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**SUBSTITUTE HOUSE BILL 1730**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representative Benton)

Read first time 03/01/95.

1 AN ACT Relating to interest arbitration for law enforcement  
2 officers employed by cities, towns, or counties; amending RCW  
3 41.56.465; reenacting and amending RCW 41.56.030; repealing RCW  
4 41.56.460; providing an effective date; and declaring an emergency.

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; (iii) correctional employees who are uniformed and~~  
35 ~~nonuniformed, commissioned and noncommissioned security personnel~~  
36 ~~employed in a jail as defined in RCW 70.48.020(5), by a county with a~~  
37 ~~population of seventy thousand or more, and who are trained for and~~  
38 ~~charged with the responsibility of controlling and maintaining custody~~  
39 ~~of inmates in the jail and safeguarding inmates from other inmates;~~

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

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

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

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

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

5       ~~((1))~~ (a) The constitutional and statutory authority of the  
6 employer;

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

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

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

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

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

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

36       (2) Subsection (1)(c) of this section may not be construed to  
37 authorize the panel to require the employer to pay, directly or  
38 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 NEW SECTION. **Sec. 3.** RCW 41.56.460 and 1993 c 517 s 10, 1993 c  
4 502 s 5, 1993 c 398 s 2, & 1993 c 397 s 2 are each repealed.

5 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect July 1, 1995.

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