
HOUSE BILL 2485

State of Washington

57th Legislature

2002 Regular Session

By Representatives Hurst, Campbell, Simpson, Conway, Schual-Berke, Barlean, Cooper, Haigh, Cody, Morris, Veloria, Schmidt, Dunshee, Lovick, Jackley, Kirby, Santos, Dickerson, Van Luven, Edwards, Upthegrove, Kenney and O'Brien

Read first time 01/18/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to airport security; adding new sections to chapter
2 53.08 RCW; adding a new section to chapter 42.17 RCW; creating a new
3 section; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Since September 11, 2001, Americans have
6 come to understand that challenges to airport security require
7 responsible employers and a high-quality, stable airport work force.
8 High turnover and irresponsible actions by contractors have only
9 partially been addressed by federal legislation.

10 The legislature finds that homeland security, as well as the safety
11 and security of passengers and employees at large airports could be
12 compromised by high turnover rates among airport workers, and by the
13 presence of contractors and tenants at large airports who do not
14 observe minimum standards of legal and ethical behavior. The
15 legislature further finds that the 2001 federal aviation and
16 transportation security act addressed this problem for airport security
17 screening contractors and personnel only, and does not sufficiently
18 protect Washington state citizens and visitors. Workers throughout the
19 airport have job responsibilities that affect aircraft security, and

1 all airport employees need to be alert and committed to airport safety.
2 All businesses operating at large airports should have satisfactory
3 records of legal compliance and business integrity.

4 The legislature finds that it is important, for the millions of
5 passengers and thousands of employees at Sea-Tac airport, to protect
6 against high job turnover, and to provide conditions that encourage a
7 stable, well-trained work force, and responsibility on the part of
8 contractors and others doing business with large airports such as Sea-
9 Tac airport. The legislature further finds that the economic well-
10 being of Sea-Tac has an impact on the economic health of Washington
11 state as a whole.

12 The legislature intends to mandate that port districts operating
13 large airports have the responsibility and the statutory authority to
14 enhance security through the enforcement and adoption of minimum
15 standards of employment, and standards of business responsibility for
16 lessees, tenants, and contractors.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 53.08 RCW
18 to read as follows:

19 A port district with a population of one million or more operating
20 an airport serving more than twenty scheduled jet aircraft flights per
21 day must undertake a program to reduce work force turnover, and
22 establish high employment standards among all businesses operating at
23 the airport.

24 (1) The port district may formulate minimum labor standards
25 applicable to lessees, tenants, sublessees, service contractors, and
26 subcontractors of any properties or facilities owned or operated by it.

27 (2) The port district must monitor, on an ongoing basis, employment
28 conditions, employee training, and worker retention rates among all
29 businesses operating at the airport. Employers with businesses at the
30 airport will provide the port district, upon request, with full access
31 to all employment records, as a condition of doing business at the
32 airport.

33 (3) The port district will evaluate the impact on airport work
34 force stability of all current and prospective decisions regarding
35 leasing, tenancy or contracting at the airport, and must incorporate
36 turnover mitigation measures into all such decisions insofar as
37 possible. For each decision on leasing, tenancy, and contracting at

1 the airport, the port must issue a written finding on the decision's
2 probable effect on airport work force turnover.

3 (4) At least twice each year, beginning within one hundred twenty
4 days from the effective date of this act, the port district must issue
5 a public report on employment conditions and work force turnover at the
6 airport. The report will include, at a minimum, a comprehensive
7 summary of the information from subsection (2) of this section on
8 employment conditions and turnover rates among all private employers at
9 the airport, and the written findings from subsection (3) of this
10 section. No more than thirty days after issuing the report, the port
11 must hold a public hearing on employment conditions and work force
12 turnover at the airport.

13 (5) The port district must develop a comprehensive plan for
14 promotion of employment stability in all sectors of the airport work
15 force. The plan must address all aspects of airport work force
16 stabilization, including recruitment, training, security training,
17 employment standards, and performance standards. The port district
18 will include a preliminary plan in the second report on employment
19 conditions and work force turnover at the airport. At least thirty,
20 and no more than forty-five days after the first public hearing
21 following issuance of the preliminary plan, the port district must
22 approve a final version of the plan, also in public session. The plan
23 must be updated on an annual basis following the procedure and schedule
24 outlined in this subsection.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 53.08 RCW
26 to read as follows:

27 A port district with a population of one million or more operating
28 an airport serving more than twenty scheduled jet aircraft flights per
29 day must ensure that contractors and tenants operating businesses at
30 the airport have a satisfactory record of compliance with applicable
31 statutes and rules and a satisfactory record of business integrity.

32 (1) Before entering into any lease or a service contract for
33 services to be performed at an airport, the port district must certify
34 that the prospective lessee or contractor has the necessary ability and
35 business integrity to justify allowing the lessee or contractor to do
36 business at the airport. Factors that must be considered in making
37 this determination are: (a) Financial resources; (b) technical
38 qualifications; (c) experience; (d) organization, material, equipment,

1 facilities, and expertise necessary to carry out the work; (e) a
2 satisfactory record of performance; (f) a satisfactory record of
3 compliance with applicable statutes and rules, federal, state, and
4 local laws regarding health and safety, environmental laws, labor and
5 employment laws, and licensing laws; and (g) a satisfactory record of
6 business integrity.

7 (2) The port district must require lessees and service contractors
8 to seek certification from the port according to the procedures
9 outlined in subsection (1) of this section before entering into a
10 sublease, service contract, or subcontract for services to be performed
11 at the airport. Such certification is required before lessees or
12 service contractors enter into any agreement to amend, modify, or
13 extend any existing sublease, service contract, or subcontract.

14 (3) The port district must require every prospective lessee,
15 sublessee, service contractor, or subcontractor for services to be
16 performed at the airport to complete and submit a questionnaire
17 developed by the port that will provide the information the port needs
18 to determine whether the lessee, sublessee, or contractor meets the
19 standards set forth in subsection (1) of this section, and the probable
20 effect of its operations on the airport's comprehensive plan for
21 promotion of employment stability, described in section 2 of this act.
22 A prospective lessee, sublessee, contractor, or subcontractor must
23 submit the questionnaire even if no bid is required. The lessee,
24 sublessee, contractor, or subcontractor must submit its response to the
25 questionnaire under penalty of perjury, and must disclose any finding
26 including a preliminary finding subject to appeal by a government
27 agency or court of competent jurisdiction that it has not complied with
28 an applicable federal, state, or local law in any location in which it
29 operates. The lessee, sublessee, contractor, or subcontractor must
30 update its responses to the questionnaire during the term of the
31 sublease or contract within thirty days after any material change to
32 the responses previously provided. The port may revoke the lessee's,
33 sublessee's, contractor's, or subcontractor's certification for failure
34 to update the questionnaire.

35 (4) A prospective lessee, sublessee, service contractor, or
36 subcontractor must submit the questionnaire no fewer than fourteen
37 calendar days before execution of the sublease or contract in order to
38 allow full review of the questionnaire. Questionnaires are public
39 records as defined in RCW 42.17.020. Within one business day of

1 receiving a request for any questionnaires, the port district must
2 provide the questionnaires to the requestor.

3 (5) Based upon review of the information contained in the
4 questionnaire, information obtained from other governmental agencies,
5 information received from the public, and on its own independent
6 investigation the port district must either certify the lessee,
7 sublessee, contractor, or subcontractor or make a determination of
8 nonresponsibility. Before being declared nonresponsible, a prospective
9 lessee, sublessee, contractor, or subcontractor must be notified of the
10 proposed determination, provided with a summary of the information upon
11 which the port is relying, and given an opportunity to be heard. At
12 the responsibility hearing, the prospective lessee, sublessee,
13 contractor, or subcontractor is allowed to rebut adverse information
14 and to present evidence that it has the necessary quality, fitness,
15 capacity, and integrity. The prospective lessee, sublessee,
16 contractor, or subcontractor must request a hearing within five
17 calendar days after the port provides notice of its preliminary
18 determination. Failure to submit a written request for a hearing
19 within the five-day period waives the right to such a hearing.

20 (6) Lessees and service contractors may not enter into any sublease
21 or service contract for services to be performed at the airport, or
22 amend, modify, or extend any existing sublease or service contract
23 unless the prospective sublessee, contractor, or subcontractor has been
24 certified by the port district in accordance with this section.

25 (7) Any lessee, sublessee, contractor, or subcontractor performing
26 services at the airport must comply with all applicable federal, state,
27 and local laws in the performance of the contract, including but not
28 limited to laws regarding health and safety, environmental laws, labor
29 and employment laws, and licensing laws. Lessees and contractors must
30 incorporate all the provisions of this section in any sublease or
31 covered subcontract.

32 (8) Lessees, service contractors, their sublessees, and covered
33 subcontractors must notify the port district within fourteen days upon
34 receiving notification that a government agency has initiated an
35 investigation of the lessee, sublessee, contractor, or subcontractor
36 which may result in a finding that the lessee, sublessee, contractor,
37 or subcontractor is not in compliance with subsection (1) of this
38 section.

1 (9) Lessees, contractors, sublessees, and covered subcontractors
2 must notify the port district within fourteen days upon receiving any
3 finding, including a preliminary finding subject to appeal, by a
4 government agency or court of competent jurisdiction that lessees,
5 contractors, sublessees, or subcontractors have not complied with an
6 applicable federal, state, or local law.

7 (10) Upon award of any lease, sublease, contract, or subcontract,
8 the lessee, sublessee, contractor, or subcontractor must complete a
9 pledge of compliance attesting under penalty of perjury to compliance
10 with subsection (1) of this section. Lessees and contractors must
11 ensure that their sublessees and subcontractors are in compliance with
12 this section.

13 (11) Where the port district has received information indicating
14 that a lessee, contractor, or one of its subcontractors or sublessees
15 is not in compliance with this section, the port district must issue a
16 written notice to the lessee or contractor regarding the alleged
17 noncompliance, and it must provide the lessee or contractor with ten
18 days to demonstrate either that there was no violation, or that the
19 violation has been cured. In the event that the employer has not
20 demonstrated to the port district within such period that it has cured
21 such violation, the port district may then declare a material breach of
22 the service contract, except where such violation involves a failure to
23 comply with the provisions of federal labor laws (the national labor
24 relations act or the railway labor act). Where the violation involves
25 a failure to comply with federal labor law, the port district may hold
26 a public hearing regarding the nature and extent of the violation, and
27 whether the violation implicates the proprietary interests of the port
28 district. In the event the port district determines that such
29 violation does implicate its proprietary interests, it may seek an
30 appropriate remedy.

31 (12) If, after issuing the certification, the port district
32 determines that the lessee, sublessee, contractor, or subcontractor has
33 provided false information, the port may revoke the certification.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17 RCW
35 to read as follows:

36 Questionnaires submitted under section 3 of this act are not
37 subject to RCW 42.17.320.

1 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

--- END ---