

SENATE BILL REPORT

HB 2203

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 28, 2008

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 Blake, Conway, Kenney, Hunt, Green and Moeller.

Brief History: Passed House: 1/28/08, 68-24.

Committee Activity: Labor, Commerce, Research & Development: 2/21/08, 2/28/08 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice.

Minority Report: Do not pass.

Signed by Senators Holmquist, Ranking Minority Member; King.

Staff: Mac Nicholson (786-7445)

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 (PERC). 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: firefighters 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 firefighters 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

For all personnel who are subject to binding interest arbitration under the PECBA, an interest arbitration panel must consider: the authority of the employer; stipulations of the parties; a comparison of wages, hours, and conditions of employment of personnel involved in the proceedings with those of like personnel; the cost-of-living; changes in circumstances in any of these factors during the proceedings; and other factors normally or traditionally considered in the determination of wages, hours, and conditions of employment.

Summary of Bill: The interest arbitration provisions of the PECBA apply to operating and maintenance employees who are employed at a commercial nuclear power plant by a joint operating agency.

For these operating and maintenance employees, an interest arbitration panel must consider: the authority of the employer; stipulations of the parties; a comparison of the wages, benefits, hours of work, and working conditions of the personnel involved in the proceeding with those of like personnel in relevant Washington labor markets, or for classifications not found in Washington, with those of similar personnel in Arizona and California; economic indices, fiscal constraints, relative differences in the cost of living, and similar factors determined to be pertinent; and other factors normally or traditionally considered in the determination of wages, benefits, hours of work, and working conditions.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: These workers operate under a "no strike" clause, so when the last and final offer is not acceptable, they should be able to go to arbitration. The parties have a letter of agreement that provides for binding arbitration in the event of failed negotiations; however, any party can refuse to renew the letter. This bill would just codify that letter. Interest arbitration is a proven method to resolve differences and should be extended to nuclear workers.

CON: The bill is a solution looking for a problem. In 1995 the plant was in trouble in terms of viability, but the plant is through that time now. The parties have a letter of agreement that provides for binding arbitration; so, this bill is not necessary.

Persons Testifying: PRO: Allen Scott, Spencer Clark, Thomas McMahon, Richard King, International Brotherhood of Electrical Workers.

CON: Dale Atkinson, Energy Northwest.