

## CHAPTER 14

[Engrossed Senate Bill No. 3061]  
PUBLIC EMPLOYEES COLLECTIVE  
BARGAINING—NEGOTIATION,  
MEDIATION, TIME PERIODS

AN ACT Relating to public employees' collective bargaining; amending section 3, chapter 131, Laws of 1973 and RCW 41.56.440; and amending section 4, chapter 131, Laws of 1973 as amended by section 29, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.450.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 131, Laws of 1973 and RCW 41.56.440 are each amended to read as follows:

Negotiations between representatives of the public employer and uniformed personnel shall be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If after a forty-five day period of negotiation between representatives of the public employer and uniformed personnel, an agreement has not been concluded, then an impasse is declared to exist, and either party may voluntarily submit the matters in dispute to mediation, as provided for in RCW 41.56.100: PROVIDED, That this forty-five day time period may be modified by mutual written agreement of the representatives of the public employer and uniformed personnel. If the parties have still not reached agreement after a ten day period of mediation, a fact-finding panel shall be created in the following manner: Each party shall appoint one member within two days; the two appointed members shall then choose a third member within two days who shall act as chairman of the panel. If the two members so appointed cannot agree within two days to the appointment of a third member, either party may request, and the commission shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the commission. The panel shall begin hearings on the matters in dispute within five days of the formation of the fact-finding panel and shall conclude such hearings and issue findings of fact and recommendations to the parties within thirty days of the date upon which hearings were commenced.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Minutes of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. Costs of each party's appointee shall be paid by the party, and the costs of proceedings otherwise shall be borne by the commission.

In making its findings, the fact-finding panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards of guidelines

to aid it in developing its recommendations, it shall take into consideration those factors set forth in RCW 41.56.460.

Sec. 2. Section 4, chapter 131, Laws of 1973 as amended by section 29, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.450 are each amended to read as follows:

If an agreement has not been reached within forty-five days after mediation and fact-finding has commenced, an arbitration panel shall be created in the following manner: Each party shall submit a list of three persons to the commission, which shall then name one from each list as members to the panel, all within two days: PROVIDED, That this forty-five day time period may be modified by mutual written agreement of the representatives of the public employer and unformed personnel. The two appointed members shall utilize one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the commission, and the commission shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (2) The two appointed members shall choose a third member within two days. The costs of each party's appointee shall be borne by each party respectively, and the costs of the proceedings otherwise shall be shared equally between the parties.

If the two members so appointed under alternative (2) cannot agree within two days to the appointment of a third member, either party may apply to the superior court of the county where the labor disputes exist and request that the third member of the panel be appointed as provided by RCW 7.04.050. The panel thus composed shall be deemed an agency of the executive director and a state agency for the purposes of \*this 1973 amendatory act. The panel shall hold hearings on the matters in dispute within five days after the formation of the arbitration panel and take oral or written testimony.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney of a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the superior court in the county where a labor dispute exists and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.

The hearing conducted by the panel shall be concluded within twenty days of the time of commencement and, within fifteen days after conclusion of the hearings, the chairman shall make written findings of fact and a written determination

of the dispute based upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The decision made by the panel shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

Passed the Senate February 6, 1976.

Passed the House February 12, 1976.

Approved by the Governor February 18, 1976.

Filed in Office of Secretary of State February 18, 1976.

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## CHAPTER 15

[House Bill No. 1356]

### EDUCATION—CODE CORRECTIONS

AN ACT Relating to education; reenacting section 28A.57.032, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 43, Laws of 1975 and by section 80, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.032; reenacting section 28A.57.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 43, Laws of 1975 and by section 83, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.050; reenacting section 28A.57.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 43, Laws of 1975 and by section 89, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.140; reenacting section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 23, Laws of 1975 1st ex. sess. and by section 94, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.200; reenacting section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 43, Laws of 1975 and by section 101, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.328; reenacting section 4, chapter 67, Laws of 1971 as amended by section 10, chapter 43, Laws of 1975 and by section 103, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.356; reenacting section 5, chapter 67, Laws of 1971 as last amended by section 11, chapter 43, Laws of 1975 and by section 104, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.357; reenacting section 6, chapter 67, Laws of 1971 as last amended by section 12, chapter 43, Laws of 1975 and by section 105, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.358; reenacting section 28A.57.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 43, Laws of 1975 and by section 107, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.415; reenacting section 28A.58.137, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 137, Laws of 1975 1st ex. sess. and by section 2, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.58.137; reenacting section 28A.60.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 15, chapter 43, Laws of 1975 and by section 119, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.070; reenacting section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as last amended by section 18, chapter 43, Laws of 1975 and by section 121, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.210; reenacting section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 22, chapter 43, Laws of 1975 and by section 122, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.080; reenacting section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 43, Laws of 1975 and by section 123, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.100; reenacting section 28A.65.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 25, chapter 43, Laws of 1975 and by section 125, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.120; reenacting section 28A.65.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 26, chapter 43, Laws of 1975 and by section 126, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.150; reenacting section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 192, Laws of 1975 1st ex. sess. and by section 134, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.110; reenacting section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 192, Laws of 1975 1st ex. sess. and by section 139, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.71.100; repealing section 28A.03.050, chapter 223, Laws of 1969 ex. sess., section 103, chapter 176, Laws of 1969 ex. sess., section 1, chapter 60, Laws of 1975 1st ex. sess.,