

SENATE BILL REPORT

ESB 6092

As Passed Senate, April 29, 2015

Title: An act relating to providing funding for certain commissioned court marshals of county sheriff's offices to be added to the definition of uniformed personnel for the purposes of public employees' collective bargaining.

Brief Description: Providing funding for certain commissioned court marshals of county sheriff's offices to be added to the definition of uniformed personnel for the purposes of public employees' collective bargaining.

Sponsors: Senator Roach.

Brief History:

Committee Activity: Ways & Means: 4/06/15, 4/07/15 [DP, w/oRec].

Passed Senate: 4/13/15, 38-10.

First Special Session: Passed Senate: 4/29/15, 34-10.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Hill, 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, Kohl-Welles, O'Ban, Rolfes, Schoesler and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, Vice Chair; Hewitt, Padden and Parlette.

Staff: Julie Murray (786-7711)

Background: Employees of cities, counties, and other political subdivisions bargain their wages and working conditions under the Public Employee's Collective Bargaining Act (PECBA). For certain uniformed personnel, PECBA provides for binding interest arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation. Under the interest arbitration process, the director of the Public Employment Relations Commission (PERC), in consultation with the mediator, certifies a list of unresolved mandatory subjects of bargaining for an impartial third-party arbitrator to consider and

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resolve. Uniformed personnel currently entitled to interest arbitration as a process for dispute resolution include police officers and state troopers, certain correctional employees, firefighters, security forces at a nuclear power plant, and publicly employed advanced life support technicians.

Superior and district courts are authorized by statute to collect filing fees and other fees for court services. Depending on the type of filing and court, revenue from court fees is shared with the state. In every district court, there is a small claims department to hear cases to recovery money only if the amount claimed does not exceed \$5,000. The statutory filing fee for a small claims action is \$14 and county legislative authorities are allowed to impose a surcharge up to \$15 for the purpose of funding dispute resolution centers. Between July 1, 2009, and July 1, 2013, the state imposed a \$10 surcharge on each small claims action, of which 25 percent was retained by the county and 75 percent was remitted to the State Treasurer for deposit into the judicial stabilization trust account.

Summary of Engrossed Bill: Court marshals of any county are added to the list of uniformed personnel entitled to use interest arbitration under PECBA, provided the marshals are:

- employed by, trained for, and commissioned by the county sheriff; and
- charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

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: PRO: This bill is a technical correction to existing law and addresses legal distinction between general commissioned law enforcement officers and limited commission officers. When corrections officers who are also limited commissioned officers were added to PECBA, we did not have court marshals who are also limited commissioned law enforcement officers. King County is one of the few with armed, fully uniformed limited commission officers assigned to courthouse security. Interest arbitration will keep these officers on the job, prevent them from striking, and keep them at the bargaining table. A small fee added to the bill is acceptable.

CON: We are opposed to broadening the use of binding interest arbitration, which is expensive and inequitable among staff. The bill is unnecessary.

Persons Testifying: PRO: Senator Roach, prime sponsor; Jared Karstetter, Legal Advisor, King County Sheriff's Marshals.

CON: Josh Weiss, WA State Assn. of Counties.

Persons Signed in to Testify But Not Testifying: No one.