

HOUSE BILL REPORT

EHB 1081

As Passed Legislature

Title: An act relating to public employee collective bargaining.

Brief Description: Redefining uniformed personnel for public employee collective bargaining.

Sponsors: Representatives Heavey and Eide.

Brief History:

Reported by House Committee on:
Commerce & Labor, January 19, 1993, DP;
Passed House, February 10, 1993, 97-1;
Amended by Senate;
Passed Legislature, April 19, 1993, 96-0.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 7 members:
Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk,
Ranking Minority Member; Franklin; Horn; King; and Veloria.

Minority Report: Do not pass. Signed by 1 member:
Representative Springer.

Staff: Chris Cordes (786-7117).

Background: 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 uniformed personnel, the act recognizes the public policy against strikes as a means of settling labor disputes. To resolve disputes involving these uniformed personnel, PECBA requires binding arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

Uniformed personnel include fire fighters in all cities and counties and law enforcement officers in the larger jurisdictions (in cities with a population 15,000 or more, and in counties with a population of 70,000 or more). Law enforcement officers include county sheriffs and deputy sheriffs, city police officers, or town marshals.

The binding interest arbitration provisions also apply to publicly employed advanced life support technicians, except those employed by a public hospital district.

Port district employees also collectively bargain under the PECBA, unless different collective bargaining procedures are specified in the port district authorization statutes. Except for certain fire fighters in the LEOFF system, these employees are not covered by the PECBA's binding interest arbitration procedures.

Summary of Bill: Beginning on the effective date of the bill, the binding interest arbitration provisions of the Public Employees' Collective Bargaining Act for uniformed personnel are extended to:

- (1) employees of port districts performing fire fighting duties if the port district is in a county with a population of 1 million or more;
- (2) public fire department employees who dispatch exclusively for fire or emergency medical services;
- (3) advanced life support technicians who are employed by public hospital districts; and
- (4) security forces established by a municipal corporation authorized to construct or operate a nuclear power plant.

Beginning on July 1, 1995, the binding interest arbitration provisions are also extended to:

- (1) the law enforcement officers of cities and towns with a population of 7,500 or more, and counties with a population of 35,000 or more; and
- (2) peace officers employed by port districts in counties with a population of 1 million or more.

For arbitrations involving law enforcement officers in newly covered jurisdictions (cities between 7,500 and 15,000 population and counties between 35,000 and 70,000 population), the arbitrator must consider regional differences in the cost of living.

Fiscal Note: Requested January 18, 1993.

Effective Date: The bill contains an emergency clause and takes effect immediately, except for sections 3 and 5 which take effect July 1, 1995.

Testimony For: All police officers should be subject to the same collective bargaining laws, without regard to the size of the employer for whom they work. The small bargaining units operate under the same financial constraints as the

small employer. Since neither side can afford the costs of arbitration, they both have incentives to settle disputes through good faith bargaining.

Testimony Against: Small jurisdictions are especially vulnerable to large arbitration awards because of budget constraints. Arbitration is expensive and the awards can take control of the budget away from the local government elected officials. Arbitration can be used by the employees as a "threat" during negotiations, but the employers have no similar negotiation tool. If interest arbitration is to be expanded, the committee should consider amendments to expand only to a few more jurisdictions and should address the standards used by arbitrators in making awards.

Witnesses: (in favor) Mike Patrick and Thor Gary, Washington State Council of Police Officers; Howard Vietzke, Washington State Council of Fire Fighters; and Mike Matson, Washington State Law Enforcement Association. (opposed) Bill Vogler, Washington State Association of Counties; K.O. Rosenberg, N.E. Tri-counties; Kathleen Collins, Association of Washington Cities; the Honorable Leonard Sanderson, Mayor of Milton; and Alan Nygaard, City of Sumner.