
SUBSTITUTE HOUSE BILL 2179

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Education (originally sponsored by Representatives Hickel and Johnson)

Read first time 03/05/97.

1 AN ACT Relating to open public meetings of school boards regarding
2 impasses in collective bargaining; and amending RCW 41.59.120.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.59.120 and 1975 1st ex.s. c 288 s 13 are each
5 amended to read as follows:

6 (1) Either an employer or an exclusive bargaining representative
7 may declare that an impasse has been reached between them in collective
8 bargaining and may request the commission to appoint a mediator for the
9 purpose of assisting them in reconciling their differences and
10 resolving the controversy on terms which are mutually acceptable.
11 Immediately upon declaring an impasse, the parties must prepare a
12 written notice itemizing the issues that are in dispute. The employer
13 must make the written notice available to the public at the school
14 district administration offices. Within ten days of either party
15 declaring an impasse, the local school board shall hold an open public
16 meeting at which the issues in dispute must be distributed in writing
17 and discussed. If the commission determines that its assistance is
18 needed, not later than five days after the receipt of a request
19 therefor, it shall appoint a mediator in accordance with rules and

1 regulations for such appointment prescribed by the commission. The
2 mediator shall meet with the parties or their representatives, or both,
3 forthwith, either jointly or separately, and shall take such other
4 steps as he may deem appropriate in order to persuade the parties to
5 resolve their differences and effect a mutually acceptable agreement.
6 The mediator, without the consent of both parties, shall not make
7 findings of fact or recommend terms of settlement. The services of the
8 mediator, including, if any, per diem expenses, shall be provided by
9 the commission without cost to the parties. Nothing in this subsection
10 (1) shall be construed to prevent the parties from mutually agreeing
11 upon their own mediation procedure, and in the event of such agreement,
12 the commission shall not appoint its own mediator unless failure to do
13 so would be inconsistent with the effectuation of the purposes and
14 policy of this chapter.

15 (2) If the mediator is unable to effect settlement of the
16 controversy within ten days after his or her appointment, either party,
17 by written notification to the other, may request that their
18 differences be submitted to fact-finding with recommendations, except
19 that the time for mediation may be extended by mutual agreement between
20 the parties. Within five days after receipt of the aforesaid written
21 request for fact-finding, the parties shall select a person to serve as
22 fact-finder and obtain a commitment from that person to serve. If they
23 are unable to agree upon a fact-finder or to obtain such a commitment
24 within that time, either party may request the commission to designate
25 a fact-finder. The commission, within five days after receipt of such
26 request, shall designate a fact-finder in accordance with rules and
27 regulations for such designation prescribed by the commission. The
28 fact-finder so designated shall not be the same person who was
29 appointed mediator pursuant to subsection (1) of this section without
30 the consent of both parties.

31 The fact-finder, within five days after his appointment, shall meet
32 with the parties or their representatives, or both, either jointly or
33 separately, and make inquiries and investigations, hold hearings, and
34 take such other steps as he may deem appropriate. For the purpose of
35 such hearings, investigations and inquiries, the fact-finder shall have
36 the power to issue subpoenas requiring the attendance and testimony of
37 witnesses and the production of evidence. If the dispute is not
38 settled within ten days after his appointment, the fact-finder shall
39 make findings of fact and recommend terms of settlement within thirty

1 days after his appointment, which recommendations shall be advisory
2 only.

3 (3) Such recommendations, together with the findings of fact, shall
4 be submitted in writing to the parties and the commission privately
5 before they are made public. Either the commission, the fact-finder,
6 the employer, or the exclusive bargaining representative may make such
7 findings and recommendations public if the dispute is not settled
8 within five days after their receipt from the fact-finder.

9 (4) The costs for the services of the fact-finder, including, if
10 any, per diem expenses and actual and necessary travel and subsistence
11 expenses, and any other incurred costs, shall be borne by the
12 commission without cost to the parties.

13 (5) Nothing in this section shall be construed to prohibit an
14 employer and an exclusive bargaining representative from agreeing to
15 substitute, at their own expense, their own procedure for resolving
16 impasses in collective bargaining for that provided in this section or
17 from agreeing to utilize for the purposes of this section any other
18 governmental or other agency or person in lieu of the commission.

19 (6) Any fact-finder designated by an employer and an exclusive
20 representative or the commission for the purposes of this section shall
21 be deemed an agent of the state.

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