

# SENATE BILL REPORT

## SB 5022

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As Amended by House, April 10, 2019

**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 & Commerce: 1/17/19, 1/24/19 [DP-WM].

Ways & Means: 2/18/19, 2/25/19 [DP, DNP, w/oRec].

**Floor Activity:**

Passed Senate: 3/06/19, 45-2.

Passed House: 4/10/19, 68-24.

**Brief Summary of Bill**

- Provides binding interest arbitration for duly sworn police officers employed as members of a police force established by state universities, regional universities, and The Evergreen State College.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña, Walsh and Wellman.

**Staff:** Jarrett Sacks (786-7448)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Billig, Carlyle, Conway, Darneille, Hunt, Keiser, Liias, Palumbo, Pedersen, Van De Wege and Wagoner.

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*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.*

**Minority Report:** Do not pass.  
Signed by Senator Schoesler.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Rivers, Warnick and Wilson, L..

**Staff:** Amanda Cecil (786-7460)

**Background:** The Public Employees' Collective Bargaining Act. 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 certain uniformed personnel, the PECBA requires binding interest arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation. Under interest arbitration, an impartial third-party makes decisions regarding the unresolved terms of the contract.

Uniformed personnel include, among others:

- firefighters;
- law enforcement officers in cities and counties of a certain size;
- general authority peace officers and firefighters employed by certain port districts;
- certain correctional employees of jails in counties with populations of 70,000 or more;
- security forces at nuclear power plants; and
- Washington State Patrol (WSP) officers.

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 and does not have separate provisions for uniformed personnel.

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.

**Summary of Bill:** The PSRA is amended to provide binding interest arbitration for uniformed personnel. Uniformed personnel are duly sworn police officers employed as members of a police force established by 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 also address:

- mediation when an agreement is not reached following negotiations;
- arbitration when an agreement is not reached following mediation;
- powers and duties of an arbitration panel;
- procedures for an arbitration hearing; and

- factors to be considered by the arbitration panel.

In addition, provisions are added to the PSRA that are comparable to provisions applicable to the WSP in the PECBA. These provisions:

- establish procedures for appointing an arbitration panel;
- require the Governor to submit either a request for funds to implement the compensation and fringe benefit provisions in an agreement, or a request for legislation necessary to implement an agreement, if the request is submitted to the Director of the Office of Financial Management by October 1 or reflects an arbitration panel's decision; and
- specify that, if an impasse in negotiations results in an arbitration award, that decision is not binding on the Legislature.

The Public Employment Relations Commission is required to review whether existing bargaining units that include uniformed personnel are appropriate and is authorized to modify a unit that is deemed not appropriate. Exclusive bargaining representatives of uniformed personnel continue to represent those units without the necessity of an election as of the bill's effective date. However, there may be proceedings concerning representation after the bill's effective date.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Labor & Commerce):** PRO: Police on campus are commissioned officers, just like other police forces. Other police forces have interest arbitration, while campus police do not. Without arbitration to resolve disputes, important issues like additional safety equipment get pushed off from year to year. Campus police negotiating along with other campus employees can lead to animosity between employees. Interest arbitration levels the playing field. Training for campus police is held up by the current collective bargaining process.

**Persons Testifying (Labor & Commerce):** PRO: Senator Karen Keiser, Prime Sponsor; Mark Hackett, citizen; Lorraine Hill, Washington Federation of State Employees (WFSE); Anthony Stewart, WFSE; Michelle Woodrow, Teamsters 117.

**Persons Signed In To Testify But Not Testifying (Labor & Commerce):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Teamsters 117 represents law enforcement and public safety professionals in King and Pierce County as well as at the University of Washington campus in Seattle. Every other commissioned law enforcement officer in this state already utilizes interest arbitration to resolve contractual issues that include pay but also address other issues. At the University of Washington campus interest arbitration is a matter of fairness and personal safety and our police are often

required to provide aid and assistance to the Seattle Police Department. For the past three contract cycles our members have asked for updated vests and helmets that their counterparts already use and the university has not agreed and because these officers do not have access to interest arbitration. Safety equipment is considered permissive and the university does not need to bargain over the issue.

Colleges across the state are faced with diminishing returns and will always pick student services first and that leaves the police departments out of the loop. They currently have to bargain with the whole bargaining unit in contract negotiations and police issues get lost. Giving them their own table and interest arbitration would solve a lot of those problems and help keep our students and our four year colleges safe.

**Persons Testifying (Ways & Means):** PRO: Matt Zuvich, Washington Federation of State Employees; Brenda Wiest, Teamsters 117.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.

**EFFECT OF HOUSE AMENDMENT(S):** Adds a provision requiring the director of PERC to determine whether the parties are at impasse and certify the issues subject to interest arbitration. Adds a null and void clause.