
HOUSE BILL 2657

State of Washington 53rd Legislature 1994 Regular Session

By Representatives G. Fisher, Tate, King, Conway, Orr, Forner, Campbell, Brough, Mielke, Van Luven and Talcott

Read first time 01/19/94. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to public employees' collective bargaining;
2 amending RCW 41.56.465; amending 1993 c 398 s 5 (uncodified);
3 reenacting and amending RCW 41.56.030 and 41.56.460; and providing an
4 effective date.

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

6 **Sec. 1.** RCW 41.56.030 and 1993 c 398 s 1, 1993 c 397 s 1, and 1993
7 c 379 s 302 are each reenacted and amended to read as follows:

8 As used in this chapter:

9 (1) "Public employer" means any officer, board, commission,
10 council, or other person or body acting on behalf of any public body
11 governed by this chapter, or any subdivision of such public body. For
12 the purposes of this section, the public employer of district court or
13 superior court employees for wage-related matters is the respective
14 county legislative authority, or person or body acting on behalf of the
15 legislative authority, and the public employer for nonwage-related
16 matters is the judge or judge's designee of the respective district
17 court or superior court.

18 (2) "Public employee" means any employee of a public employer
19 except any person (a) elected by popular vote, or (b) appointed to

1 office pursuant to statute, ordinance or resolution for a specified
2 term of office by the executive head or body of the public employer, or
3 (c) whose duties as deputy, administrative assistant or secretary
4 necessarily imply a confidential relationship to the executive head or
5 body of the applicable bargaining unit, or any person elected by
6 popular vote or appointed to office pursuant to statute, ordinance or
7 resolution for a specified term of office by the executive head or body
8 of the public employer, or (d) who is a personal assistant to a
9 district court judge, superior court judge, or court commissioner. For
10 the purpose of (d) of this subsection, no more than one assistant for
11 each judge or commissioner may be excluded from a bargaining unit.

12 (3) "Bargaining representative" means any lawful organization which
13 has as one of its primary purposes the representation of employees in
14 their employment relations with employers.

15 (4) "Collective bargaining" means the performance of the mutual
16 obligations of the public employer and the exclusive bargaining
17 representative to meet at reasonable times, to confer and negotiate in
18 good faith, and to execute a written agreement with respect to
19 grievance procedures and collective negotiations on personnel matters,
20 including wages, hours and working conditions, which may be peculiar to
21 an appropriate bargaining unit of such public employer, except that by
22 such obligation neither party shall be compelled to agree to a proposal
23 or be required to make a concession unless otherwise provided in this
24 chapter. In the case of the Washington state patrol, "collective
25 bargaining" shall not include wages and wage-related matters.

26 (5) "Commission" means the public employment relations commission.

27 (6) "Executive director" means the executive director of the
28 commission.

29 (7)(a) Until July 1, 1995, "uniformed personnel" means: (i) Law
30 enforcement officers as defined in RCW 41.26.030 of cities with a
31 population of fifteen thousand or more or law enforcement officers
32 employed by the governing body of any county with a population of
33 seventy thousand or more; (ii) fire fighters as that term is defined in
34 RCW 41.26.030; ~~((or—(e)))~~ (iii) correctional employees who are
35 uniformed and nonuniformed, commissioned and noncommissioned security
36 personnel employed in a jail as defined in RCW 70.48.020(5), by a
37 county with a population of seventy thousand or more, and who are
38 trained for and charged with the responsibility of controlling and
39 maintaining custody of inmates in the jail and safeguarding inmates

1 from other inmates; (iv) security forces established under RCW
2 43.52.520; ~~((iv))~~ (v) employees of a port district ~~((in a county with~~
3 a population of one million or more)) whose duties include crash fire
4 rescue or other fire fighting duties; ~~((v))~~ (vi) employees of fire
5 departments of public employers who dispatch exclusively either fire or
6 emergency medical services, or both; or ~~((vi))~~ (vii) employees in the
7 several classes of advanced life support technicians, as defined in RCW
8 18.71.200, and emergency medical technicians, as defined in RCW
9 18.73.030, who are employed by a public employer.

10 (b) Beginning on July 1, 1995, "uniformed personnel" means: (i)
11 Law enforcement officers as defined in RCW 41.26.030 employed by the
12 governing body of any city or town with a population of seven thousand
13 five hundred or more and law enforcement officers employed by the
14 governing body of any county with a population of thirty-five thousand
15 or more; (ii) correctional employees who are uniformed and
16 nonuniformed, commissioned and noncommissioned security personnel
17 employed in a jail as defined in RCW 70.48.020(5), by a county with a
18 population of seventy thousand or more, and who are trained for and
19 charged with the responsibility of controlling and maintaining custody
20 of inmates in the jail and safeguarding inmates from other inmates;
21 (iii) general authority Washington peace officers as defined in RCW
22 10.93.020 employed by a port district in a county with a population of
23 one million or more; ~~((iii))~~ (iv) security forces established under
24 RCW 43.52.520; ~~((iv))~~ (v) fire fighters as that term is defined in
25 RCW 41.26.030; ~~((v))~~ (vi) employees of a port district ~~((in a county~~
26 with a population of one million or more)) whose duties include crash
27 fire rescue or other fire fighting duties; ~~((vi))~~ (vii) employees of
28 fire departments of public employers who dispatch exclusively either
29 fire or emergency medical services, or both; or ~~((vii))~~ (viii)
30 employees in the several classes of advanced life support technicians,
31 as defined in RCW 18.71.200, and emergency medical technicians, as
32 defined in RCW 18.73.030, who are employed by a public employer.

33 (8) "Institution of higher education" means the University of
34 Washington, Washington State University, Central Washington University,
35 Eastern Washington University, Western Washington University, The
36 Evergreen State College, and the various state community colleges.

1 **Sec. 2.** RCW 41.56.460 and 1993 c 517 s 10, 1993 c 502 s 5, 1993 c
2 398 s 2, and 1993 c 397 s 2 are each reenacted and amended to read as
3 follows:

4 (1) In making its determination, the panel shall be mindful of the
5 legislative purpose enumerated in RCW 41.56.430 and as additional
6 standards or guidelines to aid it in reaching a decision, it shall take
7 into consideration the following factors:

8 (a) The constitutional and statutory authority of the employer;

9 (b) Stipulations of the parties;

10 (c)(i) For employees listed in RCW 41.56.030(7)(a)(i) (~~and (e)~~),
11 (iii), and (iv), comparison of the wages, hours and conditions of
12 employment of personnel involved in the proceedings with the wages,
13 hours, and conditions of employment of like personnel of like employers
14 of similar size on the west coast of the United States;

15 (ii) For employees listed in RCW 41.56.030(7)(a)(ii) and (~~(iv)~~) (v)
16 through (~~(vi)~~) (vii), comparison of the wages, hours, and conditions of
17 employment of personnel involved in the proceedings with the wages,
18 hours, and conditions of employment of like personnel of public fire
19 departments of similar size on the west coast of the United States.
20 However, when an adequate number of comparable employers exists within
21 the state of Washington, other west coast employers shall not be
22 considered;

23 (d) The average consumer prices for goods and services, commonly
24 known as the cost of living;

25 (e) Changes in any of the foregoing circumstances during the
26 pendency of the proceedings; and

27 (f) Such other factors, not confined to the foregoing, which are
28 normally or traditionally taken into consideration in the determination
29 of wages, hours and conditions of employment.

30 (2) (~~Nothing in~~) Subsection (1)(c) of this section (~~shall~~) may
31 not be construed to authorize the panel to require the employer to pay,
32 directly or indirectly, the increased employee contributions resulting
33 from chapter 502, Laws of 1993 or chapter 517, Laws of 1993, as
34 required under chapter 41.26 RCW.

35 **Sec. 3.** RCW 41.56.465 and 1993 c 398 s 3 are each amended to read
36 as follows:

37 (1) In making its determination, the panel shall be mindful of the
38 legislative purpose enumerated in RCW 41.56.430 and, as additional

1 standards or guidelines to aid it in reaching a decision, it shall take
2 into consideration the following factors:

3 ~~((1))~~ (a) The constitutional and statutory authority of the
4 employer;

5 ~~((2))~~ (b) Stipulations of the parties;

6 ~~((3)(a))~~ (c)(i) For employees listed in RCW 41.56.030(7)(b)(i)
7 through ~~((iii))~~ (iv), comparison of the wages, hours, and conditions
8 of employment of personnel involved in the proceedings with the wages,
9 hours, and conditions of employment of like personnel of like employers
10 of similar size on the west coast of the United States;

11 ~~((b))~~ (ii) For employees listed in RCW 41.56.030(7)(b)~~((iv))~~ (v)
12 through ~~((vii))~~ (viii), comparison of the wages, hours, and
13 conditions of employment of personnel involved in the proceedings with
14 the wages, hours, and conditions of employment of like personnel of
15 public fire departments of similar size on the west coast of the United
16 States. However, when an adequate number of comparable employers
17 exists within the state of Washington, other west coast employers may
18 not be considered;

19 ~~((4))~~ (d) The average consumer prices for goods and services,
20 commonly known as the cost of living;

21 ~~((5))~~ (e) Changes in any of the circumstances under ~~((subsections~~
22 ~~(1))~~ (a) through ~~((4))~~ (d) of this ~~((section))~~ subsection during the
23 pendency of the proceedings; and

24 ~~((6))~~ (f) Such other factors, not confined to the factors under
25 ~~((subsections—(1))~~ (a) through ~~((5))~~ (e) of this ~~((section))~~
26 subsection, that are normally or traditionally taken into consideration
27 in the determination of wages, hours, and conditions of employment.
28 For those employees listed in RCW 41.56.030(7)(b)(i) who are employed
29 by the governing body of a city or town with a population of less than
30 fifteen thousand, or a county with a population of less than seventy
31 thousand, consideration must also be given to regional differences in
32 the cost of living.

33 (2) Subsection (1)(c) of this section may not be construed to
34 authorize the panel to require the employer to pay, directly or
35 indirectly, the increased employee contributions resulting from chapter
36 502, Laws of 1993 or chapter 517, Laws of 1993, as required under
37 chapter 41.26 RCW.

38 **Sec. 4.** 1993 c 398 s 5 (uncodified) is amended to read as follows:

1 RCW 41.56.460 and (~~(1988 c 110 s 1, 1987 c 521 s 2, 1983 c 287 s 4,~~
2 ~~1979 ex.s. c 184 s 3, & 1973 c 131 s 5)~~) 1994 c . . . s 2 (section 2 of
3 this act) are each repealed.

4 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act shall take
5 effect July 1, 1995.

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