

# SENATE BILL REPORT

## SB 5757

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As Reported by Senate Committee On:  
Government Operations & Elections, February 23, 2009

**Title:** An act relating to requiring the appointment of nonvoting labor members to public transportation governing boards.

**Brief Description:** Requiring the appointment of nonvoting labor members to public transportation governing boards.

**Sponsors:** Senators Marr, McDermott, Pridemore, Fairley, Oemig and Kline.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/23/09 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott and Pridemore.

**Staff:** Edward Redmond (786-7471)

**Background:** Under current law, the various local transit systems have different governing bodies specified in statute. Generally, transit system governing bodies are composed of local county- and city-elected officials from within the transit system area. For example, governing bodies of county public transportation authorities (RCW 36.57) are made up of three members of the county commission, and three mayors of cities within the county meeting specified population requirements. In some cases, citizen members sit on transit system governing bodies.

**Summary of Bill:** Any public transportation system governing body must include one nonvoting member recommended by the labor organization representing a majority of the public transportation employees within the respective area. If there is no formal union representation of the employees, then the nonvoting member must be recommended by a majority of the employees.

**Appropriation:** None.

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*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.*

**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: Transit employees are valuable assets with diverse knowledge of the world. Our employees include former military members that have valuable training and experience. Right now, however, employees do not offer their suggestions to the board due to fear of reprisal. This bill gives transit employees a voice in the planning process and creates labor/management collaboration. This bill is similar to legislation that has been enacted in other states, such as in New York and Pennsylvania. The more we can do to improve our transit systems, the better we will be financially. This is important especially with our current financial crisis.

CON: The United States has a long history of separating management functions from union functions. Both the 1935 Wagner Act (The National Labor Relations Act) and the 1947 Taft-Hartley Act (The Labor-Management Relations Act) address this issue. This bill blurs the intent of these acts. There was also a federal case where the union tried to bargain one of its members onto the board. Finally, there is a technical issue with the bill that may require the nonvoting member to resign from the union in order to serve on the board.

**Persons Testifying:** PRO: Isaac O. Tate, Amalgamated Transit Union Local 758; Dennis Autowellis, Amalgamated Transit Union Local 1015; John H. Sannes, Amalgamated Transit Union Local 757.

CON: Tom Green, Intercity Transit Authority; Michael Shaw, Washington State Transit Association; Ashley Probart, Association of Washington Cities.