

HOUSE BILL REPORT

SB 5022

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

Title: An act relating to granting binding interest arbitration rights to certain higher education uniformed personnel.

Brief Description: Granting binding interest arbitration rights to certain higher education uniformed personnel.

Sponsors: Senators Keiser, Conway, Van De Wege, Hunt, Hobbs, Wellman and Kuderer.

Brief History:

Committee Activity:

Labor & Workplace Standards: 3/21/19, 3/26/19 [DPA];

Appropriations: 4/5/19, 4/6/19 [DPA(APP w/o LAWS)].

Brief Summary of Bill
(As Amended by Committee)

- Provides interest arbitration for duly sworn police officers employed by the public four-year institutions of higher education.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass as amended. Signed by 4 members: Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Hoff.

Staff: Trudes Tango (786-7384).

Background:

The Public Employees' Collective Bargaining Act.

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.

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. 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 for the WSP, 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.

Police Force at Public Institutions of Higher Education.

The boards of the University of Washington, Washington State University, the regional universities, and The Evergreen State College are authorized to establish police forces for their institutions. These police officers collectively bargain under the PSRA.

Summary of Amended Bill:

The PSRA is amended to provide interest arbitration for uniformed personnel. Uniformed personnel are defined as the duly sworn police officers employed as members of a police force established by the state universities, regional universities, or The Evergreen State College.

Provisions establishing interest arbitration are added to the PSRA, similar to existing provisions in the PECBA. These provisions specify that the right of uniformed personnel to strike is not granted, and provide for the following:

- required mediation before being certified to go to arbitration;
- procedures and timeframes for appointing an arbitration panel;

- powers and duties of an arbitration panel;
- procedures for an arbitration hearing; and
- factors to be considered by the arbitration panel (including comparison of similar personnel of similar employers on the west coast).

In addition, provisions are added to the PSRA (similar to provisions in the PECBA for the WSP) specifying that: (1) the Director of the OFM must certify that the Governor's request for funds reflects the decision of an arbitration panel; and (2) an arbitration award is not binding on the Legislature.

The PERC is required to review whether existing bargaining units that include uniformed personnel are appropriate and may modify a unit that is not appropriate. Exclusive bargaining representatives of uniformed personnel are "grandfathered" and continue to represent those units without the necessity of an election as of the act's effective date; however, there may be proceedings concerning representation after the act's effective date.

Amended Bill Compared to Original Bill:

The amended bill adds a provision to require the PERC to determine when the parties are at impasse and to certify issues for interest arbitration.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended 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) Currently, campus police officers negotiate at the same table with other bargaining units, but campus police officers have much more specific issues than those raised at the coalition table. This bill allows campus police officers to have their own bargaining table and negotiate for their own specific needs, such as safety equipment. Every police department uses interest arbitration to resolve issues, but campus police officers do not have that ability. This is about fairness and personal safety. Campus police officers often assist law enforcement officers in the field.

(Opposed) None.

Persons Testifying: Tanesha VanLeuven; and Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Labor & Workplace Standards. Signed by 24 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Fitzgibbon, Hansen, Hudgins, Jinkins, Macri, Pollet, Ryu, Senn, Springer, Stanford, Steele, Sullivan, Tarleton, Tharinger and Volz.

Minority Report: Do not pass. Signed by 7 members: Representatives Stokesbary, Ranking Minority Member; Dye, Hoff, Kraft, Schmick, Sutherland and Ybarra.

Minority Report: Without recommendation. Signed by 1 member: Representative Mosbrucker.

Staff: David Pringle (786-7310).

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

The Appropriations Committee added a null and void clause, making the bill null and void if funding is not specifically provided in the omnibus appropriations act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) Campus police officers are general authority, fully commissioned law enforcement officers and should have the same sorts of rights to arbitration as other law enforcement officers. In addition, the campus police should be negotiating at a separate bargaining table than other employees. The safety and equipment needs of these police forces are different than most of the workforce and would be better addressed in separate negotiations.

(Opposed) None.

Persons Testifying: Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.