

SENATE BILL REPORT

SB 6794

As Reported By Senate Committee On:
Transportation, February 6, 2006

Title: An act relating to collective bargaining by state ferry employees.

Brief Description: Concerning collective bargaining by state ferry employees.

Sponsors: Senators Haugen, Esser, Jacobsen, Mulliken and Spanel; by request of Department of Transportation.

Brief History:

Committee Activity: Transportation: 1/30/06, 2/6/06 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6794 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Ranking Minority Member; Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein.

Staff: Janice Baumgardt (786-7319)

Background: Under current law, Ferry Employee Organizations (FEO) representatives bargain with a representative from the Department of Transportation (DOT). The timing is such that negotiations are to begin after the biennial budget has been passed and there are no deadlines for the process to be completed. No collective bargaining agreements or awards (CBA) are considered complete until all CBAs have been completed. Funding for ferry labor is limited by proviso. If DOT concludes that funding is insufficient to pay for any CBAs, the secretary of DOT must declare that determination to the Marine Employees Commission (MEC). MEC must make a determination whether available funding is sufficient to pay CBAs. If MEC determines that funding is not available, MEC will administer an "across the board" cut to fit within available funding.

Under current law, state marine employee arbitration is binding and the arbitrator must choose either party's position on each issue.

Summary of Substitute Bill: The FEO bargains with a representative designated by the Governor. Timing of the collective bargaining process is changed so that the process for 2007/09, and subsequent periods, must be completed before the Governor submits the budget proposal for the biennial budget. MEC is taken out of the funding determination process. The Governor must include a funding request for CBAs as long as they are presented to the Governor before October 1 and have been certified by the Office of Financial Management (OFM) to be financially feasible for the state. The Legislature is directed to consider only those funding requests for CBAs that have been included in the Governor's budget proposal

and to approve or reject all funds requests as a whole. If the request is not funded, either party may reopen CBAs to negotiations or seek mediation. If the request is funded and the Governor or Legislature subsequently declares a significant revenue shortfall, both parties to the CBA must immediately negotiate for a modification of the CBA.

CBAs for periods prior to 2007/09 are governed by current statutes.

Arbitration remains binding; however, if agreed to by both parties, the arbitrator may choose an arbitration process that allows the arbitrator to select a position in between the parties' positions on each issue.

FEOs are permitted to form coalitions and to bargain one agreement for all bargaining units in the coalition. If a coalition bargains, supplemental agreements may still be negotiated for specific issues for specific FEOs. Additionally, implementation of a CBA is no longer contingent on completion of all bargaining unit agreements for the biennium.

If there is a conflict, CBAs prevail over executive orders, administrative rules, or agency policy. In conflicts with statutes, statutes prevail over CBAs.

Substitute Bill Compared to Original Bill: Language allowing the DOT to increase the ferry tolls by up to the Seattle Consumer Price Index in order to cover CBA costs is removed.

A CBA completion date is added for the 2007/09 biennium.

CBAs from periods prior to 2007/09 are governed by current statutes.

Technical corrections are made.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Putting the negotiation process before the budget process will help avoid the lag that has been experienced in the negotiation process.

Testimony Against: None.

Who Testified: PRO: Mike Anderson and Charley Bates, Washington State Department of Transportation; Gordon Baxter, Inlandboatmen's Union, Masters, Mates, and Pilots, Marine Engineers Beneficial Association, Metal Trades Council, and Office and Professional Employees Union 8; Bob Scott, Puget Sound Metal Trades Council; Dennis Conklin, Inlandboatmen's Union; Jon Anderson, Marine Engineers Beneficial Association; Captain Steve Demoutritis, Masters, Mates, and Pilots.