

Acknowledged Receipt This
29th day of December 2008

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Scott T. Middleton,
AAG

No. _____

SUPREME COURT OF THE STATE OF WASHINGTON

SEIU HEALTHCARE 775NW,

Petitioner,

v.

GOVERNOR CHRISTINE GREGOIRE,

Respondent.

**MOTION FOR ACCELERATED REVIEW OF PETITION BY
SEIU HEALTHCARE 775NW AGAINST STATE OFFICER
GOVERNOR CHRISTINE GREGOIRE FOR PEREMPTORY
WRIT OF MANDAMUS**

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I. IDENTITY OF MOVING PARTY

The moving party is petitioner SEIU Healthcare 775NW. This motion requests the relief designated in Part II below.

II. STATEMENT OF RELIEF SOUGHT

Petitioner seeks the disposition of the Petition by SEIU Healthcare 775NW Against State Officer Governor Christine Gregoire for Peremptory Writ of Mandamus on an accelerated basis pursuant to RAP 18.12. 1.2(c) and 18.8. Petitioner respectfully requests a ruling on this matter prior to the convening of the Washington State Legislature on January 12, 2008, or as soon thereafter as possible.

III. FACTS & GROUNDS FOR RELIEF

RAP 18.12 authorizes this Court to set any review proceeding for accelerated disposition. RAP 1.2(c) authorized this Court to alter the provisions of any of the Rules of Appellate Procedure to serve the ends of justice. RAP 18.8(a) authorizes this Court to shorten the time within which an act must be done in a particular case to serve the ends of justice.

Here, accelerated review would serve the ends of justice. The Governor's failure to include funding for the individual provider contract in her balanced budget proposal to the legislature, as required

by current law, unravels the entire statutory IP collective bargaining process. By failing to include the arbitrator's award in her budget, the Governor has rendered that award a fiction. It is as if the parties never dutifully followed the statutory framework, and as if the arbitrator's award increasing the wages and benefits of IPs was never issued. That is because once excluded from the balance budget proposal, the award plays no legal role in the legislative process. Nothing prevents the legislature from ignoring the interest arbitration award entirely if it is not included in the Governor's budget. *See* Declaration of David Rolf, filed simultaneously herewith in support of the Petition for Writ of Mandamus (hereinafter, "Rolf Decl."), ¶ 33.

For individuals performing extremely difficult and essential work and, yet making on average \$10.50 an hour, that is simply a travesty. The interest arbitration award was the product of hundred if not thousands of hours of the Union's time. The Union and the State passed detailed and nuanced proposals to one another during the course of bargaining. These proposals and counter-proposals were the product of thoughtful efforts by both sides and became the basis of the issues that were certified to interest arbitration. They were also the basis of Arbitrator Timothy Williams' interest arbitration award. There was never any question that the product of this massive undertaking of

negotiating and then litigating a new collective bargaining agreement would find its way into the Governor's balanced budget proposal. It would be unthinkable for the Union to have followed the statutory framework from beginning to end only to find that the Arbitrator's award was worth less than the paper it was written on. Rolf Decl., ¶ 34.

The Legislature affords the Governor's budget great weight, and it is the starting – and frequently the ending – point for specific expenditures. In any given year, the vast majority of what the Governor proposes is adopted by the legislature. The legislature generally tinkers at the margins but does not make wholesale changes to the budget. Rolf Decl., ¶ 35.

In fact, since collective bargaining was established for home care workers in 2001, contracts have only been funded when included in the Governor's budget. The one time the contract was not fully funded – 2003 – funding for the contract was not included in the Governor's balanced budget proposal. Rolf Decl., ¶ 37.

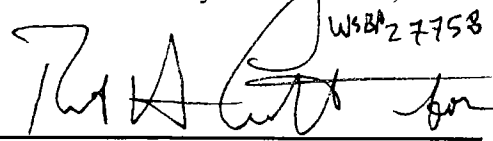
The Washington State Legislature will reconvene on January 12, 2008. Should the Legislature take up the Governor's proposed balanced budget in its current form, the Petitioner's right to have the Legislature consider a proposed balanced budget that funds the collective bargaining agreement awarded by Arbitrator Williams'

interest arbitration decision will be utterly, and perhaps irretrievably, lost. Thus, extremely prompt action by this Court is necessary in order to safeguard the important legal rights of Petitioner and the statutory framework through which Petitioner and the State establish the terms of their collective bargaining agreements.

IV. CONCLUSION

For the reasons set forth in the Petition by SEIU Healthcare 775NW Against State Officer Governor Christine Gregoire for Peremptory Writ of Mandamus, in the Declaration of David Rolf attached thereto, and above, Petitioner respectfully requests this Court to review this matter on an accelerated basis that allows for a determination prior to the convening of the Washington State Legislature on January 12, 2008, or as soon thereafter as possible.

RESPECTFULLY SUBMITTED this 29th day of December, 2008.

 WSBA 27753

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