

SENATE BILL REPORT

SSB 5763

As Amended by House, April 14, 2015

Title: An act relating to establishing a coalition of commissioned officers of the department of fish and wildlife for the purposes of collective bargaining.

Brief Description: Establishing a coalition of commissioned officers of the department of fish and wildlife for the purposes of collective bargaining.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Warnick, Pearson and Hatfield).

Brief History:

Committee Activity: Commerce & Labor: 2/13/15, 2/18/15 [DP-WM, w/oRec].

Ways & Means: 2/27/15 [DPS].

Passed Senate: 3/04/15, 44-4.

Passed House: 4/14/15, 70-27.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Conway, Keiser, King and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair.

Staff: Mac Nicholson (786-7445)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5763 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Billig, Brown, Conway, Fraser, Hasegawa, Hatfield, Hewitt, Kohl-Welles, O'Ban, Padden, Parlette, Rolfes, Schoesler and Warnick.

Staff: Pete Cutler (786-7474)

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.

Background: The Personnel System Reform Act of 2002 (PSRA) allows for collective bargaining of wages, hours, and working conditions between bargaining representatives of state employees and the Governor. Department of Fish and Wildlife (DFW) enforcement officers are currently represented by the Fish and Wildlife Officers Guild (FWOG) and bargain under PSRA. FWOG bargains for a master bargaining agreement as part of a coalition with other bargaining representatives that represent fewer than 500 employees each. The master agreement covers all of the employees represented by the coalition, and can include agency-specific issues.

Local government public employees, along with some state employees including commissioned officers of the Washington State Patrol (WSP), collectively bargain under the Public Employee's Collective Bargaining Act (PECBA). Interest arbitration is authorized for certain employees under PECBA, including WSP and other uniformed personnel. Interest arbitration is a process whereby the issues not resolved in bargaining between the employer and the union may be presented to an impartial arbitrator for final resolution. Interest arbitration is not permitted under PSRA.

Summary of Substitute Bill: The exclusive bargaining representatives for DFW commissioned officers, other than captains, must negotiate as a separate coalition with the Governor or the Governor's designee. They will no longer be included in the coalition composed of exclusive bargaining representatives who represent fewer than a total of 500 employees each.

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 (Commerce & Labor): PRO: DFW officers provide an enforcement presence on millions of acres of land. DFW officers have greater responsibilities, yet staffing levels have decreased over the years. The current bargaining process is inefficient and this bill will fix that. Most public safety groups have access to unique bargaining processes because the groups are unique, and this bill brings the DFW officers in line with other uniformed officers. This bill will allow the DFW group to bargain independently.

Persons Testifying (Commerce & Labor): PRO: Sergeant Michael Jewell, Sergeant Carl Klein, Sergeant Chandler, Tony Leonetti, Brad Rhoden, Fish and Wildlife Officer's Guild.

Staff Summary of Public Testimony on Original Bill (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

House Amendment(s): Lieutenants are not included in the coalition of DFW commissioned officers for purposes of separately negotiating a collective bargaining with the Governor.

When negotiating, the parties must use the wages, hours, and conditions of employment of like personnel of like state employers on the west coast of the U.S. as comparables.

The Public Employment Relations Commission is authorized to order interest arbitration if bargaining has been in bad faith or there have been unfair labor practices.