

2ESSB 5742 - H AMD 783

By Representative Armstrong

ADOPTED 05/13/2011

1 Beginning on page 9, line 34, strike all of section 8 and insert  
2 the following:

3 "NEW SECTION. **Sec. 8.** A new section is added to chapter 47.64 RCW  
4 to read as follows:

5 (1) Effective July 1, 2013, a captain of a Washington state ferry  
6 vessel, also known as the master of the vessel or the commanding  
7 officer, is the ultimate authority on and has responsibility for the  
8 entire vessel. The captain's responsibilities include, but are not  
9 limited to:

10 (a) Ensuring the safe navigation of the vessel and its crew and  
11 passengers;

12 (b) Following all applicable federal, state, and agency policies  
13 and regulations;

14 (c) Supervising crew in performance, operations, training,  
15 security, and environmental protection;

16 (d) Overseeing all aspects of vessel operations; and

17 (e) Conforming with and ensuring that the vessel also conforms with  
18 the performance expectations set forth by the department.

19 (2) Effective July 1, 2013, the office of financial management, the  
20 marine employees' commission, and the exclusive bargaining  
21 representative of the captains shall meet and determine a methodology  
22 for separating the captains from other licensed deck officers currently  
23 represented by the masters, mates, and pilots bargaining unit. This  
24 process must provide for the continuation of both bargaining units by  
25 the masters, mates, and pilots bargaining unit as well as a formal  
26 recognition by the state that the terms and conditions of the current  
27 licensed deck officer collective bargaining agreement must carry  
28 forward for both bargaining units and must serve as the bases for  
29 future negotiations with these bargaining units. The separation of  
30 these bargaining units must be completed by July 1, 2013.

1 (3) If a new captains-only bargaining unit is created, the employer  
2 and the exclusive bargaining representative for the captains-only  
3 bargaining unit must negotiate a collective bargaining agreement  
4 exclusive to the captains-only bargaining unit. The collective  
5 bargaining agreement for the captains must include a negotiated  
6 provision that outlines the objectives and measurable performance  
7 expectations for the captains.

8 (4) For negotiations covering the 2013-2015 biennium, the employer  
9 and the exclusive bargaining representative of the captains-only  
10 bargaining unit must negotiate agreements that are consistent with this  
11 section.

12 (5) A collective bargaining agreement may not contain any provision  
13 that extends the term of an existing collective bargaining agreement or  
14 applicability of items incompatible with this section in an existing  
15 collective bargaining agreement."

16 On page 11, beginning on line 6, after "services" strike all  
17 material through "captain" on line 7 and insert "or is exempt"

18 Beginning on page 11, line 16, strike all of section 10 and insert  
19 the following:

20 "NEW SECTION. **Sec. 10.** A new section is added to chapter 47.64  
21 RCW to read as follows:

22 (1) Performance targets for the Washington state ferries must be  
23 established by an ad hoc committee with members from and designated by  
24 the office of the governor, which must include at least one  
25 representative from labor, by October 1, 2013. The ad hoc committee  
26 shall solicit input from the joint transportation committee.  
27 Performance targets must be reviewed and reestablished by an ad hoc  
28 committee with members from and designated by the office of the  
29 governor every six years.

30 (2) The ad hoc committee must consider the following performance  
31 measures to set performance targets:

32 (a) Safety performance as measured by passenger and employee  
33 injuries;

34 (b) On-time performance by route, excluding delays that are  
35 authorized or are outside of the control of the department;

1 (c) Customer satisfaction, which may include customer surveys;

2 (d) Fuel consumption; and

3 (e) Terminal and vessel operating costs, not including fuel.

4 (3) By October 1st of each year, the department shall complete a  
5 report to assess whether the performance targets have been met for the  
6 prior fiscal year. This performance report must be reviewed by the  
7 office of financial management. Biennially, the office of financial  
8 management must integrate the performance report into the report  
9 prepared by the office of financial management pursuant to RCW  
10 47.04.280 regarding progress towards achieving Washington state's  
11 transportation system policy goals.

12 (4) If the department does not meet the performance targets, it  
13 must develop an action plan to meet the performance targets within a  
14 set time frame and submit this plan to the office of financial  
15 management within thirty days of the performance report. The action  
16 plan must identify the cause and conditions that lead to nonperformance  
17 and must include recommendations to improve performance.  
18 Recommendations may include remedies that would require additional  
19 funds or legislative action. The office of financial management must  
20 also provide the action plan to the transportation committees of the  
21 legislature."

22 On page 13, beginning on line 1, strike all of section 12

23 Renumber the remaining sections consecutively and correct any  
24 internal references accordingly.

EFFECT: (1) The requirement that Captains of Washington state  
ferry vessels be part of Washington State Ferries management is  
removed.

(2) Captains are expected to conform with and ensure the vessel  
also conforms with performance expectations set forth by the Department  
of Transportation (DOT).

(3) Instead of Captains being severed from the Masters, Mates, and  
Pilots bargaining unit and being required to form a captains-only  
bargaining unit through an election, a captains-only bargaining unit is  
formed by a separation of the Captains from the other licensed deck  
officers within the Masters, Mates, and Pilots bargaining unit. The

Office of Financial Management (OFM), the Marine Employees' Commission (MEC), and the Captains bargaining representative are to meet and determine a methodology for the separation. The separation is to be completed by July 1, 2013.

(4) The current bargaining agreement for both the Captains and the other licensed deck officers is to carry forward as the basis for future negotiations.

(5) Changes dates, member requirements, and the process associated with the Ad Hoc Committee's establishment of performance measures.

(6) Reduces specificity of safety, service effectiveness/customer service, and fuel consumption performance measures.

(7) Removes cost containment and maintenance and capital program effectiveness performance measures.

(8) Adds terminal and vessel operating cost performance measures.

(9) Removes the requirement for OFM to provide performance measure baseline data.

(10) Changes the requirement to complete an annual performance report from OFM to DOT.

(11) Requires OFM to review the annual report instead of the Joint Transportation Committee.

(12) Removes the requirement that the performance report is to be incorporated into the Governor's proposed biennial transportation budget.

(13) Requires DOT to develop an action plan if the performance targets are not met and outlines items to be included in the action plan.

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