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ENGROSSED HOUSE BILL 1348

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Prentice, Heavey, Winsley, Jones, Dellwo, R. King, Franklin, R. Fisher, Phillips, Ebersole, O'Brien, Cole, G. Fisher, Basich and Jacobsen.

Read first time January 28, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to providing for arbitration in public  
2 transportation labor negotiations; amending RCW 35.58.265, 36.57.090,  
3 and 36.57A.120; and adding a new section to chapter 35.21 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 35.58.265 and 1965 c 91 s 1 are each amended to read  
6 as follows:

7 (1) If a metropolitan municipal corporation shall perform the  
8 metropolitan transportation function and shall acquire any existing  
9 transportation system, it shall assume and observe all existing labor  
10 contracts relating to such system and, to the extent necessary for  
11 operation of facilities, all of the employees of such acquired  
12 transportation system whose duties are necessary to operate efficiently  
13 the facilities acquired shall be appointed to comparable positions to  
14 those which they held at the time of such transfer, and no employee or  
15 retired or pensioned employee of such systems shall be placed in any

1 worse position with respect to pension seniority, wages, sick leave,  
2 vacation or other benefits that he or she enjoyed as an employee of  
3 such system prior to such acquisition. The metropolitan municipal  
4 corporation shall engage in collective bargaining with the duly  
5 appointed representatives of any employee labor organization having  
6 existing contracts with the acquired transportation system and may  
7 enter into labor contracts with such employee labor organization.

8 (2) If a collective bargaining agreement for the transportation  
9 system has not been negotiated within sixty days of the commencement of  
10 bargaining between a metropolitan municipal corporation and a labor  
11 union representing its employees, either party may demand that the  
12 issues in disagreement be submitted to a mediator to assist in  
13 negotiations. If final agreement has not been reached within sixty  
14 days of the commencement of mediation, either party may demand that the  
15 issues in disagreement be submitted to an arbitrator for a binding and  
16 final determination.

17 **Sec. 2.** RCW 36.57.090 and 1974 ex.s. c 167 s 9 are each amended to  
18 read as follows:

19 (1) A county transportation authority may acquire any existing  
20 transportation system by conveyance, sale, or lease. In any purchase  
21 from a county or city, the authority shall receive credit from the  
22 county or city for any federal assistance and state matching assistance  
23 used by the county or city in acquiring any portion of such system.  
24 The authority shall assume and observe all existing labor contracts  
25 relating to such system and, to the extent necessary for operation of  
26 facilities, all of the employees of such acquired transportation system  
27 whose duties are necessary to operate efficiently the facilities  
28 acquired shall be appointed to comparable positions to those which they  
29 held at the time of such transfer, and no employee or retired or

1 pensioned employee of such systems shall be placed in any worse  
2 position with respect to pension seniority, wages, sick leave, vacation  
3 or other benefits that he enjoyed as an employee of such system prior  
4 to such acquisition. The authority shall engage in collective  
5 bargaining with the duly appointed representatives of any employee  
6 labor organization having existing contracts with the acquired  
7 transportation system and may enter into labor contracts with such  
8 employee labor organization.

9 (2) If a collective bargaining agreement for the transportation  
10 system has not been negotiated within sixty days of the commencement of  
11 bargaining between a county transportation authority and a labor union  
12 representing its employees, either party may demand that the issues in  
13 disagreement be submitted to a mediator to assist in negotiations. If  
14 final agreement has not been reached within sixty days of the  
15 commencement of mediation, either party may demand that the issues in  
16 disagreement be submitted to an arbitrator for a binding and final  
17 determination.

18 **Sec. 3.** RCW 36.57A.120 and 1975 1st ex.s. c 270 s 22 are each  
19 amended to read as follows:

20 (1) If a public transportation benefit area shall acquire any  
21 existing transportation system, it shall assume and observe all  
22 existing labor contracts relating to such system and, to the extent  
23 necessary for operation of facilities, all of the employees of such  
24 acquired transportation system whose duties are necessary to operate  
25 efficiently the facilities acquired shall be appointed to comparable  
26 positions to those which they held at the time of such transfer, and no  
27 employee or retired or pensioned employee of such systems shall be  
28 placed in any worse position with respect to pension seniority, wages,  
29 sick leave, vacation or other benefits that he or she enjoyed as an

1 employee of such system prior to such acquisition. The public  
2 transportation benefit area authority shall engage in collective  
3 bargaining with the duly appointed representatives of any employee  
4 labor organization having existing contracts with the acquired  
5 transportation system and may enter into labor contracts with such  
6 employee labor organization.

7 (2) If a collective bargaining agreement for the transportation  
8 system has not been negotiated within sixty days of the commencement of  
9 bargaining between a public transportation benefit area and a labor  
10 union representing its employees, either party may demand that the  
11 issues in disagreement be submitted to a mediator to assist in  
12 negotiations. If final agreement has not been reached within sixty  
13 days of the commencement of mediation, either party may demand that the  
14 issues in disagreement be submitted to an arbitrator for a binding and  
15 final determination.

16 NEW SECTION. Sec. 4. A new section is added to chapter 35.21 RCW  
17 to read as follows:

18 If a collective bargaining agreement for a city's public passenger  
19 transportation system has not been negotiated within sixty days of the  
20 commencement of bargaining between a city and a labor union  
21 representing its public passenger transportation system employees,  
22 either party may demand that the issues in disagreement be submitted to  
23 a mediator to assist in negotiations. If final agreement has not been  
24 reached within sixty days of the commencement of mediation, either  
25 party may demand that the issues in disagreement be submitted to an  
26 arbitrator for a binding and final determination.