

HOUSE BILL REPORT

HB 2212

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

Title: An act relating to providing department of fish and wildlife officers interest arbitration under certain circumstances.

Brief Description: Providing department of fish and wildlife officers interest arbitration under certain circumstances.

Sponsors: Representatives Blake, Chapman, Fitzgibbon, Ormsby, Sells, Irwin, Wylie and Goodman.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/13/20, 1/16/20 [DPS];
Appropriations: 1/27/20, 2/6/20 [DPS (LAWS)].

Brief Summary of Substitute Bill

- Grants interest arbitration to officers of the Department of Fish and Wildlife (DFW) if the exclusive bargaining representatives choose to enter into separate bargaining with the employer on agency-specific issues.
- Provides that officers of the DFW may not be excluded from coalition bargaining.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Gregerson and Ormsby.

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

Staff: Trudes Tango (786-7384).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

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 employees of state agencies and institutions of higher education. The PSRA requires exclusive bargaining representatives of bargaining units with fewer than 500 employees to negotiate a master collective bargaining agreement as a coalition, with one master agreement covering all the employees represented by the coalition. The Governor's designee and an exclusive bargaining representative may enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining.

Interest Arbitration Under the Personnel System Reform Act.

The PSRA provides interest arbitration for uniformed personnel. "Uniformed personnel" is defined as sworn police officers employed with an institution of higher education. The PSRA establishes procedures for arbitration, including: requiring mediation first before being certified by the Public Employment Relations Commission to go to arbitration; timeframes for appointing an arbitration panel; powers and duties of an arbitration panel; and factors to be considered by the arbitration panel when making its determination.

One factor the arbitration panel must consider is a comparison of the uniformed personnel's hours and conditions of employment with the hours and conditions of employment of like personnel of like employers of similar size on the West Coast of the United States.

The Department of Fish and Wildlife.

The Department of Fish and Wildlife (DFW) enforcement officers bargain under the PSRA and are part of the coalition bargaining.

Summary of Substitute Bill:

The DFW officers who rank below lieutenant are added to the definition of "uniformed personnel" under the PSRA and granted interest arbitration under certain circumstances. They may not be excluded from coalition bargaining. The exclusive bargaining representatives for the DFW officers may choose to enter into separate bargaining with the employer regarding agency-specific issues, in which case interest arbitration provisions apply. The exclusive bargaining representatives for the DFW officers may choose to bargain in conjunction with each other. For the DFW officers, agency-specific issues include, but are not limited to, rates of pay and other compensation.

When making determinations, the arbitration panel must take into consideration the existing factors established in statute; however, the comparison of hours and conditions of employment must be with like personnel of like employers, agencies, or departments of similar size in the state.

Substitute Bill Compared to Original Bill:

The substitute: (1) provides that the exclusive bargaining representatives of the DFW officers may choose to enter separate bargaining, either alone or in conjunction with each other; (2) amends the definition of "uniformed personnel" to mean the DFW officers who rank below lieutenant, rather than captain; and (3) specifies that the definition of "agency-specific issues" applies only to the DFW officers.

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 DFW officers patrol the entire state and often work in remote areas. They are the last group of law enforcement officers who do not have interest arbitration. This bill levels the playing field and will help with hiring and retention.

(Opposed) None.

Persons Testifying: Representative Blake, prime sponsor; Erik Olson, Washington Department Fish and Wildlife and Teamsters 760; Steve Bear, Washington Department of Fish and Wildlife; and David Jones, Fish and Wildlife Officers Guild.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 27 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chandler, Chopp, Cody, Corry, Dolan, Dye, Fitzgibbon, Hansen, Hudgins, Kilduff, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Steele, Sullivan, Tarleton and Tharinger.

Minority Report: Do not pass. Signed by 6 members: Representatives Stokesbary, Ranking Minority Member; Caldier, Hoff, Kraft, Sutherland and Ybarra.

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 goal of the bill is to allow Department of Fish and Wildlife (DFW) officers to negotiate directly with the Chief of the DFW and to arbitrate if there is a disagreement. The bill will level the playing field with other law enforcement agencies that have arbitration. There are about 150 general authority law enforcement officers at the DFW, and these are the only general authority law enforcement officers without interest arbitration. Department of Fish and Wildlife officers work in tough conditions, often at isolated locations. Compensation for DFW officers has not remained competitive with other law enforcement agencies.

(Opposed) None.

Persons Testifying: Dave Jones, Fish and Wildlife Officers Guild; Erik Olson, Teamsters 760 and Department of Fish and Wildlife; and Steve Bear, Department of Fish and Wildlife

Persons Signed In To Testify But Not Testifying: None.