

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1730

Chapter 273, Laws of 1995

54th Legislature
1995 Regular Session

INTEREST ARBITRATION FOR LAW ENFORCEMENT OFFICERS

EFFECTIVE DATE: 7/1/95

Passed by the House April 20, 1995
Yeas 88 Nays 8

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 15, 1995
Yeas 36 Nays 12

JOEL PRITCHARD

President of the Senate

Approved May 9, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1730** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 9, 1995 - 3:35 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1730

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

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; creating a new
4 section; repealing RCW 41.56.460; providing an effective date; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 41.56.030 and 1993 c 398 s 1, 1993 c 397 s 1, and 1993
8 c 379 s 302 are each reenacted and amended to read as follows:

9 As used in this chapter:

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

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

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

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

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

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

31 (7) ~~((a) Until July 1, 1995, "uniformed personnel" means: (i) Law~~
32 ~~enforcement officers as defined in RCW 41.26.030 of cities with a~~
33 ~~population of fifteen thousand or more or law enforcement officers~~
34 ~~employed by the governing body of any county with a population of~~
35 ~~seventy thousand or more; (ii) fire fighters as that term is defined in~~
36 ~~RCW 41.26.030; (iii) correctional employees who are uniformed and~~
37 ~~nonuniformed, commissioned and noncommissioned security personnel~~
38 ~~employed in a jail as defined in RCW 70.48.020(5), by a county with a~~
39 ~~population of seventy thousand or more, and who are trained for and~~

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

11 ~~(b) Beginning on July 1, 1995,~~) "Uniformed personnel" means:
12 ~~(a)(i) Until July 1, 1997, law enforcement officers as defined in RCW~~
13 ~~41.26.030 employed by the governing body of any city or town with a~~
14 ~~population of seven thousand five hundred or more and law enforcement~~
15 ~~officers employed by the governing body of any county with a population~~
16 ~~of thirty-five thousand or more; (ii) beginning on July 1, 1997, law~~
17 ~~enforcement officers as defined in RCW 41.26.030 employed by the~~
18 ~~governing body of any city or town with a population of two thousand~~
19 ~~five hundred or more and law enforcement officers employed by the~~
20 ~~governing body of any county with a population of ten thousand or more;~~
21 ~~(b) correctional employees who are uniformed and nonuniformed,~~
22 ~~commissioned and noncommissioned security personnel employed in a jail~~
23 ~~as defined in RCW 70.48.020(5), by a county with a population of~~
24 ~~seventy thousand or more, and who are trained for and charged with the~~
25 ~~responsibility of controlling and maintaining custody of inmates in the~~
26 ~~jail and safeguarding inmates from other inmates; ((+iii)) (c) general~~
27 ~~authority Washington peace officers as defined in RCW 10.93.020~~
28 ~~employed by a port district in a county with a population of one~~
29 ~~million or more; ((+iv)) (d) security forces established under RCW~~
30 ~~43.52.520; ((+v)) (e) fire fighters as that term is defined in RCW~~
31 ~~41.26.030; ((+vi)) (f) employees of a port district in a county with~~
32 ~~a population of one million or more whose duties include crash fire~~
33 ~~rescue or other fire fighting duties; ((+vii)) (g) employees of fire~~
34 ~~departments of public employers who dispatch exclusively either fire or~~
35 ~~emergency medical services, or both; or ((+viii)) (h) employees in the~~
36 ~~several classes of advanced life support technicians, as defined in RCW~~
37 ~~18.71.200, who are employed by a public employer.~~

38 (8) "Institution of higher education" means the University of
39 Washington, Washington State University, Central Washington University,

1 Eastern Washington University, Western Washington University, The
2 Evergreen State College, and the various state community colleges.

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

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

9 ~~((1))~~ (a) The constitutional and statutory authority of the
10 employer;

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

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

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

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

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

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

1 seventy thousand, consideration must also be given to regional
2 differences in the cost of living.

3 (2) Subsection (1)(c) of this section may not be construed to
4 authorize the panel to require the employer to pay, directly or
5 indirectly, the increased employee contributions resulting from chapter
6 502, Laws of 1993 or chapter 517, Laws of 1993 as required under
7 chapter 41.26 RCW.

8 NEW SECTION. Sec. 3. The senate committee on ways and means and
9 the house of representatives committee on appropriations shall jointly
10 compile a report to the legislature by December 15, 1996, which shall
11 analyze and review all arbitration awards made involving law
12 enforcement officers under chapter 41.56 RCW since enactment of binding
13 arbitration procedures for law enforcement officers in 1973. This
14 review shall include a brief procedural history of each arbitration
15 including the date, the identity of the parties, the evidence and
16 arguments presented by the parties, the names of the members of the
17 arbitration panel, and the findings and final determination of the
18 issues in dispute.

19 NEW SECTION. Sec. 4. RCW 41.56.460 and 1993 c 517 s 10, 1993 c
20 502 s 5, 1993 c 398 s 2, & 1993 c 397 s 2 are each repealed.

21 NEW SECTION. Sec. 5. This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and shall take
24 effect July 1, 1995.

Passed the House April 20, 1995.

Passed the Senate April 15, 1995.

Approved by the Governor May 9, 1995.

Filed in Office of Secretary of State May 9, 1995.