

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action: Without Recommendation as to Passage and Be Referred to the Committee on Ethics, Elections, and Rules

Vote: 5 - 1 - 1

Yeas: Edwards C., Esquivel, Rosenbaum, Smith P., Schaufler

Nays: Berger

Exc.: Holvey

Prepared By: Theresa Van Winkle, Administrator

Meeting Dates: 1/29, 4/27

WHAT THE MEASURE DOES: Modifies definition of "employment relations" to include certain staffing levels and safety issues for certain employees who are prohibited from striking.

ISSUES DISCUSSED:

- Background of the Public Employee Collective Bargaining Act (PECBA) and court cases related to public employee collective bargaining
- "Potential" versus "likely" impact to on-the-job safety and workload
- How the Employment Relations Board will interpret the measure in future arbitration cases
- Level of need to address safety issues at state agencies versus addressing safety issues at local jurisdictions
- Employment Relations Board's interpretation of safety issues in the bargaining process after the enactment of SB 750 (1995)
- Referral to the Committee on Elections, Ethics, and Rules

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: SB 750 (1995) brought major changes to public collective bargaining law. Before that time, safety issues were considered under "other employment issues" as possible mandatory bargaining issues depending on a balancing test. SB 750 allowed safety and staffing issues to be bargained only if they had a "direct and substantial effect on on-the job safety of employees." Since the enactment of SB 750, safety issues have not been considered a mandatory bargaining issue. If a proposal isn't considered mandatory, it is not required to be bargained and is only considered by an arbitrator if both parties agree for it to be bargained.

HB 2404 allows safety and staffing issues to become a bargaining issue if they have a potential impact on on-the-job safety.