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SENATE BILL 5171

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State of Washington

56th Legislature

1999 Regular Session

By Senators Goings, Prentice and Rasmussen

Read first time 01/15/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to Washington state patrol employment agreements;  
2 amending RCW 41.56.030 and 41.56.475; and adding new sections to  
3 chapter 41.56 RCW.

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

5 **Sec. 1.** RCW 41.56.030 and 1995 c 273 s 1 are each amended to read  
6 as follows:

7 As used in this chapter:

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

17 (2) "Public employee" means any employee of a public employer  
18 except any person (a) elected by popular vote, or (b) appointed to  
19 office pursuant to statute, ordinance or resolution for a specified

1 term of office by the executive head or body of the public employer, or  
2 (c) whose duties as deputy, administrative assistant or secretary  
3 necessarily imply a confidential relationship to the executive head or  
4 body of the applicable bargaining unit, or any person elected by  
5 popular vote or appointed to office pursuant to statute, ordinance or  
6 resolution for a specified term of office by the executive head or body  
7 of the public employer, or (d) who is a personal assistant to a  
8 district court judge, superior court judge, or court commissioner. For  
9 the purpose of (d) of this subsection, no more than one assistant for  
10 each judge or commissioner may be excluded from a bargaining unit.

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

14 (4) "Collective bargaining" means the performance of the mutual  
15 obligations of the public employer and the exclusive bargaining  
16 representative to meet at reasonable times, to confer and negotiate in  
17 good faith, and to execute a written agreement with respect to  
18 grievance procedures and collective negotiations on personnel matters,  
19 including wages, hours and working conditions, which may be peculiar to  
20 an appropriate bargaining unit of such public employer, except that by  
21 such obligation neither party shall be compelled to agree to a proposal  
22 or be required to make a concession unless otherwise provided in this  
23 chapter. ((In the case of the Washington state patrol, "collective  
24 bargaining" shall not include wages and wage related matters.))

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

26 (6) "Executive director" means the executive director of the  
27 commission.

28 (7) "Uniformed personnel" means: (a)(i) Until July 1, 1997, law  
29 enforcement officers as defined in RCW 41.26.030 employed by the  
30 governing body of any city or town with a population of seven thousand  
31 five hundred or more and law enforcement officers employed by the  
32 governing body of any county with a population of thirty-five thousand  
33 or more; (ii) beginning on July 1, 1997, law enforcement officers as  
34 defined in RCW 41.26.030 employed by the governing body of any city or  
35 town with a population of two thousand five hundred or more and law  
36 enforcement officers employed by the governing body of any county with  
37 a population of ten thousand or more; (b) correctional employees who  
38 are uniformed and nonuniformed, commissioned and noncommissioned  
39 security personnel employed in a jail as defined in RCW 70.48.020(5),

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

15 (8) "Institution of higher education" means the University of  
16 Washington, Washington State University, Central Washington University,  
17 Eastern Washington University, Western Washington University, The  
18 Evergreen State College, and the various state community colleges.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.56 RCW  
20 to read as follows:

21 In addition to the entities listed in RCW 41.56.020, this chapter  
22 applies to officers of the Washington state patrol appointed under RCW  
23 43.43.020. However, subjects of bargaining for these parties include  
24 wage-related matters but not wages, retirement benefits, health  
25 insurance benefits, or employee insurance benefits.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.56 RCW  
27 to read as follows:

28 A collective bargaining agreement pertaining to wage-related  
29 matters negotiated or determined between Washington state patrol  
30 officers and their employer before approval by the legislature of the  
31 funds necessary to implement the agreement may be conditioned upon  
32 subsequent approval by the legislature of the funds.

33 **Sec. 4.** RCW 41.56.475 and 1993 c 351 s 1 are each amended to read  
34 as follows:

35 In addition to the classes of employees listed in RCW 41.56.030(7),  
36 the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470,

1 41.56.480, and 41.56.490 also apply to Washington state patrol officers  
2 appointed under RCW 43.43.020 as provided in this section, subject to  
3 the following:

4 (1) The mediator (~~((shall not))~~) or arbitration panel may consider  
5 wage-related matters but not wages ((and wage-related matters)),  
6 retirement benefits, health insurance benefits, or employee insurance  
7 benefits.

8 (2) In making its determination, the arbitration panel shall be  
9 mindful of the legislative purpose enumerated in RCW 41.56.430 and, as  
10 additional standards or guidelines to aid it in reaching a decision,  
11 shall take into consideration the following factors:

12 (a) The constitutional and statutory authority of the employer;

13 (b) Stipulations of the parties;

14 (c) Comparison of the hours and conditions of employment of  
15 personnel involved in the proceedings with the hours and conditions of  
16 employment of like personnel of like employers of similar size on the  
17 west coast of the United States;

18 (d) Changes in any of the foregoing circumstances during the  
19 pendency of the proceedings; and

20 (e) Such other factors, not confined to the foregoing, which are  
21 normally or traditionally taken into consideration in the determination  
22 of hours and conditions of employment.

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