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ENGROSSED SUBSTITUTE HOUSE BILL 2662

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State of Washington

57th Legislature

2002 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives McDermott, Wood, Miloscia, O'Brien, Cody, Conway, Edwards, Lysen, Chase and Santos)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to making payroll deductions for individual  
2 providers as defined in RCW 74.39A.240(4); reenacting and amending RCW  
3 41.56.030; and adding a new section to chapter 41.56 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.56 RCW  
6 to read as follows:

7 (1) Upon the written authorization of an individual provider within  
8 the bargaining unit and after the certification or recognition of the  
9 bargaining unit's exclusive bargaining representative, the state as  
10 payor, but not as the employer, shall, subject to subsection (3) of  
11 this section, deduct from the payments to an individual provider the  
12 monthly amount of dues as certified by the secretary of the exclusive  
13 bargaining representative and shall transmit the same to the treasurer  
14 of the exclusive bargaining representative.

15 (2) If the home care quality authority and the exclusive bargaining  
16 representative of a bargaining unit of individual providers enter into  
17 a collective bargaining agreement that:

18 (a) Includes a union security provision authorized in RCW  
19 41.56.122, the state as payor, but not as the employer, shall, subject

1 to subsection (3) of this section, enforce the agreement by deducting  
2 from the payments to bargaining unit members the dues required for  
3 membership in the exclusive bargaining representative, or, for  
4 nonmembers thereof, a fee equivalent to the dues; or

5 (b) Includes requirements for deductions of payments other than the  
6 deduction under (a) of this subsection, the state, as payor, but not as  
7 the employer, shall, subject to subsection (3) of this section, make  
8 such deductions upon written authorization of the individual provider.

9 (3)(a) The initial additional costs to the state in making  
10 deductions from the payments to individual providers under this section  
11 shall be negotiated, agreed upon in advance, and reimbursed to the  
12 state by the exclusive bargaining representative.

13 (b) The allocation of ongoing additional costs to the state in  
14 making deductions from the payments to individual providers under this  
15 section shall be an appropriate subject of collective bargaining  
16 between the exclusive bargaining representative and the home care  
17 quality authority unless prohibited by another statute. If no  
18 collective bargaining agreement containing a provision allocating the  
19 ongoing additional cost is entered into between the exclusive  
20 bargaining representative and the home care quality authority, or if  
21 the legislature does not approve funding for the collective bargaining  
22 agreement as provided in RCW 74.39A.300, the ongoing additional costs  
23 to the state in making deductions from the payments to individual  
24 providers under this section shall be negotiated, agreed upon in  
25 advance, and reimbursed to the state by the exclusive bargaining  
26 representative.

27 **Sec. 2.** RCW 41.56.030 and 2000 c 23 s 1 and 2000 c 19 s 1 are each  
28 reenacted and amended to read as follows:

29 As used in this chapter:

30 (1) "Public employer" means any officer, board, commission,  
31 council, or other person or body acting on behalf of any public body  
32 governed by this chapter, or any subdivision of such public body. For  
33 the purposes of this section, the public employer of district court or  
34 superior court employees for wage-related matters is the respective  
35 county legislative authority, or person or body acting on behalf of the  
36 legislative authority, and the public employer for nonwage-related  
37 matters is the judge or judge's designee of the respective district  
38 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 as a member of a multimember board, commission, or  
5 committee, whether appointed by the executive head or body of the  
6 public employer, or (c) whose duties as deputy, administrative  
7 assistant or secretary necessarily imply a confidential relationship to  
8 (i) the executive head or body of the applicable bargaining unit, or  
9 (ii) any person elected by popular vote, or (iii) any person appointed  
10 to office pursuant to statute, ordinance or resolution for a specified  
11 term of office as a member of a multimember board, commission, or  
12 committee, whether appointed by the executive head or body of the  
13 public employer, or (d) who is a court commissioner or a court  
14 magistrate of superior court, district court, or a department of a  
15 district court organized under chapter 3.46 RCW, or (e) who is a  
16 personal assistant to a district court judge, superior court judge, or  
17 court commissioner, or (f) excluded from a bargaining unit under RCW  
18 41.56.201(2)(a). For the purpose of (e) of this subsection, no more  
19 than one assistant for each judge or commissioner may be excluded from  
20 a bargaining unit.

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

24 (4) "Collective bargaining" means the performance of the mutual  
25 obligations of the public employer and the exclusive bargaining  
26 representative to meet at reasonable times, to confer and negotiate in  
27 good faith, and to execute a written agreement with respect to  
28 grievance procedures and collective negotiations on personnel matters,  
29 including wages, hours and working conditions, which may be peculiar to  
30 an appropriate bargaining unit of such public employer, except that by  
31 such obligation neither party shall be compelled to agree to a proposal  
32 or be required to make a concession unless otherwise provided in this  
33 chapter.

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

35 (6) "Executive director" means the executive director of the  
36 commission.

37 (7) "Uniformed personnel" means: (a) Law enforcement officers as  
38 defined in RCW 41.26.030 employed by the governing body of any city or  
39 town with a population of two thousand five hundred or more and law

1 enforcement officers employed by the governing body of any county with  
2 a population of ten thousand or more; (b) correctional employees who  
3 are uniformed and nonuniformed, commissioned and noncommissioned  
4 security personnel employed in a jail as defined in RCW 70.48.020(5),  
5 by a county with a population of seventy thousand or more, and who are  
6 trained for and charged with the responsibility of controlling and  
7 maintaining custody of inmates in the jail and safeguarding inmates  
8 from other inmates; (c) general authority Washington peace officers as  
9 defined in RCW 10.93.020 employed by a port district in a county with  
10 a population of one million or more; (d) security forces established  
11 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW  
12 41.26.030; (f) employees of a port district in a county with a  
13 population of one million or more whose duties include crash fire  
14 rescue or other fire fighting duties; (g) employees of fire departments  
15 of public employers who dispatch exclusively either fire or emergency  
16 medical services, or both; or (h) employees in the several classes of  
17 advanced life support technicians, as defined in RCW 18.71.200, who are  
18 employed by a public employer.

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

23 (9) "Home care quality authority" means the authority under chapter  
24 74.39A RCW.

25 (10) "Individual provider" means an individual provider as defined  
26 in RCW 74.39A.240(4) who, solely for the purposes of collective  
27 bargaining, is employed by the home care quality authority as provided  
28 in RCW 74.39A.270.

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