

HOUSE BILL REPORT

HB 2374

As Reported By House Committee On:

Education

Title: An act relating to compensation of educational employees who participate in strikes.

Brief Description: Prohibiting payment of striking educational employees.

Sponsors: Representatives Pelesky, Hargrove, L. Thomas, Hickel, McMahan, Thompson, Sherstad, Goldsmith, Mulliken, Blanton, Hymes, Stevens and Crouse.

Brief History:

Committee Activity:

Education: 1/19/96, 2/1/96 [DPS].

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Radcliff; Smith; Talcott; B. Thomas and Thompson.

Minority Report: Do not pass. Signed by 7 members: Representatives Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Hatfield; Linville; Poulsen; Quall and Veloria.

Staff: Robert Butts (786-7111).

Background: Generally, schools are closed when teachers strike until the dispute is resolved. As a result of state law that requires schools to offer a 180-day school year, the school days lost as a result of the strike are added to the end of the school year. In these cases, teachers do not receive a reduction in their annual pay as a result of the strike.

Since 1970, there have been approximately 70 teacher strikes in the state.

Summary of Substitute Bill:

Withholding of pay: Beginning in the 1996-97 school year, school district employees participating in a strike may not be paid any salary for any school day, or partial school day, in which the employee participates in a strike.

The district is directed to reduce the salary of each employee participating in the strike by an amount equal to one day's salary for each day that an employee participates in the strike. The term "salary" is not to include benefits, but shall include salaries from supplementary contracts.

The reduction in the salary is to be subtracted from the employee's paycheck for the pay period in which the strike occurred, and may not be restored even if the employee is required to work 180 days.

The employee is to be notified of the employer's intent to withhold a portion of the employee's salary. The employee is to be provided an opportunity to show nonparticipation in the strike.

Actions taken under the act are not to be construed as a unfair labor practice or authorizing a strike.

Closing of schools: Except as noted below, school boards may not close schools in the event of a strike. If a strike occurs, school boards are to employ substitutes, use administrators, or take other appropriate actions.

If, however, after taking all reasonable steps, a school board makes a finding that keeping all of the schools in the district open is not practicable, it may close one or more schools in the district. However, if schools are closed, the length of the school year shall not be extended due to the strike beyond the last day of school year. Any state funds not used to hire substitutes or otherwise used to keep schools open are to be returned to the state.

The Superintendent of Public Instruction is permitted to waive the 180 day and minimum program hour requirements when school boards are required to close schools because of a strike.

Substitute Bill Compared to Original Bill: Provisions were added: that require schools to be kept open, if possible; to have any unspent funds returned to the state when schools are closed; to clarify the definition of salary; and to make the act take effect beginning in the 1996-97 school year.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: If teachers lose a portion of their salaries when they strike, they will be much less willing to strike. Now there is no financial penalty to strike. Under the current laws, additional strikes are inevitable. Strikes alienate children and puts them in a struggle between adults. Strikes also reduce confidence in public education. Currently, employees have the hammer: this will level the playing field.

Testimony Against: Under current law, there is a good workable balance between employees and employers that results in incentives for both parties to bargain. This legislation will destroy that balance. The right to strike is a fundamental component of collective bargaining. Strikes are a very last resort, and there have been relatively few in the last five years.

Testified: Representative Pelesky, prime sponsor; Don Lotz, citizen (pro); Bob Maier, Washington Education Association (con); Sherry Appleton, SEIU (con); Jeff Johnson, WSLC, AFL-CIO (con); Allan Darr, IUOE (con); Marda Kirkwood, Citizens United for Responsible Education (pro); Dan Sexton, Washington State Association of Plumbers & Pipefitters (con); Pat Krashowetz, citizen (pro); Bob Dilger, Building Trades (con); Rob Rueber, Fife School Board (pro); Robert Corley, Superintendent, Fife School District (pro); and Caren Skube, citizen (pro).