

**WAC 391-55-265 Interest arbitration—Suspension of arbitration pending outcome of unfair labor practice proceedings.** (1) The executive director shall suspend the certification of some or all issues under WAC 391-55-200, as follows:

(a) A party which claims that a proposal being advanced to interest arbitration is not a mandatory subject of collective bargaining must communicate its concerns to the other party during bilateral negotiations or mediation or both. If the party advancing the proposal does not withdraw the proposal or modify it to eliminate the claimed nonmandatory subject of bargaining, the objecting party must file a complaint charging unfair labor practices under chapter 391-45 WAC before the conclusion of the interest arbitration proceedings.

(b) A party which claims that the other party to negotiations subject to interest arbitration has violated the collective bargaining obligations imposed by RCW 41.56.030(4) must file a complaint charging unfair labor practices under chapter 391-45 WAC before the conclusion of the interest arbitration proceedings.

(c) If a cause of action statement is issued under WAC 391-45-110 for a complaint filed under (a) or (b) of this subsection, a final ruling on the unfair labor practice complaint must be made before any determination is made in interest arbitration on the disputed issue or issues.

(2) Issues suspended under subsection (1) of this section must be acted upon after the conclusion of the unfair labor practice proceedings, as follows:

(a) If it is concluded that any suspended issue was unlawfully advanced or affected by unlawful conduct, the issue(s) must be stricken from the certification issued under WAC 391-55-200, and the party advancing the proposal is only permitted to advance modified proposals that are in compliance with the remedial order in the unfair labor practice proceedings.

(b) If it is concluded that any suspended issue was lawfully advanced, the suspension under this section must be terminated and the issue(s) must be remanded to the interest arbitration panel for ruling on the merits.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 47.64.135, and 49.39.060. WSR 22-23-101, § 391-55-265, filed 11/16/22, effective 1/1/23. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050 and 41.56.450. WSR 99-14-060, § 391-55-265, filed 7/1/99, effective 8/1/99.]