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**SENATE BILL 5379**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Stanford, MacEwen, Bateman, Frame, Hasegawa, Nobles, Orwall, and Shewmake

Read first time 01/20/25. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to granting interest arbitration to certain parks  
2 and recreation commission employees; and amending RCW 41.80.200.

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

4 **Sec. 1.** RCW 41.80.200 and 2020 c 89 s 1 are each amended to read  
5 as follows:

6 (1) (a) In order to maintain dedicated and uninterrupted services  
7 to the supervision of criminal offenders that are in state  
8 correctional facilities and on community supervision, it is the  
9 legislature's intent to grant certain employees of the department of  
10 corrections interest arbitration rights as an alternative means of  
11 settling disputes.

12 (b) In order to maintain dedicated and uninterrupted services in  
13 our state parks, it is the legislature's intent to grant certain  
14 employees of the parks and recreation commission interest arbitration  
15 rights as an alternative means of settling disputes.

16 (2) This section applies only to employees covered by chapter  
17 41.06 RCW working for the department of corrections or the parks and  
18 recreation commission, except confidential employees as defined in  
19 RCW 41.80.005(~~(, members of the Washington management service,)~~) and  
20 internal auditors.

1           (3) Negotiations between the employer and the exclusive  
2 bargaining representative of a unit of employees shall be commenced  
3 at least five months before submission of the budget to the  
4 legislature. If no agreement has been reached sixty days after the  
5 commencement of such negotiations then, at any time thereafter,  
6 either party may declare that an impasse exists and may submit the  
7 dispute to the commission for mediation, with or without the  
8 concurrence of the other party. The commission shall appoint a  
9 mediator, who shall promptly meet with the representatives of the  
10 parties, either jointly or separately, and shall take such other  
11 steps as he or she may deem appropriate in order to persuade the  
12 parties to resolve their differences and effect an agreement. A  
13 mediator, however, does not have a power of compulsion. The mediator  
14 may consider only matters that are subject to bargaining under this  
15 chapter.

16           (4) If an agreement is not reached following a reasonable period  
17 of negotiations and mediation, and the director, upon recommendation  
18 of the assigned mediator, finds that the parties remain at impasse,  
19 then an arbitrator must be appointed to resolve the dispute. The  
20 issues for determination by the arbitrator must be limited to the  
21 issues certified by the executive director.

22           (5) Within ten working days after the first Monday in September  
23 of every odd-numbered year, the governor or the governor's designee  
24 and the bargaining representatives for any bargaining units covered  
25 by this section shall attempt to agree on an interest arbitrator to  
26 be used if the parties are not successful in negotiating a  
27 comprehensive collective bargaining agreement. The parties will  
28 select an arbitrator by mutual agreement or by alternatively striking  
29 names from a regional list of seven qualified arbitrators provided by  
30 the federal mediation and conciliation service.

31           (a) The fees and expenses of the arbitrator, the court reporter,  
32 if any, and the cost of the hearing room, if any, will be shared  
33 equally between the parties. Each party is responsible for the costs  
34 of its attorneys, representatives and witnesses, and all other costs  
35 related to the development and presentation of their case.

36           (b) Immediately upon selecting an interest arbitrator, the  
37 parties shall cooperate to reserve dates with the arbitrator for a  
38 potential hearing between August 1st and September 15th of the  
39 following even-numbered year. The parties shall also prepare a

1 schedule of at least five negotiation dates, absent an agreement to  
2 the contrary.

3 (c) The parties shall execute a written agreement before December  
4 15th of the odd-numbered year setting forth the name of the  
5 arbitrator and the dates reserved for bargaining and arbitration.

6 (d) (i) The arbitrator must hold a hearing and provide reasonable  
7 notice of the hearing to the parties to the dispute. The hearing must  
8 be informal and each party has the opportunity to present evidence  
9 and make arguments. The arbitrator may not present the case for a  
10 party to the proceedings.

11 (ii) The rules of evidence prevailing in judicial proceedings may  
12 be considered, but are not binding, and any oral testimony or  
13 documentary evidence or other data deemed relevant by the arbitrator  
14 may be received in evidence. A recording of the proceedings must be  
15 taken.

16 (iii) The arbitrator may administer oaths, require the attendance  
17 of witnesses, and require the production of such books, papers,  
18 contracts, agreements, and documents deemed by the arbitrator to be  
19 material to a just determination of the issues in dispute. If a  
20 person refuses to obey a subpoena issued by the arbitrator, or  
21 refuses to be sworn or to make an affirmation to testify, or a  
22 witness, party, or attorney for a party is guilty of contempt while  
23 in attendance at a hearing, the arbitrator may invoke the  
24 jurisdiction of the superior court in the county where the labor  
25 dispute exists, and the court may issue an appropriate order. Any  
26 failure to obey the order may be punished by the court as a contempt  
27 thereof.

28 (6) The arbitrator may consider only matters that are subject to  
29 bargaining under RCW 41.80.020(1), and may not consider those  
30 subjects listed under RCW 41.80.020 (2) and (3) and 41.80.040.

31 (a) In making its determination, the arbitrator shall take into  
32 consideration the following factors:

33 (i) The financial ability of the department of corrections or the  
34 parks and recreation commission, as appropriate, to pay for the  
35 compensation and benefit provisions of a collective bargaining  
36 agreement;

37 (ii) The constitutional and statutory authority of the employer;

38 (iii) Stipulations of the parties;

39 (iv) Comparison of the wages, hours, and conditions of employment  
40 of personnel involved in the proceedings with the wages, hours, and

1 conditions of employment of like personnel of like state government  
2 employers of similar size in the western United States;

3 (v) The ability of the (~~department of corrections~~) employer to  
4 retain employees;

5 (vi) The overall compensation presently received by (~~department~~  
6 ~~of corrections~~) employees, including direct wage compensation,  
7 vacations, holidays, and other paid excused time, pensions, insurance  
8 benefits, and all other direct or indirect monetary benefits  
9 received;

10 (vii) Changes in any of the factors listed in this subsection  
11 during the pendency of the proceedings; and

12 (viii) Such other factors which are normally or traditionally  
13 taken into consideration in the determination of matters that are  
14 subject to bargaining under RCW 41.80.020(1).

15 (b) The decision of an arbitrator under this section is subject  
16 to RCW 41.80.010(3).

17 (7) During the pendency of the proceedings before the arbitrator,  
18 existing wages, hours, and other conditions of employment shall not  
19 be changed by action of either party without the consent of the other  
20 but a party may so consent without prejudice to his or her rights or  
21 position under chapter 41.56 RCW.

22 (8) (a) If the representative of either or both the employees and  
23 the state refuses to submit to the procedures set forth in  
24 subsections (3), (4), and (5) of this section, the parties, or the  
25 commission on its own motion, may invoke the jurisdiction of the  
26 superior court for the county in which the labor dispute exists and  
27 the court may issue an appropriate order. A failure to obey the order  
28 may be punished by the court as a contempt thereof.

29 (b) A decision of the arbitrator is final and binding on the  
30 parties, and may be enforced at the instance of either party, the  
31 arbitrator, or the commission in the superior court for the county  
32 where the dispute arose. However, the decision of the arbitrator is  
33 not binding on the legislature and, if the legislature does not  
34 approve the funds necessary to implement provisions pertaining to the  
35 compensation and fringe benefit provision of an interest arbitration  
36 award, the provisions are not binding on the state (~~(or)~~) department  
37 of corrections, or parks and recreation commission.

1           (9) Subject to the provisions of this section, the parties shall  
2 follow the commission's procedures for interest arbitration.

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