

# HOUSE BILL REPORT

## HB 1042

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**As Reported by House Committee On:**  
Labor & Workplace Standards  
Appropriations

**Title:** An act relating to granting interest arbitration to department of corrections employees.

**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 History:**

**Committee Activity:**

Labor & Workplace Standards: 1/17/19, 1/28/19 [DPS];

Appropriations: 2/18/19, 2/21/19 [DPS(LAWS)].

**Brief Summary of Substitute Bill**

- Provides interest arbitration for employees of the Department of Corrections.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Gregerson, Hoff and Ormsby.

**Minority Report:** Do not pass. Signed by 1 member: Representative Chandler, Assistant Ranking Minority Member.

**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

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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 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 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. The PSRA also allows parties to agree on their own procedures for resolving impasses in collective bargaining.

#### The Department of Corrections.

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

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

Classified employees of the DOC are granted interest arbitration. The DOC employees who are confidential employees, members of the Washington Management Service, and internal auditors are exempt.

Provisions for interest arbitration that are contained in the PECBA, such as timeframes for selecting an arbitrator and arbitration dates, review by the PERC of appropriate bargaining units, and the policy against strikes, are added to the PSRA for employees of the DOC.

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.

**Substitute Bill Compared to Original Bill:**

The substitute bill adds the interest arbitration procedures from the PECBA to the PSRA for DOC employees, rather than codifying the language from the memorandum of understanding.

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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) Department of Corrections employees have unique and highly stressful jobs. Wages for these workers have not kept up to pace with other public safety officers. Low salaries result in retention issues which, in turn, become safety issues in the prisons. Providing interest arbitration helps resolve problems in a fair way. Having interest arbitration in a memorandum of understanding is helpful, but putting the provisions in statute is necessary so the right cannot be taken away by a new administration.

(Opposed) None.

**Persons Testifying:** Representative Blake, prime sponsor; Bill Copland, Washington Federation of State Employees; and Jason Heuer and Michelle Woodrow, Teamsters 117.

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

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**HOUSE COMMITTEE ON APPROPRIATIONS**

**Majority Report:** The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Cody, Dolan,

Fitzgibbon, Hansen, Hudgins, Jinkins, Macri, Pettigrew, Pollet, Ryu, Senn, Stanford, Sullivan, Tarleton and Tharinger.

**Minority Report:** Do not pass. Signed by 12 members: Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Dye, Hoff, Kraft, Mosbrucker, Schmick, Steele, Sutherland and Ybarra.

**Minority Report:** Without recommendation. Signed by 1 member: Representative MacEwen, Assistant Ranking Minority Member.

**Staff:** David Pringle (786-7310).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Labor & Workplace Standards:**

No new changes were recommended.

**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) The collective bargaining agreements for Department of Corrections (DOC) employees represented by the Teamsters and the Washington Federation of State Employees have included interest arbitration for six years now. This dispute resolution method is well suited to maintain a safe workplace in DOC facilities, and improves the chances of recruiting and retaining good staff. Please put the arbitration provisions into statute.

(Opposed) None.

**Persons Testifying:** Judy Kuschel, Washington Federation of State Employees.

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