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**SUBSTITUTE HOUSE BILL 3002**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** House Commerce & Labor (originally sponsored by Representatives Williams, Sells, Ericks, Simpson, Hurst, Loomis, Conway, Lias, VanDeWege, Kenney, Linville, and Ormsby)

READ FIRST TIME 02/04/08.

1 AN ACT Relating to applying arbitration to bargaining by the state  
2 and the Washington state patrol; and amending RCW 41.56.475.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.56.475 and 2005 c 438 s 2 are each amended to read  
5 as follows:

6 In addition to the classes of employees listed in RCW 41.56.030(7),  
7 the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470,  
8 41.56.480, and 41.56.490 also apply to Washington state patrol officers  
9 appointed under RCW 43.43.020 as provided in this section, subject to  
10 the following:

11 (1) Within ten working days after the first Monday in September of  
12 every odd-numbered year, the state's bargaining representative and the  
13 bargaining representative for the appropriate bargaining unit shall  
14 attempt to agree on an interest arbitration panel consisting of three  
15 members to be used if the parties are not successful in negotiating a  
16 comprehensive collective bargaining agreement. Each party shall name  
17 one person to serve as its arbitrator on the arbitration panel. The  
18 two members so appointed shall meet within seven days following the  
19 appointment of the later appointed member to attempt to choose a third

1 member to act as the neutral chair of the arbitration panel. Upon the  
2 failure of the arbitrators to select a neutral chair within seven days,  
3 the two appointed members shall use one of the two following options in  
4 the appointment of the third member, who shall act as chair of the  
5 panel: (a) By mutual consent, the two appointed members may jointly  
6 request the commission to, and the commission shall, appoint a third  
7 member within two days of such a request. Costs of each party's  
8 appointee shall be borne by each party respectively; other costs of the  
9 arbitration proceedings shall be borne by the commission; or (b) either  
10 party may apply to the commission, the federal mediation and  
11 conciliation service, or the American arbitration association to  
12 provide a list of five qualified arbitrators from which the neutral  
13 chair shall be chosen. Each party shall pay the fees and expenses of  
14 its arbitrator, and the fees and expenses of the neutral chair shall be  
15 shared equally between the parties. Immediately upon selecting an  
16 interest arbitration panel, the parties shall cooperate to reserve  
17 dates with the arbitration panel for potential arbitration between  
18 August 1st and September 15th of the following even-numbered year. The  
19 parties shall also prepare a schedule of at least five negotiation  
20 dates for the following year, absent an agreement to the contrary. The  
21 parties shall execute a written agreement before November 1st of each  
22 odd-numbered year setting forth the names of the members of the  
23 arbitration panel and the dates reserved for bargaining and  
24 arbitration. This subsection imposes minimum obligations only and is  
25 not intended to define or limit a party's full, good faith bargaining  
26 obligation under other sections of this chapter.

27 (2) The mediator or arbitration panel may consider only matters  
28 that are subject to bargaining under RCW 41.56.473.

29 ((+2)) (3) The decision of an arbitration panel is not binding on  
30 the legislature and, if the legislature does not approve the funds  
31 necessary to implement provisions pertaining to wages and wage-related  
32 matters of an arbitrated collective bargaining agreement, is not  
33 binding on the state or the Washington state patrol.

34 ((+3)) (4) In making its determination, the arbitration panel  
35 shall be mindful of the legislative purpose enumerated in RCW 41.56.430  
36 and, as additional standards or guidelines to aid it in reaching a  
37 decision, shall take into consideration the following factors:

38 (a) The constitutional and statutory authority of the employer;

1           (b) Stipulations of the parties;  
2           (c) Comparison of the hours and conditions of employment of  
3 personnel involved in the proceedings with the hours and conditions of  
4 employment of like personnel of like employers of similar size on the  
5 west coast of the United States;  
6           (d) Changes in any of the foregoing circumstances during the  
7 pendency of the proceedings; and  
8           (e) Such other factors, not confined to the foregoing, which are  
9 normally or traditionally taken into consideration in the determination  
10 of matters that are subject to bargaining under RCW 41.56.473.

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