

SENATE BILL REPORT

SB 5473

As Reported by Senate Committee On:
Labor & Commerce, February 14, 2025

Title: An act relating to law enforcement personnel grievance arbitration procedures.

Brief Description: Concerning law enforcement personnel grievance arbitration procedures.

Sponsors: Senators Conway, Chapman and Holy.

Brief History:

Committee Activity: Labor & Commerce: 2/11/25, 2/14/25 [DP, DNP].

Brief Summary of Bill

- Modifies, for the purposes of disciplinary grievance arbitration for law enforcement officers, the definition of grievance arbitration so that a request for grievance arbitration must be in accordance with the procedures established in the collective bargaining agreement.
- Removes the requirement that the terms of no more than three arbitrators on the roster of arbitrators for law enforcement grievance arbitrations may expire in the same year.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Saldaña, Chair; Conway, Vice Chair; King, Ranking Member; Alvarado, MacEwen, Ramos and Stanford.

Minority Report: Do not pass.

Signed by Senator Schoesler.

Staff: Jarrett Sacks (786-7448)

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.

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. Police have the authority to collectively bargain under PECBA, as do the officers of the Washington State Patrol and the Department of Fish and Wildlife. PECBA is administered by the Public Employment Relations Commission (PERC). Under PECBA, grievance procedures and discipline are mandatory subjects of bargaining and the parties may agree to binding arbitration to resolve grievances.

Law Enforcement Disciplinary Grievance Arbitration. State law governs the procedure for selecting arbitrators in grievance arbitrations for disciplinary actions of law enforcement personnel. The executive director of PERC assigns arbitrators from a roster of arbitrators appointed for law enforcement personnel grievance arbitrations. Arbitrators are assigned on a rotational basis in alphabetical order. The parties to a collective bargaining agreement may not participate in, negotiate for, or agree to the selection of an arbitrator. However, a party may petition to have an arbitrator removed due to a conflict of interest.

PERC appoints 9 to 18 arbitrators to the law enforcement grievance arbitration roster, subject to experience requirements and other factors established in statute. Initial appointments to the roster are staggered, with at least three appointments expiring in January of 2024, at least three expiring in January of 2025, and at least three expiring in January of 2026. Subsequent appointments are made for three-year terms, with the terms of no more than three arbitrators expiring in the same year.

A grievance arbitration is a binding arbitration of a disciplinary grievance under the grievance procedures established in a collective bargaining agreement covering law enforcement personnel.

Summary of Bill: In the law enforcement personnel grievance arbitration statute, the definition of grievance arbitration is modified to specify that the arbitration must be requested in accordance with the procedures established in the collective bargaining agreement.

A requirement that the terms of no more than three arbitrators on the law enforcement grievance arbitration roster may expire in the same year is removed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill improves grievance arbitration procedures and is mainly a technical fix. The current law allows individuals to obtain outside counsel and circumvent the collective bargaining agreement and request the assignment of an arbitrator. The bill just specifies that you have to request a grievance through the process established in the agreement. The parties paying for the arbitration should determine when it happens. The limits on when the terms of arbitrators have to expire limits the total size of the arbitrator roster. Removing that restriction will allow PERC to expand the roster to its full size.

Persons Testifying: PRO: Senator Steve Conway, Prime Sponsor; Candice Bock, Association of Washington Cities; Peter Altman, Summit Law Group, PLLC; Mike Sellars, Public Employment Relations Commission.

Persons Signed In To Testify But Not Testifying: No one.