

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Workforce

REVENUE: No revenue impact**FISCAL: Fiscal statement issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Matthew Germer, Administrator**Meeting Dates:** 4/27, 6/1

WHAT THE MEASURE DOES: Requires issue subject to collective bargaining during term of agreement that is not resolved through negotiation or mediation be resolve through binding arbitration. Requires matter be submitted for mediation before binding arbitration. Prohibits public employees from striking when issue subject to collective bargaining during term of agreement is subject to binding arbitration.

ISSUES DISCUSSED:

- Process for changing terms subject to collective bargaining during term of agreement (“interim” or “expedited” bargaining)
- Purpose of the Public Employee Collective Bargaining Act (PECBA)
- Consequences of using binding arbitration rather than striking
- Extant pressures during bargaining to reach agreement
- Arbitrator selection process

EFFECT OF COMMITTEE AMENDMENT:

(-1) Sunsets December 13, 2019.

(-5) Replaces the measure. Requires employers notify collective bargaining representative after 60 days have elapsed since implementation of most recent collective bargaining agreement or prior to 60 days of expiration of most recent collective bargaining agreement for contracts with a term of less than two years. Requires employers notify collective bargaining representative after 120 days have elapsed since implementation of most recent collective bargaining agreement or prior to 120 days of expiration of most recent collective bargaining agreement for contracts with a term of two years or more. Requires Employment Relations Board to assign mediator to meet with parties if no agreement is reached within 30 days of notice. Permits mediation to extend beyond 30 days upon mutual agreement of parties.

BACKGROUND: Under the Public Employee Collective Bargaining Act (PECBA), there is established an expedited (also referred to as interim) bargaining process for when an employer, during the current contract, wants to make a change in employment relations that are subject to collective bargaining. If the labor organization demands to bargain, the statute prohibits the bargaining from continuing past 90 days without the consent of both parties and provided both parties negotiate in good faith. At any time during the 90-day period, both parties can mutually agree to mediation; after the 90-day period, management is allowed to implement its proposed changes without any further obligation to bargain.

House Bill 2544 requires issues that are not resolved in the 90-day period be submitted to the State Conciliation Service for mediation and, if necessary, to the Employment Relations Board for binding arbitration. The mediation period is to last up to 15 days from the date of the first mediation session. The measure also specifies that the employees in the bargaining unit subject to the binding arbitration are not allowed to strike.

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This summary has not been adopted or officially endorsed by action of the committee.