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SENATE BILL 5510

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State of Washington

59th Legislature

2005 Regular Session

By Senators Spanel and Kohl-Welles

Read first time 01/26/2005. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to defining supervisor for public employment  
2 purposes; and amending RCW 41.80.005.

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

4 **Sec. 1.** RCW 41.80.005 and 2002 c 354 s 321 are each amended to  
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Agency" means any agency as defined in RCW 41.06.020 and  
9 covered by chapter 41.06 RCW.

10 (2) "Collective bargaining" means the performance of the mutual  
11 obligation of the representatives of the employer and the exclusive  
12 bargaining representative to meet at reasonable times and to bargain in  
13 good faith in an effort to reach agreement with respect to the subjects  
14 of bargaining specified under RCW 41.80.020. The obligation to bargain  
15 does not compel either party to agree to a proposal or to make a  
16 concession, except as otherwise provided in this chapter.

17 (3) "Commission" means the public employment relations commission.

18 (4) "Confidential employee" means an employee who, in the regular  
19 course of his or her duties, assists in a confidential capacity persons

1 who formulate, determine, and effectuate management policies with  
2 regard to labor relations or who, in the regular course of his or her  
3 duties, has authorized access to information relating to the  
4 effectuation or review of the employer's collective bargaining  
5 policies, or who assists or aids a manager. "Confidential employee"  
6 also includes employees who assist assistant attorneys general who  
7 advise and represent managers or confidential employees in personnel or  
8 labor relations matters, or who advise or represent the state in tort  
9 actions.

10 (5) "Director" means the director of the public employment  
11 relations commission.

12 (6) "Employee" means any employee, including employees whose work  
13 has ceased in connection with the pursuit of lawful activities  
14 protected by this chapter, covered by chapter 41.06 RCW, except:

15 (a) Employees covered for collective bargaining by chapter 41.56  
16 RCW;

17 (b) Confidential employees;

18 (c) Members of the Washington management service;

19 (d) Internal auditors in any agency; or

20 (e) Any employee of the commission, the office of financial  
21 management, or the department of personnel.

22 (7) "Employee organization" means any organization, union, or  
23 association in which employees participate and that exists for the  
24 purpose, in whole or in part, of collective bargaining with employers.

25 (8) "Employer" means the state of Washington.

26 (9) "Exclusive bargaining representative" means any employee  
27 organization that has been certified under this chapter as the  
28 representative of the employees in an appropriate bargaining unit.

29 (10) "Institutions of higher education" means the University of  
30 Washington, Washington State University, Central Washington University,  
31 Eastern Washington University, Western Washington University, The  
32 Evergreen State College, and the various state community colleges.

33 (11) "Labor dispute" means any controversy concerning terms,  
34 tenure, or conditions of employment, or concerning the association or  
35 representation of persons in negotiating, fixing, maintaining,  
36 changing, or seeking to arrange terms or conditions of employment with  
37 respect to the subjects of bargaining provided in this chapter,

1 regardless of whether the disputants stand in the proximate relation of  
2 employer and employee.

3 (12) "Manager" means "manager" as defined in RCW 41.06.022.

4 (13) "Supervisor" means an employee who has authority, in the  
5 interest of the employer, to hire, transfer, suspend, lay off, recall,  
6 promote, discharge, direct, reward, or discipline employees, including  
7 the supervision of student workers at an institution of higher  
8 education, or to adjust employee grievances, or effectively to  
9 recommend such action, if the exercise of the authority is not of a  
10 merely routine nature but requires the consistent exercise of  
11 individual judgment. However, no employee who is a member of the  
12 Washington management service may be included in a collective  
13 bargaining unit established under this section.

14 (14) "Unfair labor practice" means any unfair labor practice listed  
15 in RCW 41.80.110.

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