

SENATE BILL REPORT

HB 1389

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, March 16, 2009

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, Sells, Ormsby, McCoy, Kessler, Van De Wege, Green, Simpson and Wood.

Brief History: Passed House: 2/23/09, 67-29.

Committee Activity: Labor, Commerce & Consumer Protection: 3/16/09 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: Do pass.

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

Minority Report: Do not pass.

Signed by Senators Holmquist, Ranking Minority Member; Honeyford and King.

Staff: Kathleen Buchli (786-7488)

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. 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: Binding arbitration is appropriate for certain situations. Here, the employees of the nuclear power plants do not want to strike and are seeking another method to settle disputes.

CON: These employees use a dispute method which is similar to an interest-based bargaining method. We do not believe that there are problems in the negotiation process that cannot be solved using this method. Binding arbitration is for police officers and firefighters. If there are safety issues involving employee disputes, management is able to shut the reactor down.

Persons Testifying: PRO: Bob Guenther, International Brotherhood of Electrical Workers, #77; Richard King, International Brotherhood of Electrical Workers, #46.

CON: Jim Rowland, Energy Northwest.