

HOUSE BILL REPORT

SB 5653

As Passed House - Amended:

April 15, 2025

Title: An act relating to collective bargaining by fish and wildlife officers.

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

Sponsors: Senators Chapman, Hasegawa, MacEwen and Nobles.

Brief History:

Committee Activity:

Labor & Workplace Standards: 3/25/25, 3/28/25 [DP];

Appropriations: 4/5/25, 4/8/25 [DPA].

Floor Activity:

Passed House: 4/15/25, 96-1.

Brief Summary of Bill (As Amended by House)

- Adds captains and lieutenants of the Department of Fish and Wildlife to the list of officers who are eligible for interest arbitration under the Public Employee's Collective Bargaining Act.
- Removes captains and lieutenants from the requirement to bargain as a coalition of small bargaining units under the Personnel System Reform Act.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Scott, Vice Chair; Schmidt, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Bronoske, McEntire, Obras and Ortiz-Self.

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.

Staff: Benjamin McCarthy (786-7116).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 31 members: Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Couture, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Penner, Assistant Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Berg, Bergquist, Burnett, Caldier, Callan, Corry, Cortes, Doglio, Dye, Fitzgibbon, Keaton, Leavitt, Lekanoff, Manjarrez, Marshall, Peterson, Pollet, Rude, Ryu, Springer, Stonier, Street, Thai and Tharinger.

Staff: David Pringle (786-7310).

Background:

The Department of Fish and Wildlife.

The Department of Fish and Wildlife (DFW) employs over 160 commissioned law enforcement officers. These officers enforce laws related to hunting and fishing; and the protection of fish, wildlife, and habitats. The DFW's officers include deputy chiefs, captains, lieutenants, sergeants, detectives, and other officers. For the purposes of collective bargaining, these officers are covered by either the Personnel System Reform Act (PSRA) or the Public Employees' Collective Bargaining Act (PECBA) depending on rank.

The Personnel System Reform Act.

State agency employees have collective bargaining rights under the PSRA, unless they have collective bargaining rights under the PECBA.

Captains and lieutenants of the DFW have collective bargaining rights under the PSRA.

Under the PSRA, exclusive bargaining representatives who represent fewer than 500 employees are required to negotiate a single master collective bargaining agreement as a coalition of all small bargaining units. The DFW captains and lieutenants are subject to this requirement and must bargain as part of the coalition.

Under the PSRA, certain employees have interest arbitration, which is a method of collective bargaining dispute resolution. The DFW captains and lieutenants do not have interest arbitration rights under the PSRA.

The Public Employees' Collective Bargaining Act.

The DFW officers below the rank of lieutenant—including sergeants, detectives, and other officers—are state agency employees but have collective bargaining rights under the PECBA. Therefore, they are not subject to the provisions of the PSRA, including the requirement to bargain as part of the coalition of small bargaining units.

Under the PECBA, these DFW officers have special collective bargaining procedures. If more than one exclusive bargaining representative represents the DFW officers, the exclusive bargaining representatives may either bargain with the employer separately or bargain with the employer as a coalition of all DFW exclusive bargaining representatives.

These DFW officers also have specific rules regarding interest arbitration. If more than one bargaining unit chooses to advance to interest arbitration, the arbitration must be conducted as a coalition and the arbitrator's decision will bind all parties in the coalition. However, a single exclusive bargaining representative may choose to engage in interest arbitration even if the other exclusive bargaining representatives have not chosen to engage in interest arbitration. In this case, only the exclusive bargaining representative who chose interest arbitration and the employer would be bound by the arbitrator's decision.

Summary of Amended Bill:

The DFW officers below the rank of deputy chief—captains and lieutenants—are added to the list of officers who are covered by the provisions of the PECBA. This removes them from the collective bargaining provisions of the PSRA, including the requirement to bargain as a coalition of small bargaining units. Further, captains and lieutenants are granted interest arbitration rights under the PECBA.

The act is null and void if specific funding is not provided for it in the omnibus appropriations act by June 30, 2025.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

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

(In support) This is a technical cleanup bill to allow captains and lieutenants interest arbitration. At the time other DFW officers were given interest arbitration, captains and lieutenants were Washington Management Services (WMS) employees who did not have collective bargaining rights. Captains and lieutenants are no longer considered WMS employees, so they have collective bargaining rights. This grants them the same interest arbitration rights as other DFW officers.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill moves about a dozen DFW enforcement lieutenants and captains into coverage by the appropriate bargaining laws. There are some changes that could be made to the bill to further reduce the cost of doing these collective bargaining activities, perhaps even coming close to cost neutrality.

(Opposed) None.

Persons Testifying (Labor & Workplace Standards): Christopher Rosenberger, Fish and Wildlife Lieutenants and Captains Association.

Persons Testifying (Appropriations): Jeff Wickersham, Teamsters 760—Fish and Wildlife Lieutenants and Captains.

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

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