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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-1211.1/93

ATTY/TYPIST: BR:mos

BRIEF TITLE:

2 **HB 1081** - H AMD **ADOPTED 2/10/93**

3 By Representatives Heavey, King, Orr

4

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 whose duties include crash  
21 fire rescue or other fire fighting duties; (v) employees of fire  
22 departments of public employers who dispatch exclusively either fire or  
23 emergency medical services, or both; or (vi) employees in the several  
24 classes of advanced life support technicians, as defined in RCW  
25 18.71.200, who are employed by a public employer.

26 (b) Beginning on July 1, 1995, "uniformed personnel" means: (i)  
27 Law enforcement officers as defined in RCW 41.26.030 employed by the  
28 governing body of any city, town, or county; (ii) general authority  
29 Washington peace officers as defined in RCW 10.93.020 employed by a  
30 port district; (iii) security forces established under RCW 43.52.520;  
31 (iv) fire fighters as that term is defined in RCW 41.26.030; (v)  
32 employees of a port district whose duties include crash fire rescue or  
33 other fire fighting duties; (vi) employees of fire departments of  
34 public employers who dispatch exclusively either fire or emergency  
35 medical services, or both; (vii) employees of public employers, other  
36 than fire departments, who receive calls or dispatch calls, or both,  
37 regarding fire, police, or emergency medical services, or any  
38 combination of them; or (viii) employees in the several classes of

1 advanced life support technicians, as defined in RCW 18.71.200, who are  
2 employed by a public employer.

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) (i), (iii), and  
12 41.56.495, comparison of the wages, hours and conditions of employment  
13 of personnel involved in the proceedings with the wages, hours, and  
14 conditions of employment of like personnel of like employers of similar  
15 size on the west coast of the United States;

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

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

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

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

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

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

37 (1) The constitutional and statutory authority of the employer;

1 (2) Stipulations of the parties;

2 (3)(a) For employees listed in RCW 41.56.030(7)(b)(i) through  
3 (iii), and (vii), comparison of the wages, hours, and conditions of  
4 employment of personnel involved in the proceedings with the wages,  
5 hours, and conditions of employment of like personnel of like employers  
6 of similar size on the west coast of the United States;

7 (b) For employees listed in RCW 41.56.030(7)(b)(iv) though (vi),  
8 and (viii), comparison of the wages, hours, and conditions of  
9 employment of personnel involved in the proceedings with the wages,  
10 hours, and conditions of employment of like personnel of public fire  
11 departments of similar size on the west coast of the United States.  
12 However, when an adequate number of comparable employers exists within  
13 the state of Washington, other west coast employers may not be  
14 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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