AN ACT Relating to requiring explicit statutory authorization for the use of interest arbitration; amending RCW 28B.52.060, 41.76.030, and 41.80.090; and adding a new section to chapter 41.56 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:
Except as explicitly permitted in RCW 41.56.450, 41.56.475, and 41.56.492, no public employer may enter into an agreement pursuant to this chapter that permits the use of interest arbitration as a means of resolving issues arising in collective bargaining. Any such provision in an agreement with an exclusive bargaining representative is void and unenforceable.

Sec. 2. RCW 28B.52.060 and 1991 c 238 s 150 are each amended to read as follows:
The commission shall conduct mediation activities upon the request of either party as a means of assisting in the settlement of unresolved matters considered under this chapter.
In the event that any matter being jointly considered by the employee organization and the board of trustees of the college district is not settled by the means provided in this chapter, either
party, twenty-four hours after serving written notice of its intended action to the other party, may, request the assistance and advice of the commission. Nothing in this section prohibits an employer and an employee organization from agreeing to substitute, at their own expense, some other impasse procedure or other means of resolving matters considered under this chapter. However, the board of trustees of the college district may not enter into an agreement under this chapter that permits the use of interest arbitration as a means of resolving issues arising in collective bargaining. Any such provision in an agreement with an exclusive bargaining representative is void and unenforceable.

Sec. 3. RCW 41.76.030 and 2002 c 356 s 9 are each amended to read as follows:

(1) The commission shall conduct mediation activities upon the request of either party as a means of assisting in the settlement of unresolved matters considered under this chapter.

(2) If any matter being jointly considered by the exclusive bargaining representative and the board of regents or trustees is not settled by the means provided in this chapter, either party may request the assistance and advice of the commission. Except as provided in subsection (3) of this section, nothing in this section prohibits an employer and an employee organization from agreeing to substitute, at their own expense, some other impasse procedure or other means of resolving matters considered under this chapter.

(3) The board of regents or trustees may not enter into an agreement pursuant to this chapter that permits the use of interest arbitration as a means of resolving issues arising in collective bargaining. Any such provision in an agreement with an exclusive bargaining representative is void and unenforceable.

Sec. 4. RCW 41.80.090 and 2002 c 354 s 310 are each amended to read as follows:

Should the parties fail to reach agreement in negotiating a collective bargaining agreement, either party may request of the commission the assistance of an impartial third party to mediate the negotiations.

If a collective bargaining agreement previously negotiated under this chapter should expire while negotiations are underway, the terms and conditions specified in the collective bargaining agreement shall
remain in effect for a period not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

If resolution is not reached through mediation by one hundred days beyond the expiration date of a contract previously negotiated under this chapter, or one hundred days from the initiation of mediated negotiations if no such contract exists, an independent fact finder shall be appointed by the commission.

The fact finder shall meet with the parties or their representatives, or both, and make inquiries and investigations, hold hearings, and take such other steps as may be appropriate. If the dispute is not settled, the fact finder shall make findings of fact and recommend terms of settlement within thirty days.

Such recommendations, together with the findings of fact, shall be submitted in writing to the parties and the commission privately before they are made public. The commission, the fact finder, the employer, or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within ten working days after their receipt from the fact finder.

Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission. However, the employer may not enter into an agreement under this chapter that permits the use of interest arbitration as a means of resolving issues arising in collective bargaining. Any such provision in an agreement with an exclusive bargaining representative is void and unenforceable.

Costs for mediator services shall be borne by the commission, and costs for fact-finding shall be borne equally by the negotiating parties.

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