

**State Government Committee**

**HB 1168**

**Brief Description:** *Requiring that employee benefits for contract transportation employees be not less than those provided to public transportation employees.*

**Sponsors:** *Representatives Cooper, Edwards, Murray, Tokuda, Campbell, Veloria, Kenney, Conway, Fromhold, Simpson, Quall, Gombosky, Lovick, Wood, Cody, Edmonds, Eickmeyer, Jackley, Ruderman, Keiser, Hurst and Santos.*

**Brief Summary of Bill**

- *Restricts the ability of a public employer to contract for public transportation services.*

**Hearing Date:** *2/16/01*

**Staff:** *Jim Morishima (786-7191).*

**Background:**

*Under a Washington Supreme Court decision interpreting the state civil service law (Washington Federation of State Employees v. Spokane Community College, 90 Wn.2d 698 (1978)), state agencies are generally prohibited from contracting out for services regularly and historically provided by classified state employees. However, this decision only applies to state employees.*

*A similar prohibition against contracting out may apply to counties that have their own civil service systems in their county charters. A Washington Court of Appeals decision extended the prohibition against contracting out in Spokane Community College to a county that had a civil service system in its charter (Joint Crafts Council and Teamsters Union Local 117 v. King County, 76 Wn.App. 18 (1994)).*

*Also, a local government's ability to contract out for services may also be limited by the Public Employees' Collective Bargaining Act (PECBA). Under the PECBA it is possible that contracting out for services may be a mandatory subject for collective bargaining; i.e.,*

*it is possible that a local government may not be able to contract out for services without giving notice to its employees' exclusive bargaining representative.*

***Summary of Bill:***

*Public employers may not contract out for public transportation services if:*

- *The services were typically or historically provided by public transportation employees of a metropolitan municipal corporation, county transportation authority, public transportation benefit area, or city public passenger transportation service; and*

- The wages and benefits of the employees of the private entity are less than the wages and benefits of the public employees.*

*Before contracting out for public transportation services, the public employer must notify the labor organizations affected by the contract.*

***Rulemaking Authority:*** *No express authority.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Not Requested.*

***Effective Date:*** *Ninety days after adjournment of session in which bill is passed.*