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SENATE BILL 5239

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State of Washington

64th Legislature

2015 Regular Session

By Senators Roach, Fain, Liiias, and Keiser

Read first time 01/16/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to adding certain commissioned court marshals of  
2 county sheriff's offices to the definition of uniformed personnel for  
3 the purposes of public employees' collective bargaining; and amending  
4 RCW 41.56.030.

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

6 **Sec. 1.** RCW 41.56.030 and 2011 1st sp.s. c 21 s 11 are each  
7 amended to read as follows:

8 As used in this chapter:

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

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

15 (3) "Child care subsidy" means a payment from the state through a  
16 child care subsidy program established pursuant to RCW 74.12.340 or  
17 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor  
18 program.

19 (4) "Collective bargaining" means the performance of the mutual  
20 obligations of the public employer and the exclusive bargaining  
21 representative to meet at reasonable times, to confer and negotiate

1 in good faith, and to execute a written agreement with respect to  
2 grievance procedures and collective negotiations on personnel  
3 matters, including wages, hours and working conditions, which may be  
4 peculiar to an appropriate bargaining unit of such public employer,  
5 except that by such obligation neither party shall be compelled to  
6 agree to a proposal or be required to make a concession unless  
7 otherwise provided in this chapter.

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

10 (6) "Executive director" means the executive director of the  
11 commission.

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

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

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

28 (10)(a) "Language access provider" means any independent  
29 contractor who provides spoken language interpreter services for  
30 department of social and health services appointments or medicaid  
31 enrollee appointments, or provided these services on or after January  
32 1, 2009, and before June 10, 2010, whether paid by a broker, language  
33 access agency, or the department.

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

36 (11) "Public employee" means any employee of a public employer  
37 except any person (a) elected by popular vote, or (b) appointed to  
38 office pursuant to statute, ordinance or resolution for a specified  
39 term of office as a member of a multimember board, commission, or  
40 committee, whether appointed by the executive head or body of the

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

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

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

1 departments of public employers who dispatch exclusively either fire  
2 or emergency medical services, or both; ~~((e))~~ (h) employees in the  
3 several classes of advanced life support technicians, as defined in  
4 RCW 18.71.200, who are employed by a public employer; or (i) court  
5 marshals of any county who are employed by, trained for, and  
6 commissioned by the county sheriff and charged with the  
7 responsibility of enforcing laws, protecting and maintaining security  
8 in all county-owned or contracted property, and performing any other  
9 duties assigned to them by the county sheriff or mandated by judicial  
10 order.

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