

2 EHB 2073 - S AMD - 527
3 By Senator West

4 PULLED 4/25/99

5 On page 3, after line 32, insert the following:

6 "Sec. 3. RCW 41.56.465 and 1995 c 273 2 are each amended to read
7 as follows:

8 (1) In making its determination, the panel shall be mindful of the
9 legislative purpose enumerated in RCW 41.56.430 and, as additional
10 standards or guidelines to aid it in reaching a decision, it shall take
11 into consideration the following factors:

12 (a) The constitutional and statutory authority of the employer;

13 (b) Stipulations of the parties;

14 (c)(i) For employees listed in RCW 41.56.030(7)(a) through (d),
15 comparison of the wages, hours, and conditions of employment of
16 personnel involved in the proceedings with the wages, hours, and
17 conditions of employment of like personnel of like employers of similar
18 size on the west coast of the United States;

19 (ii) For employees listed in RCW 41.56.030(7)(e) through (h),
20 comparison of the wages, hours, and conditions of employment of
21 personnel involved in the proceedings with the wages, hours, and
22 conditions of employment of like personnel of public fire departments
23 of similar size on the west coast of the United States. However, when
24 an adequate number of comparable employers exists within the state of
25 Washington, other west coast employers may not be considered;

26 (d) The ~~((average consumer prices for goods and services, commonly~~
27 ~~known as the cost of living))~~percentage change in the implicit price
28 deflator for personal consumption expenditures for the United States as
29 published by the bureau of economic analysis of the federal department
30 of commerce for the year preceding the year in which interest
31 artibtration panel proceedings are initiated and as published or
32 reported by the bureau during the pendency of the proceedings;

33 (e) Changes in any of the circumstances under (a) through (d) of
34 this subsection during the pendency of the proceedings; and

1 (f) Such other factors, not confined to the factors under (a)
2 through (e) of this subsection, that are normally or traditionally
3 taken into consideration in the determination of wages, hours, and
4 conditions of employment. For those employees listed in RCW
5 41.56.030(7)(a) who are employed by the governing body of a city or
6 town with a population of less than fifteen thousand, or a county with
7 a population of less than seventy thousand, consideration must also be
8 given to regional differences in the cost of living.

9 (2) Subsection (1)(c) of this section may not be construed to
10 authorize the panel to require the employer to pay, directly or
11 indirectly, the increased employee contributions resulting from chapter
12 502, Laws of 1993 or chapter 517, Laws of 1993 as required under
13 chapter 41.26 RCW.

14 **Sec. 4.** RCW 41.56.492 and 1993 c 473 1 are each amended to read
15 as follows:

16 In addition to the classes of employees listed in RCW 41.56.030(7),
17 the provisions of RCW 41.56.430 through 41.56.452, 41.56.470,
18 41.56.480, and 41.56.490 shall also be applicable to the employees of
19 a public passenger transportation system of a metropolitan municipal
20 corporation, county transportation authority, public transportation
21 benefit area, or city public passenger transportation system, subject
22 to the following:

23 (1) Negotiations between the public employer and the bargaining
24 representative may commence at any time agreed to by the parties. If
25 no agreement has been reached ninety days after commencement of
26 negotiations, either party may demand that the issues in disagreement
27 be submitted to a mediator. The services of the mediator shall be
28 provided by the commission without cost to the parties, but nothing in
29 this section or RCW 41.56.440 shall be construed to prohibit the public
30 employer and the bargaining representative from agreeing to substitute
31 at their own expense some other mediator or mediation procedure; and

32 (2) If an agreement has not been reached following a reasonable
33 period of negotiations and mediation, and the mediator finds that the
34 parties remain at impasse, either party may demand that the issues in
35 disagreement be submitted to an arbitration panel for a binding and
36 final determination. In making its determination, the arbitration
37 panel shall be mindful of the legislative purpose enumerated in RCW

1 41.56.430 and as additional standards or guidelines to aid it in
2 reaching a ~~((decisions—[decision]))~~decision, shall take into
3 consideration the following factors:

4 (a) The constitutional and statutory authority of the employer;

5 (b) Stipulations of the parties;

6 (c) Compensation package comparisons, economic indices, fiscal
7 constraints, and similar factors determined by the arbitration panel to
8 be pertinent to the case; and

9 (d) The percentage change in the implicit price deflator for
10 personal consumption expenditures for the United States as published by
11 the bureau of economic analysis of the federal department of commerce
12 for the year preceding the year in which interest artibtration panel
13 proceedings are initiated and as published or reported by the bureau
14 during the pendency of the proceedings.

15 (e) Such other factors, not confined to the foregoing, which are
16 normally or traditionally taken into consideration in the determination
17 of wages, hours, and conditions of employment."

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21 On page 1, on line 2 of the title, after "amending", insert "RCW
22 41.56.465, RCW 41.56.492"

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