
SENATE BILL 5733

State of Washington

63rd Legislature

2013 Regular Session

By Senators King and Holmquist Newbry

Read first time 02/12/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to interest arbitration panels; and amending RCW
2 41.56.465.

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

4 **Sec. 1.** RCW 41.56.465 and 2007 c 278 s 1 are each amended to read
5 as follows:

6 (1) In making its determination, the panel shall be mindful of the
7 legislative purpose enumerated in RCW 41.56.430 and, as additional
8 standards or guidelines to aid it in reaching a decision, the panel
9 shall consider the following criteria:

- 10 (a) The constitutional and statutory authority of the employer;
11 (b) The budget priorities as determined by the governing body;
12 (c) Financial and budgetary constraints including but not limited
13 to the designation of a reasonable operating reserve as established by
14 the governing body;
15 (d) Internal equity within the organization;
16 (e) Stipulations of the parties;
17 ((+e)) (f) The average consumer prices for goods and services,
18 commonly known as the cost of living;

1 (~~(d)~~) (g) Changes in any of the circumstances under (a) through
2 (~~(e)~~) (f) of this subsection during the pendency of the proceedings;
3 and

4 (~~(e)~~) (h) Such other factors, not confined to the factors under
5 (a) through (~~(d)~~) (g) of this subsection, that are normally or
6 traditionally taken into consideration in the determination of wages,
7 hours, and conditions of employment. For those employees listed in RCW
8 41.56.030(~~(7)~~) (13)(a) who are employed by the governing body of a
9 city or town with a population of less than fifteen thousand, or a
10 county with a population of less than seventy thousand, consideration
11 must also be given to regional differences in the cost of living.

12 (2) For employees listed in RCW 41.56.030(~~(7)~~) (13) (a) through
13 (d), the panel shall also consider a comparison of the wages, hours,
14 and conditions of employment of personnel involved in the proceedings
15 with the wages, hours, and conditions of employment of like personnel
16 of like employers (~~(of similar size)~~) on the west coast of the United
17 States. However, when an adequate number of comparable employers
18 exists within the state of Washington, other west coast employers may
19 not be considered. Like employers shall be determined by factors
20 including, but not limited to, population size, financial conditions,
21 population demographics, workforce size, and assessed valuation.

22 (3) For employees listed in RCW 41.56.030(~~(7)~~) (13) (e) through
23 (h), the panel shall also consider a comparison of the wages, hours,
24 and conditions of employment of personnel involved in the proceedings
25 with the wages, hours, and conditions of employment of like personnel
26 of public fire departments of similar size on the west coast of the
27 United States. However, when an adequate number of comparable
28 employers exists within the state of Washington, other west coast
29 employers may not be considered. Like public fire departments shall be
30 determined by factors including, but not limited to, population,
31 financial conditions, population demographics, workforce size, and
32 assessed valuation.

33 (4) For employees listed in RCW 41.56.028:

34 (a) The panel shall also consider:

35 (i) A comparison of child care provider subsidy rates and
36 reimbursement programs by public entities, including counties and
37 municipalities, along the west coast of the United States; and

1 (ii) The financial ability of the state to pay for the compensation
2 and benefit provisions of a collective bargaining agreement; and

3 (b) The panel may consider:

4 (i) The public's interest in reducing turnover and increasing
5 retention of child care providers;

6 (ii) The state's interest in promoting, through education and
7 training, a stable child care workforce to provide quality and reliable
8 child care from all providers throughout the state; and

9 (iii) In addition, for employees exempt from licensing under
10 chapter 74.15 RCW, the state's fiscal interest in reducing reliance
11 upon public benefit programs including but not limited to medical
12 coupons, food stamps, subsidized housing, and emergency medical
13 services.

14 (5) For employees listed in RCW 74.39A.270:

15 (a) The panel shall consider:

16 (i) A comparison of wages, hours, and conditions of employment of
17 publicly reimbursed personnel providing similar services to similar
18 clients, including clients who are elderly, frail, or have
19 developmental disabilities, both in the state and across the United
20 States; and

21 (ii) The financial ability of the state to pay for the compensation
22 and fringe benefit provisions of a collective bargaining agreement; and

23 (b) The panel may consider:

24 (i) A comparison of wages, hours, and conditions of employment of
25 publicly employed personnel providing similar services to similar
26 clients, including clients who are elderly, frail, or have
27 developmental disabilities, both in the state and across the United
28 States;

29 (ii) The state's interest in promoting a stable long-term care
30 workforce to provide quality and reliable care to vulnerable elderly
31 and disabled recipients;

32 (iii) The state's interest in ensuring access to affordable,
33 quality health care for all state citizens; and

34 (iv) The state's fiscal interest in reducing reliance upon public
35 benefit programs including but not limited to medical coupons, food
36 stamps, subsidized housing, and emergency medical services.

37 (6) Subsections (2) and (3) of this section may not be construed to
38 authorize the panel to require the employer to pay, directly or

1 indirectly, the increased employee contributions resulting from chapter
2 502, Laws of 1993 or chapter 517, Laws of 1993 as required under
3 chapter 41.26 RCW.

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