

HOUSE BILL REPORT

HB 1389

As Passed House:

February 23, 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: Representatives Blake, Conway, Sells, Ormsby, McCoy, Kessler, Van De Wege, Green, Simpson and Wood.

Brief History:

Committee Activity:

Commerce & Labor: 1/27/09, 1/30/09 [DP].

Floor Activity

Passed House: 2/23/09, 67-29.

Brief Summary of Bill

- Adds the operating and maintenance employees at a commercial nuclear power plant to the employees covered by interest arbitration under the Public Employees' Collective Bargaining Act.
- Specifies factors to be considered by an interest arbitration panel resolving an impasse in collective bargaining involving these employees.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Staff: Jill Reinmuth (786-7134)

Background:

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.

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 (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 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;
- the 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 Public Employees' Collective Bargaining Act (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;
- the 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, taking into account differences in the cost of living;
- 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.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The employees of nuclear power plants want a legal and binding document on interest arbitration. (The parties have a letter of agreement, but it is not legal and binding.) Employees should have their minds on their jobs during negotiations, and have interest arbitration as an option if there is an impasse.

Years ago, the Legislature established interest arbitration rights for law enforcement officers and fire fighters. Public safety was the overriding reason for establishing such rights. Where public safety is involved, the way to resolve disputes is interest arbitration rather than strikes.

(Opposed) The parties already have an agreement, and there is no need to have anything else. Currently, they are motivated to be at the table and reach a prompt settlement. In the past, other parties have preferred pushing for arbitration rather than reaching an agreement. Interest arbitration did not promote workplace harmony. It also resulted in a settlement that was lower than what the parties had negotiated.

Persons Testifying: (In support) Representative Blake, prime sponsor; and Bob Guenther and Richard King, International Brotherhood of Electrical Workers.

(Opposed) Dale Atkinson, Energy Northwest.

Persons Signed In To Testify But Not Testifying: None.