

HOUSE BILL REPORT

HB 1574

As Reported by House Committee On:

Commerce & Labor

Title: An act relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW.

Brief Description: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW.

Sponsors: Representatives Conway, Cooper and Fromhold.

Brief History:

Committee Activity:

Commerce & Labor: 2/12/03, 3/4/03 [DPS].

Brief Summary of Substitute Bill

- Adds the operating and maintenance employees at a commercial nuclear power plant to the employees covered by interest arbitration under the Public Employees' Collective Bargaining Act.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Hudgins, Kenney and McCoy.

Minority Report: Do not pass. Signed by 4 members: Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Staff: Chris Cordes (786-7103).

Background:

Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA) administered by the Public Employment Relations Commission (Commission).

For uniformed personnel, the PECBA recognizes the public policy against strikes as a means of settling labor disputes. To resolve impasses over contract negotiations involving these uniformed personnel, the PECBA requires binding arbitration.

The employees who are listed as uniformed personnel include, among others: fire fighters in all cities and counties and law enforcement officers in larger cities and counties, correctional security personnel employed in larger county jails, general authority peace officers and fire fighters employed by certain port districts, security forces at a nuclear power plant, and publicly employed advanced life support technicians. Other public employees covered by interest arbitration include state patrol officers and certain transit employees under the PECBA and ferry workers under the Marine Employees' Public Employment Relations Act.

Summary of Substitute Bill:

The interest arbitration provisions of the PECBA apply to operating and maintenance employees who are employed at a commercial nuclear power plant by an operating agency that is operating under a site certificate issued before the effective date of the bill.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that (1) the interest arbitration provisions applicable to the operating and maintenance employees do not include provisions pertaining to State Patrol Officers; (2) the covered employees are employed at a commercial nuclear power plant operated by an employer who is an "operating agency" as defined under the site certification statute; and (3) the employer must be operating under a site certificate that was issued before the effective date of the bill.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is needed because in 1996 there were extended negotiations that lasted a very long time. A year after a contract expires, an employer is permitted to unilaterally implement its offer. This threat can hinder negotiations. The negotiations took nearly two years, with the contract being voted down at one point and with a lot of labor unrest. There was concern during this period about plant sabotage and whether labor issues were distracting everyone from the safe operation of the plant. The employees have nowhere to go if mediation fails to break the deadlock since they are not

authorized to have a third party make decisions. The employees much prefer to negotiate and not use the arbitrator unless forced into it. Binding arbitration is intended to be used when the services are so important that strikes should not be permitted because of public safety concerns. The Legislature should look at whether the services are "essential" not whether the employees are "uniformed."

Testimony Against: The 1996 contract did take a long time, but the parties have worked hard to rebuild their relationship. There have been three contracts successfully negotiated since then. The circumstances in 1996 may have been affected by a split in the union membership with resulting internal union problems. There has been one strike at another state's nuclear power plant without any compromise to public safety. There does not seem to be interest arbitration for employees at nuclear plants in other states.

Testified: (In support) Spenser Clark and Richard King, International Brotherhood of Electrical Workers.

(Opposed) David Orcutt, Energy Northwest.

(Information only) Marvin Schurke, Public Employment Relations Commission.