
SENATE BILL 5380

State of Washington

53rd Legislature

1993 Regular Session

By Senators Prentice, West, Pelz, Winsley, A. Smith, L. Smith, Snyder, Roach, Owen, Talmadge, Skratek, Niemi, Haugen, Spanel, Drew, Moyer, Jesernig, Sutherland, Rinehart, Williams, Vognild, Sheldon, Loveland, Hargrove, M. Rasmussen, Bauer, Gaspard, Wojahn, Sellar, Quigley and McAuliffe

Read first time 01/26/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to collective bargaining for Washington state
2 patrol officers; and amending RCW 41.56.475.

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

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

6 In addition to the classes of employees listed in RCW 41.56.030(7),
7 the provisions of RCW 41.56.430, 41.56.440, and 41.56.490 also apply to
8 Washington state patrol officers appointed under RCW 43.43.020 as
9 provided in this section, subject to the following:

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

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

16 (3) If the public employer and a bargaining representative are
17 unable to reach an agreement in mediation, either party, by written
18 notice to the other party and to the commission, may request that the
19 matters in dispute be submitted to ~~((a fact-finder for recommendations.~~

1 ~~If the executive director, upon the recommendation of the mediator,~~
2 ~~finds that the parties remain at an impasse after a reasonable period~~
3 ~~of negotiations, the executive director shall initiate fact finding~~
4 ~~proceedings)) an arbitrator for arbitration.~~

5 (a) The executive director shall provide the parties with a list of
6 five persons qualified to serve as the neutral ~~((fact-finder))~~
7 arbitrator. The parties shall without delay attempt to agree upon ~~((a~~
8 ~~fact-finder)) an arbitrator from the list provided by the commission or~~
9 ~~to agree upon some other person as ((a fact-finder)) an arbitrator.~~
10 Upon the failure of the parties to agree upon ~~((a fact-finder)) an~~
11 ~~arbitrator within seven days after the issuance of the list, the~~
12 ~~commission shall, upon the request of either party, appoint ((a fact-~~
13 ~~finder)) an arbitrator. The commission shall not appoint as ((fact-~~
14 ~~finder)) arbitrator the same person who acted as mediator in the~~
15 ~~dispute.~~

16 (b) The ~~((fact-finder)) arbitrator~~ shall promptly establish a date,
17 time, and place to meet with the representatives of the parties and
18 shall provide reasonable notice of the meeting to the parties to the
19 dispute. The requirements of chapter 34.05 RCW shall not apply to
20 ~~((fact-finding)) arbitration proceedings. The ((fact-finder))~~
21 ~~arbitrator shall make inquiries and investigations, hold hearings, and~~
22 ~~take such other steps as he or she deems appropriate. The ((fact-~~
23 ~~finder)) arbitrator may issue subpoenas requiring the attendance and~~
24 ~~testimony of witnesses and the production of evidence.~~

25 (c) The ~~((fact-finder)) arbitrator~~ shall, within thirty days
26 following the conclusion of the hearing, make written findings of fact
27 and written ~~((recommendations)) orders~~ to the parties as to how their
28 dispute ~~((should)) shall~~ be resolved. A copy shall be delivered or
29 mailed to each of the parties to the dispute. A copy shall be filed
30 with the commission. The findings and ~~((recommendations)) orders~~ of
31 the ~~((fact-finder are advisory only)) arbitrator~~ shall be final and
32 ~~binding on each of the parties to the dispute.~~

33 (d) ~~((The findings and recommendations of the fact-finder shall be~~
34 ~~held in confidence among the fact-finder, the public employer, the~~
35 ~~bargaining representative, and the commission for seven calendar days~~
36 ~~following their issuance, to permit the public employer and the~~
37 ~~bargaining representative to study the recommendations. No later than~~
38 ~~seven calendar days following the issuance of the recommendations of~~
39 ~~the fact-finder, each party shall notify the commission and the other~~

1 party whether it accepts or rejects, in whole or in part, the
2 recommendations of the fact finder. If the parties remain in
3 disagreement following the expiration of the seven day period, the
4 findings and recommendations of the fact finder may be made public.

5 (e)) The fees and expenses of the ((fact finder)) arbitrator shall
6 be paid by the parties to the dispute, in equal amounts. All other
7 costs of the proceeding shall be paid by the party incurring those
8 costs. Nothing in this section prohibits an employer and an exclusive
9 bargaining representative from agreeing to substitute, at their own
10 expense, some other impasse procedure or from agreeing to some other
11 allocation of the costs of ((fact finding)) arbitration between them.

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