

2 EHB 2657 - S COMM AMD
3 By Committee on Labor & Commerce

4 Strike everything after the enacting clause and insert the
5 following:

6 NEW SECTION. **Sec. 1.** The only intent of the legislature in this
7 act is to correct multiple amendments in statutes related to public
8 employees' collective bargaining. It is not the intent of the
9 legislature to change the substance or effect of any statute previously
10 enacted.

11 **Sec. 2.** RCW 41.56.030 and 1993 c 398 s 1, 1993 c 397 s 1, and 1993
12 c 379 s 302 are each reenacted and amended to read as follows:

13 As used in this chapter:

14 (1) "Public employer" means any officer, board, commission,
15 council, or other person or body acting on behalf of any public body
16 governed by this chapter, or any subdivision of such public body. For
17 the purposes of this section, the public employer of district court or
18 superior court employees for wage-related matters is the respective
19 county legislative authority, or person or body acting on behalf of the
20 legislative authority, and the public employer for nonwage-related
21 matters is the judge or judge's designee of the respective district
22 court or superior court.

23 (2) "Public employee" means any employee of a public employer
24 except any person (a) elected by popular vote, or (b) appointed to
25 office pursuant to statute, ordinance or resolution for a specified
26 term of office by the executive head or body of the public employer, or
27 (c) whose duties as deputy, administrative assistant or secretary
28 necessarily imply a confidential relationship to the executive head or
29 body of the applicable bargaining unit, or any person elected by
30 popular vote or appointed to office pursuant to statute, ordinance or
31 resolution for a specified term of office by the executive head or body
32 of the public employer, or (d) who is a personal assistant to a
33 district court judge, superior court judge, or court commissioner. For

1 the purpose of (d) of this subsection, no more than one assistant for
2 each judge or commissioner may be excluded from a bargaining unit.

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

6 (4) "Collective bargaining" means the performance of the mutual
7 obligations of the public employer and the exclusive bargaining
8 representative to meet at reasonable times, to confer and negotiate in
9 good faith, and to execute a written agreement with respect to
10 grievance procedures and collective negotiations on personnel matters,
11 including wages, hours and working conditions, which may be peculiar to
12 an appropriate bargaining unit of such public employer, except that by
13 such obligation neither party shall be compelled to agree to a proposal
14 or be required to make a concession unless otherwise provided in this
15 chapter. In the case of the Washington state patrol, "collective
16 bargaining" shall not include wages and wage-related matters.

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

18 (6) "Executive director" means the executive director of the
19 commission.

20 (7)(a) Until July 1, 1995, "uniformed personnel" means: (i) Law
21 enforcement officers as defined in RCW 41.26.030 of cities with a
22 population of fifteen thousand or more or law enforcement officers
23 employed by the governing body of any county with a population of
24 seventy thousand or more; (ii) fire fighters as that term is defined in
25 RCW 41.26.030; ~~((or—(e)))~~ (iii) correctional employees who are
26 uniformed and nonuniformed, commissioned and noncommissioned security
27 personnel employed in a jail as defined in RCW 70.48.020(5), by a
28 county with a population of seventy thousand or more, and who are
29 trained for and charged with the responsibility of controlling and
30 maintaining custody of inmates in the jail and safeguarding inmates
31 from other inmates; (iv) security forces established under RCW
32 43.52.520; ~~((+iv+))~~ (v) employees of a port district in a county with
33 a population of one million or more whose duties include crash fire
34 rescue or other fire fighting duties; ~~((+v+))~~ (vi) employees of fire
35 departments of public employers who dispatch exclusively either fire or
36 emergency medical services, or both; ~~((+vi+))~~ (vii) employees in the
37 several classes of advanced life support technicians, as defined in RCW
38 18.71.200, who are employed by a public employer.

1 (b) Beginning on July 1, 1995, "uniformed personnel" means: (i)
2 Law enforcement officers as defined in RCW 41.26.030 employed by the
3 governing body of any city or town with a population of seven thousand
4 five hundred or more and law enforcement officers employed by the
5 governing body of any county with a population of thirty-five thousand
6 or more; (ii) correctional employees who are uniformed and
7 nonuniformed, commissioned and noncommissioned security personnel
8 employed in a jail as defined in RCW 70.48.020(5), by a county with a
9 population of seventy thousand or more, and who are trained for and
10 charged with the responsibility of controlling and maintaining custody
11 of inmates in the jail and safeguarding inmates from other inmates;
12 (iii) general authority Washington peace officers as defined in RCW
13 10.93.020 employed by a port district in a county with a population of
14 one million or more; ~~((iii))~~ (iv) security forces established under
15 RCW 43.52.520; ~~((iv))~~ (v) fire fighters as that term is defined in
16 RCW 41.26.030; ~~((v))~~ (vi) employees of a port district in a county
17 with a population of one million or more whose duties include crash
18 fire rescue or other fire fighting duties; ~~((vi))~~ (vii) employees of
19 fire departments of public employers who dispatch exclusively either
20 fire or emergency medical services, or both; or ~~((vii))~~ (viii)
21 employees in the several classes of advanced life support technicians,
22 as defined in RCW 18.71.200, who are employed by a public employer.

23 (8) "Institution of higher education" means the University of
24 Washington, Washington State University, Central Washington University,
25 Eastern Washington University, Western Washington University, The
26 Evergreen State College, and the various state community colleges.

27 **Sec. 3.** RCW 41.56.460 and 1993 c 517 s 10, 1993 c 502 s 5, 1993 c
28 398 s 2, and 1993 c 397 s 2 are each reenacted and amended to read as
29 follows:

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

- 34 (a) The constitutional and statutory authority of the employer;
- 35 (b) Stipulations of the parties;
- 36 (c)(i) For employees listed in RCW 41.56.030(7)(a)(i) ~~((and (e)))~~,
37 (iii), and (iv), comparison of the wages, hours and conditions of
38 employment of personnel involved in the proceedings with the wages,

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

3 (ii) For employees listed in RCW 41.56.030(7)(a)(ii) and ~~((iv))~~ (v)
4 through ~~((vi))~~ (vii), comparison of the wages, hours, and conditions of
5 employment of personnel involved in the proceedings with the wages,
6 hours, and conditions of employment of like personnel of public fire
7 departments of similar size on the west coast of the United States.
8 However, when an adequate number of comparable employers exists within
9 the state of Washington, other west coast employers shall not be
10 considered;

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

13 (e) Changes in any of the foregoing circumstances during the
14 pendency of the proceedings; and

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

18 (2) ~~((Nothing in))~~ Subsection (1)(c) of this section ~~((shall))~~ may
19 not be construed to authorize the panel to require the employer to pay,
20 directly or indirectly, the increased employee contributions resulting
21 from chapter 502, Laws of 1993 or chapter 517, Laws of 1993, as
22 required under chapter 41.26 RCW.

23 **Sec. 4.** RCW 41.56.465 and 1993 c 398 s 3 are each amended to read
24 as follows:

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

29 ~~((1))~~ (a) The constitutional and statutory authority of the
30 employer;

31 ~~((2))~~ (b) Stipulations of the parties;

32 ~~((3)(a))~~ (c)(i) For employees listed in RCW 41.56.030(7)(b)(i)
33 through ~~((iii))~~ (iv), comparison of the wages, hours, and conditions
34 of employment of personnel involved in the proceedings with the wages,
35 hours, and conditions of employment of like personnel of like employers
36 of similar size on the west coast of the United States;

37 ~~((b))~~ (ii) For employees listed in RCW 41.56.030(7)(b)~~((iv))~~ (v)
38 through ~~((vii))~~ (viii), comparison of the wages, hours, and

1 conditions of employment of personnel involved in the proceedings with
2 the wages, hours, and conditions of employment of like personnel of
3 public fire departments of similar size on the west coast of the United
4 States. However, when an adequate number of comparable employers
5 exists within the state of Washington, other west coast employers may
6 not be considered;

7 ~~((+4))~~ (d) The average consumer prices for goods and services,
8 commonly known as the cost of living;

9 ~~((+5))~~ (e) Changes in any of the circumstances under ~~((subsections~~
10 ~~(+1))~~ (a) through ~~((+4))~~ (d) of this ~~((section))~~ subsection during the
11 pendency of the proceedings; and

12 ~~((+6))~~ (f) Such other factors, not confined to the factors under
13 ~~((subsections—(1))~~ (a) through ~~((+5))~~ (e) of this ~~((section))~~
14 subsection, that are normally or traditionally taken into consideration
15 in the determination of wages, hours, and conditions of employment.
16 For those employees listed in RCW 41.56.030(7)(b)(i) who are employed
17 by the governing body of a city or town with a population of less than
18 fifteen thousand, or a county with a population of less than seventy
19 thousand, consideration must also be given to regional differences in
20 the cost of living.

21 (2) Subsection (1)(c) of this section may not be construed to
22 authorize the panel to require the employer to pay, directly or
23 indirectly, the increased employee contributions resulting from chapter
24 502, Laws of 1993 or chapter 517, Laws of 1993, as required under
25 chapter 41.26 RCW.

26 **Sec. 5.** 1993 c 398 s 5 (uncodified) is amended to read as follows:
27 RCW 41.56.460 and ~~((1988 c 110 s 1, 1987 c 521 s 2, 1983 c 287 s 4,~~
28 ~~1979 ex.s. c 184 s 3, & 1973 c 131 s 5))~~ 1994 c . . . s 3 (section 3 of
29 this act) are each repealed.

1 NEW SECTION. **Sec. 6.** Sections 4 and 5 of this act shall take
2 effect July 1, 1995.

3 **EHB 2657** - S COMM AMD

4 By

5 On page 1, line 2 of the title, after "amending" strike the
6 remainder of the title and insert "RCW 41.56.465; amending 1993 c 398
7 s 5 (uncodified); reenacting and amending RCW 41.56.030 and 41.56.460;
8 creating a new section; and providing an effective date."

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