

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.

