

# HOUSE BILL REPORT

## SB 5492

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### As Passed House:

April 8, 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:** Senators Marr, Swecker, Kohl-Welles, Benton, Keiser and Franklin.

### Brief History:

#### Committee Activity:

Commerce & Labor: 3/17/09, 3/20/09 [DP].

#### Floor Activity

Passed House: 4/8/09, 64-34.

### 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.

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## 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:

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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.*

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. 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 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) This bill would extend interest arbitration rights under the Public Employees' Collective Bargaining Act to operating and maintenance workers at Hanford. It is not desirable to have strikes by uniformed personnel and other employees who ensure public safety. The parties are required to bargain in good faith and in a timely manner. Interest arbitration provides a good backstop. It works because the parties do not know who will come out ahead in arbitration. Many workers at the Columbia Generating Station have signed a petition indicating that they want interest arbitration.

(Opposed) Binding arbitration is for people that carry guns and hoses. Senior management is licensed to shut down the reactor. This may not be a matter of public safety. In the past there was a problem negotiating a collective bargaining agreement, but both sides replaced their negotiators. Since then, there have not been problems. We want to maintain the good relationship we have with Local 77.

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

(Opposed) Jim Rowland, Energy Northwest.

**Persons Signed In To Testify But Not Testifying:** None.