

2 EHB 1081 - S COMM AMD (s2989.1)
3 By Committee on Labor & Commerce

4 ADOPTED AS AMENDED BY S3145.1 - 4/13/93

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

7 "Sec. 1. RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are
8 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 as designated by RCW 41.56.020, or any
13 subdivision of such public body. For the purposes of this section, the
14 public employer of district court or superior court employees for wage-
15 related matters is the respective county legislative authority, or
16 person or body acting on behalf of the legislative authority, and the
17 public employer for nonwage-related matters is the judge or judge's
18 designee of the respective district 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 ((a)):
14 (i) Law enforcement officers as defined in RCW 41.26.030 ((as now or
15 hereafter amended,)) of cities with a population of fifteen thousand or
16 more or law enforcement officers employed by the governing body of any
17 county with a population of seventy thousand or more((, or (b))); (ii)
18 fire fighters as that term is defined in RCW 41.26.030((, as now or
19 hereafter amended)); (iii) security forces established under RCW
20 43.52.520; (iv) employees of a port district in a county with a
21 population of one million or more whose duties include crash fire
22 rescue or other fire fighting duties; (v) employees of fire departments
23 of public employers who dispatch exclusively either fire or emergency
24 medical services, or both; or (vi) employees in the several classes of
25 advanced life support technicians, as defined in RCW 18.71.200, who are
26 employed by a public employer.

27 (b) Beginning on July 1, 1995, "uniformed personnel" means: (i)
28 Law enforcement officers as defined in RCW 41.26.030 employed by the
29 governing body of any city or town with a population of seven thousand
30 five hundred or more and law enforcement officers employed by the
31 governing body of any county with a population of thirty-five thousand
32 or more; (ii) general authority Washington peace officers as defined in
33 RCW 10.93.020 employed by a port district in a county with a population
34 of one million or more; (iii) security forces established under RCW
35 43.52.520; (iv) fire fighters as that term is defined in RCW 41.26.030;
36 (v) employees of a port district in a county with a population of one
37 million or more whose duties include crash fire rescue or other fire
38 fighting duties; (vi) employees of fire departments of public employers
39 who dispatch exclusively either fire or emergency medical services, or

1 both; or (vii) employees in the several classes of advanced life
2 support technicians, as defined in RCW 18.71.200, who are employed by
3 a public employer.

4 **Sec. 2.** RCW 41.56.460 and 1988 c 110 s 1 are each amended to read
5 as follows:

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

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

11 (b) Stipulations of the parties;

12 (c)(i) For employees listed in RCW 41.56.030(7)(a) (~~and~~
13 ~~41.56.495~~) (i) and (iii), comparison of the wages, hours and
14 conditions of employment of personnel involved in the proceedings with
15 the wages, hours, and conditions of employment of like personnel of
16 like employers of similar size on the west coast of the United States;

17 (ii) For employees listed in RCW 41.56.030(7)(~~(b)~~)(a)(ii) and
18 (iv) through (vi), comparison of the wages, hours, and conditions of
19 employment of personnel involved in the proceedings with the wages,
20 hours, and conditions of employment of like personnel of public fire
21 departments of similar size on the west coast of the United States.
22 However, when an adequate number of comparable employers exists within
23 the state of Washington, other west coast employers shall not be
24 considered;

25 (d) The average consumer prices for goods and services, commonly
26 known as the cost of living;

27 (e) Changes in any of the foregoing circumstances during the
28 pendency of the proceedings; and

29 (f) Such other factors, not confined to the foregoing, which are
30 normally or traditionally taken into consideration in the determination
31 of wages, hours and conditions of employment.

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

34 In making its determination, the panel shall be mindful of the
35 legislative purpose enumerated in RCW 41.56.430 and, as additional
36 standards or guidelines to aid it in reaching a decision, it shall take
37 into consideration the following factors:

- 1 (1) The constitutional and statutory authority of the employer;
- 2 (2) Stipulations of the parties;
- 3 (3)(a) For employees listed in RCW 41.56.030(7)(b)(i) through
4 (iii), comparison of the wages, hours, and conditions of employment of
5 personnel involved in the proceedings with the wages, hours, and
6 conditions of employment of like personnel of like employers of similar
7 size on the west coast of the United States;
- 8 (b) For employees listed in RCW 41.56.030(7)(b)(iv) through (vii),
9 comparison of the wages, hours, and conditions of employment of
10 personnel involved in the proceedings with the wages, hours, and
11 conditions of employment of like personnel of public fire departments
12 of similar size on the west coast of the United States. However, when
13 an adequate number of comparable employers exists within the state of
14 Washington, other west coast employers may not be considered;
- 15 (4) The average consumer prices for goods and services, commonly
16 known as the cost of living;
- 17 (5) Changes in any of the circumstances under subsection (1)
18 through (4) of this section during the pendency of the proceedings; and
- 19 (6) Such other factors, not confined to the factors under
20 subsection (1) through (5) of this section, that are normally or
21 traditionally taken into consideration in the determination of wages,
22 hours, and conditions of employment. For those employees listed in RCW
23 41.56.030(7)(b)(i) who are employed by the governing body of a city or
24 town with a population of less than fifteen thousand, or a county with
25 a population of less than seventy thousand, consideration must also be
26 given to regional differences in the cost of living.

27 **Sec. 4.** RCW 41.56.123 and 1989 c 46 s 1 are each amended to read
28 as follows:

29 (1) After the termination date of a collective bargaining
30 agreement, all of the terms and conditions specified in the collective
31 bargaining agreement shall remain in effect until the effective date of
32 a subsequent agreement, not to exceed one year from the termination
33 date stated in the agreement. Thereafter, the employer may
34 unilaterally implement according to law.

35 (2) This section does not apply to provisions of a collective
36 bargaining agreement which both parties agree to exclude from the
37 provisions of subsection (1) of this section and to provisions within

1 the collective bargaining agreement with separate and specific
2 termination dates.

3 (3) This section shall not apply to the following:

4 (a) Bargaining units covered by RCW 41.56.430 et seq. for
5 factfinding and interest arbitration;

6 (b) Collective bargaining agreements authorized by chapter 53.18
7 RCW; or

8 (c) (~~Security forces established under RCW 43.52.520; or~~

9 ~~(d))~~ Collective bargaining agreements authorized by chapter 54.04
10 RCW.

11 (4) This section shall not apply to collective bargaining
12 agreements in effect or being bargained on July 23, 1989.

13 NEW SECTION. Sec. 5. RCW 41.56.460 and 1988 c 110 s 1, 1987 c 521
14 s 2, 1983 c 287 s 4, 1979 ex.s. c 184 s 3, & 1973 c 131 s 5 are each
15 repealed.

16 NEW SECTION. Sec. 6. RCW 41.56.495 and 1988 c 110 s 3 & 1985 c
17 150 s 1 are each repealed.

18 NEW SECTION. Sec. 7. (1) Sections 3 and 5 of this act shall take
19 effect July 1, 1995.

20 (2) Sections 1, 2, 4, and 6 of this act are necessary for the
21 immediate preservation of the public peace, health, or safety, or
22 support of the state government and its existing public institutions,
23 and shall take effect immediately."

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27 On page 1, line 1 of the title, after "bargaining;" strike the
28 remainder of the title and insert "amending RCW 41.56.460 and
29 41.56.123; reenacting and amending RCW 41.56.030; adding a new section
30 to chapter 41.56 RCW; repealing RCW 41.56.460 and 41.56.495; providing
31 an effective date; and declaring an emergency."

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