
SENATE BILL 5021

State of Washington

66th Legislature

2019 Regular Session

By Senators Van De Wege, Walsh, Keiser, Conway, Hunt, and Hobbs

Prefiled 12/12/18.

1 AN ACT Relating to granting interest arbitration to department of
2 corrections employees; and adding a new section to chapter 41.80 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.80
5 RCW to read as follows:

6 (1) In order to maintain dedicated and uninterrupted services to
7 the supervision of criminal offenders that are in state correctional
8 facilities and on community supervision, it is the legislature's
9 intent to grant employees of the department of corrections interest
10 arbitration rights as an alternative means of settling disputes.

11 (2) This section applies only to employees covered by chapter
12 41.06 RCW working for the department of corrections, except
13 confidential employees as defined in RCW 41.80.005, members of the
14 Washington management service, and internal auditors.

15 (3) Within ten working days after the first Monday in September
16 of every odd-numbered year, the governor or the governor's designee
17 and the bargaining representatives for any bargaining units covered
18 by this section shall attempt to agree on an interest arbitrator to
19 be used if the parties are not successful in negotiating a
20 comprehensive collective bargaining agreement. The parties will
21 select an arbitrator by mutual agreement or by alternatively striking

1 names from a regional list of seven qualified arbitrators provided by
2 the federal mediation and conciliation service.

3 (a) The fees and expenses of the arbitrator, the court reporter,
4 if any, and the cost of the hearing room, if any, will be shared
5 equally between the parties. Each party is responsible for the costs
6 of its attorneys, representatives and witnesses, and all other costs
7 related to the development and presentation of their case.

8 (b) Immediately upon selecting an interest arbitrator, the
9 parties shall cooperate to reserve dates with the arbitrator for a
10 potential hearing between August 1st and September 15th of the
11 following even-numbered year. The parties shall also prepare a
12 schedule of at least five negotiation dates, absent an agreement to
13 the contrary.

14 (c) The parties shall execute a written agreement before December
15 15th of the odd-numbered year setting forth the name of the
16 arbitrator and the dates reserved for bargaining and arbitration.

17 (4) The arbitrator may consider only matters that are subject to
18 bargaining under RCW 41.80.020(1), and may not consider those
19 subjects listed under RCW 41.80.020 (2) and (3) and 41.80.040.

20 (a) In making its determination, the arbitrator shall take into
21 consideration the following factors:

22 (i) The financial ability of the department of corrections to pay
23 for the compensation and benefit provisions of a collective
24 bargaining agreement;

25 (ii) The constitutional and statutory authority of the employer;

26 (iii) Stipulations of the parties;

27 (iv) Comparison of the wages, hours, and conditions of employment
28 of personnel involved in the proceedings with the wages, hours, and
29 conditions of employment of like personnel of like state government
30 employers of similar size in the western United States;

31 (v) The ability of the department of corrections to retain
32 employees;

33 (vi) The overall compensation presently received by department of
34 corrections employees, including direct wage compensation, vacations,
35 holidays, and other paid excused time, pensions, insurance benefits,
36 and all other direct or indirect monetary benefits received;

37 (vii) Changes in any of the factors listed in this subsection
38 during the pendency of the proceedings; and

1 (viii) Such other factors which are normally or traditionally
2 taken into consideration in the determination of matters that are
3 subject to bargaining under RCW 41.80.020(1).

4 (b) The decision of an arbitrator under this section is subject
5 to RCW 41.80.010(3).

6 (c) The decision of an arbitrator is not binding on the
7 legislature and, if the legislature does not approve the funds
8 necessary to implement provisions pertaining to the compensation and
9 fringe benefit provision of an interest arbitration award, the
10 provisions are not binding on the state or department of corrections.

11 (5) Subject to the provisions of this section, the parties shall
12 follow the commission's procedures for interest arbitration.

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