

SENATE BILL REPORT

SB 5408

As of February 10, 2011

Title: An act relating to Washington state ferry system personnel and projects.

Brief Description: Concerning Washington state ferry system personnel and projects.

Sponsors: Senators King, Haugen, Becker and Prentice.

Brief History:

Committee Activity: Transportation: 2/01/11.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Janice Baumgardt (786-7319)

Background: Washington State has waived its sovereign immunity from lawsuits. For injuries received in employment, the remedy is between the employer and employee through industrial insurance; this is commonly known as workers' compensation. There are some exceptions to this and one such exception is maritime employees. Washington State Ferries (WSF) employees on vessels are maritime employees covered under general Maritime law and the federal Jones Act. Injured WSF employees on vessels must sue their employer and cannot go through workers' compensation for medical reimbursement, lost wages, and pain and suffering.

Washington State Department of Transportation's public works projects estimated to cost \$2 million or more must require the contractor to have a minimum of 15 percent of the work performed by apprentices.

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 (Proposed Substitute): State employees who are maritime employees must go through industrial insurance for on-the-job injury claims.

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.

WSF public works projects estimated to cost \$6 million or more must require the contractor to have a minimum of 15 percent of the work performed by apprentices.

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

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

CON: The Jones Act incentivizes safety. Workers will be saddled with the additional costs of Industrial Insurance. The MEC was promised to the unions.

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

CON: Alan Cote, IBU; Jeff Duncan, MEBA.