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HOUSE BILL 1822

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Conway, Wood, and Ormsby

Read first time 01/30/09. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to interest arbitration for certain general  
2 authority Washington peace officers; and amending RCW 41.56.030.

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

4            **Sec. 1.** RCW 41.56.030 and 2007 c 184 s 2 are each amended to read  
5 as follows:

6            As used in this chapter:

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

16            (2) "Public employee" means any employee of a public employer  
17 except any person (a) elected by popular vote, or (b) appointed to  
18 office pursuant to statute, ordinance or resolution for a specified  
19 term of office as a member of a multimember board, commission, or

1 committee, whether appointed by the executive head or body of the  
2 public employer, or (c) whose duties as deputy, administrative  
3 assistant or secretary necessarily imply a confidential relationship to  
4 (i) the executive head or body of the applicable bargaining unit, or  
5 (ii) any person elected by popular vote, or (iii) any person appointed  
6 to office pursuant to statute, ordinance or resolution for a specified  
7 term of office as a member of a multimember board, commission, or  
8 committee, whether appointed by the executive head or body of the  
9 public employer, or (d) who is a court commissioner or a court  
10 magistrate of superior court, district court, or a department of a  
11 district court organized under chapter 3.46 RCW, or (e) who is a  
12 personal assistant to a district court judge, superior court judge, or  
13 court commissioner. For the purpose of (e) of this subsection, no more  
14 than one assistant for each judge or commissioner may be excluded from  
15 a bargaining unit.

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

19 (4) "Collective bargaining" means the performance of the mutual  
20 obligations of the public employer and the exclusive bargaining  
21 representative to meet at reasonable times, to confer and negotiate in  
22 good faith, and to execute a written agreement with respect to  
23 grievance procedures and collective negotiations on personnel matters,  
24 including wages, hours and working conditions, which may be peculiar to  
25 an appropriate bargaining unit of such public employer, except that by  
26 such obligation neither party shall be compelled to agree to a proposal  
27 or be required to make a concession unless otherwise provided in this  
28 chapter.

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

30 (6) "Executive director" means the executive director of the  
31 commission.

32 (7) "Uniformed personnel" means: (a) Law enforcement officers as  
33 defined in RCW 41.26.030 employed by the governing body of any city or  
34 town with a population of two thousand five hundred or more and law  
35 enforcement officers employed by the governing body of any county with  
36 a population of ten thousand or more; (b) correctional employees who  
37 are uniformed and nonuniformed, commissioned and noncommissioned  
38 security personnel employed in a jail as defined in RCW 70.48.020(5),

1 by a county with a population of seventy thousand or more, and who are  
2 trained for and charged with the responsibility of controlling and  
3 maintaining custody of inmates in the jail and safeguarding inmates  
4 from other inmates; (c) general authority Washington peace officers as  
5 defined in RCW 10.93.020 employed by: (i) A port district in a county  
6 with a population of one million or more, or (ii) an airport operated  
7 under RCW 14.08.200; (d) security forces established under RCW  
8 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030;  
9 (f) employees of a port district in a county with a population of one  
10 million or more whose duties include crash fire rescue or other fire  
11 fighting duties; (g) employees of fire departments of public employers  
12 who dispatch exclusively either fire or emergency medical services, or  
13 both; or (h) employees in the several classes of advanced life support  
14 technicians, as defined in RCW 18.71.200, who are employed by a public  
15 employer.

16 (8) "Institution of higher education" means the University of  
17 Washington, Washington State University, Central Washington University,  
18 Eastern Washington University, Western Washington University, The  
19 Evergreen State College, and the various state community colleges.

20 (9) "Home care quality authority" means the authority under chapter  
21 74.39A RCW.

22 (10) "Individual provider" means an individual provider as defined  
23 in RCW 74.39A.240(4) who, solely for the purposes of collective  
24 bargaining, is a public employee as provided in RCW 74.39A.270.

25 (11) "Child care subsidy" means a payment from the state through a  
26 child care subsidy program established pursuant to RCW 74.12.340 or  
27 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor  
28 program.

29 (12) "Family child care provider" means a person who: (a) Provides  
30 regularly scheduled care for a child or children in the home of the  
31 provider or in the home of the child or children for periods of less  
32 than twenty-four hours or, if necessary due to the nature of the  
33 parent's work, for periods equal to or greater than twenty-four hours;  
34 (b) receives child care subsidies; and (c) is either licensed by the  
35 state under RCW 74.15.030 or is exempt from licensing under chapter  
36 74.15 RCW.

37 (13) "Adult family home provider" means a provider as defined in

1 RCW 70.128.010 who receives payments from the medicaid and state-funded  
2 long-term care programs.

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