

SENATE BILL REPORT

SB 5406

As Reported by Senate Committee On:
Transportation, February 24, 2011

Title: An act relating to improving and measuring performance of the management of the state ferry system.

Brief Description: Concerning the performance of state ferry system management.

Sponsors: Senators Haugen, Sheldon, Hobbs, Prentice and Shin.

Brief History:

Committee Activity: Transportation: 2/01/11, 2/24/11 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; White, Vice Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Ericksen, Hill, Hobbs, Litzow, Nelson, Prentice, Ranker, Sheldon and Swecker.

Staff: Janice Baumgardt (786-7319)

Background: The Legislature has directed the Washington State Ferry system (WSF) to adopt adaptive management practices in its operating and capital programs in order to keep costs as low as possible, maximize utilization of existing assets, and continuously improve the quality and timeliness of service.

Bargainable issues for WSF unions include hours, wages, benefits, and working conditions.

The Marine Employees Commission (MEC) is the agency that processes grievances for the WSF unions and provides arbitration services. In grievance arbitration, the employee organization determines whether the issue will be resolved through arbitration.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute as Passed Committee): Issues that may be bargained by WSF unions are defined as hours, wages, benefits, shift bidding, scheduling

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.

leave time, and grievance procedures. The rights of management are defined and cannot be bargained.

Captains, Deck Officers, Chief Engineers, and Terminal Supervisors are part of management and may not belong to a union.

WSF management must meet twice yearly with union employees and encourage an open and direct exchange of ideas and concerns between line employees and WSF management.

Beginning in 2012, and at least once every three years thereafter, WSF must apply for an agency-wide performance review through the Washington State Quality Award or similar organization. The review must evaluate a wide range of areas, including leadership, strategic planning, customer focus, and process improvement.

Performance measures and targets that must be met by June 30, 2013, are provided. Joint Legislative Audit and Review Committee will audit and determine whether the targets are met. If the targets are not met: (1) the Governor is to use that information to evaluate the Secretary of the Washington State Department of Transportation (WSDOT); (2) the Secretary of WSDOT is to use that information to evaluate the Assistant Secretary of WSF; and (3) the Governor is to appoint an Inspector General, after consensus with chairs and ranking minorities of the transportation committees of the Legislature, who has authority to make changes at WSF that will result in the targets being met.

Criteria is provided for performance measures that are to be included in the Governor's attainment report.

All functions of the MEC are transferred to the Public Employment Relations Committee and MEC is abolished. Both the employee organization and the employer must agree to have an issue resolved through arbitration.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): The bill heard in committee did the following:

Criteria is established for developing performance measures. Management is defined as the Secretary of WSDOT, the Assistant Secretary of WSF, and all direct reports to the Assistant Secretary.

The WSF Accountability Board (WSFAB) is established and consists of members representing ferry user groups, the Legislature, and the executive branch. The WSFAB must develop performance measures and target goals. WSF must meet a certain percent of these targets by June 30, 2013. If the targets are not met, the Governor must use that information to evaluate the performance of the Secretary of WSDOT, and the Secretary of WSDOT must use that information to evaluate the performance of the assistant Secretary of WSF. The WSFAB must make a recommendation to the Joint Transportation Committee whether to bid out management functions and offer any other suggestions to improve WSF performance.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:

PRO: This bill is needed to save the ferry system as it has become unaffordable and is essential before new revenue can be raised.

Persons Testifying: PRO: Walt Elliot, Ferry Advisory Committee.