granted by the executive director, the executive
35 director must assign the next arbitrator or panel of arbitrators on
36 the roster.

37 (b) The arbitrator or panel of arbitrators shall decide the
38 disciplinary grievance, and the decision is binding subject to the
39 provisions of chapter 7.04A RCW.

1 (c) The parties may not participate in, negotiate for, or agree
2 to the selection of an arbitrator or arbitration panel under this
3 section. Employers and law enforcement personnel, through their
4 certified exclusive bargaining representatives, do not have the right
5 to negotiate for or agree to a collective bargaining agreement or a
6 grievance arbitration selection procedure that is inconsistent with
7 this section, if the collective bargaining agreement provides for
8 arbitration as a means of resolving grievances for disciplinary
9 actions, discharges, or terminations.

10 (14) The commission must post law enforcement grievance
11 arbitration decisions made under this section on its website within
12 30 days of the date the grievance arbitration decision is made, with
13 names of grievants and witnesses redacted.

14 (15) The arbitrator selection procedure for law enforcement
15 grievance arbitrations established under this section supersedes any
16 inconsistent provisions in any other chapter governing employee
17 relations and collective bargaining for law enforcement personnel.

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