
**Labor & Workplace Standards
Committee**

HB 1398

Brief Description: Concerning factors which are considered in interest arbitration for adult family home providers.

Sponsors: Representatives Scott, Berry, Peterson, Reed, Reeves, Parshley, Doglio, Tharinger, Fosse, Ryu, Street and Hill.

Brief Summary of Bill

- Adds factors that interest arbitration panels must or may consider when arbitrating collective bargaining impasses between adult family home providers and the state.

Hearing Date: 1/28/25

Staff: Benjamin McCarthy (786-7116).

Background:

Adult family homes are licensed by the state to provide residential care for individuals in a home-like setting. The residents in adult family homes are individuals who are elderly or who have physical or developmental disabilities. Residents generally require assistance with activities of daily living and/or health-related services that make living alone more challenging. The Department of Social and Health Services licenses adult family homes. Adult family home providers are individuals, partnerships, corporations, associations, or limited liability companies that are licensed to operate an adult family home.

Adult family home providers are considered public employees for the purpose of collective bargaining. The public employer for the purpose of bargaining is the Governor or the Governor's

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

designee. If the exclusive bargaining representative for adult family home providers and the employer reach an impasse regarding mandatory subjects of bargaining, they are subject to mediation and binding interest arbitration requirements.

If the parties go to interest arbitration, the panel must consider:

- the constitutional and statutory authority of the employer,
- the stipulations of the parties,
- the cost of living,
- changes in circumstances during the pendency of the proceeding,
- factors that are normally or traditionally considered when determining wages, hours, and conditions of employment, and
- the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement.

The decision of the panel is not binding on the Legislature. If the Legislature does not approve the funds necessary to implement an arbitrated collective bargaining agreement, the decision is not binding on the state.

Summary of Bill:

If the exclusive bargaining representative for adult family home providers and the employer go to interest arbitration, the interest arbitration panel must also consider:

- a comparison of wages, hours, and conditions of employment of publicly reimbursed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States; and
- the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement.

The panel may also consider:

- a comparison of wages, hours, and conditions of employment of publicly employed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States;
- the state's interest in promoting a stable long-term care workforce to provide quality and reliable care to vulnerable elderly and disabled recipients;
- the state's interest in ensuring access to affordable, quality health care for all state citizens; and
- the state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

Appropriation: None.

Fiscal Note: Requested on January 22, 2025.

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