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ENGROSSED HOUSE BILL 2657

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives G. Fisher, Tate, King, Conway, Orr, Forner, Campbell, Brough, Mielke, Van Luven and Talcott

Read first time 01/19/94. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to public employees' collective bargaining;  
2 amending RCW 41.56.465; amending 1993 c 398 s 5 (uncodified);  
3 reenacting and amending RCW 41.56.030 and 41.56.460; and providing an  
4 effective date.

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

6 **Sec. 1.** RCW 41.56.030 and 1993 c 398 s 1, 1993 c 397 s 1, and 1993  
7 c 379 s 302 are 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, or any subdivision of such public body. For  
12 the purposes of this section, the public employer of district court or  
13 superior court employees for wage-related matters is the respective  
14 county legislative authority, or person or body acting on behalf of the  
15 legislative authority, and the public employer for nonwage-related  
16 matters is the judge or judge's designee of the respective district  
17 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: (i) Law  
30 enforcement officers as defined in RCW 41.26.030 of cities with a  
31 population of fifteen thousand or more or law enforcement officers  
32 employed by the governing body of any county with a population of  
33 seventy thousand or more; (ii) fire fighters as that term is defined in  
34 RCW 41.26.030; ~~((or—(e)))~~ (iii) correctional employees who are  
35 uniformed and nonuniformed, commissioned and noncommissioned security  
36 personnel employed in a jail as defined in RCW 70.48.020(5), by a  
37 county with a population of seventy thousand or more, and who are  
38 trained for and charged with the responsibility of controlling and  
39 maintaining custody of inmates in the jail and safeguarding inmates

1 from other inmates; ~~(iv)~~ security forces established under RCW  
2 43.52.520; ~~((+iv+))~~ (v) employees of a port district in a county with  
3 a population of one ~~((million))~~ hundred thousand or more whose duties  
4 include crash fire rescue or other fire fighting duties; ~~((+v+))~~ (vi)  
5 employees of fire departments of public employers who dispatch  
6 exclusively either fire or emergency medical services, or both; or  
7 ~~((+vi+))~~ (vii) employees in the several classes of advanced life  
8 support technicians, as defined in RCW 18.71.200, and emergency medical  
9 technicians, as defined in RCW 18.73.030, who are employed by a public  
10 employer.

11 (b) Beginning on July 1, 1995, "uniformed personnel" means: (i)  
12 Law enforcement officers as defined in RCW 41.26.030 employed by the  
13 governing body of any city or town with a population of seven thousand  
14 five hundred or more and law enforcement officers employed by the  
15 governing body of any county with a population of thirty-five thousand  
16 or more; (ii) correctional employees who are uniformed and  
17 nonuniformed, commissioned and noncommissioned security personnel  
18 employed in a jail as defined in RCW 70.48.020(5), by a county with a  
19 population of seventy thousand or more, and who are trained for and  
20 charged with the responsibility of controlling and maintaining custody  
21 of inmates in the jail and safeguarding inmates from other inmates;  
22 (iii) general authority Washington peace officers as defined in RCW  
23 10.93.020 employed by a port district in a county with a population of  
24 one million or more; ~~((+iii+))~~ (iv) security forces established under  
25 RCW 43.52.520; ~~((+iv+))~~ (v) fire fighters as that term is defined in  
26 RCW 41.26.030; ~~((+v+))~~ (vi) employees of a port district in a county  
27 with a population of one ~~((million))~~ hundred thousand or more whose  
28 duties include crash fire rescue or other fire fighting duties;  
29 ~~((+vi+))~~ (vii) employees of fire departments of public employers who  
30 dispatch exclusively either fire or emergency medical services, or  
31 both; or ~~((+vii+))~~ (viii) employees in the several classes of advanced  
32 life support technicians, as defined in RCW 18.71.200, and emergency  
33 medical technicians, as defined in RCW 18.73.030, who are employed by  
34 a public employer.

35 (8) "Institution of higher education" means the University of  
36 Washington, Washington State University, Central Washington University,  
37 Eastern Washington University, Western Washington University, The  
38 Evergreen State College, and the various state community colleges.

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

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

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

9       (b) Stipulations of the parties;

10       (c)(i) For employees listed in RCW 41.56.030(7)(a)(i) (~~and (e)~~),  
11 (iii), and (iv), comparison of the wages, hours and conditions of  
12 employment of personnel involved in the proceedings with the wages,  
13 hours, and conditions of employment of like personnel of like employers  
14 of similar size on the west coast of the United States;

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

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

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

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

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

35       **Sec. 3.** RCW 41.56.465 and 1993 c 398 s 3 are each amended to read  
36 as follows:

37       (1) In making its determination, the panel shall be mindful of the  
38 legislative purpose enumerated in RCW 41.56.430 and, as additional

1 standards or guidelines to aid it in reaching a decision, it shall take  
2 into consideration the following factors:

3 ~~((1))~~ (a) The constitutional and statutory authority of the  
4 employer;

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

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

11 ~~((b))~~ (ii) For employees listed in RCW 41.56.030(7)(b)~~((iv))~~ (v)  
12 through ~~((vii))~~ (viii), comparison of the wages, hours, and  
13 conditions of employment of personnel involved in the proceedings with  
14 the wages, hours, and conditions of employment of like personnel of  
15 public fire departments of similar size on the west coast of the United  
16 States. However, when an adequate number of comparable employers  
17 exists within the state of Washington, other west coast employers may  
18 not be considered;

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

21 ~~((5))~~ (e) Changes in any of the circumstances under ~~((subsections~~  
22 ~~(1))~~ (a) through ~~((4))~~ (d) of this ~~((section))~~ subsection during the  
23 pendency of the proceedings; and

24 ~~((6))~~ (f) Such other factors, not confined to the factors under  
25 ~~((subsections—(1))~~ (a) through ~~((5))~~ (e) of this ~~((section))~~  
26 subsection, that are normally or traditionally taken into consideration  
27 in the determination of wages, hours, and conditions of employment.  
28 For those employees listed in RCW 41.56.030(7)(b)(i) who are employed  
29 by the governing body of a city or town with a population of less than  
30 fifteen thousand, or a county with a population of less than seventy  
31 thousand, consideration must also be given to regional differences in  
32 the cost of living.

33 (2) Subsection (1)(c) of this section may not be construed to  
34 authorize the panel to require the employer to pay, directly or  
35 indirectly, the increased employee contributions resulting from chapter  
36 502, Laws of 1993 or chapter 517, Laws of 1993, as required under  
37 chapter 41.26 RCW.

38 **Sec. 4.** 1993 c 398 s 5 (uncodified) is amended to read as follows:

1 RCW 41.56.460 and (~~1988 c 110 s 1, 1987 c 521 s 2, 1983 c 287 s 4,~~  
2 ~~1979 ex.s. c 184 s 3, & 1973 c 131 s 5~~) 1994 c . . . s 2 (section 2 of  
3 this act) are each repealed.

4 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act shall take  
5 effect July 1, 1995.

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