

HOUSE BILL REPORT

HB 1540

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 Seaquist, Sells, Hope, Reykdal, Stanford, Hayes, Appleton, Green, Moscoso, Bergquist, Fey, Pollet and Santos.

Brief History:

Committee Activity:

Labor & Workforce Development: 2/12/13, 2/14/13 [DP].

Brief Summary of Bill

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

HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Majority Report: Do pass. Signed by 7 members: Representatives Sells, Chair; Reykdal, Vice Chair; Green, Holy, Moeller, Ormsby and Short.

Minority Report: Do not pass. Signed by 2 members: Representatives Manweller, Ranking Minority Member; Condotta, Assistant Ranking Minority Member.

Staff: Alexa Silver (786-7190).

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 firefighters.

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 their institutions.

Summary of Bill:

The Personnel Systems Reform Act (PSRA) 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, 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, which arbitrates if the parties are not successful in negotiating a collective bargaining agreement;
- require the Governor to submit either a request for funds to implement the compensation and fringe benefit provisions in an agreement, or a request 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.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Every major state institution has fully commissioned campus police responsible for standard law enforcement actions, just like city police departments, sheriffs' departments, and the state patrol. Campus police deal with the same risks as other police officers. There is increasing concern about security on campuses.

Campus police are the last law enforcement group not to have binding interest arbitration. Like other police, firefighters, county corrections, and state patrol, campus police have chosen a life of service and sacrifice to keep the public safe. They have given up the fundamental right to strike because of their dedication to public safety. A balance is achieved through interest arbitration, which is a fair and timely process to address issues that otherwise might result in a labor dispute. Binding interest arbitration is necessary to move public safety, which is easily lost at the bargaining table, to the top of the list. Interest arbitration drives good faith negotiations. Campus police need to be able to negotiate for the tools, training, and equipment to do their job and keep students safe. This bill gives the respect, dignity, and negotiating power to campus police that is long overdue.

(Opposed) None.

Persons Testifying: Representative Seaquist, prime sponsor; Mark Hackett, University of Washington Police Department and Teamsters Local 117; Richard Groff, Teamsters Local 117; Lana Brewster, The Evergreen State College Police Department and Washington Federation of State Employees; Quincy Burns, Eastern Washington University Police Department and Washington Federation of State Employees; and Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.