

# SENATE BILL REPORT

## SB 5155

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As Reported By Senate Committee On:  
Commerce & Trade, February 7, 2003

**Title:** An act relating to prohibiting strikes and lockouts under chapter 41.59 RCW.

**Brief Description:** Prohibiting strikes by educational employees.

**Sponsors:** Senators Mulliken and T. Sheldon.

**Brief History:**

**Committee Activity:** Commerce & Trade: 1/31/03, 2/7/03 [DPS, DNP].

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### SENATE COMMITTEE ON COMMERCE & TRADE

**Majority Report:** That Substitute Senate Bill No. 5155 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 Ziegler (786-7316)

**Background:** The Educational Employment Relations Act prescribes the rights and obligations of most of the certificated educational employees in Washington school districts. The act does not include provisions regarding the ability of certificated school district employees to strike.

An employee is any certificated employee of a school district. The chief executive officer of a school district and the chief administrative officers of a school district are not certificated employees of a school district. An employee organization is any organization in which employees participate, and which exists for the purpose, in whole or in part, of collective bargaining with school districts.

**Summary of Substitute Bill:** It is unlawful for an employee or an employee organization to authorize or participate in a strike. It is also unlawful for a school district to authorize a strike or compensate an employee for any day in which the employee participates in a strike.

Failure to comply with any temporary or permanent injunction regarding a strike is contempt of court. The court may impose a penalty of up to \$10,000 for an employee organization or school district for each day during which the failure to comply continues. The court may impose remedial or punitive sanctions for an employee found to be in contempt. An individual or employee organization that makes an active good faith effort to comply with the injunction shall not be deemed to be in contempt.

A strike is an employee's refusal, in concerted action with others, to report to duty for the purposes of changing conditions of employment.

**Substitute Bill Compared to Original Bill:** The original bill defined a strike as a concerted action by employees, in connection with a labor dispute, to refuse to perform employee duties. The substitute bill defines a strike as an employee's refusal, in concerted action with others, to report to duty for the purposes of changing conditions of employment.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Teachers should not be able to pick and choose which laws to follow. Prohibiting strikes provides a tool for the school district to negotiate with the teachers.

**Testimony Against:** This legislation has a significant impact on collective bargaining rights. Banning strikes will not resolve issues between teachers and school districts.

**Testified:** PRO: Merton Cooper; Myrtle Cooper; Barbara Mertens, WA Assn. of School District Administrators; Dan Steele, WA State School Directors Assn.; CON: Lucinda Young, WA Education Assn.