
SENATE BILL 5152

State of Washington

56th Legislature

1999 Regular Session

By Senators Kline, Fairley, Costa, Gardner and Goings

Read first time 01/14/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to clarifying who are appointed personnel for the
2 purpose of public employees' collective bargaining; and amending RCW
3 41.56.030.

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

5 **Sec. 1.** RCW 41.56.030 and 1995 c 273 s 1 are each amended to read
6 as follows:

7 As used in this chapter:

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

17 (2) "Public employee" means any employee of a public employer
18 except any person (a) elected by popular vote, or (b) appointed to
19 office pursuant to statute, ordinance or resolution for a specified

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

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

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

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

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

30 (7) "Uniformed personnel" means: (a) (~~(i) Until July 1, 1997, law~~
31 ~~enforcement officers as defined in RCW 41.26.030 employed by the~~
32 ~~governing body of any city or town with a population of seven thousand~~
33 ~~five hundred or more and law enforcement officers employed by the~~
34 ~~governing body of any county with a population of thirty five thousand~~
35 ~~or more; (ii) beginning on July 1, 1997,)~~ Law enforcement officers as
36 defined in RCW 41.26.030 employed by the governing body of any city or
37 town with a population of two thousand five hundred or more and law
38 enforcement officers employed by the governing body of any county with
39 a population of ten thousand or more; (b) correctional employees who

1 are uniformed and nonuniformed, commissioned and noncommissioned
2 security personnel employed in a jail as defined in RCW 70.48.020(5),
3 by a county with a population of seventy thousand or more, and who are
4 trained for and charged with the responsibility of controlling and
5 maintaining custody of inmates in the jail and safeguarding inmates
6 from other inmates; (c) general authority Washington peace officers as
7 defined in RCW 10.93.020 employed by a port district in a county with
8 a population of one million or more; (d) security forces established
9 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW
10 41.26.030; (f) employees of a port district in a county with a
11 population of one million or more whose duties include crash fire
12 rescue or other fire fighting duties; (g) employees of fire departments
13 of public employers who dispatch exclusively either fire or emergency
14 medical services, or both; or (h) employees in the several classes of
15 advanced life support technicians, as defined in RCW 18.71.200, who are
16 employed by a public employer.

17 (8) "Institution of higher education" means the University of
18 Washington, Washington State University, Central Washington University,
19 Eastern Washington University, Western Washington University, The
20 Evergreen State College, and the various state community colleges.

21 (9) "Confidential employee" means: (a) Any person who participates
22 directly on behalf of an employer in the formulation of labor relations
23 policy, the preparation for or conduct of collective bargaining, or the
24 administration of collective bargaining agreements, except that the
25 role of such person is not merely routine or clerical in nature but
26 calls for the consistent exercise of independent judgment; and (b) any
27 person who assists and acts in a confidential capacity to such person.

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