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HOUSE BILL 1122

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Sells, Gregerson, and Reykdal

Read first time 01/13/15. Referred to Committee on Labor.

1            AN ACT Relating to arbitration for dispatch operators of public  
2 employers; 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 2011 1st sp.s. c 21 s 11 are each  
5 amended to read as follows:

6            As used in this chapter:

7            (1) "Adult family home provider" means a provider as defined in  
8 RCW 70.128.010 who receives payments from the medicaid and state-  
9 funded long-term care programs.

10           (2) "Bargaining representative" means any lawful organization  
11 which has as one of its primary purposes the representation of  
12 employees in their employment relations with employers.

13           (3) "Child care subsidy" means a payment from the state through a  
14 child care subsidy program established pursuant to RCW 74.12.340 (~~or~~  
15 ~~74.08A.340~~)), 45 C.F.R. Sec. 98.1 through 98.17, or any successor  
16 program.

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  
20 in good faith, and to execute a written agreement with respect to  
21 grievance procedures and collective negotiations on personnel

1 matters, including wages, hours and working conditions, which may be  
2 peculiar to an appropriate bargaining unit of such public employer,  
3 except that by such obligation neither party shall be compelled to  
4 agree to a proposal or be required to make a concession unless  
5 otherwise provided in this chapter.

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

8 (6) "Executive director" means the executive director of the  
9 commission.

10 (7) "Family child care provider" means a person who: (a) Provides  
11 regularly scheduled care for a child or children in the home of the  
12 provider or in the home of the child or children for periods of less  
13 than twenty-four hours or, if necessary due to the nature of the  
14 parent's work, for periods equal to or greater than twenty-four  
15 hours; (b) receives child care subsidies; and (c) is either licensed  
16 by the state under RCW 74.15.030 or is exempt from licensing under  
17 chapter 74.15 RCW.

18 (8) "Individual provider" means an individual provider as defined  
19 in RCW 74.39A.240(4) who, solely for the purposes of collective  
20 bargaining, is a public employee as provided in RCW 74.39A.270.

21 (9) "Institution of higher education" means the University of  
22 Washington, Washington State University, Central Washington  
23 University, Eastern Washington University, Western Washington  
24 University, The Evergreen State College, and the various state  
25 community colleges.

26 (10)(a) "Language access provider" means any independent  
27 contractor who provides spoken language interpreter services for  
28 department of social and health services appointments or medicaid  
29 enrollee appointments, or provided these services on or after January  
30 1, 2009, and before June 10, 2010, whether paid by a broker, language  
31 access agency, or the department.

32 (b) "Language access provider" does not mean an owner, manager,  
33 or employee of a broker or a language access agency.

34 (11) "Public employee" means any employee of a public employer  
35 except any person (a) elected by popular vote, or (b) appointed to  
36 office pursuant to statute, ordinance or resolution for a specified  
37 term of office as a member of a multimember board, commission, or  
38 committee, whether appointed by the executive head or body of the  
39 public employer, or (c) whose duties as deputy, administrative  
40 assistant or secretary necessarily imply a confidential relationship

1 to (i) the executive head or body of the applicable bargaining unit,  
2 or (ii) any person elected by popular vote, or (iii) any person  
3 appointed to office pursuant to statute, ordinance or resolution for  
4 a specified term of office as a member of a multimember board,  
5 commission, or committee, whether appointed by the executive head or  
6 body of the public employer, or (d) who is a court commissioner or a  
7 court magistrate of superior court, district court, or a department  
8 of a district court organized under chapter 3.46 RCW, or (e) who is a  
9 personal assistant to a district court judge, superior court judge,  
10 or court commissioner. For the purpose of (e) of this subsection, no  
11 more than one assistant for each judge or commissioner may be  
12 excluded from a bargaining unit.

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

22 (13) "Uniformed personnel" means: (a) Law enforcement officers as  
23 defined in RCW 41.26.030 employed by the governing body of any city  
24 or town with a population of two thousand five hundred or more and  
25 law enforcement officers employed by the governing body of any county  
26 with a population of ten thousand or more; (b) correctional employees  
27 who are uniformed and nonuniformed, commissioned and noncommissioned  
28 security personnel employed in a jail as defined in RCW 70.48.020(9),  
29 by a county with a population of seventy thousand or more, and who  
30 are trained for and charged with the responsibility of controlling  
31 and maintaining custody of inmates in the jail and safeguarding  
32 inmates from other inmates; (c) general authority Washington peace  
33 officers as defined in RCW 10.93.020 employed by a port district in a  
34 county with a population of one million or more; (d) security forces  
35 established under RCW 43.52.520; (e) firefighters as that term is  
36 defined in RCW 41.26.030; (f) employees of a port district in a  
37 county with a population of one million or more whose duties include  
38 crash fire rescue or other firefighting duties; (g) employees of fire  
39 departments of public employers who dispatch exclusively either fire  
40 or emergency medical services, or both; ((e)) (h) employees in the

1 several classes of advanced life support technicians, as defined in  
2 RCW 18.71.200, who are employed by a public employer; or (i)  
3 employees of public employers, other than fire departments, who  
4 dispatch fire, police, or emergency medical services, or any  
5 combination of these.

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