

Chapter 316-85 WAC

SURVEYS—COMPENSATION—BENEFITS— EMPLOYMENT

WAC

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WAC 316-85-001 Scope—Contents—Other rules.

This chapter governs proceedings before the marine employees' commission relating to a survey of compensation, benefits, and conditions of employment. This chapter does not contemplate, and does not provide procedures for, investigation and/or settlement of contested cases between parties. Hearings held in reaching conclusions in the salary survey required by RCW 47.64.220 are not considered to be adjudicatory in nature and not governed by RCW 34.05.425 or 34.12.020 or chapter 10-08 WAC. However, where additional salary survey findings may be requested by parties involved in dispute or impasse in accordance with RCW 47.64.220, the provisions of this chapter should be read together with the provisions of:

(1) Chapter 316-02 WAC, which lists rules of practice and procedure applicable to all types of proceedings before the marine employees' commission;

(2) Chapter 316-45 WAC, which lists rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system;

(3) Chapter 316-55 WAC, which lists rules relating to the resolution of impasses occurring in ferry system collective bargaining; and

(4) Chapter 316-65 WAC, which lists rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-001, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-001, filed 3/2/90, effective 4/2/90.]

WAC 316-85-010 Policy—Purpose. Prior to collective bargaining between the Washington state ferry system and the ferry employee organizations, the commission shall conduct a survey as described in this chapter. This survey shall be used to guide generally but not to define or limit collective bargaining between the parties.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-010, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-010, filed 3/2/90, effective 4/2/90.]

(4/22/08)

WAC 316-85-020 Salary survey—Content—Coverage. In conducting its prebargaining survey, and publishing the findings, the commission shall make comparisons of wages, hours, employee benefits, and conditions of employment of Washington state ferry employees with those of public and private sector employees doing directly comparable but not necessarily identical work. In making its comparisons between and among employers, the commission shall recognize the principle that the greater the degree of comparability between work requirements and conditions of employment, the greater will be the validity of comparisons of wages and employee benefits. The commission shall give consideration to factors peculiar to the area and the classifications involved.

In determining the scope of the survey and in selecting the ferry systems or other employers to be included in the survey, the commission shall consider the size, tonnage, and horsepower of the vessels operated by the Washington state ferry system and by the employers to be included in the survey. The commission shall not include those classifications of employees exempted as outlined in RCW 41.06.079.

Except as provided in the following subsection of this section, salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.56 RCW.

A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data on which the salary survey results are based. The state auditor shall review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from disclosing the salary survey data to any other person or entity, except by court order.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-020, filed 4/22/08, effective 5/23/08; 01-01-124, § 316-85-020, filed 12/19/00, effective 1/19/01. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-020, filed 3/2/90, effective 4/2/90.]

WAC 316-85-030 Salary survey—Geographic limits. The commission shall limit its prebargaining salary survey to ferry systems and other employers located in states along the west coast, including Alaska, and in British Columbia.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-030, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-030, filed 3/2/90, effective 4/2/90.]

WAC 316-85-040 Salary survey—Timing. (1) In the fall of each odd-numbered year the commission shall notify the department of transportation and the ferry employee organizations that the commission is starting the salary survey required by RCW 47.64.220.

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(2) No later than October 1 of each odd-numbered year, the department and the ferry employee organizations shall each inform the commission of any particular personnel positions or classifications which may be expected to receive extraordinary attention during the next renewal of agreements.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-040, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-040, filed 3/2/90, effective 4/2/90.]

WAC 316-85-050 Washington state ferry system employee data required. To assure maximum effectiveness and minimal error in its salary survey, no later than October 1 of each odd-numbered year, the department shall also provide the commission with the following data:

(1) A complete and current set of specifications for each position classification occupied by ferry employees except those exempted as outlined in RCW 41.06.079. Each classification specification shall include as a minimum:

- (a) Classification title;
- (b) General definition;
- (c) Typical duties and responsibilities;
- (d) Special or extraordinary but recurring conditions of employment, if any;
- (e) Direction/supervision received;
 - (i) Degree of closeness and frequency;
 - (ii) Source of direction/supervision;
- (f) Direction/supervision exercised;
 - (i) Over which classifications;
 - (ii) Number(s) of personnel;
- (g) Minimum requirements for initial appointment;
 - (i) Licensure or certificate;
 - (ii) Education;
 - (iii) Work experience;
- (h) Additional desirable qualifications, knowledge abilities;

(2) Wages/salaries currently paid to personnel described in foregoing specifications for regular hours worked;

(3) Current premium pay;

(a) Overtime;

(b) Other irregular hours;

(c) Hazards;

(4) Employee benefits currently paid or furnished by the department and, where appropriate, the proportion paid by the employee by payroll deduction or by reduction of compensation as outlined in RCW 47.64.270.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-050, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-050, filed 3/2/90, effective 4/2/90.]

WAC 316-85-060 Salary survey—Conduct. (1) After receiving the information required in WAC 316-85-040(2) and 316-85-050, the commission shall make inquiry of other ferry systems and other employers by U.S. mail, by voice mail, electronically, by facsimile, or in person. The commission shall then conduct field audits or desk audits deemed necessary for valid comparisons and analyze the accumulated salary and benefit data.

(2) In conducting its survey and in analyzing its data, the commission shall consider factors unique to the areas from

which the data were accumulated as outlined in RCW 47.64.-220 and WAC 316-85-020, including but not limited to:

(a) Comparison of rates of monetary exchange;

(b) Differential costs of living in each area compared with the Seattle cost of living index, and employer compensation therefor, if any;

(c) The cost effect of universal health care coverage provided by British Columbia or a state, if any, as compared with the fee for service and/or health maintenance organization health care coverage provided by the state of Washington.

(3) The commission shall not include in its survey any employer who is involved in a strike or lockout or whose wage-benefit package is indeterminate for any other known reason.

(4) At the December public commission meeting, the commission shall compile a preliminary draft of findings regarding wages, employee benefits, and other compensation being paid to other employees as compared with wages, employee benefits, and other compensation being paid by the Washington state ferry system. The preliminary draft of findings shall be distributed to the department and to the ferry employee organizations.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-060, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-060, filed 3/2/90, effective 4/2/90.]

WAC 316-85-070 Preliminary salary survey findings—Public review. (1) At the January public commission meeting each even-numbered year, the commission shall conduct a public review of its preliminary survey findings, after soliciting comments and suggestions for improvement of validity of the preliminary survey findings from the department and from the ferry employee organizations.

(2) The commission shall immediately investigate and/or reanalyze all comments and questions raised by the department or ferry employee organizations. If necessary to resolve doubts raised about validity, the commission shall perform additional field or desk audits as may be necessary and feasible.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-070, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-070, filed 3/2/90, effective 4/2/90.]

WAC 316-85-080 Salary survey—Final report. At the February public commission meeting each even-numbered year, the final report will be presented by the commission for commission approval.

The final report shall be published and distributed to all parties within one month of approval of the final salary survey report.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-080, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-080, filed 3/2/90, effective 4/2/90.]

WAC 316-85-090 Additional salary survey findings. In addition to the prebargaining survey described in this chapter, the commission shall make such other findings as the parties may request during bargaining or impasse.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-090, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-090, filed 3/2/90, effective 4/2/90.]

WAC 316-85-100 Salary survey report—Public documents. All salary survey reports issued by the commission shall be in writing and shall be public documents.

[Statutory Authority: RCW 34.05.230. 08-09-119, § 316-85-100, filed 4/22/08, effective 5/23/08. Statutory Authority: RCW 47.64.280. 90-06-046, § 316-85-100, filed 3/2/90, effective 4/2/90.]