

HB 2930 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/15

WHAT THE MEASURE DOES:

Removes discipline matrix or discipline guide as a mandatory subject of collective bargaining for law enforcement.

Establishes the Commission on Statewide Law Enforcement Standards of Conduct and Discipline (commission) for the purpose of adopting statewide uniform rules through a public process regarding standards of conduct and disciplinary standards. Requires that membership be a broad representation of the individuals and organizations that will be impacted by the rules adopted by the commission.

Requires the Employment Relations Board (ERB) to appoint an arbitrator from a list of qualified, indifferent, unbiased arbitrators. Allows each party an opportunity to object to the ERB's appointed arbitrator.

Requires an arbitrator in an arbitration for alleged police misconduct to not make a determination different from the agency's determination if evidence exists that would permit a reasonable person to conclude the officer engaged in misconduct. Requires law enforcement agencies and arbitrators presiding over alleged misconduct cases to make discipline determinations that adhere to the rules adopted by the commission.

Applies to collective bargaining agreements entered into or renewed on or after July 1, 2021. Directs commission to submit a report to the Joint Committee on Transparent Policing and Use of Force Reform by July 1, 2021, and annually thereafter. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Many state and local government employees, including employees of states, counties, cities, and school districts, are subject to the Public Employee Collective Bargaining Act (PECBA). Law enforcement officers are covered under PECBA. A public employer and a collective bargaining unit may reach a written agreement on grievance procedures. As a condition of enforceability, an arbitration award that orders the reinstatement of a public employee or otherwise relieves the employee of responsibility for misconduct must comply with clearly defined public policy in statute or judicial decisions. Resolution of disputes over conditions and terms of a contract may be resolved through binding arbitration.

House Bill 2930 removes the discipline matrix or discipline guide as a mandatory subject of collective bargaining for law enforcement, establishes the Commission on Statewide Law Enforcement Standards of Conduct and Discipline, and requires an arbitrator to apply a reasonable person standard.