

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5380

53rd Legislature
1993 Regular Session

Passed by the Senate April 20, 1993
YEAS 37 NAYS 9

President of the Senate

Passed by the House April 5, 1993
YEAS 92 NAYS 4

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5380** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5380

AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Labor & Commerce (originally sponsored 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 03/03/93.

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)~~) through 41.56.452
8 and 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state
9 patrol officers appointed under RCW 43.43.020 as provided in this
10 section, subject to the following:

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

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

18 (3) ~~If the public employer and a bargaining representative are~~
19 ~~unable to reach an agreement in mediation, either party, by written~~

1 notice to the other party and to the commission, may request that the
2 matters in dispute be submitted to a fact finder for recommendations.
3 If the executive director, upon the recommendation of the mediator,
4 finds that the parties remain at an impasse after a reasonable period
5 of negotiations, the executive director shall initiate fact finding
6 proceedings.

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

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

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

30 (d) The findings and recommendations of the fact finder shall be
31 held in confidence among the fact finder, the public employer, the
32 bargaining representative, and the commission for seven calendar days
33 following their issuance, to permit the public employer and the
34 bargaining representative to study the recommendations. No later than
35 seven calendar days following the issuance of the recommendations of
36 the fact finder, each party shall notify the commission and the other
37 party whether it accepts or rejects, in whole or in part, the
38 recommendations of the fact finder. If the parties remain in

1 ~~disagreement following the expiration of the seven day period, the~~
2 ~~findings and recommendations of the fact finder may be made public.~~

3 ~~(e) The fees and expenses of the fact finder shall be paid by the~~
4 ~~parties to the dispute, in equal amounts. All other costs of the~~
5 ~~proceeding shall be paid by the party incurring those costs. Nothing~~
6 ~~in this section prohibits an employer and an exclusive bargaining~~
7 ~~representative from agreeing to substitute, at their own expense, some~~
8 ~~other impasse procedure or from agreeing to some other allocation of~~
9 ~~the costs of fact finding between them.))~~ In making its determination,
10 the arbitration panel shall be mindful of the legislative purpose
11 enumerated in RCW 41.56.430 and, as additional standards or guidelines
12 to aid it in reaching a decision, shall take into consideration the
13 following factors:

14 (a) The constitutional and statutory authority of the employer;

15 (b) Stipulations of the parties;

16 (c) Comparison of the hours and conditions of employment of
17 personnel involved in the proceedings with the hours and conditions of
18 employment of like personnel of like employers of similar size on the
19 west coast of the United States;

20 (d) Changes in any of the foregoing circumstances during the
21 pendency of the proceedings; and

22 (e) Such other factors, not confined to the foregoing, which are
23 normally or traditionally taken into consideration in the determination
24 of hours and conditions of employment.

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