

SENATE BILL REPORT

SB 5716

As of January 29, 1996

Title: An act relating to mandatory arbitration for educational employees.

Brief Description: Changing labor relations for certificated employees.

Sponsors: Senators A. Anderson, Schow, Oke and Johnson.

Brief History:

Committee Activity: Labor, Commerce & Trade: 1/30/96.

SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

Staff: Jonathan Seib (786-7427)

Background: School district certificated employees may bargain their wages and working conditions under the state Education Employment Relations Act (EERA). That act provides for mediation and fact-finding if an impasse occurs in the bargaining process.

The EERA is silent on the issue of strikes. State common law, which generally prohibits public employee strikes, has been cited to support injunctions against striking certificated school district employees.

Summary of Bill: The Educational Employment Relations Act is amended to provide, in case of a bargaining impasse, binding arbitration in addition to mediation and fact-finding.

Negotiations between the school district and the employees' representative are to begin no later than May 1 of any year in which an existing contract expires. If no agreement is reached before June 15 of that year, either party may submit the dispute to the Public Employment Relations Commission (PERC) for mediation.

If, after ten days of mediation, an agreement is not reached, either party may request that the dispute be submitted to a fact-finder, who issues recommendations pursuant to the existing provisions of the Education Employment Relations Act.

If, after a reasonable period of mediation and fact-finding, or on July 15, whichever comes first, the executive director of PERC finds that the parties remain at an impasse, a three-member arbitration panel is created. One member of the panel is chosen by each party, and these two members choose a neutral chair. Each party pays for its own arbitrator, and the parties split the costs of the third member equally.

The issues before the arbitration panel are limited to those issues certified by the executive director.

The arbitration panel is to hold a hearing, and within 20 days after the hearing issue a written decision regarding the issues in dispute.

In making its decision, the arbitration panel is to consider, among other things, the negotiations between the parties before arbitration; the public interest and the financial capability of the school district; the interests and welfare of the employee group; changes in the cost of living; the existing conditions of employment of the employee group and those of similar groups; and the salaries, fringe benefits, and other conditions of employment prevailing in the state labor market.

The decision of the arbitration panel is binding on both parties, and subject to review by the superior court upon the application of either party within 30 days only as to the question of whether it is arbitrary or capricious.

A refusal by either party to the dispute to abide by a court order requiring the party's participation in the arbitration process, or a court order requiring compliance with the arbitration panel's decision, is punishable as contempt.

Appropriation: None.

Fiscal Note: Requested on January 29, 1996.

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