SENATE BILL REPORT

SB 5483

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, MARCH 3, 1993

Brief Description: Providing for arbitration in public transportation labor negotiations.

SPONSORS: Senators Prentice, Winsley, Vognild, Wojahn, Moore, Rinehart, McAuliffe, Sutherland, Pelz and Franklin

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5483 be substituted therefor, and the substitute bill do pass.
Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Staff: Jonathan Seib (786-7427)

Hearing Dates: February 22, 1993; March 3, 1993

BACKGROUND:

In 1964, the U.S. Congress passed the Urban Mass Transportation Act (UMTA) to provide financial assistance to state and local governments for the development of mass transportation systems. This included providing financing for the acquisition of already-existing private transit systems. A state or local government may not receive these funds, however, unless the agency enters into an agreement, known as a "Section 13(c) agreement," which details the conditions the state or local government must meet.

One of the conditions to receiving federal assistance requires employers to preserve the rights, privileges and benefits to employees under existing collective bargaining agreements. Until 1982, the Secretary of Labor and the lower federal courts required that transit employers provide their employees with a right to interest arbitration for labor disputes, because as public employees, they no longer had a right to strike.

In 1982, however, the U.S. Supreme Court held that disputes arising under Section 13(c) agreements must be decided in state courts according to state law. Under Washington statute, transit workers do not have the right to interest arbitration.

SUMMARY:

If a collective bargaining agreement for the transit system has not been negotiated within 45 days of the commencement of bargaining between a labor union and a local government

transportation authority, then either party to the negotiations may demand mediation. If final agreement is not reached within 45 days of the commencement of mediation, then either party may demand binding arbitration.

EFFECT OF PROPOSED SUBSTITUTE:

The amount of time allowed for negotiations prior to mediation is increased from 45 to 90 days. The amount of time allowed for mediation prior to arbitration is changed from 45 days to "a reasonable period of negotiation and mediation."

A process for choosing a mediator and an arbitration panel is established. Enforcement of the decision of the arbitration panel is provided for. Criteria for the arbitration panel to consider in making its determination are established.

The right of employees covered by the act to strike is expressly not granted.

Appropriation: none

Revenue: none

Fiscal Note: requested February 19, 1993

TESTIMONY FOR:

The bill is needed to provide a level playing field in the bargaining process; without arbitration, the collective bargaining system does not work very well.

TESTIMONY AGAINST:

An outsider cannot do a better job than parties in achieving fair and equitable labor settlement. The bill is not needed to protect the public interest nor to protect the interests of the transit workers. The availability of binding arbitration will hinder the negotiation process, which in the end will be detrimental to taxpayers.

TESTIFIED: CON: Hugh Mose, Washington State Transit Association; Marnie Slakey, Pierce Transit; Bob Mack, Spokane Transit; Kathleen Collins, Association of Washington Cities; PRO: Steve Ross, Amalgamated Transit Union; Dan Linville, Amalgamated Transit Union; Joan Leimen, Amalgamated Transit Union