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HOUSE BILL 1913

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Hargrove, Grant and Neher.

Read first time February 14, 1991. Referred to Committee on Human Services\Commerce & Labor.

1 AN ACT Relating to department of corrections' employees employed at  
2 prisons and other custodial institutions; amending RCW 41.56.475;  
3 adding a new section to chapter 41.56 RCW; and adding a new section to  
4 chapter 41.06 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 41.56.475 and 1988 c 110 s 2 are each amended to read  
7 as follows:

8 In addition to the classes of employees listed in RCW 41.56.030(7),  
9 the provisions of RCW 41.56.430, 41.56.440, and 41.56.490 also apply to  
10 Washington state patrol officers appointed under RCW 43.43.020 and to  
11 correctional lieutenants, correctional sergeants, correctional  
12 officers, and nonmanagerial support staff employed by the division of  
13 prisons of the department of corrections as provided in this section,  
14 subject to the following:

15 (1) The mediator shall not consider wages and wage-related matters.

1 (2) The services of the mediator, including any per diem expenses,  
2 shall be provided by the commission without cost to the parties.  
3 Nothing in this section shall be construed to prohibit the public  
4 employer and a bargaining representative from agreeing to substitute at  
5 their own expense some other mediator or mediation procedure.

6 (3) If the public employer and a bargaining representative are  
7 unable to reach an agreement in mediation, either party, by written  
8 notice to the other party and to the commission, may request that the  
9 matters in dispute be submitted to a fact-finder for recommendations.  
10 If the executive director, upon the recommendation of the mediator,  
11 finds that the parties remain at an impasse after a reasonable period  
12 of negotiations, the executive director shall initiate fact-finding  
13 proceedings.

14 (a) The executive director shall provide the parties with a list of  
15 five persons qualified to serve as the neutral fact-finder. The  
16 parties shall without delay attempt to agree upon a fact-finder from  
17 the list provided by the commission or to agree upon some other person  
18 as a fact-finder. Upon the failure of the parties to agree upon a  
19 fact-finder within seven days after the issuance of the list, the  
20 commission shall, upon the request of either party, appoint a fact-  
21 finder. The commission shall not appoint as fact-finder the same  
22 person who acted as mediator in the dispute.

23 (b) The fact-finder shall promptly establish a date, time, and  
24 place to meet with the representatives of the parties and shall provide  
25 reasonable notice of the meeting to the parties to the dispute. The  
26 requirements of chapter 34.05 RCW shall not apply to fact-finding  
27 proceedings. The fact-finder shall make inquiries and investigations,  
28 hold hearings, and take such other steps as he or she deems  
29 appropriate. The fact-finder may issue subpoenas requiring the  
30 attendance and testimony of witnesses and the production of evidence.

1 (c) The fact-finder shall, within thirty days following the  
2 conclusion of the hearing, make written findings of fact and written  
3 recommendations to the parties as to how their dispute should be  
4 resolved. A copy shall be delivered or mailed to each of the parties  
5 to the dispute. A copy shall be filed with the commission. The  
6 findings and recommendations of the fact-finder are advisory only.

7 (d) The findings and recommendations of the fact-finder shall be  
8 held in confidence among the fact-finder, the public employer, the  
9 bargaining representative, and the commission for seven calendar days  
10 following their issuance, to permit the public employer and the  
11 bargaining representative to study the recommendations. No later than  
12 seven calendar days following the issuance of the recommendations of  
13 the fact-finder, each party shall notify the commission and the other  
14 party whether it accepts or rejects, in whole or in part, the  
15 recommendations of the fact-finder. If the parties remain in  
16 disagreement following the expiration of the seven-day period, the  
17 findings and recommendations of the fact-finder may be made public.

18 (e) The fees and expenses of the fact-finder shall be paid by the  
19 parties to the dispute, in equal amounts. All other costs of the  
20 proceeding shall be paid by the party incurring those costs. Nothing  
21 in this section prohibits an employer and an exclusive bargaining  
22 representative from agreeing to substitute, at their own expense, some  
23 other impasse procedure or from agreeing to some other allocation of  
24 the costs of fact-finding between them.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.56 RCW  
26 to read as follows:

27 In addition to the entities listed in RCW 41.56.020, this chapter  
28 shall apply to the state of Washington with respect to all correctional  
29 lieutenants, correctional sergeants, correctional officers, and

1 nonmanagerial support staff employed by the division of prisons of the  
2 department of corrections.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.06 RCW  
4 to read as follows:

5 The provisions of RCW 41.06.150 (11), (12), (13), and (14) shall  
6 not apply to correctional lieutenants, correctional sergeants,  
7 correctional officers, and nonmanagerial support staff employed by the  
8 division of prisons of the department of corrections.