

HOUSE BILL REPORT

HB 1316

As Reported By House Committee On:
Education

Title: An act relating to educational employees' collective bargaining and contractual obligations.

Brief Description: Prohibiting strikes by educational employees.

Sponsors: Representatives Elliot, Thompson, Fuhrman, Mulliken, Pelesky, McMorris, D. Schmidt, Sheahan, Sherstad, B. Thomas, McMahan, Johnson, Stevens, L. Thomas, Backlund, Hargrove and Koster.

Brief History:

Committee Activity:

Education: 1/19/96, 2/1/96 [DP2S].

HOUSE COMMITTEE ON EDUCATION

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 12 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Radcliff; Smith; Talcott; B. Thomas and Thompson.

Minority Report: Do not pass. Signed by 7 members: Representatives Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Hatfield; Linville; Poulsen; Quall and Veloria.

Staff: Robert Butts (786-7111).

Background: Certificated and classified employees of Washington's public schools have been granted by the Legislature the right to enter into collective bargaining agreements with regard to wages, hours, and terms and conditions of employment. Current statutes pertaining to collective bargaining include provisions regarding determination of bargaining units, identification of exclusive bargaining representatives, impasse options, and unfair practices.

Collective bargaining law that pertains to classified staff does not permit or grant classified employees the right to strike. Statutory law pertaining to certificated staff does not address whether or not the right to strike is permitted. However, courts

have found strikes by certificated staff are subject to injunction based on a prior court case involving public employees (Port of Seattle v. International Longshoremen's and Warehouseman's Union, 1958).

Summary of Second Substitute Bill: A provision is added to state law that prohibits certificated educational employees from engaging in strikes. School district board of directors also are prohibited from engaging in lockouts of educational employees.

Should either a strike or lockout occur, the representative of the educational employees or board of directors may invoke the jurisdiction of the Superior Court and the court shall have jurisdiction to issue an appropriate order against either or both parties. In fashioning an order, the court is to take into consideration not only the elements necessary for injunctive relief but also the purpose and goals of collective bargaining and any mitigating factors.

The collective bargaining statute for certificated employees is amended to include the requirement that, prior to entering into the collective bargaining process, the parties must make public all issues to be bargained. Also, if a mediator cannot effect settlement between the parties, the fact-finding process becomes mandatory. After the fact-finder has made findings of fact and has recommended terms of settlement, the parties must reach agreement within five days or the findings and recommendations must be made public. Provisions allowing the parties to substitute their own procedures for resolving a dispute have been deleted.

Second Substitute Bill Compared to Original Bill: The original bill prohibited strikes and lockouts for certificated and classified employees, imposed fines for striking, created a new mediation and impasse process, placed limitations on what could be bargained, and required that copies of the contract be made available before and after contract ratification. The second substitute bill includes a prohibition on strikes and lockouts, applies only to certificated staff, and includes a mandatory nonbinding fact-finding process.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Second Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Strikes disrupt the school year and the lives of the children and their families. Strikes must be prohibited because it is morally wrong to use children in the disputes between management and labor. The bill will reduce the number of strikes.

Currently, employees have the advantage; the bill levels the playing field between management and labor.

Testimony Against: The bill destroys the balance in power that many districts are already working toward. The right to strike is a fundamental component of collective bargaining, which is used only as a last resort to resolve issues. Workers, when being treated unfairly, will always strike. This bill is anti-union. If strikes are to be unlawful, binding arbitration laws are necessary to enforce this.

Testified: Representative Elliot, prime sponsor; Don Lotz, citizen (pro); Bob Maier, Washington Education Association (con); Barney Harrison, citizen (pro); Sherry Appleton, Service Employees International Union (con); Dwayne Slate, Washington State School Directors' Association (pro); Jeff Johnson, Washington State Labor Council, AFL-CIO (con); Barbara Mertens, Washington Association of School Administrators (pro); Allan Darr, International Union of Operating Engineers (con); Dan Sexton, Washington State Association of Plumbers & Pipefitters (con); and Bob Dilger, Building Trades (con).