

# The-State-Bargaining-Process-and-the-Summer-of-2022

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## SUMMARY KEYWORDS

bargaining, wage increases, state, contracts, interest, pandemic, union, gina, arbitration, proposals, increases, eamon, agreements, staffing, unions, submitted, wage, table, negotiated, groups

## SPEAKERS

Gina Comeau, Eamon McCleery, Emily Martin, Sarah Lorenzini

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- E** Emily Martin 00:09  
In this episode of the PERColator Podcast, I'm chatting with three negotiators who are at the table this summer in the latest round of bargaining between Washington State and its bargaining units. Eamon McCleery is a senior staff attorney at Teamsters Local 117. And he was involved in negotiating contracts with the Department of Corrections and the University of Washington's Police Department. Sarah Lorenzini is a union rep with PROTEC 17 and she was the lead negotiator for the master agreement that they have with three state agencies. DOL, State Patrol and Wash DOT and Gina Comeau is a labor negotiator with the Office of Financial Management, State Human Resources labor relations section, she was involved with negotiating with the state Ferries Union, WPEA Higher Education Union, and the SEIU 925 childcare provider union. We're going to chat about how state bargaining works. What were the major themes of the summer, and what we can learn from the state tables about negotiation theory?
- E** Emily Martin 01:11  
Hello, Hello, Sarah, Eamon, Gina welcome to the podcast! Thanks for being here today!
- E** Eamon McCleery 01:17  
Thank you.
- S** Sarah Lorenzini 01:18  
Thank you for having us.

S Sarah Lorenzini 01:19

E Emily Martin 01:19

Can you tell us who you are? What's your role? And specifically, what's your involvement in state bargaining?

E Eamon McCleery 01:24

Thank you, Emily. My name is Eamon McCleery. I'm a senior staff attorney with Teamsters Local 117. We're here talking about state bargaining. So I had two contract negotiations at the state level that I was involved in this year. One was for the Department of Corrections group that's represented by 117. And the other was for the University of Washington police department that are police officers.

S Sarah Lorenzini 01:50

Good morning, thanks for putting this together. Sarah Lorenzini. I am a union rep with PROTEC 17 and I'm the lead negotiator for our master agreement that we have with our three state agencies, which are DOL, State Patrol and Wash DOT and I've been the lead negotiator on that contract for three bargaining cycles and have been with PROTEC 17 for nine years.

E Emily Martin 02:14

Gina, your turn! Can you tell us who you are?

G Gina Comeau 02:16

Yes, thank you, Emily. And thank you for having me. I am a labor negotiator with the Office of Financial Management State Human Resources in the labor relations section. I've been in that role since 2018, bargaining a variety of different contracts that arise out of our collective bargaining statutes with the Washington State Ferries unions, along with the WPEA higher education union, and the SEIU 925 childcare provider union, I have negotiated those for two cycles now. And prior to that I had experience with the interest arbitration side of our collective bargaining process in my work with the Attorney General's Office representing state employers in those legal actions.

E Emily Martin 03:07

I invited all three of you here today to talk about state bargaining, because I think there's some differences between the way bargaining happens in Washington State with state government versus city and local and other types of bargaining that we see in Washington State's public

sector, like local or municipal bargaining, so I thought it would be fun to dig in and explore that a little bit. Gina, can you give us an overview?

G

Gina Comeau 03:28

I would love to. So when it comes to state bargaining for state employers and our labor partners, our bargaining cycle is short but lengthy. We'll talk a little more about that. We start preparing in the odd years toward the end of the year, September, October, November, and during that time, we are working with our union partners to select arbitrators if your process ends in interest arbitration, and we want to split those arbitrators early so that they're available, should we need their assistance in the even year. We also work with our labor partners to agree to bargaining date. And we meet internally to prepare our management team and to look at our priorities for bargaining, actual bargaining for some contracts, and we have three port contracts within state government. Some of our earliest contracts, which would be our ferries contracts. We begin bargaining in February of the even year, and that bargaining goes well into August and September. Usually, the parties will talk both non-economic and economic items, but our economic proposals usually come in June or July after the June forecast. And some will culminate in interest arbitration others like General Government and higher education in those contracts we have under RCW 4180 statute really heat up in bargaining in August and September, at which time hopefully in September, we have some tentative agreements in those contracts and the unions are able to go through their process of ratification. In our office, our bargaining cycle goes into what we would consider to be our economic funding process for the collective bargaining that we have just done in the previous months. And so the tentative agreements are submitted to the director of OFM by October 1 per our statutory deadline. And the director then goes forward and determines financial feasibility. And then it moves forward into after the even year moves forward into the odd year. And it's prepared those tentative agreements and are prepared for the governor's budget and submitted to the legislature for approval.

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Emily Martin 05:54

So it sounds like we have a cycle, all the contracts are open at the same time. And there's a specific timeline with some deadlines. And all of this is happening before the governor makes his budget. So it is done sort of in advanced and not, "okay, the contract has expired, and it's going to go into effect tomorrow." It's more of ahead of schedule compared to other types of bargaining. And all the contracts are open at once. It's really busy. So Sarah, how does bargaining work from the union side?

S

Sarah Lorenzini 06:23

The bureaucracy is real, there's a, a kind of long process, as I understand it, a lot longer than the other municipalities and jurisdictions where we have to have the contract ratified by October 1, it's submitted to OFM and then submitted to the legislature where they have the ability to vote yes or no with no kind of ability to do any line item vetoes or any that anything like that. So it's a long process. And during the the following legislative session, we do do advocacy for the passage of the contract that we've negotiated over the summer. And I feel like, you know, with all of the statutes and other other things that govern state bargaining and

state employment. About 20 years ago, we got, you know, what's referred to as full scope bargaining, and that allowed us to negotiate wages as well as language changes. So our role is kind of I mean, it's a multi tiered. But we really, that the agencies are responsible for submitting their own recommendations in terms of language proposals, but also more specifically targeted wage increases for groups that they believe or that they think need targeted wage increases for whatever reason, and our role in that, because that kind of begs the question, well, then what the heck does the union do are on that? Is it not all agencies are as diligent as others about submitting those requests, not all of them understand, I think how, how the statute works in the criteria around targeted wage increases how those work. So our I think biggest role other than language changes, which which can also be important is to really fill in those gaps and look at the data and make sure that the agencies have basically done their due diligence and submitting requests on behalf of employees that really need those targeted wage increases. So that's the timelines, you know, like we've acknowledged, it's all the same, it's basically spring to summer. And that's really what I think separate state bargaining are one of the big things that separate state bargaining from other bargaining is we have that deadline, which is, you know, I know, we'll talk more about that, which is, it's really both a blessing and a curse. But yeah, that's how I view our role. And that's kind of how we look at the process.

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Emily Martin 08:41

Amen. How about you anything to add about how state bargaining works?

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Eamon McCleery 08:44

Yeah, absolutely. I think Sara and Gina touched on a bunch of really important issues. So the groups that I represent are all interest arbitration eligible. So I'm coming from that perspective, for my perspective, that one of the greatest benefits of having groups that are where you know, our impasse procedure terminates in interest arbitration is that it has to do with those targeted wage increases. To justify those we really rely on sort of traditional interest arbitration factors. So the biggest thing that we look at is really the wage study that we do to show whether or not those specific classifications are behind the market. I know that groups that are not interest arbitration eligible, they also will rely on some comp and wage surveys, but there's also a ton of other factors that OFM will look at that, you know, frankly, from the union unions perspective, make it I would say overly difficult to sometimes justify range increases, in my opinion, like a classification that is behind the market is a classification that's just waiting to have retention and recruitment difficulties, even if they haven't manifested themselves yet, and sometimes the state will balk at granting range increases, because recruitment and retention difficulties haven't happened yet. And I think that can sometimes keep the state from being as proactive about range increases as it should be. But you know, fortunately for interest arbitration eligible groups, that doesn't happen as much. But that is a big difference between state and local and city negotiations. The other one is those deadlines, and particularly two of them that really compress bargaining timelines, and one is that June revenue forecast and the other is that October 1 date where submissions have to happen, so the contracts can be funded. But what we have to do because we're interest arbitration eligible is really look at that October date, and then work backwards. Like we need to leave enough time for the interest arbitrator to render a decision, we have to really leave enough time for an interest arbitration hearing, our union actually has, in our Constitution, some requirements that we have a vote of

our membership before we take it to interest arbitration. So we need to leave time for that. We need to pre book out mediation. And then on the other end, that June revenue forecast really is the trigger that allows us to dig into some of the bigger economic proposals on the table. Because at that point, once we have that forecast, we know what kind of revenue the state's dealing with. And so we know what their ability to pay is going to be more or less. So what that means practically, is really July, August and the earliest part of September are just a mad dash of trying to bargain the economic issues in a contract, which you know, for for some of the state or local groups, you you can be dealing with that stuff for literally years. But at the state level, we get those three, really two and a half months to try to cram in as much bargaining on those topics as we possibly can.

G

Gina Comeau 12:08

Absolutely, I agree with Eamon, those two dates, the June forecast and October one do compress bargaining, for better or for worse, and both parties, you know, are trying to work toward economic tentative agreements, mainly, because if we don't have the tentative agreements prior to October 1, when we have nothing to submit for financial feasibility, and the impact to the members and per our collective bargaining laws that we may have, you know, what's called an evergreen year where their contract remains as is with no additional economic increases, and the price would then continue into the next year bargaining but without any submittal feasibility or determination by the legislature for any increases from an economic perspective. So both parties are working really hard to ensure that those deadlines are met. But it does cause a bit of a stress in the end to get everything done.

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Emily Martin 13:13

So I have some guesses from what you guys just said. But I would ask you to describe the summer of 22' at the bargaining table in one word, you can choose on whether or not you want to elaborate on this word or not. But give it to me in one word, what word would you choose?

S

Sarah Lorenzini 13:30

So I would say, and it's more than one word, it's a expression, I guess I would say free for all. There's a lot of other words that I think could use to describe it. Every bargaining session is difficult in its own way. But this was a negotiation where we didn't see any money in the last contract. Because of the pandemic. A lot of people rolled over a lot of unions rolled over their agreements, we did not do that. We did some, you know, we negotiated some language changes. But so we were all very anxious and never really couldn't anticipate what the economy and what the budget situation would be like this spring, the spring of 2022 when we started and moving through the summer, and that crazy inflation that was happening. And I know that all the unions were you know, we were looking at that we were looking at the sacrifices that our members had made throughout the pandemic. And we tried to go at it with pretty much everything we had, which was you know, the general wage increase, targeted wage increases to the extent we could and by the way, I like how Eamon described it, that classifications that are behind the market are just kind of waiting for recruitment and retention issues. And I think that's a really good way to put that. But I digress. So yeah, I would say, you know, we knew there was money on the table. We knew what we had been through and what

when I say we, I mean our members had been through, through the pandemic. We knew the state regardless of what the targeted wage increases looked like, we needed to keep people desperately after some challenging times with the vaccine mandate and just going through the pandemic in general. So I think we were all very anxious and kind of chomping at the bit to see what we can get in, we went full steam ahead and with assignment pay and wage increases, targeted wage increases and trying to find documentation to support, and arguments to support those wage increases, despite the fact that, you know, the the way the state interprets the statute is very rigid, and it basically comes down to recruitment and retention. And that's that's the frustration we see at every round of bargaining is that statute, and the you know, that's very, what we see very strictly interpreted statute around, you know, if you don't have recruitment and retention issues, you're not getting an increase. And I'll go get on my soapbox about that, because that's a whole different story. But yeah, that's what I would say free for all.

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Emily Martin 15:59

Gina, what's your word or phrase?

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Gina Comeau 16:00

I think I would say, not surprising. That's my phrase, not surprising. I think that, you know, we recognize we were all you know, in the previous years between the last bargaining cycle, we're dealing with the COVID pandemic, and the union's did not receive a general wage increase in the 21-23 contract. So for me, it was not surprising that the issues would be focused around general wage increase it requests from the union, targeted wage increases, we also saw from the pandemic, you know, a modernization of the work environment toward more of a hybrid work environment between both virtual work environment and in person work environment. So it wasn't surprising to me to see requests from the union around modernizing that work environment. And then, of course, you know, moving forward with the health and safety proposals that we saw from the state to protect, you know, the our general work population from COVID-19. And the requirement to remain vaccinated as a condition of employment. Those were the highlights, and they're just not surprising to me, given the two and a half years that we had before.

E

Emily Martin 17:14

Eamon, what's your word or phrase?

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Eamon McCleery 17:16

Yeah, I've been trying to think of a good hybrid word, to talk about both inflation and staffing. Because I think those were the big issues that the themes that were present at both of the tables, I was at inflation, at really coming on the end of, you know, a contract cycle, like the past contract cycle, where a lot of groups rolled and didn't take, wage increases. And then the next contract cycle, the one that we just previously had, everyone getting hit by inflation was kind of this perfect storm, where the unions really came to the table asking for some big wage increases, a lot of targeted range increases. But that was really a factor of those. Those two

things happening back to back and creating a lot of pressure on working people, people were really, really feeling it at the table, and we saw a lot of insistence from our membership that we needed to really step up and get some things done with the economics of some of these, some of these contracts. And then tied into that, I think, is staffing. The classifications that come to mind for us is at DOC, we do represent a lot of medical staff. We had staffing issues across the board, honestly, but medical staff, I think everyone will agree is there's such a demand for for those those folks. And of course, the ranks of of medical staff have been hit really hard by the pandemic. They were certainly frontline. And there was the I think, you know, honestly, the state has done some things, this time around to do some targeted range increases, even absent demonstrations, that they're behind some of the state comparables to target some of those medical staff recognizing that we've got a real real problem in the market right now for those employees and a real need to make sure that we're competitive in those arenas. So I think, my big themes, my phrase, I guess, would be something combining staffing and inflation and those two pressures, really pushing demands for good contracts.

**E** Emily Martin 19:25

My next question I think we already started to answer was, what hot topics were there at the table and I'm hearing inflation, staffing, economic, wages, I'm hearing the pandemic and what did that mean for last cycle? And what does that mean now and modernization? Are there other hot topics that happened that we haven't talked about already? Or did I get everything on the list?

**G** Gina Comeau 19:47

I think even raised the issue of staffing shortages, and I don't remember you saying that and all of those, but I would add staffing shortages within our 24/7 facilities, institution, hospitals, ferries, transportation we have and are still dealing with staffing shortages. And so I think that coming up with solutions on how to remedy those staffing solutions, not just with an increase in general wage, but really looking holistically at the working environment and asking, Where are the stuff going? And why was another big theme for the state?

**E** Emily Martin 20:23

That's such a key term of the year, I feel like at the state tables, but I'm, I'm hearing about it other tables as well, Sarah, how about you, anything you want to emphasize?

**S** Sarah Lorenzini 20:32

Yeah, I think bonuses were on the minds of a lot of folks. And you know, as unions, bonuses are never our favorite things. They don't compound. We'd rather see you know, wage increases. But with inflation, the way it was, the staffing issues, the pandemic, I think there was a real desire to have some recognition of all that whether it was, you know, in wages or whatever, mechanism. So, yeah, I think I think some sort of bonuses, which we did end up getting, were definitely on the mind, just knowing what had happened, and, and knowing that the economy is whether there's going to be a recession or not. And I know, it's that's, that is obviously

something that came up at the table, you know, we have some money now, how do we get that in the pockets of employees without, you know, making promises three years down the road for these huge increases? So I think that was also top of mind for a lot of folks.

E

Eamon McCleery 21:27

Yeah, I think, you know, bonuses were a good one, I guess the only thing I would maybe add is the, again, circling back to the staffing at some of the 24/7's obviously, like DOC, our Department of Corrections bargaining unit, where we represent a host of classifications, from the corrections officers, to the mental health counselors, to the medical staff to the maintenance staff, I can't think of a single department that is not struggling with staffing, it certainly used to be that the state jobs were good jobs, and the benefits were great. And those jobs would really recruit for themselves, especially word of mouth, from our members to their social groups would help drive recruitment as well. And that is has really changed, we've really seen the state have to be a lot more proactive about recruitment. Obviously, I think with low staffing, the morale deteriorates as well. And nobody loves to work all that mandatory overtime that they're currently having to work. So I don't think you're getting the same level of recommendations from people who are currently working at some of those 24/7's to their social groups to, "Hey, come take a look at the Department of Corrections or, you know, some of these other agencies because the work is great." I think what a lot of them are feeling is like we're exhausted, and we really need something to change there. But yeah, I think it helps some of what we were able to achieve, you know, money is never just about the money, like it's how we pay for our lifestyle. So people love that. But it's also what the state is willing to step up and do for some of these people that were at the front lines of the COVID pandemic and are now being asked to really do some incredible things without the staffing resources to really to back them up. Even the wage increases. And the target range increases in some of the bonuses. It also just represents to folks that their work to the pandemic is being recognized and appreciated by the state. So there is, I just want to say there's this real emotional component to all of that, is really important not to overlook

G

Gina Comeau 23:33

Another thing that all of us, I think have touched on, but I haven't really discussed is no, we did talk about well, why is that June 2022. Forecasts are important? Why is that a a decision point or a power point in our timeline of bargaining? And at the time of this bargaining for the 23-25 contracts that June forecast was, collections were as forecasted, they weren't higher than what was forecasted. And there was real, there was real concern about what is the downside to our revenue collections forecast what is to come that we have to be mindful of when we spend these dollars and there continued to be during negotiations, COVID concerns, there was the war in Ukraine that was on everyone's mind, and some could not figure out how that factored into the work of our business, but you know, supply and demand and comes into, you know, where, where is supply and demand, and how is the war in Ukraine, taking some of those things that we would be using in our work and inflating the cost of those things, you know, and then both there and Eamon talked about inflation, and just the global, you know, weaknesses that we were seeing in our economy were a big concern for state negotiators. We needed to factor those in when we're looking at proposals. We can't look at these things in isolation. So I think that all of those things need to be mentioned, because it did influence what we were able to do at the table.



E

Emily Martin 25:07

So if people are looking for the agreements, I know that the interest arbitration agreements are available on PERC's website through PERC search engine. So if you find the decision tab, you can hit Interest Arb, and they're listed there. You can search you can find agreements. Gina, can you tell us where people might be able to find contracts?

G

Gina Comeau 25:27

Yes, of course. So, if you're doing a little internet research, go ahead and go to ofm.wa.gov, State Human Resources Labor Relations, and you'll see a tab there that says Interest Arbitration Awards. And you can click on that tab, and you will find the interest arbitration words for the 23-25 contract period, you'll also find the interest arbitration awards for 21-23 contracts. In case you wanted to compare, we also have all of the collective bargaining agreements that are currently in effect for the 21-23 timeframe at the ofm.wa.gov website, you'll also see all of the tentative agreements that the parties negotiated for every contract on our website. And those were posted as of November 15. So the 2325 agreement if others, employers, or unions, or those in bargaining units, want to see some middle letters, you know, that are related to what the state employer submits to OFM for financial feasibility, you can also find those on our website. So, they're all there for those contracts. We were going under 41.80, and 41.56 RCW, also RCW 47.64, we submit a separate letter for those Ferry unions under that RCW and then for what we consider non-state employee bargaining units, we have a separate letter, so please go and explore. And if there's any improvements, let us know.

E

Emily Martin 26:58

All right, final question. I'm wondering if you have any advice for other negotiators, from your experiences at the state table.

G

Gina Comeau 27:05

I have learned that more discussion is better, we have a compressed timeframe in which we have to bargain. And there are points where it's good to pursue priorities and and to strategize and to do those things. But also information is power. And so the more I know about the union's interests, and the more I understand from management about where their interests lie, I can more oftentimes create perhaps a proposal that meets everyone's needs. And I'll try to do that. But I can't do it without knowing more. And so sometimes it's good, you know, to hold back. And sometimes it's good just to say, you know, here's our bottom line. And and we need to get moving simply because our timeframe is dwindling.

S

Sarah Lorenzini 27:54

I'll echo what Gina said, make your interests clear to the other side. And that goes for obviously, for both sides, because they don't know what they don't know. And oftentimes beating around the bush, especially with the compressed timeline that we have is just not it's

not in anybody's best interests. So insert, whether, you know, this is this is state bargaining, we don't do a lot of interest based here, not yet anyways. But I would say insert a little bit of that interest based concept into the discussion, make sure the other side is clear in the in the interest, not just you know, what, what is the language chain and make sure they, they really understand it. And I would say also, for other state negotiators manage expectations. It's tough in my union, specifically, our two other big groups are King County and Seattle and Seattle, you know, there's people don't necessarily understand that there's, you know, different streams of revenue that we're looking at. And there's a reason the the state doesn't call it a cost of living increase, it's a general wage increase, we have no state income tax. So that plays a part as well. So managing expectations and being being realistic and pragmatic, while at the same time, you know, doing the best advocacy you can, I think is really important.

**E** Eamon McCleery 29:08

Well, yeah, and related to the compressed timeline. First of all, I completely agree that having those conversations about interests is really important. It helps to do that. Sometimes, rather than getting bogged down in the specific language of a proposal, or thinking about, hey, operationally, or logistically, this would be difficult to implement because of XY and Z. And instead just have a conversation about hey, union, why, why did you propose this? What's the issue? What are you trying to address? And a lot of the times that conversation can be a lot more fruitful than the word-smithing conversation. The other thing that I always think about in terms of the compressed timeline, is there's so much prep that goes into bargaining, the data you have to pull together, getting your team prepped and ready, doing your wage and salary surveys, it really helps to have all that organized and ready to go, proposals in hand when you go to the bargaining table for the first time, I have a colleague at our local, Paul Dasher, who has this analogy where he says, you know, it's, it's like prepping all your ingredients when you're getting ready to make a stir fry. And I don't know whether that springs to mind because we're recording this right around lunchtime. But I do think it is. It's a good analogy, right? It's, you don't want to be caught, having missed something or not prepared something properly when you start throwing ingredients into that hot wok, right, you need everything ready to go. So your your dish doesn't turn into mush. So I always think about it in those terms, like have everything ready, laid out. So you can just start tossing ingredients into the wok.

**E** Emily Martin 31:04

What a great analogy. And I want to thank all three of you for being here today. This was a really great conversation and I really appreciate that you were willing to come and share a little bit about your experience and, and about how state bargaining works. Thank you so much.

**S** Sarah Lorenzini 31:18

Thanks for having us.

**E** Eamon McCleery 31:20

Thank you.



Gina Comeau 31:20

It was a pleasure. Thank you so much.