
HOUSE BILL 1081

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Heavey and Eide

Read first time 01/13/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to public employee collective bargaining; amending
2 RCW 41.56.460 and 41.56.123; reenacting and amending RCW 41.56.030; and
3 repealing RCW 41.56.495.

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

5 **Sec. 1.** RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are
6 each reenacted and amended to read 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 as designated by RCW 41.56.020, or any
11 subdivision of such public body. For the purposes of this section, the
12 public employer of district court or superior court employees for wage-
13 related matters is the respective county legislative authority, or
14 person or body acting on behalf of the legislative authority, and the
15 public employer for nonwage-related matters is the judge or judge's
16 designee of the respective district 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) Law enforcement officers as
29 defined in RCW 41.26.030 ((as now or hereafter amended, of cities with
30 a population of fifteen thousand or more or law enforcement officers))
31 employed by the governing body of any city, town, or county ((with a
32 population of seventy thousand or more, or)); (b) general authority
33 Washington peace officers as defined in RCW 10.93.020 employed by a
34 port district; (c) fire fighters as that term is defined in RCW
35 41.26.030((, as now or hereafter amended)); (d) fire fighters employed
36 by a port district; (e) employees of fire departments of public
37 employers who dispatch exclusively either fire or emergency medical
38 services, or both; (f) employees in the several classes of advanced
39 life support technicians, as defined in RCW 18.71.200, who are employed

1 by a public employer; or (g) security forces established under RCW
2 43.52.520.

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

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

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

10 (b) Stipulations of the parties;

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

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

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

25 (e) Changes in any of the foregoing circumstances during the
26 pendency of the proceedings; and

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

30 **Sec. 3.** RCW 41.56.123 and 1989 c 46 s 1 are each amended to read
31 as follows:

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

1 (2) This section does not apply to provisions of a collective
2 bargaining agreement which both parties agree to exclude from the
3 provisions of subsection (1) of this section and to provisions within
4 the collective bargaining agreement with separate and specific
5 termination dates.

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

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

9 (b) Collective bargaining agreements authorized by chapter 53.18
10 RCW; or

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

12 ~~(d))~~) Collective bargaining agreements authorized by chapter 54.04
13 RCW.

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

16 NEW SECTION. Sec. 4. RCW 41.56.495 and 1988 c 110 s 3 & 1985 c
17 150 s 1 are each repealed.

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