
**Labor & Workforce Development
Committee**

HB 1490

Brief Description: Applying the public employees' collective bargaining act to department of corrections employees.

Sponsors: Representatives Sells, Reykdal, Tharinger, Pollet, Walsh, Green, Fitzgibbon, Goodman, Hope, Moscoso, Freeman, Lytton, Ormsby, Stanford, Ryu, Liias, Fey and Bergquist.

Brief Summary of Bill

- Applies the collective bargaining provisions of the Public Employees' Collective Bargaining Act (PECBA), instead of the Personnel System Reform Act (PSRA), to employees working for the Department of Corrections (Department).
- Provides that the scope of mandatory bargaining is the same as described in the PSRA and includes wages, hours, and other terms and conditions of employment.
- Extends the binding interest arbitration provisions of the PECBA to Department employees.

Hearing Date: 2/7/13

Staff: Alexa Silver (786-7190).

Background:

The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages and working conditions by counties, cities, and other political subdivisions and their employees. For uniformed personnel, the PECBA recognizes the public policy against strikes as a means of settling labor disputes. To resolve impasses over contract negotiations involving uniformed personnel, the PECBA requires binding interest arbitration.

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.

Uniformed personnel include, among others: correctional employees who are employed in jails by counties with a population of 70,000 or more, and who are trained for and charged with responsibility for custody of inmates in the jail; firefighters in all cities and counties; law enforcement officers in larger cities and counties; general authority peace officers and firefighters employed by certain port districts; security forces at a nuclear power plant; and publicly employed advanced life support technicians. Other public employees covered by interest arbitration include state patrol officers.

The Personnel System Reform Act (PSRA) provides for collective bargaining of wages, hours, and other terms and conditions of employment with classified employees of state agencies and institutions of higher education. The PSRA does not provide for binding interest arbitration.

The Department of Corrections (Department) is responsible for managing state-operated adult prison facilities and supervising adult offenders residing in communities. The Department manages minimum to maximum custody level institutions, partial confinement programs, and community supervision services.

Summary of Bill:

The collective bargaining provisions of the Public Employees' Collective Bargaining Act (PECBA), instead of the Personnel System Reform Act (PSRA), are applied to the State of Washington with respect to employees working for the Department of Corrections (Department). The mediation and binding interest arbitration provisions of the PECBA are also extended to Department employees.

Certain bargaining units are "grandfathered" and considered appropriate units under the PECBA. These bargaining units include:

- nonsupervisory classified employees working in correctional institutions, the correctional industries program, the sex offender treatment program, and the regional business service center;
- supervisory classified employees working in correctional institutions, the correctional industries program, the sex offender treatment program, and the regional business service center;
- psychiatric social workers;
- psychology associates;
- chaplains;
- psychiatrists;
- psychologist 3 and 4 nonsupervisory;
- psychologist 3 and 4 supervisory;
- nonsupervisory community corrections;
- supervisors community corrections; and
- nonsupervisors – warrants/records unit.

Bargaining representatives recognized under the PSRA are also "grandfathered" and recognized as representing bargaining units under the PECBA.

Other collective bargaining provisions are comparable to the PSRA. For example, the scope of bargaining is wages, hours, and other terms and conditions of employment. The state is

represented by the Governor. Bargaining representatives must negotiate one master agreement with the Governor if they represent multiple units. They also must be part of the coalition that negotiates certain subjects, including the dollar amount expended on behalf of each employee for health care benefits.

The Governor must submit requests to the Legislature for any funds and legislation necessary to implement a collective bargaining agreement. A request must not be submitted unless it has been certified by the Director of the Office of Financial Management as being feasible financially or it reflects the binding decision of an arbitration panel. The duration of an agreement must not exceed one biennium.

Department employees are subject to mediation and binding interest arbitration if an impasse occurs in negotiations. The mediator and the arbitration panel may consider only matters subject to bargaining and may not consider the number of names to be certified for vacancies, promotional preferences, or the dollar amount expended per employee for health care benefits. The interest arbitration panel must consider:

- the employer's authority;
- the parties' stipulations;
- comparisons of hours and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;
- changes in any listed factors during the proceedings; and
- other factors normally or traditionally considered in the determination of wages, hours, and conditions of employment.

The negotiations under the PECBA must begin no later than July 1, 2014, and an agreement may not be effective prior to July 1, 2015. An agreement under the PSRA entered into before July 1, 2014, remains in full force, but may not be renewed or extended beyond July 1, 2015.

Appropriation: None.

Fiscal Note: Requested on 1/29/13.

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