
HOUSE BILL 2179

State of Washington

55th Legislature

1997 Regular Session

By Representatives Hickel and Johnson

Read first time 02/25/97. Referred to Committee on Education.

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 Within ten days of either party declaring an impasse, the local school
12 board shall hold an open public meeting at which the issues that are at
13 impasse are to be distributed and discussed. If the commission
14 determines that its assistance is needed, not later than five days
15 after the receipt of a request therefor, it shall appoint a mediator in
16 accordance with rules and regulations for such appointment prescribed
17 by the commission. The mediator shall meet with the parties or their
18 representatives, or both, forthwith, either jointly or separately, and
19 shall take such other steps as he may deem appropriate in order to

1 persuade the parties to resolve their differences and effect a mutually
2 acceptable agreement. The mediator, without the consent of both
3 parties, shall not make findings of fact or recommend terms of
4 settlement. The services of the mediator, including, if any, per diem
5 expenses, shall be provided by the commission without cost to the
6 parties. Nothing in this subsection (1) shall be construed to prevent
7 the parties from mutually agreeing upon their own mediation procedure,
8 and in the event of such agreement, the commission shall not appoint
9 its own mediator unless failure to do so would be inconsistent with the
10 effectuation of the purposes and policy of this chapter.

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

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

38 (3) Such recommendations, together with the findings of fact, shall
39 be submitted in writing to the parties and the commission privately

1 before they are made public. Either the commission, the fact-finder,
2 the employer, or the exclusive bargaining representative may make such
3 findings and recommendations public if the dispute is not settled
4 within five days after their receipt from the fact-finder.

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

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

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

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