
SENATE BILL 6016

State of Washington 64th Legislature 2015 Regular Session

By Senators Braun, Baumgartner, Benton, Angel, Schoesler, and Honeyford

Read first time 02/17/15. Referred to Committee on Ways & Means.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.56
6 RCW to read as follows:

7 Except as explicitly permitted in RCW 41.56.450, 41.56.475, and
8 41.56.492, no public employer may enter into an agreement pursuant to
9 this chapter that permits the use of interest arbitration as a means
10 of resolving issues arising in collective bargaining. Any such
11 provision in an agreement with an exclusive bargaining representative
12 is void and unenforceable.

13 **Sec. 2.** RCW 28B.52.060 and 1991 c 238 s 150 are each amended to
14 read as follows:

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

18 In the event that any matter being jointly considered by the
19 employee organization and the board of trustees of the college
20 district is not settled by the means provided in this chapter, either

1 party, twenty-four hours after serving written notice of its intended
2 action to the other party, may, request the assistance and advice of
3 the commission. Nothing in this section prohibits an employer and an
4 employee organization from agreeing to substitute, at their own
5 expense, some other impasse procedure or other means of resolving
6 matters considered under this chapter. However, the board of trustees
7 of the college district may not enter into an agreement under this
8 chapter that permits the use of interest arbitration as a means of
9 resolving issues arising in collective bargaining. Any such provision
10 in an agreement with an exclusive bargaining representative is void
11 and unenforceable.

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

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

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

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

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

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

36 If a collective bargaining agreement previously negotiated under
37 this chapter should expire while negotiations are underway, the terms
38 and conditions specified in the collective bargaining agreement shall

1 remain in effect for a period not to exceed one year from the
2 expiration date stated in the agreement. Thereafter, the employer may
3 unilaterally implement according to law.

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

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

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

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

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

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