

SENATE BILL REPORT

SB 5492

As Passed Senate, March 5, 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: Senators Marr, Swecker, Kohl-Welles, Benton, Keiser and Franklin.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/27/09, 2/02/09 [DP, DNP].

Passed Senate: 3/05/09, 33-15.

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

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PECBA and ferry workers under the Marine Employees' Public Employment Relations Act.

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: This is a simple, common sense bill that has bipartisan support. From a public policy standpoint, it is not desirable to have public safety personnel engage in actions like strikes, but it is appropriate to give them another mechanism to settle their disputes. It is necessary to provide for binding arbitration in statute. This applies to the Columbia generating station. Arbitration will settle negotiations that reach impasses. These employees cannot strike because it would harm the public and binding arbitration would require that they continue working until an agreement is reached.

CON: Experience with arbitration shows that people on both sides wish to avoid it in the future. It is a long process and can give a less advantageous award to staff. The discussion suggests that it has to do with the safe operation of the facility, but the plant would need to come off-line without staff if there was a walkout. In practice, we have effective negotiations. Because we just entered into a four-year agreement, if this was approved it would have no impact for several years. This is a solution looking for a problem that does not exist.

Persons Testifying: PRO: Senator Marr, prime sponsor; Bob Guenther, International Brotherhood of Electrical Workers, #77; Richard King, International Brotherhood of Electrical Workers, #46, 48, 73, 76, 112, 191, 970.

CON: Dale Atkinson, Energy Northwest.