

# HOUSE BILL REPORT

## HB 1736

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**As Reported by House Committee On:**  
Labor & Workforce Development

**Title:** An act relating to granting binding interest arbitration rights to certain uniformed personnel.

**Brief Description:** Granting binding interest arbitration rights to certain uniformed personnel.

**Sponsors:** Representatives Ormsby, Hope, Van De Wege, Green, Reykdal, Fitzgibbon, Moscoso, Seaquist and Kenney.

**Brief History:**

**Committee Activity:**

Labor & Workforce Development: 2/8/11, 2/15/11 [DPS].

**Brief Summary of Substitute Bill**

- Provides binding interest arbitration for uniformed personnel under the Personnel System Reform Act.
- Defines uniformed personnel as duly sworn police officers employed as members of a police force established by state universities, regional universities, or The Evergreen State College.

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### HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Sells, Chair; Reykdal, Vice Chair; Condotta, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Fagan, Green, Kenney, Miloscia, Moeller, Ormsby, Roberts, Taylor and Warnick.

**Staff:** Jill Reinmuth (786-7134).

**Background:**

The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages, hours, and working conditions with employees of cities, counties, and

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other political subdivisions. The PECBA also applies to the state with respect to the officers of the Washington State Patrol.

The PECBA recognizes the public policy against strikes by uniformed personnel as a means of settling labor disputes. To resolve impasses over contract negotiations involving uniformed personnel and state patrol officers, the PECBA requires binding interest arbitration. Uniformed personnel include certain law enforcement officers and fire fighters.

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 institutions of higher education. The PSRA does not provide for binding interest arbitration.

The boards of the University of Washington, Washington State University, the regional universities, and The Evergreen State College are authorized to establish police forces for the various institutions.

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### **Summary of Substitute Bill:**

The Personnel Systems Reform Act (PSRA) recognizes the public policy against strikes by uniformed personnel required as a means of settling labor disputes. To resolve impasses over contract negotiations involving uniformed personnel, the PSRA requires binding interest arbitration. Uniformed personnel are duly sworn police officers employed as members of a police force established by state universities, regional universities, or The Evergreen State College.

Most interest arbitration provisions added to the PSRA are similar to provisions in the Public Employees' Collective Bargaining Act (PECBA). These provisions specify that the right of uniformed personnel to strike is not granted, and also address:

- mediation when an agreement is not reached following negotiations;
- arbitration when an agreement is not reached following negotiations and mediation;
- powers and duties of an arbitration panel;
- procedures for an arbitration hearing; and
- factors to be considered by the arbitration panel.

Several provisions added to the PSRA are comparable to provisions applicable to the Washington State Patrol in the PECBA. These provisions:

- establish procedures for appointing an arbitration panel to be used if the parties are not successful in negotiating a collective bargaining agreement
- require the Governor to submit a legislative request for funds necessary to implement the compensation and fringe benefit provisions in an agreement, or for legislation necessary to implement an agreement, if the request is submitted to the Director of the Office of Financial Management by October 1, and reflects an arbitration panel's decision

- specify that, if an impasse in negotiations results in an arbitration award, that decision is not binding on the Legislature; and
- further specify that, if the Legislature does not approve the funds necessary to implement the compensation and fringe benefit provisions of an arbitrated agreement, the arbitration decision is not binding on the state.

The Public Employment Relations Commission is required to review whether existing bargaining units that include "uniformed personnel" are appropriate, and is authorized to modify a unit that is not appropriate. Exclusive bargaining representatives of uniformed personnel are "grandfathered" and continue to represent those units without the necessity of an election as of the bill's effective date. There may be proceedings concerning representation after the bill's effective date.

### **Substitute Bill Compared to Original Bill:**

"Uniformed personnel" are defined as duly sworn police officers employed as members of police force established by state universities, regional universities, or The Evergreen State College (rather than campus police officers at institutions of higher education). The Public Employment Relations Commission is required to review the appropriateness of existing bargaining units, and authorized to modify any that are not appropriate.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) Campus police officers are fully-commissioned law enforcement officers. They are required to go through the same requirements that other police officers are required to go through. They deal with the same types of crimes that other officers do in cities around the state. They work in what are essentially small cities, and in some instances, large ones. They face the perils of being first responders, and therefore, are different than other employees. They are not security officers.

Campus police officers are asking for parity, and want to be represented with the rest of their colleagues that put on a badge and uniform. They do not have the right to strike, and do not want it. Since they cannot withhold their labor, binding arbitration is the way to bring some balance to their negotiations. It will bring a sense of reasonableness to negotiations, and encourage negotiations to proceed faster. It will help get away from that "us and them" mentality.

Recruitment and retention has been a serious issue because of the credibility of campus law enforcement. My department of 15 commissioned officers serves about 15,000 students. In

12 years, it is now on its thirtieth officer. With interest arbitration, there will be the ability to provide newer officers with the same rights that all other law enforcement officers have.

(With concerns) This bill represents a significant and material change in how wages are negotiated. Collective bargaining is functioning fine. The need for this change is unclear. The right to strike is already prohibited.

The police departments serve an important safety function, but there are parameters to their scope of work that are different than for other law enforcement officers. Campus police officers would be treated differently than other higher education employees. It would set a precedent for other classified employees to argue their issues are on par with campus police officers.

Binding arbitration can yield results that are out of alignment with or exceed an institution's ability to pay. This bill does not require consideration of the institution's ability to pay.

(Opposed) None.

**Persons Testifying:** (In support) Quincy Burns, Ray Wittmeir, and Joseph Bailey, Washington Federation of State Employees.

(With concerns) Margaret Shepherd, Council of Presidents.

**Persons Signed In To Testify But Not Testifying:** None.