
SENATE BILL 5664

State of Washington

58th Legislature

2003 Regular Session

By Senator Morton

Read first time 02/05/2003. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to uniformed personnel collective bargaining; and
2 amending RCW 41.56.030 and 41.56.465.

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

4 **Sec. 1.** RCW 41.56.030 and 2002 c 99 s 2 are each amended to read
5 as follows:

6 As used in this chapter:

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

16 (2) "Public employee" means any employee of a public employer
17 except any person: (a) Elected by popular vote~~((, or ~~ex~~))~~; (b) appointed
18 to office pursuant to statute, ordinance, or resolution for a specified
19 term of office as a member of a multimember board, commission, or

1 committee, whether appointed by the executive head or body of the
2 public employer(~~(τ or ϕ)~~); (c) whose duties as deputy, administrative
3 assistant, or secretary necessarily imply a confidential relationship
4 to: (i) The executive head or body of the applicable bargaining
5 unit(~~(τ or ϕ)~~); (ii) any person elected by popular vote((τ)); or (iii)
6 any person appointed to office pursuant to statute, ordinance, or
7 resolution for a specified term of office as a member of a multimember
8 board, commission, or committee, whether appointed by the executive
9 head or body of the public employer(~~(τ or ϕ)~~); (d) who is a court
10 commissioner or a court magistrate of superior court, district court,
11 or a department of a district court organized under chapter 3.46 RCW(~~(τ~~
12 ~~or ϕ)~~); (e) who is a personal assistant to a district court judge,
13 superior court judge, or court commissioner((τ)); or (f) excluded from
14 a bargaining unit (~~(under RCW 41.56.201(2)(a))~~). For the purpose of
15 (e) of this subsection, no more than one assistant for each judge or
16 commissioner may be excluded from a bargaining unit.

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

20 (4) "Collective bargaining" means the performance of the mutual
21 obligations of the public employer and the exclusive bargaining
22 representative to meet at reasonable times, to confer and negotiate in
23 good faith, and to execute a written agreement with respect to
24 grievance procedures and collective negotiations on personnel matters,
25 including wages, hours and working conditions, which may be peculiar to
26 an appropriate bargaining unit of such public employer, except that by
27 such obligation neither party shall be compelled to agree to a proposal
28 or be required to make a concession unless otherwise provided in this
29 chapter.

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

31 (6) "Executive director" means the executive director of the
32 commission.

33 (7) "Uniformed personnel" means: (a) 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)~~) twenty-five thousand or more; (b) correctional
38 employees who are uniformed and nonuniformed, commissioned and

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

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

20 (9) "Home care quality authority" means the authority under chapter
21 74.39A RCW.

22 (10) "Individual provider" means an individual provider as defined
23 in RCW 74.39A.240(4) who, solely for the purposes of collective
24 bargaining, is employed by the home care quality authority as provided
25 in RCW 74.39A.270.

26 **Sec. 2.** RCW 41.56.465 and 1995 c 273 s 2 are each amended to read
27 as follows:

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

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

33 (b) Stipulations of the parties;

34 (c)(i) For employees listed in RCW 41.56.030(7) (a) through (d),
35 comparison of the wages, hours, and conditions of employment of
36 personnel involved in the proceedings with the wages, hours, and

1 conditions of employment of like personnel of like employers of similar
2 size on the west coast of the United States;

3 (ii) For employees listed in RCW 41.56.030(7) (e) through (h),
4 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 public fire departments
7 of similar size on the west coast of the United States. However, when
8 an adequate number of comparable employers exists within the state of
9 Washington, other west coast employers may not be considered;

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

12 (e) The financial constraints of the governing body;

13 (f) Changes in any of the circumstances under (a) through (d) of
14 this subsection during the pendency of the proceedings; and

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

--- END ---