

SENATE BILL REPORT

SB 6156

As Reported By Senate Committee On:
Commerce & Trade, February 4, 2004

Title: An act relating to teacher strikes.

Brief Description: Providing for education during teacher strikes.

Sponsors: Senators Pflug and Mulliken.

Brief History:

Committee Activity: Commerce & Trade: 1/28/04, 2/4/04 [DPS, DNP].

SENATE COMMITTEE ON COMMERCE & TRADE

Majority Report: That Substitute Senate Bill No. 6156 be substituted therefor, and the substitute bill do pass.

Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; and Mulliken.

Minority Report: Do not pass.

Signed by Senators Franklin and Keiser.

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 will designate 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 Substitute Bill: Strikes and lockouts are made illegal. For contracts for the 2004-2005 school year and beyond, negotiations between the employer school district and the teachers' union must start by May 1 of the year in which the collective bargaining agreement has expired or will expire. If the parties cannot reach agreement by June 30, PERC must appoint a mediator to assist the district and union in reconciling their differences.

If the mediator is unable to effect a settlement of the dispute within 10 days after his or her appointment, the parties shall choose someone to serve as fact-finder.

If the dispute is not settled by July 30, the fact-finder must make findings of fact and recommend terms of settlement. The recommendations are advisory only. If the dispute remains unsettled, PERC must make such findings and recommendations public at a hearing to be held by August 10.

If the parties have not signed a contract by June 30 for the upcoming school year, until the dispute is resolved, the parties must participate in mediation, fact-finding or negotiation at least daily.

The Attorney General must petition the superior court for the county in which the labor dispute exists to enjoin a strike that occurs or threatens to occur on any scheduled school day. The court must grant a temporary injunction if the Attorney General demonstrates any potential harm to students.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Requested on January 14, 2004.

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

Testimony For: There needs to be teeth added to the collective bargaining process and this bill does that. The tight timelines added to the bargaining process is positive and leaving the control of the process to the local bargaining unit and school district is also positive.

Testimony Against: Current collective bargaining methods work well in most teacher contract negotiations. Many things contribute to strikes, not just compensation issues. Generally, most labor disputes are resolved before school starts; therefore, there is little need for the bill.

Testified: CON: Robby Stern, WSLC; Lucinda Young, WEA; PRO: Dan Steele, Washington State School Directors' Association; Barbara Mertens, Washington Association of School Administrators; Bob Futz, OSPI.