

VETOED

July 27, 1992  
90-751S.AS CM:ji

Introduced by: BRIAN DERDOWSKI  
Kent Pullen  
Proposed No.: 90-751

**10549**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE providing for collective bargaining through interest arbitration for correctional officers and 911 operators and adding new sections to K.C.C. 3.16.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Purpose. The intent and purpose of this ordinance is to recognize that there exists a public policy in the State of Washington as well as King County against strikes by essential law enforcement personnel as a means of settling their labor disputes; that such essential law enforcement personnel include corrections officers employed by King County; that the uninterrupted and dedicated service of these employees is vital to the welfare and public safety of the County of King; that to promote such dedicated and uninterrupted public service there should exist an effective and adequate means of settling disputes.

SECTION 2. Definitions. A. "Corrections officer" means any full-time, fully compensated uniformed correctional officer or sergeant who works for the Department of Adult Detention (King County Jail).

B. "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with King County.

C. "Bargaining agent" means the King County Executive.

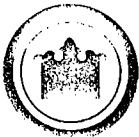
D. "Public employer" means King County.

E. "Commission" means the Public Employment Relations Commission.

F. "Executive director" means the executive director of the Commission.

G. "911 operator" means any full-time, fully compensated Communications Specialist or Communications Specialist Supervisor who works for the Department of Public Safety.





King County Executive  
TIM HILL

King County Courthouse  
516 Third Avenue, Room 400  
Seattle, Washington 98104-3271

(206) 296-4040

FAX (206) 296-0194

September 24, 1992

The Honorable Audrey Gruger  
Chair, King County Council  
Room 402  
C O U R T H O U S E

9/24

RECEIVED  
02 SEP 24 AM 11:51  
KING COUNTY COUNCIL

Dear Councilmember Gruger:

I am returning the attached Ordinance 10549 which I have vetoed. This ordinance, passed by the King County Council on September 14, 1992, would impose binding interest arbitration as a means for determining new collective bargaining agreements for correctional officers and 911 operators. For compelling legal, financial, and public policy reasons, I believe enacting this ordinance is detrimental to King County's labor policy and long-term fiscal position.

In response to a request by Councilmember Ron Sims, the Prosecuting Attorney's Office reviewed this proposed ordinance. The Chief Civil Deputy Prosecuting Attorney presented his office's legal analysis in testimony before the Council on September 14, 1992. The Prosecutor advised that Washington State Supreme Court decisions have held that a public employer such as King County cannot act unilaterally to impose a binding interest arbitration provision; it can only come as a result of agreement between the parties within a normal collective bargaining process. For this reason, the Prosecutor believes a legal challenge to this proposed ordinance would very likely succeed.

Binding interest arbitration has been addressed repeatedly by the Washington State Legislature, which has carefully crafted state law to extend it only to police, firefighters and paramedics. The positions of sworn police officer, firefighter and paramedic are so critical to public safety that the Legislature specifically granted this dispute resolution tool to them. It has not granted that same benefit to correctional officers and 911 operators.

Ordinance 10549 extends binding interest arbitration to correctional officers and 911 operators on the grounds that they are essential personnel whose uninterrupted service is vital to



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the welfare and public safety of King County. I agree their services are essential, but there are mechanisms for dispute resolution currently available to correctional officers and 911 operators in negotiating their labor agreement, as there are to all county employees in essential jobs.

The financial implications of extending binding interest arbitration to these County employees are substantial without significant additional benefit to the public. The King County Council recently approved the Facility Program Plan for the Regional Justice Center. Included in the Council review was a detailed financial plan for the operation and maintenance of the center. King County can afford to operate the South King County Regional Justice Center only if it exercises discipline over all costs of County operations.

King County's history with binding interest arbitration has shown that the resulting salaries are higher on average by 1.5% than those of employees not subject to binding interest arbitration. If this trend were to continue over the next five years, the County would spend an additional \$3.3 million in salaries and benefits for the correctional officers. Interest arbitration for 911 operators would add another \$760,000 to the County's costs over the same period. Given the current economic outlook, this additional financial burden would lead to further layoffs in law, safety, justice and human services agencies over and above the significant reductions expected for the 1993 budget and experienced in the 1992 adopted budget.

Make no mistake, binding interest arbitration is a formula for uncontrolled costs because it turns over to an arbitrator, whose focus does not include a balancing of scarce resources, the ability to significantly increase government costs. Moreover, the elected County Council and Executive would abdicate their responsibility for financial decision making under such a scenario.

Proponents have argued that providing binding interest arbitration to correctional officers and 911 operators will significantly enhance labor-management harmony with the affected bargaining groups. I value highly the difficult work performed by the correctional officers and the 911 operators. However, I believe there are other avenues available to the County to promote strong, effective labor-management relationships without a mechanism that would give to an arbitrator the power to make public policy and financial decisions best left with elected officials.

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Negotiation is a lengthy process and can be frustrating for both parties. In lieu of creating another adversarial dimension to our negotiating process, I believe we should explore nontraditional bargaining strategies that focus on problem-solving rather than win/lose negotiations. I am committed to exploring new bargaining techniques in the upcoming labor negotiations with Local 519 that will assure a rapid, effective, and harmonious process. In the end, after all, the best labor agreement is one which is negotiated in good faith by both parties to that agreement.

Finally, the collective bargaining process as established by Charter and ordinance is clearly in the province of duties established for the King County Executive and has served the citizens of King County well for the past quarter century. The County and its citizens are not well-served by a process which encourages labor groups to seek more beneficial settlements by a direct appeal to King County Councilmembers.

To avoid the specter of such appeals, I established in 1991, with the concurrence of the Council, the King County Labor Policy Committee. That Committee reviewed this legislation before it passed the County Council and concluded by majority vote that Ordinance 10549 was not in the best interests of the County. That advice and the advice of the Prosecuting Attorney were both rejected by 5-3 majority of the County Council.

King County is very fortunate to benefit from the dedication and skills of our correctional officers and 911 operators. Furthermore, I believe these employees should be justly compensated through a negotiation process which takes into account the compensation of similar employees in comparable markets as well as the economic outlook of the County. I do not believe binding interest arbitration is necessary to achieve fair compensation for these employees.

I refuse to abdicate my responsibility to make tough and publicly accountable decisions concerning compensation of public employees. Since Ordinance 10549 fails on policy, legal and

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financial grounds, I have vetoed it and hereby return it to the King County Council for further deliberation.

Sincerely,



Tim Hill  
King County Executive

Enclosure

cc: King County Councilmembers  
    ATTN: Cal Hoggard, Program Staff Director  
          Jerry Peterson, Administrator  
Jim Yearby, Director, Office of Human Resource Management  
Art Wallenstein, Director, Department of Adult Detention  
Jim Montgomery, Sheriff-Director, Department of Public  
    Safety  
Pat Steel, Chief Financial Officer  
    ATTN: Michael Gedeon, Budget Supervisor  
          Craig Soper, Budget Supervisor  
Richard Holmquist, Chief Civil Deputy Prosecuting Attorney