

SENATE BILL REPORT

SB 5022

As Reported by Senate Committee On:
Labor & Commerce, January 24, 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].

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.

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)

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;

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.

- 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: 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: 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: No one.