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SENATE BILL 6427

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State of Washington

55th Legislature

1998 Regular Session

By Senators Heavey, Patterson and Kline

Read first time 01/19/98. Referred to Committee on Government Operations.

1 AN ACT Relating to defining "uniformed personnel" for public  
2 employees' collective bargaining; 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 1995 c 273 s 1 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 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) "Uniformed personnel" means: (a)(i) Until July 1, 1997, law  
28 enforcement officers as defined in RCW 41.26.030 employed by the  
29 governing body of any city or town with a population of seven thousand  
30 five hundred or more and law enforcement officers employed by the  
31 governing body of any county with a population of thirty-five thousand  
32 or more; (ii) beginning on July 1, 1997, 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),  
39 by a county with a population of seventy thousand or more, and who are

1 trained for and charged with the responsibility of controlling and  
2 maintaining custody of inmates in the jail and safeguarding inmates  
3 from other inmates; (c) general authority Washington peace officers as  
4 defined in RCW 10.93.020 employed by a port district in a county with  
5 a population of one million or more; (d) security forces established  
6 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW  
7 41.26.030; (f) employees of a port district in a county with a  
8 population of one million or more whose duties include crash fire  
9 rescue or other fire fighting duties; (g) employees of fire departments  
10 of public employers who dispatch exclusively either fire or emergency  
11 medical services, or both; ((or)) (h) employees in the several classes  
12 of advanced life support technicians, as defined in RCW 18.71.200, who  
13 are employed by a public employer; or (i) an electrical lineman as  
14 provided in RCW 19.28.200 that is employed by an operating agency  
15 constructing or operating a nuclear power plant under a site  
16 certificate issued under chapter 80.50 RCW.

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

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