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HOUSE BILL 1264

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State of Washington

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1995 Regular Session

By Representatives Benton, Ebersole, L. Thomas, Campbell, Quall, Costa, D. Schmidt, Boldt, Delvin, Robertson, Sherstad, Conway, Scott and Kremen

Read first time 01/19/95. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to public employees' collective bargaining;  
2 amending RCW 41.56.465; and reenacting 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 1993 c 398 s 1, 1993 c 397 s 1, and 1993  
5 c 379 s 302 are each reenacted and amended to read 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 by the executive head or body of the public employer, or

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

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

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

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

25 (6) "Executive director" means the executive director of the  
26 commission.

27 (7)(a) Until July 1, 1995, "uniformed personnel" means: (i) Law  
28 enforcement officers as defined in RCW 41.26.030 of cities with a  
29 population of fifteen thousand or more or law enforcement officers  
30 employed by the governing body of any county with a population of  
31 seventy thousand or more; (ii) fire fighters as that term is defined in  
32 RCW 41.26.030; (iii) security forces established under RCW 43.52.520;  
33 (iv) employees of a port district in a county with a population of one  
34 million or more whose duties include crash fire rescue or other fire  
35 fighting duties; (v) employees of fire departments of public employers  
36 who dispatch exclusively either fire or emergency medical services, or  
37 both; (vi) employees in the several classes of advanced life support  
38 technicians, as defined in RCW 18.71.200, who are employed by a public  
39 employer; or (vii) correctional employees who are uniformed and

1 nonuniformed, commissioned and noncommissioned security personnel  
2 employed in a jail as defined in RCW 70.48.020(5), by a county with a  
3 population of seventy thousand or more, and who are trained for and  
4 charged with the responsibility of controlling and maintaining custody  
5 of inmates in the jail and safeguarding inmates from other inmates.

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

22 (8) "Institution of higher education" means the University of  
23 Washington, Washington State University, Central Washington University,  
24 Eastern Washington University, Western Washington University, The  
25 Evergreen State College, and the various state community colleges.

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

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

- 32 (1) The constitutional and statutory authority of the employer;
- 33 (2) Stipulations of the parties;
- 34 (3)(a) For employees listed in RCW 41.56.030(7)(b)(i) through  
35 (iii), comparison of the wages, hours, and conditions of employment of  
36 personnel involved in the proceedings with the wages, hours, and  
37 conditions of employment of like personnel of like employers of similar  
38 size on the west coast of the United States;

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

8 (4) The average consumer prices for goods and services, commonly  
9 known as the cost of living;

10 (5) Changes in any of the circumstances under subsections (1)  
11 through (4) of this section during the pendency of the proceedings; and

12 (6) Such other factors, not confined to the factors under  
13 subsections (1) through (5) of this section, that are normally or  
14 traditionally taken into consideration in the determination of wages,  
15 hours, and conditions of employment. For those employees listed in RCW  
16 41.56.030(7)(b)(i) who are employed by the governing body of a city  
17 ((or))l town ((with a population of less than fifteen thousand)), or  
18 ((a)) county ((with a population of less than seventy thousand)),  
19 consideration must also be given to regional differences in the cost of  
20 living.

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