
ENGROSSED HOUSE BILL 1081

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Heavey and Eide

Read first time 01/13/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to public employee collective bargaining; amending
2 RCW 41.56.460 and 41.56.123; reenacting and amending RCW 41.56.030;
3 adding a new section to chapter 41.56 RCW; repealing RCW 41.56.460 and
4 41.56.495; providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are
7 each reenacted and amended to read as follows:

8 As used in this chapter:

9 (1) "Public employer" means any officer, board, commission,
10 council, or other person or body acting on behalf of any public body
11 governed by this chapter as designated by RCW 41.56.020, or any
12 subdivision of such public body. For the purposes of this section, the
13 public employer of district court or superior court employees for wage-
14 related matters is the respective county legislative authority, or
15 person or body acting on behalf of the legislative authority, and the
16 public employer for nonwage-related matters is the judge or judge's
17 designee of the respective district court or superior court.

18 (2) "Public employee" means any employee of a public employer
19 except any person (a) elected by popular vote, or (b) appointed to

1 office pursuant to statute, ordinance or resolution for a specified
2 term of office by the executive head or body of the public employer, or
3 (c) whose duties as deputy, administrative assistant or secretary
4 necessarily imply a confidential relationship to the executive head or
5 body of the applicable bargaining unit, or any person elected by
6 popular vote or appointed to office pursuant to statute, ordinance or
7 resolution for a specified term of office by the executive head or body
8 of the public employer, or (d) who is a personal assistant to a
9 district court judge, superior court judge, or court commissioner. For
10 the purpose of (d) of this subsection, no more than one assistant for
11 each judge or commissioner may be excluded from a bargaining unit.

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

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

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

27 (6) "Executive director" means the executive director of the
28 commission.

29 (7)(a) Until July 1, 1995, "uniformed personnel" means ((a)):
30 (i) Law enforcement officers as defined in RCW 41.26.030 ((as now or
31 hereafter amended,)) of cities with a population of fifteen thousand or
32 more or law enforcement officers employed by the governing body of any
33 county with a population of seventy thousand or more((, or (b))); (ii)
34 fire fighters as that term is defined in RCW 41.26.030((, as now or
35 hereafter amended)); (iii) security forces established under RCW
36 43.52.520; (iv) employees of a port district whose duties include crash
37 fire rescue or other fire fighting duties; (v) employees of fire
38 departments of public employers who dispatch exclusively either fire or
39 emergency medical services, or both; or (vi) employees in the several

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

3 (b) Beginning on July 1, 1995, "uniformed personnel" means: (i)
4 Law enforcement officers as defined in RCW 41.26.030 employed by the
5 governing body of any city, town, or county; (ii) general authority
6 Washington peace officers as defined in RCW 10.93.020 employed by a
7 port district; (iii) security forces established under RCW 43.52.520;
8 (iv) fire fighters as that term is defined in RCW 41.26.030; (v)
9 employees of a port district whose duties include crash fire rescue or
10 other fire fighting duties; (vi) employees of fire departments of
11 public employers who dispatch exclusively either fire or emergency
12 medical services, or both; (vii) employees of public employers, other
13 than fire departments, who receive calls or dispatch calls, or both,
14 regarding fire, police, or emergency medical services, or any
15 combination of them; or (viii) employees in the several classes of
16 advanced life support technicians, as defined in RCW 18.71.200, who are
17 employed by a public employer.

18 **Sec. 2.** RCW 41.56.460 and 1988 c 110 s 1 are each amended to read
19 as follows:

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

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

25 (b) Stipulations of the parties;

26 (c)(i) For employees listed in RCW 41.56.030(7)(a) (i), (iii), and
27 41.56.495, comparison of the wages, hours and conditions of employment
28 of personnel involved in the proceedings with the wages, hours, and
29 conditions of employment of like personnel of like employers of similar
30 size on the west coast of the United States;

31 (ii) For employees listed in RCW 41.56.030(7)~~((b))~~(a)(ii) and
32 (iv) through (vi), comparison of the wages, hours, and conditions of
33 employment of personnel involved in the proceedings with the wages,
34 hours, and conditions of employment of like personnel of public fire
35 departments of similar size on the west coast of the United States.
36 However, when an adequate number of comparable employers exists within
37 the state of Washington, other west coast employers shall not be
38 considered;

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

3 (e) Changes in any of the foregoing circumstances during the
4 pendency of the proceedings; and

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

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

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

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

15 (2) Stipulations of the parties;

16 (3)(a) For employees listed in RCW 41.56.030(7)(b)(i) through
17 (iii), and (vii), 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 like employers
20 of similar size on the west coast of the United States;

21 (b) For employees listed in RCW 41.56.030(7)(b)(iv) through (vi),
22 and (viii), comparison of the wages, hours, and conditions of
23 employment of personnel involved in the proceedings with the wages,
24 hours, and conditions of employment of like personnel of public fire
25 departments of similar size on the west coast of the United States.
26 However, when an adequate number of comparable employers exists within
27 the state of Washington, other west coast employers may not be
28 considered;

29 (4) The average consumer prices for goods and services, commonly
30 known as the cost of living;

31 (5) Changes in any of the circumstances under subsection (1)
32 through (4) of this section during the pendency of the proceedings; and

33 (6) Such other factors, not confined to the factors under
34 subsection (1) through (5) of this section, that are normally or
35 traditionally taken into consideration in the determination of wages,
36 hours, and conditions of employment. For those employees listed in RCW
37 41.56.030(7)(b)(i) who are employed by the governing body of a city or
38 town with a population of less than fifteen thousand, or a county with

1 a population of less than seventy thousand, consideration must also be
2 given to regional differences in the cost of living.

3 **Sec. 4.** RCW 41.56.123 and 1989 c 46 s 1 are each amended to read
4 as follows:

5 (1) After the termination date of a collective bargaining
6 agreement, all of the terms and conditions specified in the collective
7 bargaining agreement shall remain in effect until the effective date of
8 a subsequent agreement, not to exceed one year from the termination
9 date stated in the agreement. Thereafter, the employer may
10 unilaterally implement according to law.

11 (2) This section does not apply to provisions of a collective
12 bargaining agreement which both parties agree to exclude from the
13 provisions of subsection (1) of this section and to provisions within
14 the collective bargaining agreement with separate and specific
15 termination dates.

16 (3) This section shall not apply to the following:

17 (a) Bargaining units covered by RCW 41.56.430 et seq. for
18 factfinding and interest arbitration;

19 (b) Collective bargaining agreements authorized by chapter 53.18
20 RCW; or

21 (c) (~~Security forces established under RCW 43.52.520; or~~
22 ~~(d)~~) Collective bargaining agreements authorized by chapter 54.04
23 RCW.

24 (4) This section shall not apply to collective bargaining
25 agreements in effect or being bargained on July 23, 1989.

26 NEW SECTION. **Sec. 5.** RCW 41.56.460 and 1988 c 110 s 1, 1987 c 521
27 s 2, 1983 c 287 s 4, 1979 ex.s. c 184 s 3, & 1973 c 131 s 5 are each
28 repealed.

29 NEW SECTION. **Sec. 6.** RCW 41.56.495 and 1988 c 110 s 3 & 1985 c
30 150 s 1 are each repealed.

31 NEW SECTION. **Sec. 7.** (1) Sections 3 and 5 of this act shall take
32 effect July 1, 1995.

33 (2) Sections 1, 2, 4, and 6 of this act are necessary for the
34 immediate preservation of the public peace, health, or safety, or

1 support of the state government and its existing public institutions,
2 and shall take effect immediately.

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