
SUBSTITUTE HOUSE BILL 2348

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Sells, Chase, Jarrett, Campbell, Miloscia, Lovick, Ormsby, Green, Morrell, Hankins, Darneille and Simpson)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to the disclosure of labor relations materials; and
2 amending RCW 41.58.020 and 47.64.280.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.58.020 and 1993 c 379 s 303 are each amended to
5 read as follows:

6 (1) It shall be the duty of the commission, in order to prevent or
7 minimize interruptions growing out of labor disputes, to assist
8 employers and employees to settle such disputes through mediation and
9 fact-finding.

10 (2) The commission, through the director, may proffer its services
11 in any labor dispute arising under a collective bargaining statute
12 administered by the commission, either upon its own motion or upon the
13 request of one or more of the parties to the dispute, whenever in its
14 judgment such dispute threatens to cause a substantial disruption to
15 the public welfare.

16 (3) If the director is not able to bring the parties to agreement
17 by mediation within a reasonable time, the director shall seek to
18 induce the parties to voluntarily seek other means of settling the
19 dispute without resort to strike or other coercion, including

1 submission to the employees in the bargaining unit of the employer's
2 last offer of settlement for approval or rejection in a secret ballot.
3 The failure or refusal of either party to agree to any procedure
4 suggested by the director shall not be deemed a violation of any duty
5 or obligation imposed by this chapter.

6 (4) Final adjustment by a method agreed upon by the parties is
7 declared to be the desirable method for settlement of grievance
8 disputes arising over the application or interpretation of an existing
9 collective bargaining agreement. The commission is directed to make
10 its mediation and fact-finding services available in the settlement of
11 such grievance disputes only as a last resort.

12 (5) The following are confidential and privileged and not subject
13 to public disclosure under chapter 42.56 RCW:

14 (a) Records of mediation communications conducted under the
15 provisions of chapters 28B.52, 41.56, 41.59, 41.76, and 41.80 RCW.

16 (b) Evidence furnished as showing of interest in support of any
17 representation petition or motion for intervention filed under chapters
18 28B.52, 41.56, 41.59, 41.76, and 41.80 RCW.

19 **Sec. 2.** RCW 47.64.280 and 2006 c 164 s 18 are each amended to read
20 as follows:

21 (1) There is created the marine employees' commission. The
22 governor shall appoint the commission with the consent of the senate.
23 The commission shall consist of three members: One member to be
24 appointed from labor, one member from industry, and one member from the
25 public who has significant knowledge of maritime affairs. The public
26 member shall be chair of the commission. One of the original members
27 shall be appointed for a term of three years, one for a term of four
28 years, and one for a term of five years. Their successors shall be
29 appointed for terms of five years each, except that any person chosen
30 to fill a vacancy shall be appointed only for the unexpired term of the
31 member whom he or she succeeds. Commission members are eligible for
32 reappointment. Any member of the commission may be removed by the
33 governor, upon notice and hearing, for neglect of duty or malfeasance
34 in office, but for no other cause. Commission members are not eligible
35 for state retirement under chapter 41.40 RCW by virtue of their service
36 on the commission. Members of the commission shall be compensated in
37 accordance with RCW 43.03.250 and shall receive reimbursement for

1 official travel and other expenses at the same rate and on the same
2 terms as provided for the transportation commission by RCW 47.01.061.
3 The payments shall be made from the Puget Sound ferry operations
4 account.

5 (2) The commission shall: (a) Adjust all complaints, grievances,
6 and disputes between labor and management arising out of the operation
7 of the ferry system as provided in RCW 47.64.150; (b) provide for
8 impasse mediation as required in RCW 47.64.210; (c) provide salary
9 surveys as required in RCW 47.64.220; and (d) perform those duties
10 required in RCW 47.64.300.

11 (3)(a) In adjudicating all complaints, grievances, and disputes,
12 the party claiming labor disputes shall, in writing, notify the
13 commission, which shall make careful inquiry into the cause thereof and
14 issue an order advising the ferry employee, or the ferry employee
15 organization representing him or her, and the department of
16 transportation, as to the decision of the commission.

17 (b) The parties are entitled to offer evidence relating to disputes
18 at all hearings conducted by the commission. The orders and awards of
19 the commission are final and binding upon any ferry employee or
20 employees or their representative affected thereby and upon the
21 department.

22 (c) The commission shall adopt rules of procedure under chapter
23 34.05 RCW.

24 (d) The commission has the authority to subpoena any ferry employee
25 or employees, or their representatives, and any member or
26 representative of the department, and any witnesses. The commission
27 may require attendance of witnesses and the production of all pertinent
28 records at any hearings held by the commission. The subpoenas of the
29 commission are enforceable by order of any superior court in the state
30 of Washington for the county within which the proceeding may be
31 pending. The commission may hire staff as necessary, appoint
32 consultants, enter into contracts, and conduct studies as reasonably
33 necessary to carry out this chapter.

34 (4) Records of mediation communications and evidence furnished as
35 showing of interest in support of any representation petition or motion
36 for intervention are confidential and privileged and not subject to

1 public disclosure under chapter 42.56 RCW.

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