
SENATE BILL 6382

State of Washington 53rd Legislature 1994 Regular Session

By Senators Prentice, Amondson, Fraser and Winsley

Read first time 01/20/94. Referred to Committee on Labor & Commerce.

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

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

6 NEW SECTION. **Sec. 1.** The only intent of the legislature in this
7 act is to correct multiple amendments in statutes related to public
8 employees' collective bargaining. It is not the intent of the
9 legislature to change the substance or effect of any statute previously
10 enacted.

11 **Sec. 2.** RCW 41.56.030 and 1993 c 398 s 1, 1993 c 397 s 1, and 1993
12 c 379 s 302 are each reenacted and amended to read as follows:

13 As used in this chapter:

14 (1) "Public employer" means any officer, board, commission,
15 council, or other person or body acting on behalf of any public body
16 governed by this chapter, or any subdivision of such public body. For
17 the purposes of this section, the public employer of district court or
18 superior court employees for wage-related matters is the respective

1 county legislative authority, or person or body acting on behalf of the
2 legislative authority, and the public employer for nonwage-related
3 matters is the judge or judge's designee of the respective district
4 court or superior court.

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

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

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

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

33 (6) "Executive director" means the executive director of the
34 commission.

35 (7)(a) Until July 1, 1995, "uniformed personnel" means: (i) Law
36 enforcement officers as defined in RCW 41.26.030 of cities with a
37 population of fifteen thousand or more or law enforcement officers
38 employed by the governing body of any county with a population of
39 seventy thousand or more; (ii) fire fighters as that term is defined in

1 RCW 41.26.030; (~~or~~) (iii) correctional employees who are
2 uniformed and nonuniformed, commissioned and noncommissioned security
3 personnel employed in a jail as defined in RCW 70.48.020(5), by a
4 county with a population of seventy thousand or more, and who are
5 trained for and charged with the responsibility of controlling and
6 maintaining custody of inmates in the jail and safeguarding inmates
7 from other inmates; (iv) security forces established under RCW
8 43.52.520; (~~(iv)~~) (v) employees of a port district in a county with
9 a population of one million or more whose duties include crash fire
10 rescue or other fire fighting duties; (~~(v)~~) (vi) employees of fire
11 departments of public employers who dispatch exclusively either fire or
12 emergency medical services, or both; or (~~(vi)~~) (vii) employees in the
13 several classes of advanced life support technicians, as defined in RCW
14 18.71.200, who are employed by a public employer.

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

37 (8) "Institution of higher education" means the University of
38 Washington, Washington State University, Central Washington University,

1 Eastern Washington University, Western Washington University, The
2 Evergreen State College, and the various state community colleges.

3 **Sec. 3.** RCW 41.56.460 and 1993 c 517 s 10, 1993 c 502 s 5, 1993 c
4 398 s 2, and 1993 c 397 s 2 are each reenacted and amended to read as
5 follows:

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

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

11 (b) Stipulations of the parties;

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

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

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

27 (e) Changes in any of the foregoing circumstances during the
28 pendency of the proceedings; and

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

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

1 **Sec. 4.** RCW 41.56.465 and 1993 c 398 s 3 are each amended to read
2 as follows:

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

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

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

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

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

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

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

37 (2) Subsection (1)(c) of this section may not be construed to
38 authorize the panel to require the employer to pay, directly or
39 indirectly, the increased employee contributions resulting from chapter

1 502, Laws of 1993 or chapter 517, Laws of 1993, as required under
2 chapter 41.26 RCW.

3 **Sec. 5.** 1993 c 398 s 5 (uncodified) is amended to read as follows:
4 RCW 41.56.460 and (~~1988 c 110 s 1, 1987 c 521 s 2, 1983 c 287 s 4,~~
5 ~~1979 ex.s. c 184 s 3, & 1973 c 131 s 5~~) 1994 c . . . s 3 (section 3 of
6 this act) are each repealed.

7 NEW SECTION. **Sec. 6.** Sections 4 and 5 of this act shall take
8 effect July 1, 1995.

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