

# SENATE BILL REPORT

## SB 6117

---

---

As of January 27, 2004

**Title:** An act relating to labor disputes involving teachers and other certificated instructional staff.

**Brief Description:** Providing a procedure for resolving labor disputes involving teachers and other certificated instructional staff.

**Sponsors:** Senator Winsley.

**Brief History:**

**Committee Activity:** Commerce & Trade: 1/28/04.

---

### SENATE COMMITTEE ON COMMERCE & TRADE

**Staff:** Jennifer Strus (786-7316)

**Background:** Overview. Collective bargaining between school districts and certificated educational employees (including teachers and principals) is governed by state law. Under this law, the representatives of the employer and the exclusive bargaining representative of the employees must meet at reasonable times in light of the time limitations of the budget-making process and bargain in good faith regarding wages, hours, and terms and conditions of employment.

Limitations. The parties are not permitted to bargain salary or compensation increases in excess of those authorized under the statewide salary allocation determined by the Legislature or under the requirements related to the school district's authority over salaries and supplemental contracts.

Resolving Collective Bargaining Impasses. *Mediation.* If either party declares an impasse in bargaining, the party may request the Public Employment Relations Commission (PERC) to appoint a mediator. If the mediator is unable to effect a settlement within 10 days, either party may request that the dispute be submitted to fact-finding with recommendations, unless the parties agree to extend the mediation period.

*Fact-Finding.* Within five days after a request for fact-finding is received, the parties must select a person to serve as fact-finder or PERC designates a fact-finder. The fact-finder, within five days, must meet with the parties, jointly or separately, and make inquiries or hold hearings. The fact-finder may issue subpoenas. Unless the dispute is settled within 10 days of the fact-finder's appointment, the fact-finder must issue advisory findings and recommendations within 30 days. These findings and recommendations are submitted privately to the parties and PERC. Any party, the fact-finder, or PERC may make the report public if the dispute is not settled within five days of receiving the report.

*Optional Procedures.* The parties are authorized to agree to substitute, at their own expense, their own procedure for resolving collective bargaining impasses, which could include binding interest arbitration.

*Strike or Lockouts.* The certificated employee collective bargaining statute does not address strikes or lockouts. Under Washington Supreme Court precedent, superior courts are authorized to issue orders enjoining public employee strikes.

**Summary of Bill:** In any year during which an employment contract for teachers will expire and agreement cannot be reached, an interest arbitration panel must be convened by August 1. The panel consists of three members; each side chooses one member and those two members choose the third member who acts as the neutral chair of the panel. If the two members cannot agree on the third member, then they can request that PERC choose the third member or either party can apply to PERC, the federal Mediation and Conciliation Service or the American Arbitration Association to provide a list of five qualified arbitrators from which the chair is to be chosen.

The issues to be decided by the panel are those certified by PERC.

Once the panel members are chosen, they must promptly establish the date, time and place for the hearing, no later than August 15, and provide reasonable notice of the hearing to the parties. The hearing must be concluded by August 22. By September 1, the panel chair is to make written findings of fact and determinations regarding the issues certified to the panel. The panel, in making its determination, must consider the following: a) the constitutional and statutory authority of the school district; b) stipulations of the parties; c) comparison of the wages, hours and conditions of personnel in like situations in Washington State; and d) factors normally or traditionally taken into consideration. Copies of the written findings and determinations must be served on the parties, members of the panel and PERC.

The written findings and determinations are binding upon the parties although they can be reviewed by the superior court upon application of either party within seven days. The superior court may only determine if the panel's determination is arbitrary and capricious.

The panel's decision is final and binding on the parties and can be enforced by a superior court at the request of either party, the arbitration panel or PERC.

There is no specific prohibition of strikes.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.