
SUBSTITUTE HOUSE BILL 1511

State of Washington

62nd Legislature

2011 Regular Session

By House Labor & Workforce Development (originally sponsored by Representatives Clibborn, Armstrong, Angel, Kagi, Smith, Johnson, Van De Wege, Morris, Kristiansen, Schmick, Rodne, Condotta, Ahern, Warnick, and Ladenburg)

READ FIRST TIME 03/25/11.

1 AN ACT Relating to promoting efficiency in the Washington state
2 ferry system through personnel and administration reforms; amending RCW
3 47.64.280, 47.64.011, and 47.64.150; adding a new section to chapter
4 47.64 RCW; adding a new section to chapter 41.58 RCW; creating new
5 sections; recodifying RCW 47.64.280; and repealing RCW 47.64.080 and
6 47.64.330.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the Washington
9 state ferry system is a critical component of the state's highway
10 system. The current system is financially unsustainable and the
11 legislature intends for this act to provide guidance for efficiently
12 managing scarce resources. The legislature recognizes that labor is
13 one of the main cost drivers for operating the system and recent
14 recommendations from the passenger vessel association confirm a similar
15 recognition from legislative studies conducted over the years. The
16 legislature also recognizes the unique skills required of ferry
17 employees to ensure safe and comfortable operations of the Washington
18 state ferry system for both themselves and their customers.
19 Furthermore, the legislature finds that ferry system management must

1 play a strong role in improving the system and controlling costs, and
2 this act is intended to provide the tools necessary for management to
3 be held accountable for the performance of the system. It is time to
4 take on the difficult task of controlling labor costs. This act
5 intends to reign in abuses that have been brought to light and to give
6 clear guidance so that the relationship between employees and
7 management can move from an adversarial one to one where the focus is
8 on improving efficiencies, customer service, and working cohesively.

9 NEW SECTION. **Sec. 2.** By December 31, 2011, the marine employees'
10 commission is merged with the public employment relations commission
11 and becomes an independent division within the public employment
12 relations commission. The office of financial management must oversee
13 the merger and ensure that the only costs transferred to the public
14 employment relations commission are direct costs associated with the
15 members of the marine employees' commission themselves.

16 **Sec. 3.** RCW 47.64.280 and 2010 c 283 s 14 are each amended to read
17 as follows:

18 (1) There is created the marine employees' commission within the
19 public employment relations commission. The governor shall appoint the
20 marine employees' commission with the consent of the senate. The
21 marine employees' commission shall consist of three members: One
22 member to be appointed from labor, one member from industry, and one
23 member from the public who has significant knowledge of maritime
24 affairs. The public member shall be chair of the marine employees'
25 commission. One of the original members shall be appointed for a term
26 of three years, one for a term of four years, and one for a term of
27 five years. Their successors shall be appointed for terms of five
28 years each, except that any person chosen to fill a vacancy shall be
29 appointed only for the unexpired term of the member whom he or she
30 succeeds. Marine employees' commission members are eligible for
31 reappointment. Any member of the marine employees' commission may be
32 removed by the governor, upon notice and hearing, for neglect of duty
33 or malfeasance in office, but for no other cause. Marine employees'
34 commission members are not eligible for state retirement under chapter
35 41.40 RCW by virtue of their service on the marine employees'
36 commission. Members of the marine employees' commission shall be

1 compensated in accordance with RCW 43.03.250 and shall receive
2 reimbursement for official travel and other expenses at the same rate
3 and on the same terms as provided for the transportation commission by
4 RCW 47.01.061. The payments shall be made from the Puget Sound ferry
5 operations account.

6 (2) The marine employees' commission shall: (a) Adjust all
7 complaints, grievances, and disputes between labor and management
8 arising out of the operation of the ferry system as provided in RCW
9 47.64.150; (b) provide for impasse mediation as required in RCW
10 47.64.210; and (c) perform those duties required in RCW 47.64.300.

11 (3)(a) In adjudicating all complaints, grievances, and disputes,
12 the party claiming labor disputes shall, in writing, notify the marine
13 employees' commission, which shall make careful inquiry into the cause
14 thereof and issue an order advising the ferry employee, or the ferry
15 employee organization representing him or her, and the department of
16 transportation, as to the decision of the marine employees' commission.

17 (b) The parties are entitled to offer evidence relating to disputes
18 at all hearings conducted by the marine employees' commission. The
19 orders and awards of the marine employees' commission are final and
20 binding upon any ferry employee or employees or their representative
21 affected thereby and upon the department.

22 (c) The marine employees' commission shall adopt rules of procedure
23 under chapter 34.05 RCW.

24 (d) The marine employees' commission has the authority to subpoena
25 any ferry employee or employees, or their representatives, and any
26 member or representative of the department, and any witnesses. The
27 marine employees' commission may require attendance of witnesses and
28 the production of all pertinent records at any hearings held by the
29 marine employees' commission. The subpoenas of the marine employees'
30 commission are enforceable by order of any superior court in the state
31 of Washington for the county within which the proceeding may be
32 pending.

33 (~~The commission may hire staff as necessary, appoint consultants,
34 enter into contracts, and conduct studies as reasonably necessary to
35 carry out this chapter.~~)

36 NEW SECTION. Sec. 4. A new section is added to chapter 47.64 RCW
37 to read as follows:

1 The joint transportation committee created in RCW 44.04.300 shall
2 periodically meet and consult with the governor to set parameters
3 around ferry employee collective bargaining.

4 NEW SECTION. **Sec. 5.** The public employment relations commission
5 shall coordinate with the department of transportation to provide the
6 joint transportation committee with a report on the implementation of
7 this act by December 31, 2011.

8 **Sec. 6.** RCW 47.64.011 and 2006 c 164 s 1 are each amended to read
9 as follows:

10 As used in this chapter, unless the context otherwise requires, the
11 definitions in this section shall apply.

12 (1) "Collective bargaining representative" means the persons
13 designated by the governor and employee organizations to be the
14 exclusive representatives during collective bargaining negotiations.

15 (2) "Commission" means the marine employees' commission created
16 within the public employment relations commission in RCW 47.64.280 (as
17 recodified by this act).

18 (3) "Department of transportation" means the department as defined
19 in RCW 47.01.021.

20 (4) "Employer" means the state of Washington.

21 (5) "Ferry employee" means any employee of the marine
22 transportation division of the department of transportation who is a
23 member of a collective bargaining unit represented by a ferry employee
24 organization and does not include an exempt employee pursuant to RCW
25 41.06.079.

26 (6) "Ferry employee organization" means any labor organization
27 recognized to represent a collective bargaining unit of ferry
28 employees.

29 (7) "Lockout" means the refusal of the employer to furnish work to
30 ferry employees in an effort to get ferry employee organizations to
31 make concessions during collective bargaining, grievance, or other
32 labor relation negotiations. Curtailment of employment of ferry
33 employees due to lack of work resulting from a strike or work stoppage
34 shall not be considered a lockout.

35 (8) "Office of financial management" means the office as created in
36 RCW 43.41.050.

1 (9) "Strike or work stoppage" means a ferry employee's refusal, in
2 concerted action with others, to report to duty, or his or her willful
3 absence from his or her position, or his or her stoppage or slowdown of
4 work, or his or her abstinence in whole or in part from the full,
5 faithful, and proper performance of the duties of employment, for the
6 purpose of inducing, influencing, or coercing a change in conditions,
7 compensation, rights, privileges, or obligations of his, her, or any
8 other ferry employee's employment. A refusal, in good faith, to work
9 under conditions which pose an endangerment to the health and safety of
10 ferry employees or the public, as determined by the master of the
11 vessel, shall not be considered a strike for the purposes of this
12 chapter.

13 **Sec. 7.** RCW 47.64.150 and 1983 c 15 s 6 are each amended to read
14 as follows:

15 An agreement with a ferry employee organization that is the
16 exclusive representative of ferry employees in an appropriate unit may
17 provide procedures for the consideration of ferry employee grievances
18 and of disputes over the interpretation and application of agreements.
19 Negotiated procedures may provide for binding arbitration of ferry
20 employee grievances and of disputes over the interpretation and
21 application of existing agreements. An arbitrator's decision on a
22 grievance shall not change or amend the terms, conditions, or
23 applications of the collective bargaining agreement. The procedures
24 shall provide for the invoking of arbitration only with the approval of
25 the employee organization. The costs of arbitrators shall be shared
26 equally by the parties.

27 Ferry system employees shall follow either the grievance procedures
28 provided in a collective bargaining agreement, or if no such procedures
29 are so provided, shall submit the grievances to the (~~marine~~
30 ~~employees~~) commission as provided in RCW 47.64.280 (as recodified by
31 this act).

32 NEW SECTION. **Sec. 8.** RCW 47.64.280 is recodified as a section in
33 chapter 41.58 RCW.

34 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
35 repealed:

1 (1) RCW 47.64.080 (Employee seniority rights) and 1984 c 7 s 341 &
2 1961 c 13 s 47.64.080; and
3 (2) RCW 47.64.330 (Collective bargaining limitations) and 2006 c
4 164 s 15.

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