

HOUSE BILL REPORT

ESHB 1730

As Passed Legislature

Title: An act relating to interest arbitration for law enforcement officers employed by cities, towns, or counties.

Brief Description: Revising provisions regarding interest arbitration for law enforcement officers employed by cities, towns, or counties.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representative Benton).

Brief History:

Committee Activity:

Commerce & Labor: 2/27/95, 3/1/95 [DPS].

Floor Activity:

Passed House: 3/14/95, 88-10.

Senate Amended.

House Concurred.

Passed Legislature.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Horn.

Minority Report: Do not pass. Signed by 1 member: Representative Goldsmith.

Staff: Chris Cordes (786-7117).

Background: Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA). For uniformed personnel, the act recognizes the public policy against strikes as a means of settling labor disputes. To resolve disputes involving these uniformed personnel, the PECBA requires binding arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

Until July 1, 1995, the definition of "uniformed personnel" includes, among other groups of employees, law enforcement officers in the larger cities and counties (cities with a population of 15,000 or more, and counties with a population of 70,000 or more). Beginning July 1, 1995, the definition will change for law enforcement officers and will include officers in cities with a population of 7,500 or more and in counties with a population of 35,000 or more. Law enforcement officers include county sheriffs and deputy sheriffs, city police officers, or town marshals.

Summary of Bill: For purposes of defining "uniformed personnel" in the Public Employee Collective Bargaining Act, the population threshold for including law enforcement officers is modified beginning July 1, 1997. "Uniformed personnel" will include officers in cities with a population of 2,500 or more and in counties with a population of 10,000 or more.

Technical changes are made to merge multiple amendments to the statute enacted in previous legislative sessions. Amendments to a section repealed on July 1, 1995, are also repealed, with the substance of the amendments reincorporated in a new section.

The Senate Ways & Means Committee and the House Appropriations Committee must compile, by December 15, 1996, a joint report to the Legislature that analyzes and reviews all arbitration awards made involving law enforcement officers since 1973. The report must include, for each arbitration, the procedural history, identity of the parties, evidence and arguments presented, names of arbitration panel members, and findings and final determination of the issues.

Appropriation: None.

Fiscal Note: Requested on February 23, 1995.

Effective Date of Bill: The bill contains an emergency clause and takes effect July 1, 1995.

Testimony For: Interest arbitration is rarely used, but it is a necessary option for collective bargaining impasse where the use of strikes as economic pressure is not in the public interest. Arbitration is a costly process for both sides. There are incentives to try and reach agreement. If the bill is amended to leave the population thresholds at 2,500 for cities and 10,000 for counties, there is no intention to ask for any future changes in those thresholds.

Testimony Against: Interest arbitration is a large burden for small cities. If collective bargaining agreements are determined by outside parties, it is a loss of local control for the jurisdiction. It amounts to an unfunded mandate from the state. Dealing with arbitration requires extra staff and resources that small cities cannot spare. At the very least, the arbitrator should be required to consider the

jurisdiction's ability to pay. There is a great concern about reducing the incentives for the parties to reach their own collective bargaining agreement.

Testified: (In favor) Representative Don Benton, prime sponsor; and Mike Patrick, Thor Gianescini, and Shane Farnworth, Washington State Council of Police Officers. (Opposed) Joanne Schwartz, City of Chehalis; Dawn Collings and John Flinner, City of East Wenatchee; Jim Justin, Association of Washington Cities; and Bill Vogler, Washington Association of Counties.