
SUBSTITUTE SENATE BILL 5507

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Heavey, Roach, Pelz, Swecker, Prentice and Sutherland)

Read first time 02/24/95.

1 AN ACT Relating to public employees' collective bargaining;
2 amending RCW 41.56.465; reenacting and amending RCW 41.56.030;
3 repealing RCW 41.56.460; providing an effective date; and declaring an
4 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 population of
33 less than fifteen thousand, or a county with a population of less than
34 seventy thousand, consideration must also be given to regional
35 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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