
HOUSE BILL 2374

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 01/10/96. Referred to Committee on Education.

1 AN ACT Relating to compensation of educational employees who
2 participate in strikes; amending RCW 28A.400.200; adding a new section
3 to chapter 28A.400 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.400
6 RCW to read as follows:

7 (1) For the purposes of this section "strike" means any concerted
8 action by employees or employee organizations to suspend, curtail,
9 interrupt, withhold, or otherwise fail or refuse to perform fully their
10 normal duties or services as school employees in connection with a
11 controversy concerning terms, tenure, or conditions of their
12 employment, or concerning the association or representation of persons
13 in negotiating, fixing, maintaining, changing, or seeking to arrange
14 terms or conditions of their employment, regardless of whether the
15 disputants in the controversy stand in the proximate relation of
16 employer and employee or whether the concerted action is directed
17 against the employer school district.

18 (2)(a) No school district employee participating in a strike may be
19 paid any salary for any school day, or partial school day, in which the

1 employee participates in a strike. The school district shall reduce
2 the salary of each employee participating in the strike by an amount
3 equal to one day's salary for each day, or partial day, that an
4 employee participates in the strike for each regularly scheduled school
5 day in which schools are unable to provide instructional services
6 because of a strike, or are able to provide instructional services only
7 by hiring substitute employees or through the use of administrators.

8 (b) The reduction in the salary shall be subtracted from the
9 employee's paycheck for the pay period in which the strike day or days
10 occurred. The reduction in salary may not be restored even though the
11 employee is required to work one hundred eighty or more days during the
12 school year.

13 (c) The employee shall be notified in writing of the employer's
14 intent to withhold an amount equal to one day's salary for each day of
15 participation in a strike. Any employee so notified shall, at his or
16 her request made in writing to the school administrator specified in
17 the notice, be provided an opportunity to show nonparticipation in the
18 strike.

19 (3) No action taken under the authority of this section may be
20 construed as a violation of RCW 41.59.140.

21 **Sec. 2.** RCW 28A.400.200 and 1993 c 492 s 225 are each amended to
22 read as follows:

23 (1) Every school district board of directors shall fix, alter,
24 allow, and order paid salaries and compensation for all district
25 employees in conformance with this section.

26 (2) Except as otherwise provided in section 1 of this act:

27 (a) Salaries for certificated instructional staff shall not be less
28 than the salary provided in the appropriations act in the state-wide
29 salary allocation schedule for an employee with a baccalaureate degree
30 and zero years of service; and

31 (b) Salaries for certificated instructional staff with a masters
32 degree shall not be less than the salary provided in the appropriations
33 act in the state-wide salary allocation schedule for an employee with
34 a masters degree and zero years of service;

35 (3)(a) The actual average salary paid to basic education
36 certificated instructional staff shall not exceed the district's
37 average basic education certificated instructional staff salary used

1 for the state basic education allocations for that school year as
2 determined pursuant to RCW 28A.150.410.

3 (b) Fringe benefit contributions for basic education certificated
4 instructional staff shall be included as salary under (a) of this
5 subsection only to the extent that the district's actual average
6 benefit contribution exceeds the amount of the insurance benefits
7 allocation provided per certificated instructional staff unit in the
8 state operating appropriations act in effect at the time the
9 compensation is payable. For purposes of this section, fringe benefits
10 shall not include payment for unused leave for illness or injury under
11 RCW 28A.400.210; employer contributions for old age survivors
12 insurance, workers' compensation, unemployment compensation, and
13 retirement benefits under the Washington state retirement system; or
14 employer contributions for health benefits in excess of the insurance
15 benefits allocation provided per certificated instructional staff unit
16 in the state operating appropriations act in effect at the time the
17 compensation is payable. A school district may not use state funds to
18 provide employer contributions for such excess health benefits.

19 (c) Salary and benefits for certificated instructional staff in
20 programs other than basic education shall be consistent with the salary
21 and benefits paid to certificated instructional staff in the basic
22 education program.

23 (4) Salaries and benefits for certificated instructional staff may
24 exceed the limitations in subsection (3) of this section only by
25 separate contract for additional time, additional responsibilities, or
26 incentives. Supplemental contracts shall not cause the state to incur
27 any present or future funding obligation. Supplemental contracts shall
28 be subject to the collective bargaining provisions of chapter 41.59 RCW
29 and the provisions of RCW 28A.405.240, shall not exceed one year, and
30 if not renewed shall not constitute adverse change in accordance with
31 RCW 28A.405.300 through 28A.405.380. No district may enter into a
32 supplemental contract under this subsection for the provision of
33 services which are a part of the basic education program required by
34 Article IX, section 3 of the state Constitution.

35 (5) Employee benefit plans offered by any district shall comply
36 with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

37 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
38 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.

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