

SENATE BILL REPORT

SB 6618

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 05, 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: Senators Keiser, Marr, Kauffman, McAuliffe and Kohl-Welles.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 1/29/08, 2/5/08 [DPS, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 6618 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice.

Minority Report: Do not pass.

Signed by Senators Holmquist, Ranking Minority Member; King.

Staff: Mac Nicholson (786-7445)

Background: Uniformed personnel, including officers of the Washington State Patrol (WSP), bargain their wages and wage-related matters with their respective public employer. In the case of the WSP, the Governor or the Governor's designee represents the state. Negotiations between the state and the bargaining unit must commence at least five months prior to the submission of the budget to the legislative body of the employer, which generally occurs at the beginning of October of even-numbered years. If no agreement has been reached 60 days after commencement of negotiations, either party may declare an impasse and submit the dispute to Public Employee Relations Commission (PERC) for mediation.

If an agreement has not been reached following a reasonable period of negotiations and mediation, and the parties remain at an impasse, an interest arbitration panel must be created to resolve the dispute. The Executive Director of PERC will certify issues to be determined by the interest arbitration panel. The interest arbitration panel is a three member panel, with one representative from each party and one neutral member selected by the party arbitrators. The

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panel, once selected, must establish a date, time, and place for a hearing, which must be concluded within 25 days following selection of the neutral arbitrator to the panel. Within 30 days after conclusion of the hearing, the neutral arbitrator must make findings of fact and a written determination of the issues in dispute, which is final and binding upon both parties.

Summary of Bill (Recommended Substitute): Within ten working days after the first Monday in September of each odd-numbered year, the state's bargaining representative and the representative for the appropriate bargaining unit must attempt to agree on an interest arbitration panel to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. If the parties cannot agree on a neutral arbitrator within seven days of appointment of the party arbitrators, the parties can request that PERC appoint a neutral arbitrator, or apply to PERC, the Federal Mediation and Conciliation Service, or the American Arbitration Association for a list of qualified arbitrators from which the neutral chair will be chosen.

After selecting the interest arbitration panel, the parties must cooperate to reserve arbitration dates between August 1 and September 15 of the following even-numbered year. The parties must also prepare at least five negotiation dates for the following year, absent a written agreement to the contrary.

Prior to November 1 of each odd-numbered year, the parties must execute a written agreement setting forth the name of the arbitrator and the dates reserved for bargaining and arbitration.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE, RESEARCH & DEVELOPMENT COMMITTEE (Recommended Substitute): The language of the legislation is amended to reflect the existing interest arbitration panel process used by uniformed personnel. The time frame reserved for arbitration is changed from the June 1 through July 15 period to August 1 through September 15.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The bill just creates a process that allows an arbitrator to be on stand by if needed in order to complete labor negotiations by October 1. Without the bill, its very difficult to select an arbitrator and schedule arbitration, if needed, and still meet the October 1 deadline.

OTHER: There's a technical amendment to the bill to make sure the legislation matches the existing statutory scheme.

Persons Testifying: PRO: Rick Jensen, WSP Troopers Association.

OTHER: Ken Latsche, PERC.