

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1081**

53rd Legislature  
1993 Regular Session

Passed by the House April 19, 1993  
Yeas 96 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate April 13, 1993  
Yeas 32 Nays 16

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1081** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 1081

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AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

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 in a county with a  
37 population of one million or more whose duties include crash fire  
38 rescue or other fire fighting duties; (v) employees of fire departments  
39 of public employers who dispatch exclusively either fire or emergency

1 medical services, or both; or (vi) employees in the several classes of  
2 advanced life support technicians, as defined in RCW 18.71.200, who are  
3 employed by a public employer.

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

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

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

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

27 (b) Stipulations of the parties;

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

33 (ii) For employees listed in RCW 41.56.030(7)(~~(b)~~)(a)(ii) and  
34 (iv) through (vi), comparison of the wages, hours, and conditions of  
35 employment of personnel involved in the proceedings with the wages,  
36 hours, and conditions of employment of like personnel of public fire  
37 departments of similar size on the west coast of the United States.  
38 However, when an adequate number of comparable employers exists within

1 the state of Washington, other west coast employers shall not be  
2 considered;

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

5 (e) Changes in any of the foregoing circumstances during the  
6 pendency of the proceedings; and

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

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

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

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

17 (2) Stipulations of the parties;

18 (3)(a) For employees listed in RCW 41.56.030(7)(b)(i) through  
19 (iii), comparison of the wages, hours, and conditions of employment of  
20 personnel involved in the proceedings with the wages, hours, and  
21 conditions of employment of like personnel of like employers of similar  
22 size on the west coast of the United States;

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

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

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

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

1 town with a population of less than fifteen thousand, or a county with  
2 a population of less than seventy thousand, consideration must also be  
3 given to regional differences in the cost of living.

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

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

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

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

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

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

22 (c) (~~Security forces established under RCW 43.52.520; or~~

23 ~~(d))~~) Collective bargaining agreements authorized by chapter 54.04  
24 RCW.

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

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

30 NEW SECTION. **Sec. 6.** RCW 41.56.495 and 1988 c 110 s 3 & 1985 c  
31 150 s 1 are each repealed.

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

34 (2) Sections 1, 2, 4, and 6 of this act are necessary for the  
35 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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