
**Labor & Workplace Standards
Committee**

HB 1764

Brief Description: Concerning collective bargaining for resident and fellow physicians employed by certain institutions of higher education.

Sponsors: Representatives Sells, Berry, Bateman, Bronoske, Macri, Simmons, Slatter, Pollet, Ormsby, Frame and Harris-Talley.

Brief Summary of Bill

- Provides interest arbitration for University of Washington School of Medicine (UW) resident and fellow physicians who have collective bargaining rights under the Public Employees' Collective Bargaining Act (PECBA).

Hearing Date: 1/14/22

Staff: Trudes Tango (786-7384).

Background:

The Public Employees' Collective Bargaining Act.

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, as well as to certain employees of institutions of higher education. The PECBA is administered by the Public Employment Relations Commission (PERC), which, among other things, has the authority to determine and certify appropriate bargaining units.

For certain uniformed personnel, the PECBA recognizes the public policy against strikes as a means of settling labor disputes. To resolve impasses over contract negotiations with these

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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. There are statutory factors the arbitration panel must consider when making its decision, such as the public employer's ability to pay for the compensation and benefit provisions of an agreement and a comparison of the wages and working conditions of workers in similar jobs.

The statutes also establish procedures for the Governor to submit to the Legislature requests for funds to implement the compensation and benefit provisions of collective bargaining agreements. Generally, the process includes submitting the request first to the Director of the Office of Financial Management (Director) by October 1 prior to the legislative session at which the request is to be considered. The request must be certified by the Director as being financially feasible for the state.

University of Washington School of Medicine.

The University of Washington School of Medicine (UW) offers post-graduate medical training through accredited residency and fellowship programs. A medical residency or fellowship generally lasts between one and seven years, depending on the program specialty.

In a 2014 PERC decision, the UW resident and fellow physicians were recognized as UW employees under the collective bargaining statutes, and therefore have the right to collective bargaining under the PECBA.

Summary of Bill:

The Legislature recognizes, among other things, that there exists a public policy against strikes by resident and fellow physicians as a means of settling labor disputes. The Legislature also recognizes that the UW intends to recruit and retain residents and fellows from racially and socioeconomically diverse backgrounds for the long-term goal of equitable representation of providers in the community.

The binding interest arbitration provisions in the PECBA apply to resident and fellow physicians employed by the UW. Procedures are created regarding when and how the parties select an arbitration panel.

In making its determination, the arbitration panel must be mindful of the legislative purposes of granting interest arbitration, and must consider:

- the constitutional and statutory authority of the employer;
- stipulations of the parties;
- the financial ability of the UW to pay for the compensation and benefit provisions of an agreement;
- comparison of the wages, hours, and employment conditions of the UW resident and fellow physicians with other similar personnel of public hospital residency programs on the west coast;

- the intention of recruiting and retaining resident and fellow physicians from racially and socioeconomically diverse background;
- changes in any of the above-mentioned circumstances; and
- other factors that are normally or traditionally taken into consideration in matters of bargaining.

The arbitration panel's decision is not binding on the Legislature and funds necessary to implement provisions on wages, wage-related matters, salaries, stipends, and fringe benefits of an arbitrated collective bargaining agreement must come from the UW's existing resources. The UW may not increase general fund state appropriations to fund increases in compensation or fringe benefits based on an arbitration award. If compensation and fringe benefit increases are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources, including from general fund state, is not provided.

If the UW receives state appropriations to support the operation of the UW School of Medicine and associated facilities, a request for funds necessary to support the compensation and fringe benefit provisions of a collective bargaining agreement or arbitration award must be submitted to the Legislature under the existing statutory procedures.

In addition, negotiations between the parties must occur on dates and at times, such as weekends and evenings, that least conflict with the working hours of the bargaining representatives who are resident and fellow physicians.

Appropriation: None.

Fiscal Note: Requested on January 7, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.