

# HOUSE BILL REPORT

## E2SSB 5481

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**As Passed House:**  
March 5, 2020

**Title:** An act relating to providing department of fish and wildlife officers interest arbitration under certain circumstances.

**Brief Description:** Concerning collective bargaining by fish and wildlife officers.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Warnick, Sheldon, Short, Van De Wege, Honeyford, Wagoner, Fortunato and Holy).

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 2/24/20, 2/25/20 [DP];

Appropriations: 2/29/20 [DP].

**Floor Activity:**

Passed House: 3/5/20, 87-10.

**Brief Summary of Engrossed Second Substitute Bill**

- Grants interest arbitration to the Department of Fish and Wildlife officers who rank below lieutenant and removes those officers from coalition bargaining under the Personnel System Reform Act.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** Do pass. Signed by 6 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Gregerson and Ormsby.

**Minority Report:** Do not pass. Signed by 1 member: Representative Hoff.

**Staff:** Trudes Tango (786-7384).

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### HOUSE COMMITTEE ON APPROPRIATIONS

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**Majority Report:** Do pass. Signed by 24 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Chandler, Chopp, Cody, Corry, Dolan, Fitzgibbon, Hansen, Hudgins, Kilduff, Macri, Mosbrucker, Pettigrew, Ryu, Senn, Springer, Steele, Sullivan, Tarleton, Tharinger and Ybarra.

**Minority Report:** Do not pass. Signed by 7 members: Representatives Stokesbary, Ranking Minority Member; Caldier, Dye, Hoff, Kraft, Schmick and Sutherland.

**Staff:** David Pringle (786-7310).

### **Background:**

#### The Public Employees' Collective Bargaining Act.

The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages, hours, and working conditions with employees of cities, counties, and other political subdivisions. The PECBA also applies to the state with respect to the officers of the Washington State Patrol (WSP).

The PECBA authorizes interest arbitration to resolve impasses over contract negotiations between uniformed personnel and their employers. Examples of employees covered by interest arbitration include firefighters in cities and counties, law enforcement officers in larger cities and counties, and WSP officers.

Under the PECBA's interest arbitration procedures, parties must first attempt to mediate any unresolved mandatory subject of bargaining before utilizing an arbitrator. If mediation is unsuccessful, the Director of the Public Employment Relations Commission will certify any unresolved issues for the arbitrator to consider. The PECBA establishes procedures and timeframes for parties to choose an arbitration panel and select dates for the arbitration hearings.

In addition, for the WSP, the Governor is required to submit to the Legislature a request for funds to implement the compensation provisions of an agreement. Before the Governor may submit the request, the Director of the Office of Financial Management must have certified it to be feasible financially or, in the case of interest arbitration, certified that the request reflects the decision of an arbitration panel.

#### The Personnel System Reform Act.

The Personnel System Reform Act (PSRA) provides for collective bargaining of wages, hours, and conditions of employment with employees of state agencies. The PSRA requires exclusive bargaining representatives of bargaining units with fewer than 500 employees to negotiate a master collective bargaining agreement as a coalition, with one master agreement covering all the employees represented by the coalition. The PSRA authorizes interest arbitration for commissioned law enforcement officers of the public four-year institutions of higher education and for the employees of the Department of Corrections.

#### The Department of Fish and Wildlife.

The Department of Fish and Wildlife (DFW) enforcement officers bargain for a master bargaining agreement as part of a coalition under the PSRA.

**Summary of Bill:**

The provisions of the PECBA apply to the state with respect to the DFW officers who rank below lieutenant, except the state may not negotiate any matters relating to retirement benefits, health care benefits, or other employee insurance benefits. The DFW officers are granted interest arbitration under the PECBA and are excluded from coalition bargaining under the PSRA.

If more than one exclusive bargaining unit represents the DFW officers, they may choose to enter into separate bargaining with the employer or agree to bargain with the employer as one coalition of all exclusive bargaining representatives. If more than one bargaining unit chooses to advance to interest arbitration, it must be conducted as a coalition. However, one exclusive bargaining representative may singly choose to engage in interest arbitration even if other exclusive bargaining representatives who have chosen to enter into separate bargaining have elected not to take that step.

In making its determination, the arbitration panel must consider, among other things, a comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of like personnel of like employers of similar size in the state.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony (Labor & Workplace Standards):**

(In support) There are many limited authority law enforcement officers who do not have interest arbitration, but the DFW officers are the last fully commissioned general authority law enforcement officers who do not have interest arbitration. There have been positive changes made to the current version of the bill.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) This bill passed unanimously in the Senate. The bill covers about 140 officers below the rank of lieutenant.

(Opposed) None.

**Persons Testifying** (Labor & Workplace Standards): Dave Jones, Fish and Wildlife Officers Guild; and Erik Olson, Teamsters Local 117.

**Persons Testifying** (Appropriations): Erik Olsen, Teamsters 760 and Washington Department of Fish and Wildlife.

**Persons Signed In To Testify But Not Testifying** (Labor & Workplace Standards): None.

**Persons Signed In To Testify But Not Testifying** (Appropriations): None.