

SENATE BILL REPORT

ESHB 1730

As Reported By Senate Committee On:
Labor, Commerce & Trade, March 30, 1995
Ways & Means, April 3, 1995

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

Brief History:

Committee Activity: Labor, Commerce & Trade: 3/21/95, 3/30/95 [DPA, DNPA].
Ways & Means: 4/3/95 [DPA, DNPA].

SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

Majority Report: Do pass as amended.

Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin and Hale.

Minority Report: Do not pass as amended.

Signed by Senators Newhouse, Palmer and Wojahn.

Staff: Jonathan Seib (786-7427)

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 Amended 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" includes officers in

cities with a population of 2,500 or more and in counties with a population of 8,000 or more.

The Senate Ways & Means Committee and the House Appropriations Committee are required to compile a report to the Legislature by December 15, 1996, that analyzes and reviews all arbitration awards under Chapter 41.56 RCW since the enactment of binding arbitration for uniformed personnel in 1973. The report must include a procedural history of the arbitration, including the date, identity of the parties, the evidence and arguments presented by the parties, the names of the members of the arbitration panel, and the findings and final determination of the issues in dispute.

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.

Amended Bill Compared to Substitute Bill: In the amended bill, the July 1, 1997 population threshold for counties is lowered from 10,000 to 8,000.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on 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: Mike Patrick, WSCPO (pro); Thor Ganesini, Tumwater Police Guild/WSCPO (pro); Leonard E. Sanderson, City of Milton/Association of Washington Cities (con); Commissioner Pat Hamilton, Pacific County (con); Bill Vogler, WASC (con); K.O. Rosenberg, NE Tri-Counties (con); Jim Cline, Cline & Emmal (pro); Joanne Schwartz, City of Chehalis (con); Jim Justin, AWC (con).

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Rinehart, Chair; Bauer, Drew, Finkbeiner, Gaspard, Johnson, Pelz, Quigley, Roach, Sheldon, Spanel, Sutherland and Winsley.

Minority Report: Do not pass as amended.

Signed by Senator Hochstatter.

Staff: Denise Graham (786-7715)

Ways & Means Amended Bill Compared to Substitute Bill: The amendment requires the Senate Ways & Means Committee and the House Appropriations Committee to compile a report to the Legislature by December 15, 1996, that analyzes and reviews all arbitration awards under Chapter 41.56 RCW since the enactment of binding arbitration for uniformed personnel in 1973. The report must include a procedural history of the arbitration, including the date, identity of the parties, the evidence and arguments presented by the parties, the names of the members of the arbitration panel, and the findings and final determination of the issues in dispute.

Testimony For: People who live in small cities and counties should have the same uninterrupted protection as people who live in larger cities and counties. The cost of binding arbitration is not as expensive as others will testify. Lowering the population threshold for binding arbitration has no Initiative 62 implications.

Testimony Against: Interest arbitration is expensive for small cities and counties. This bill would bring an additional 54 cities into interest arbitration, some with as few as five officers. Some of these jurisdictions cannot afford it interest arbitration, which will put them at a disadvantage in bargaining.

Testified: Mike Patrick, Washington State Council of Police Officers (pro); Mike Ryherd, Teamsters (pro); Bill Vogler, Washington State Association of Counties (con); Jim Justine, Association of Washington Cities (con).