

SENATE BILL REPORT

SB 5738

AS REPORTED BY COMMITTEE ON EDUCATION, MARCH 6, 1991

**Brief Description:** Changing labor relations for certificated employees.

**SPONSORS:** Senators Anderson and Nelson.

**SENATE COMMITTEE ON EDUCATION**

**Majority Report:** Do pass.

Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, and Oke.

**Minority Report:** Do not pass.

Signed by Senators Murray, Pelz, Rinehart, A. Smith, and Talmadge.

**Staff:** Leslie Goldstein (786-7424)

**Hearing Dates:** February 26, 1991; March 6, 1991

**BACKGROUND:**

Educational employees are permitted by statute to engage in collective bargaining to determine their employment contracts. Under current law, timelines are not established for when the bargaining is required to be completed.

**SUMMARY:**

Teachers and school districts are required to enter into mandatory arbitration if a contract has not been agreed upon by July 15 of any year in which the contract is scheduled to expire. If the parties refuse to submit to arbitration, the court has jurisdiction to issue an order requiring the parties to submit the issues to arbitration.

Timelines are established for negotiations between teachers and school districts. The timelines are as follows:

- May 1 - Negotiations must begin
- June 15 - If no agreement, either party may declare impasse and request mediation
- July 15 - Mediation and any fact finding must be completed
- July 16 - Mandatory binding interest arbitration commences
- September 6 - Arbitration completed and decision issued

The parties are not required to enter into arbitration if the parties agree in writing to continue to work under terms that are mutually agreed upon until a new contract is signed.

The Public Employment Relations Commission specifies the issues to be considered by an interest arbitration panel. Each party chooses one member of the panel. The chair of the panel is chosen by the other two members. At the request of the parties, the chair may be chosen by the Public Employment Relations Commission, or through the federal Mediation and Conciliation Service or the American Arbitration Association.

The interest arbitration panel conducts a hearing and the proceedings are recorded. The panel has the power to administer oaths, require witnesses to attend, and require the production of documents. The chair issues written findings of fact and a determination of the issues in dispute. In making the decision the panel is required to consider certain specified factors. The decision is final and binding on both parties. The decision may be reviewed in court only on the basis of whether it was arbitrary or capricious.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested February 21, 1991

**TESTIMONY FOR:**

School should start on time. The current method of settling contract disputes often forces teachers to choose sides between the union and the welfare of children and teaching. This "back-to-school" bill will help students, parents and teachers depend upon a regular schedule.

This legislation helps make sure that teachers will not abuse strikes.

**TESTIMONY AGAINST:**

This legislation is costly. The Public Employment Relations Commission would be required to hire a large number of arbitrators. The time periods are unrealistic. Districts that currently settle through negotiations would be forced to go into mandatory arbitration. This looks like a speedy process on paper, but in reality disputes would take longer to settle.

**TESTIFIED:** PRO: Senator Nelson, sponsor; Representative Beck; Gary Tollefson, Washington State PTA lobbyist; Kathi Swarthout, parent; Mark Nelson, parent; Cindy Hewko, parent; Elizabeth Britt; CON: Faith Hanna, Washington Education Association