
**Labor & Workplace Standards
Committee**

HB 1042

Brief Description: Granting interest arbitration to department of corrections employees.

Sponsors: Representatives Blake, Griffey, Sells, Eslick, Lovick, Irwin, Appleton, Pellicciotti, Riccelli, Kirby, Kilduff, Caldier, Ryu, Chapman, Tharinger, Stonier, Sullivan, Fitzgibbon, Wylie, Bergquist, Doglio, Pollet, Stanford, Frame and Leavitt.

Brief Summary of Bill

- Establishes interest arbitration provisions in the Personnel System Reform Act for employees of the Department of Corrections.

Hearing Date: 1/17/19

Staff: Trudes Tango (786-7384).

Background:

The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages, hours, and working conditions with employees of cities, counties, and other political subdivisions. The PECBA also applies to the state with respect to the officers of the Washington State Patrol (WSP).

The PECBA recognizes the public policy against strikes by uniformed personnel as a means of settling labor disputes, and explicitly authorizes binding interest arbitration to resolve impasses over contract negotiations between uniformed personnel and their employers. Examples of employees covered by interest arbitration include firefighters in cities and counties, law enforcement officers in larger cities and counties, and the WSP officers.

Under the PECBA's interest arbitration procedures, parties must first attempt to mediate unresolved mandatory subjects of bargaining before utilizing an arbitrator. If mediation is

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unsuccessful, the Director of the Public Employment Relations Commission (PERC) will certify any unresolved issues for the arbitrator to consider. The PECBA establishes procedures and timeframes for arbitration.

In addition, for the WSP, the Governor is required to submit to the Legislature a request for funds to implement the compensation provisions of an agreement. Before the Governor may submit the request, the Director of the Office of Financial Management (OFM) must have certified it to be feasible financially or, in the case of interest arbitration, certified that the request reflects the decision of an arbitration panel.

The Personnel System Reform Act.

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, but requires parties to mediate if they fail to reach an agreement. The PSRA also allows parties to agree on their own procedures for resolving impasses in collective bargaining.

The Department of Corrections.

The Department of Corrections (DOC) is responsible for managing state-operated adult prison facilities and supervising adult offenders residing in communities. The DOC manages minimum to maximum custody level institutions, partial confinement programs, and community supervision services.

The OFM and the exclusive bargaining representative for the DOC employees entered into a memorandum of understanding to use an interest arbitration procedure if the parties are unable to reach agreement.

Summary of Bill:

Provisions are added to the PSRA to grant employees of the DOC interest arbitration. The DOC employees who are confidential employees, members of the Washington Management Service, and internal auditors are exempt.

Procedures are established for parties to agree on an arbitrator to be used if the parties are not successful in negotiating an agreement and to reserve dates for potential hearings. The fees and expenses of the arbitrator, the court reporter, and other costs will be shared equally between the parties; however, each party is responsible for the costs of its attorneys and other costs related to developing and presenting their cases. The arbitrator may consider only matters that are mandatory subjects of bargaining (wages, hours, and other terms and conditions of employment).

In making its determination, the arbitrator must take into consideration the following factors:

1. The financial ability of the DOC to pay for the compensation and benefit provisions of the agreement;
2. The constitutional and statutory authority of the employer;
3. Stipulations of the parties;
4. Comparison of wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like state employers of similar size in the western United States;

5. The ability of the DOC to retain employees;
6. The overall compensation presently received by the DOC employees;
7. Changes in any of the factors listed; and
8. Such other factors that are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining.

The process by which the Governor submits requests for funds to the Legislature applies to the arbitrator's decision. The decision of an arbitrator is not binding on the Legislature, and if the Legislature does not approve the funds necessary to implement the provisions of the arbitration award, the provisions are not binding on the state or the DOC.

Appropriation: None.

Fiscal Note: Requested on January 9, 2019.

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