

# SENATE BILL REPORT

## SB 6576

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As of January 26, 2004

**Title:** An act relating to educational employee collective bargaining.

**Brief Description:** Revising educational employee collective bargaining provisions.

**Sponsors:** Senator Mulliken.

**Brief History:**

**Committee Activity:** Commerce & Trade:

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### SENATE COMMITTEE ON COMMERCE & TRADE

**Staff:** Jennifer Strus (786-7316)

**Background:** Current law specifically prohibits many public employees from striking. The Washington State Supreme Court has recognized the general rule that public employees cannot strike absent legislation to the contrary. There is no statute explicitly prohibiting or granting teachers the right to strike, or employers the right to lockout striking teachers.

Generally, when teachers strike schools are closed until the dispute is resolved. Because current law requires schools to offer a 180-day school year, the school days lost because of a strike are added to the end of the originally scheduled school year.

Under current law, when trying to reach agreement on the terms of a collective bargaining agreement, either the school district or the exclusive bargaining representative may declare that an impasse exists. Either party may request that the Public Employment Relations Commission (PERC) appoint a mediator to assist the parties in resolving the controversy. The mediator must meet with the parties or their representatives or both and attempt to assist the parties in resolving the issues. The mediator cannot make findings of fact or recommend terms of settlement without the consent of both parties.

If the mediator cannot effect a settlement within 10 days, either party may request that the differences be submitted to a fact-finder. If the dispute is not settled within 10 days after the fact-finder's appointment, the fact-finder shall make findings of fact and recommend terms of settlement within 30 days after his appointment. The recommendations are advisory only.

**Summary of Bill:** Strikes by teachers and lockouts by school districts are expressly made illegal.

Current law which provides for an impasse procedure expires June 30, 2004. Any collective bargaining activity in the impasse process as of June 30, 2004 will be handled under the procedures set out in the bill.

Starting with the contracts for the 2004-2005 school year, negotiations between an employer school district and the exclusive bargaining representative must begin by May 1. If no

agreement is ratified by June 30, PERC must designate a fact-finder. Within five days of being appointed, the fact-finder must meet with the parties or their representatives or both to determine the facts pertaining to the contract. On or before July 16, the fact-finder must issue written findings of fact to the parties and PERC. PERC must hold a public fact-finding hearing and make the findings available to the public if the parties cannot settle their dispute within three days of receiving the findings.

Starting on the first day following the public fact-finding hearing, the parties must conduct contract negotiations daily until a contract is adopted. The negotiations must be open to the public.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.