

# HOUSE BILL REPORT

## HB 1307

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

**Title:** An act relating to collective bargaining for resident and fellow physicians employed by certain institutions of higher education.

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

**Sponsors:** Representatives Fosse, Berry, Ortiz-Self, Bergquist, Lekanoff, Taylor, Ramel, Macri, Doglio, Gregerson, Reed, Pollet, Ormsby and Santos.

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 1/25/23, 2/3/23 [DP].

**Brief Summary of Bill**

- Provides interest arbitration for resident and fellow physicians of medical schools operated by institutions of higher education.
- Requires that bargaining occur on dates and at times that least conflict with the working hours of bargaining representatives who are resident and fellow physicians.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** Do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske, Connors, Doglio, Ormsby and Ortiz-Self.

**Staff:** Trudes Tango (786-7384).

**Background:**

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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 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, 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 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 procedures for parties to select arbitrators and factors the arbitration panel must consider when making its decision.

In a 2014 PERC decision, the University of Washington School of Medicine resident and fellow physicians were recognized as having the right to collective bargaining under the PECBA.

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### **Summary of Bill:**

It is made explicit that the PECBA applies to resident and fellow physicians of medical schools operated by institutions of higher education.

The Legislature declares that there is a public policy against strikes by resident and fellow physicians as a means of settling labor disputes. The binding interest arbitration provisions of the PECBA apply to resident and fellow physicians employed by medical schools operated by institutions of higher education who have the right to collective bargaining.

Procedures are created regarding the parties selecting an arbitration panel, sharing the cost of arbitration, and reserving dates for potential arbitration.

The decision of the arbitration panel is not binding on the Legislature. The institution of higher education must fund increases in compensation and fringe benefits from lidded grants and nonappropriated funds dedicated to the medical programs. Funding from other sources, including the State General Fund and tuition, may not be assumed in negotiation or arbitration and may not be requested for the collective bargaining agreement by the institution as part of the state operating budget process.

In making its determination, the arbitration panel must be mindful of the legislative purpose of granting interest arbitration and must take into consideration the following factors:

- the constitutional and statutory authority of the employer;
- stipulations of the parties;

- the financial ability of the institution to pay for the compensation and benefit provisions;
- comparison of the wages, hours, and working conditions of personnel from public hospital residency programs of similar size on the West Coast;
- the intention to recruit and retain resident and fellow physicians from racially and socioeconomically diverse backgrounds;
- changes in any of the foregoing circumstances while proceedings are pending; and
- other factors that are normally or traditionally taken into consideration.

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.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Based on the cost of living, the residents and fellow physicians at the University of Washington (UW) Medical School are some of the lowest paid residents in the country. Not being paid sufficient wages impacts their well-being and affects patient care. It makes it difficult for the school to recruit top candidates. Interest arbitration is necessary because strikes are not a viable avenue to resolve labor disputes. First-year residents at the UW qualify for low-income housing in Seattle. Working conditions are linked to patient care conditions.

(Opposed) There are multiple sites in the region, including Idaho, where residents can do their rotations. The UW Medical School does not have control over every site and could find itself unable to comply with an arbitrator's ruling. The UW has a successful record of reaching agreements with the unions. There are other avenues in the process, such as mediation, and interest arbitration is not necessary.

**Persons Testifying:** (In support) Representative Mary Fosse, prime sponsor; Kenneth Tharp; McKenzie Momany, Resident and Fellow Physician Union Northwest, Committee of Interns and Residents, and Service Employees International Union; Eve Champaloux, Resident and Fellow Physician Union; and Nazin Sedehi.

(Opposed) Kristi Aravena, University of Washington Labor Relations.

**Persons Signed In To Testify But Not Testifying:** None.