
SENATE BILL 6406

State of Washington

53rd Legislature

1994 Regular Session

By Senator Prentice

Read first time 01/21/94. Referred to Committee on Labor & Commerce.

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, who are employed by a public employer.

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

28 (8) "Institution of higher education" means the University of
29 Washington, Washington State University, Central Washington University,
30 Eastern Washington University, Western Washington University, The
31 Evergreen State College, and the various state community colleges.

32 **Sec. 2.** RCW 41.56.460 and 1993 c 517 s 10, 1993 c 502 s 5, 1993 c
33 398 s 2, and 1993 c 397 s 2 are each reenacted and amended to read as
34 follows:

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

1 (a) The constitutional and statutory authority of the employer;
2 (b) Stipulations of the parties;
3 (c)(i) For employees listed in RCW 41.56.030(7)(a)(i) (~~(and (e))~~),
4 (iii), and (iv), comparison of the wages, hours and conditions of
5 employment of personnel involved in the proceedings with the wages,
6 hours, and conditions of employment of like personnel of like employers
7 of similar size on the west coast of the United States;
8 (ii) For employees listed in RCW 41.56.030(7)(a)(ii) and (~~(iv)~~) (v)
9 through (~~(vi)~~) (vii), comparison of the wages, hours, and conditions of
10 employment of personnel involved in the proceedings with the wages,
11 hours, and conditions of employment of like personnel of public fire
12 departments of similar size on the west coast of the United States.
13 However, when an adequate number of comparable employers exists within
14 the state of Washington, other west coast employers shall not be
15 considered;
16 (d) The average consumer prices for goods and services, commonly
17 known as the cost of living;
18 (e) Changes in any of the foregoing circumstances during the
19 pendency of the proceedings; and
20 (f) Such other factors, not confined to the foregoing, which are
21 normally or traditionally taken into consideration in the determination
22 of wages, hours and conditions of employment.
23 (2) (~~(Nothing in)~~) Subsection (1)(c) of this section (~~(shall)~~) may
24 not be construed to authorize the panel to require the employer to pay,
25 directly or indirectly, the increased employee contributions resulting
26 from chapter 502, Laws of 1993 or chapter 517, Laws of 1993, as
27 required under chapter 41.26 RCW.

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

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

34 (~~(1)~~) (a) The constitutional and statutory authority of the
35 employer;
36 (~~(2)~~) (b) Stipulations of the parties;
37 (~~(3)(a)~~) (c)(i) For employees listed in RCW 41.56.030(7)(b)(i)
38 through (~~(iii)~~) (iv), comparison of the wages, hours, and conditions

1 of employment of personnel involved in the proceedings with the wages,
2 hours, and conditions of employment of like personnel of like employers
3 of similar size on the west coast of the United States;

4 ~~((b))~~ (ii) For employees listed in RCW 41.56.030(7)(b)~~((iv))~~
5 (v) through ~~((vii))~~ (ix), comparison of the wages, hours, and
6 conditions of employment of personnel involved in the proceedings with
7 the wages, hours, and conditions of employment of like personnel of
8 public fire departments of similar size on the west coast of the United
9 States. However, when an adequate number of comparable employers
10 exists within the state of Washington, other west coast employers may
11 not be considered;

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

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

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

26 (2) Subsection (1)(c) of this section may not be construed to
27 authorize the panel to require the employer to pay, directly or
28 indirectly, the increased employee contributions resulting from chapter
29 502, Laws of 1993 or chapter 517, Laws of 1993 as required under
30 chapter 41.26 RCW.

31 **Sec. 4.** 1993 c 398 s 5 (uncodified) is amended to read as follows:
32 RCW 41.56.460 and ~~((1988 c 110 s 1, 1987 c 521 s 2, 1983 c 287 s 4,~~
33 ~~1979 ex.s. c 184 s 3, & 1973 c 131 s 5))~~ 1994 c --- s 2 (section 2 of
34 this act) are each repealed.

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

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