

# HOUSE BILL REPORT

## HB 1316

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**As Reported By House Committee On:**  
Education

**Title:** An act relating to educational employees' collective bargaining and contractual obligations.

**Brief Description:** Prohibiting strikes by educational employees.

**Sponsors:** Representatives Elliot, Thompson, Fuhrman, Mulliken, Pelesky, McMorris, D. Schmidt, Sheahan, Sherstad, B. Thomas, McMahan, Johnson, Stevens, L. Thomas, Backlund, Hargrove and Koster.

**Brief History:**

**Committee Activity:**

Education: 2/10/95, 2/28/95 [DPS].

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Radcliff; Talcott; B. Thomas and Thompson.

**Minority Report:** Do not pass. Signed by 7 members: Representatives Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Dickerson; G. Fisher; Hatfield; Quall and Veloria.

**Staff:** Robert Butts (786-7111).

**Background:** Certificated and classified employees of Washington's public schools have been granted by the Legislature the right to enter into collective bargaining agreements with regard to wages, hours, and terms and conditions of employment. Current statutes pertaining to collective bargaining include provisions regarding determination of bargaining units, identification of exclusive bargaining representatives, impasse options, and unfair practices.

Collective bargaining law that pertains to classified staff does not permit or grant classified employees the right to strike. Statutory law pertaining to certificated staff does not address whether or not the right to strike is permitted. However, courts

have found strikes by certificated staff are subject to injunction based on a prior court case involving public employees (Port of Seattle v. International Longshoremen's and Warehouseman's Union, 1958).

**Summary of Substitute Bill:** A provision is added to state law that prohibits certificated educational employees from engaging in a strike. School district boards of directors also are prohibited from engaging in a lockout of educational employees.

Should either a strike or lockout occur, the representative of the educational employees or board of directors may invoke the jurisdiction of the Superior Court and the court shall have jurisdiction to issue an appropriate order against either or both parties. In fashioning an order, the court is to take into consideration not only the elements necessary for injunctive relief but also the purpose and goals of collective bargaining and any mitigating factors.

During the 10 days before the ratification of an agreement, the proposed agreement is to be publicly available for inspection. Following ratification of the agreement, copies shall be available to the public on request.

**Substitute Bill Compared to Original Bill:** The original bill prohibited strikes and lockouts, imposed fines for striking, created a new mediation and impasse process, placed limitations on what could be bargained, and required that copies of the contract be made available before and after contract ratification. The substitute bill includes a prohibition on strikes and lockouts and requires that the contract be made available before and after contract ratification. The bill also applies only to certificated staff.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 1995.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This legislation will end teacher strikes, give school boards the power they need to run the school district, bring taxpayers into the process, and increase site-based decision-making. Currently, teachers can strike without any fines or penalties, plus there is no enforcement. The only ones hurt by strikes are the parents and the children. We need more public oversight and involvement: the provisions allowing public review of the contracts will help provide this needed oversight. Too many school district policies are being agreed to at the bargaining table without the involvement of parents, principals, and others.

**Testimony Against:** This bill will not end strikes, and it threatens all of the positive elements that come from collective bargaining. At a time when we need to work

together to improve our schools, this bill will be very disruptive and will demoralize staff. Very few strikes occur considering the large number of contracts that are agreed to every year. There have been 27 strikes in which teachers have lost wages. We are strongly against strikes, but this bill goes too far.

**Testified:** Representative Ian Elliot (prime sponsor); Karen Fraback, Parents Education Coalition (pro); David Fleming, Public School Employees (con); Ellery Wanless, citizen (pro); Krista Goldstine-Cole, citizen (con); Lloyd Gardner, citizen (pro); Fran Rutherford, parent (pro); John Torder, citizen (pro); Shirley Basarab, citizen (pro); C.T. Purdom, Washington Education Association (con); Sandi Elliot, parent (pro); Walter Ball, Washington Association of School Principals (pro); Ann Murphy, School Board member (pro); Larry Marinchin, parent (pro); Leland Weaver, American Association of Retired Persons (con); Sharon Oldfield, parent (pro); John Elder, parent (pro); Roberta Walker, Employee Relations and Negotiations Network (con); Sylvia Swain, parent (pro); Elain Witt, parent (pro); Bob Hinkel, retired teacher (pro); Larry Swift and Dwayne Slate, Washington State School Directors' Association (support intent); Barbara Mertens, Washington Association of School Administrators (support intent); Bob Wood, parent (pro); Sandy Vanderberg, Education Coalition (pro); Larry Palmer, parent (pro); Representative Mason (con); and Edsel Hammond, citizen (pro).