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**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); amending RCW 41.56.110; and  
3 reenacting and amending RCW 41.56.030.

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

5 **Sec. 1.** RCW 41.56.110 and 1973 c 59 s 1 are each amended to read  
6 as follows:

7 (1) Upon the written authorization of any public employee or  
8 individual provider within the bargaining unit and after the  
9 certification or recognition of such bargaining representative, the  
10 public employer or, with respect to individual providers, the state  
11 shall deduct from the pay of such public employee or individual  
12 provider the monthly amount of dues as certified by the secretary of  
13 the exclusive bargaining representative and shall transmit the same to  
14 the treasurer 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 must enforce the agreement by deducting from the

1 pay of bargaining unit members the dues required for membership in the  
2 exclusive bargaining representative, or, for nonmembers thereof, a fee  
3 equivalent to the dues; or

4 (b) Includes requirements for deductions of payments other than the  
5 deduction under (a) of this subsection, the state must make such  
6 deductions upon written authorization of the individual provider.

7 (3) Deductions from the pay of individual providers made by the  
8 state under this section are subject to reimbursement to the state by  
9 the exclusive bargaining representative for the additional costs  
10 incurred in making the deduction.

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

13 As used in this chapter:

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

23 (2) "Public employee" means any employee of a public employer  
24 except any person (a) elected by popular vote, or (b) appointed to  
25 office pursuant to statute, ordinance or resolution for a specified  
26 term of office as a member of a multimember board, commission, or  
27 committee, whether appointed by the executive head or body of the  
28 public employer, or (c) whose duties as deputy, administrative  
29 assistant or secretary necessarily imply a confidential relationship to  
30 (i) the executive head or body of the applicable bargaining unit, or  
31 (ii) any person elected by popular vote, or (iii) any person appointed  
32 to office pursuant to statute, ordinance or resolution for a specified  
33 term of office as a member of a multimember board, commission, or  
34 committee, whether appointed by the executive head or body of the  
35 public employer, or (d) who is a court commissioner or a court  
36 magistrate of superior court, district court, or a department of a  
37 district court organized under chapter 3.46 RCW, or (e) who is a  
38 personal assistant to a district court judge, superior court judge, or

1 court commissioner, or (f) excluded from a bargaining unit under RCW  
2 41.56.201(2)(a). For the purpose of (e) of this subsection, no more  
3 than one assistant for each judge or commissioner may be excluded from  
4 a bargaining unit.

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

8 (4) "Collective bargaining" means the performance of the mutual  
9 obligations of the public employer and the exclusive bargaining  
10 representative to meet at reasonable times, to confer and negotiate in  
11 good faith, and to execute a written agreement with respect to  
12 grievance procedures and collective negotiations on personnel matters,  
13 including wages, hours and working conditions, which may be peculiar to  
14 an appropriate bargaining unit of such public employer, except that by  
15 such obligation neither party shall be compelled to agree to a proposal  
16 or be required to make a concession unless otherwise provided in this  
17 chapter.

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

19 (6) "Executive director" means the executive director of the  
20 commission.

21 (7) "Uniformed personnel" means: (a) Law enforcement officers as  
22 defined in RCW 41.26.030 employed by the governing body of any city or  
23 town with a population of two thousand five hundred or more and law  
24 enforcement officers employed by the governing body of any county with  
25 a population of ten thousand or more; (b) correctional employees who  
26 are uniformed and nonuniformed, commissioned and noncommissioned  
27 security personnel employed in a jail as defined in RCW 70.48.020(5),  
28 by a county with a population of seventy thousand or more, and who are  
29 trained for and charged with the responsibility of controlling and  
30 maintaining custody of inmates in the jail and safeguarding inmates  
31 from other inmates; (c) general authority Washington peace officers as  
32 defined in RCW 10.93.020 employed by a port district in a county with  
33 a population of one million or more; (d) security forces established  
34 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW  
35 41.26.030; (f) employees of a port district in a county with a  
36 population of one million or more whose duties include crash fire  
37 rescue or other fire fighting duties; (g) employees of fire departments  
38 of public employers who dispatch exclusively either fire or emergency  
39 medical services, or both; or (h) employees in the several classes of

1 advanced life support technicians, as defined in RCW 18.71.200, who are  
2 employed by a public employer.

3 (8) "Institution of higher education" means the University of  
4 Washington, Washington State University, Central Washington University,  
5 Eastern Washington University, Western Washington University, The  
6 Evergreen State College, and the various state community colleges.

7 (9) "Home care quality authority" means the authority under chapter  
8 74.39A RCW.

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

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