

1 **SSB 5380 - H COMM AMD ADOPTED 4-5-1993**

2 By Committee on Commerce & Labor

3 Strike everything after the enacting clause and insert the  
4 following:

5 "Sec. 1. RCW 41.56.475 and 1988 c 110 ú 2 are each amended to  
6 read as follows:

7 In addition to the classes of employees listed in RCW  
8 41.56.030(7), the provisions of RCW 41.56.430(~~(, 41.56.440, and)~~)  
9 through 41.56.452 and RCW 41.56.470, 41.56.480, and 41.56.490 also  
10 apply to Washington state patrol officers appointed under RCW  
11 43.43.020 as provided in this section, subject to the following:

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

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

20 ~~(3) If the public employer and a bargaining representative are~~  
21 ~~unable to reach an agreement in mediation, either party, by written~~  
22 ~~notice to the other party and to the commission, may request that~~  
23 ~~the matters in dispute be submitted to a fact-finder for~~  
24 ~~recommendations. If the executive director, upon the~~  
25 ~~recommendation of the mediator, finds that the parties remain at an~~  
26 ~~impasse after a reasonable period of negotiations, the executive~~  
27 ~~director shall initiate fact-finding proceedings.~~

28 ~~(a) The executive director shall provide the parties with a~~  
29 ~~list of five persons qualified to serve as the neutral fact-finder.~~  
30 ~~The parties shall without delay attempt to agree upon a fact-finder~~

1 from the list provided by the commission or to agree upon some  
2 other person as a fact finder. Upon the failure of the parties to  
3 agree upon a fact finder within seven days after the issuance of  
4 the list, the commission shall, upon the request of either party,  
5 appoint a fact finder. The commission shall not appoint as fact-  
6 finder the same person who acted as mediator in the dispute.

7 (b) The fact finder shall promptly establish a date, time, and  
8 place to meet with the representatives of the parties and shall  
9 provide reasonable notice of the meeting to the parties to the  
10 dispute. The requirements of chapter 34.05 RCW shall not apply to  
11 fact finding proceedings. The fact finder shall make inquiries and  
12 investigations, hold hearings, and take such other steps as he or  
13 she deems appropriate. The fact finder may issue subpoenas  
14 requiring the attendance and testimony of witnesses and the  
15 production of evidence.

16 (c) The fact finder shall, within thirty days following the  
17 conclusion of the hearing, make written findings of fact and  
18 written recommendations to the parties as to how their dispute  
19 should be resolved. A copy shall be delivered or mailed to each of  
20 the parties to the dispute. A copy shall be filed with the  
21 commission. The findings and recommendations of the fact finder  
22 are advisory only.

23 (d) The findings and recommendations of the fact finder shall  
24 be held in confidence among the fact finder, the public employer,  
25 the bargaining representative, and the commission for seven  
26 calendar days following their issuance, to permit the public  
27 employer and the bargaining representative to study the  
28 recommendations. No later than seven calendar days following the  
29 issuance of the recommendations of the fact finder, each party  
30 shall notify the commission and the other party whether it accepts  
31 or rejects, in whole or in part, the recommendations of the fact-  
32 finder. If the parties remain in disagreement following the  
33 expiration of the seven day period, the findings and

1 ~~recommendations of the fact finder may be made public.~~

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

13 ~~(a) The constitutional and statutory authority of the~~  
14 ~~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~~  
18 ~~of employment of like personnel of like employers of similar size~~  
19 ~~on the 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~~  
23 ~~are normally or traditionally taken into consideration in the~~  
24 ~~determination of hours and conditions of employment."~~

**EFFECT:** The amendment retains language from current law that the mediator may not consider wages or wage-related matters and establishes standards for the arbitration panel to consider in making its determination, which do not include wage issues.