

HOUSE BILL REPORT

SHB 3002

As Passed House:

February 15, 2008

Title: An act relating to applying arbitration to bargaining by the state and the Washington state patrol.

Brief Description: Applying arbitration to bargaining by the state and the Washington state patrol.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Sells, Ericks, Simpson, Hurst, Loomis, Conway, Liias, VanDeWege, Kenney, Linville and Ormsby).

Brief History:

Committee Activity:

Commerce & Labor: 1/29/08, 2/4/08 [DPS].

Floor Activity:

Passed House: 2/15/08, 90-0.

Brief Summary of Substitute Bill

- Provides a procedure for selection of an interest arbitration panel before bargaining begins between the state and Washington State Patrol officers.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse, Green, Moeller and Williams.

Staff: Jill Reinmuth (786-7134).

Background:

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.

Employees of cities, counties, and other political subdivisions bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA). The Washington State Patrol officers also bargain under the PECBA.

The Washington State Patrol officers and certain other law enforcement officers and fire fighters are considered "uniformed personnel." To resolve bargaining disputes involving these uniformed personnel, the PECBA requires binding interest arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

Although the PECBA provides a procedure for selection of an arbitration panel after negotiations reach impasse, it does not provide such a procedure before the parties begin bargaining.

Summary of Substitute Bill:

A procedure is provided for selection of an interest arbitration panel before the representatives of the state and Washington State Patrol officers begin bargaining.

Within 10 days after the first Monday in September of odd-numbered years, the bargaining representatives must attempt to agree on a three-member interest arbitration panel. Each party must name one person to serve on the panel. These members must attempt to choose the third member to serve as the neutral chair of the panel. If these members fail to select a neutral chair within seven days, the members may request the Public Employment Relations Commission (Commission) to appoint the third member. Alternatively, either member may apply to the Commission, the Federal Mediation and Conciliation Service, or the American Arbitration Association to provide a list of five qualified arbitrators from which to choose the third member. The parties must prepare a schedule of at least five negotiation dates.

The parties must also execute a written agreement setting forth the names of the arbitration panel members and the negotiation dates.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a straightforward bill that is similar to last year's ferry system bill. If the parties wait until an impasse to select an arbitration panel, it could take too much time. The technical changes suggested by the Public Employment Relations Commission (Commission) are acceptable.

(With concerns) There is one concern having to do with the dates for arbitration. These dates should be changed to between August 1 and September 15.

There is also a concern about references to an arbitrator instead of an arbitration panel. Under the Public Employees' Collective Bargaining Act, a panel is used instead of a single arbitrator.

The names of arbitrators should be supplied by the Commission instead of the Federal Mediation and Conciliation Service.

(Opposed) None.

Persons Testifying: (In support) Rick Jensen, Washington State Patrol Trooper's Association; and Steve Sutton, Washington State Patrol Lieutenant's Association.

(With concerns) Diane Leigh, Washington State Labor Relations Office; and Ken Latsch, Public Employment Relations Commission.

Persons Signed In To Testify But Not Testifying: None.