

2 **ESHB 1730** - S COMM AMD  
3 By Committee on Ways & Means

4 ADOPTED AS AMENDED 4/14/95

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 41.56.030 and 1993 c 398 s 1, 1993 c 397 s 1, and  
8 1993 c 379 s 302 are each reenacted and amended to read as follows:

9 As used in this chapter:

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

19 (2) "Public employee" means any employee of a public employer  
20 except any person (a) elected by popular vote, or (b) appointed to  
21 office pursuant to statute, ordinance or resolution for a specified  
22 term of office by the executive head or body of the public employer, or  
23 (c) whose duties as deputy, administrative assistant or secretary  
24 necessarily imply a confidential relationship to the executive head or  
25 body of the applicable bargaining unit, or any person elected by  
26 popular vote or appointed to office pursuant to statute, ordinance or  
27 resolution for a specified term of office by the executive head or body  
28 of the public employer, or (d) who is a personal assistant to a  
29 district court judge, superior court judge, or court commissioner. For  
30 the purpose of (d) of this subsection, no more than one assistant for  
31 each judge or commissioner may be excluded from a bargaining unit.

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

35 (4) "Collective bargaining" means the performance of the mutual  
36 obligations of the public employer and the exclusive bargaining

1 representative to meet at reasonable times, to confer and negotiate in  
2 good faith, and to execute a written agreement with respect to  
3 grievance procedures and collective negotiations on personnel matters,  
4 including wages, hours and working conditions, which may be peculiar to  
5 an appropriate bargaining unit of such public employer, except that by  
6 such obligation neither party shall be compelled to agree to a proposal  
7 or be required to make a concession unless otherwise provided in this  
8 chapter. In the case of the Washington state patrol, "collective  
9 bargaining" shall not include wages and wage-related matters.

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

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

13 (7)((~~(a) Until July 1, 1995, "uniformed personnel" means: (i) Law~~  
14 ~~enforcement officers as defined in RCW 41.26.030 of cities with a~~  
15 ~~population of fifteen thousand or more or law enforcement officers~~  
16 ~~employed by the governing body of any county with a population of~~  
17 ~~seventy thousand or more; (ii) fire fighters as that term is defined in~~  
18 ~~RCW 41.26.030; (iii) correctional employees who are uniformed and~~  
19 ~~nonuniformed, commissioned and noncommissioned security personnel~~  
20 ~~employed in a jail as defined in RCW 70.48.020(5), by a county with a~~  
21 ~~population of seventy thousand or more, and who are trained for and~~  
22 ~~charged with the responsibility of controlling and maintaining custody~~  
23 ~~of inmates in the jail and safeguarding inmates from other inmates;~~  
24 ~~(iv) security forces established under RCW 43.52.520; (v) employees of~~  
25 ~~a port district in a county with a population of one million or more~~  
26 ~~whose duties include crash fire rescue or other fire fighting duties;~~  
27 ~~(vi) employees of fire departments of public employers who dispatch~~  
28 ~~exclusively either fire or emergency medical services, or both; or~~  
29 ~~(vii) employees in the several classes of advanced life support~~  
30 ~~technicians, as defined in RCW 18.71.200, who are employed by a public~~  
31 ~~employer.~~

32 (~~(b) Beginning on July 1, 1995,~~) "Uniformed personnel" means:  
33 (a)(i) Until July 1, 1997, law enforcement officers as defined in RCW  
34 41.26.030 employed by the governing body of any city or town with a  
35 population of seven thousand five hundred or more and law enforcement  
36 officers employed by the governing body of any county with a population  
37 of thirty-five thousand or more; (ii) beginning on July 1, 1997, law  
38 enforcement officers as defined in RCW 41.26.030 employed by the  
39 governing body of any city or town with a population of two thousand

1 five hundred or more and law enforcement officers employed by the  
2 governing body of any county with a population of ten thousand or more;  
3 (b) correctional employees who are uniformed and nonuniformed,  
4 commissioned and noncommissioned security personnel employed in a jail  
5 as defined in RCW 70.48.020(5), by a county with a population of  
6 seventy thousand or more, and who are trained for and charged with the  
7 responsibility of controlling and maintaining custody of inmates in the  
8 jail and safeguarding inmates from other inmates; (~~(iii)~~) (c) general  
9 authority Washington peace officers as defined in RCW 10.93.020  
10 employed by a port district in a county with a population of one  
11 million or more; (~~(iv)~~) (d) security forces established under RCW  
12 43.52.520; (~~(v)~~) (e) fire fighters as that term is defined in RCW  
13 41.26.030; (~~(vi)~~) (f) employees of a port district in a county with  
14 a population of one million or more whose duties include crash fire  
15 rescue or other fire fighting duties; (~~(vii)~~) (g) employees of fire  
16 departments of public employers who dispatch exclusively either fire or  
17 emergency medical services, or both; or (~~(viii)~~) (h) employees in the  
18 several classes of advanced life support technicians, as defined in RCW  
19 18.71.200, who are employed by a public employer.

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

24 **Sec. 2.** RCW 41.56.465 and 1993 c 398 s 3 are each amended to read  
25 as follows:

26 (1) In making its determination, the panel shall be mindful of the  
27 legislative purpose enumerated in RCW 41.56.430 and, as additional  
28 standards or guidelines to aid it in reaching a decision, it shall take  
29 into consideration the following factors:

30 (~~(1)~~) (a) The constitutional and statutory authority of the  
31 employer;

32 (~~(2)~~) (b) Stipulations of the parties;

33 (~~(3)(a)~~) (c)(i) For employees listed in RCW  
34 41.56.030(7)(~~(b)(i)~~) (a) through (~~(iii)~~) (d), comparison of the  
35 wages, hours, and conditions of employment of personnel involved in the  
36 proceedings with the wages, hours, and conditions of employment of like  
37 personnel of like employers of similar size on the west coast of the  
38 United States;

1       (~~(b)~~) (ii) For employees listed in RCW 41.56.030(7)(~~(b)(iv)~~)  
2 (e) through (~~(vii)~~) (h), comparison of the wages, hours, and  
3 conditions of employment of personnel involved in the proceedings with  
4 the wages, hours, and conditions of employment of like personnel of  
5 public fire departments of similar size on the west coast of the United  
6 States. However, when an adequate number of comparable employers  
7 exists within the state of Washington, other west coast employers may  
8 not be considered;

9       (~~(4)~~) (d) The average consumer prices for goods and services,  
10 commonly known as the cost of living;

11       (~~(5)~~) (e) Changes in any of the circumstances under (~~subsections~~  
12 ~~(1)~~) (a) through (~~(4)~~) (d) of this (~~section~~) subsection during the  
13 pendency of the proceedings; and

14       (~~(6)~~) (f) Such other factors, not confined to the factors under  
15 (~~subsections—(1)~~) (a) through (~~(5)~~) (e) of this (~~section~~)  
16 subsection, that are normally or traditionally taken into consideration  
17 in the determination of wages, hours, and conditions of employment.  
18 For those employees listed in RCW 41.56.030(7)(~~(b)(i)~~) (a) who are  
19 employed by the governing body of a city or town with a population of  
20 less than fifteen thousand, or a county with a population of less than  
21 seventy thousand, consideration must also be given to regional  
22 differences in the cost of living.

23       (2) Subsection (1)(c) of this section may not be construed to  
24 authorize the panel to require the employer to pay, directly or  
25 indirectly, the increased employee contributions resulting from chapter  
26 502, Laws of 1993 or chapter 517, Laws of 1993 as required under  
27 chapter 41.26 RCW.

28       NEW SECTION. Sec. 3. The senate committee on ways and means and  
29 the house of representatives committee on appropriations shall jointly  
30 compile a report to the legislature by December 15, 1996, which shall  
31 analyze and review all arbitration awards made involving law  
32 enforcement officers under chapter 41.56 RCW since enactment of binding  
33 arbitration procedures for law enforcement officers in 1973. This  
34 review shall include a brief procedural history of each arbitration  
35 including the date, the identity of the parties, the evidence and  
36 arguments presented by the parties, the names of the members of the  
37 arbitration panel, and the findings and final determination of the  
38 issues in dispute.

