

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE SENATE BILL 5171**

56th Legislature  
1999 Regular Session

Passed by the Senate March 11, 1999  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House April 13, 1999  
YEAS 92 NAYS 3

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5171** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SECOND SUBSTITUTE SENATE BILL 5171

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Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Goings, Prentice and Rasmussen)

Read first time 03/05/1999.

1 AN ACT Relating to Washington state patrol employment agreements;  
2 amending RCW 41.56.020, 41.56.030, and 41.56.475; and adding a new  
3 section to chapter 41.56 RCW.

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

5 **Sec. 1.** RCW 41.56.020 and 1994 c 297 s 1 are each amended to read  
6 as follows:

7 This chapter shall apply to any county or municipal corporation, or  
8 any political subdivision of the state of Washington, including  
9 district courts and superior courts, except as otherwise provided by  
10 RCW 54.04.170, 54.04.180, and chapters 41.59, 47.64, and 53.18 RCW.  
11 (~~The Washington state patrol shall be considered a public employer of  
12 state patrol officers appointed under RCW 43.43.020. The Washington  
13 state bar association shall be considered a public employer of its  
14 employees.~~)

15 **Sec. 2.** RCW 41.56.030 and 1995 c 273 s 1 are each amended to read  
16 as follows:

17 As used in this chapter:

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

10 (2) "Public employee" means any employee of a public employer  
11 except any person (a) elected by popular vote, or (b) appointed to  
12 office pursuant to statute, ordinance or resolution for a specified  
13 term of office by the executive head or body of the public employer, or  
14 (c) whose duties as deputy, administrative assistant or secretary  
15 necessarily imply a confidential relationship to the executive head or  
16 body of the applicable bargaining unit, or any person elected by  
17 popular vote or appointed to office pursuant to statute, ordinance or  
18 resolution for a specified term of office by the executive head or body  
19 of the public employer, or (d) who is a personal assistant to a  
20 district court judge, superior court judge, or court commissioner. For  
21 the purpose of (d) of this subsection, no more than one assistant for  
22 each judge or commissioner may be excluded from a bargaining unit.

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

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

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

38 (6) "Executive director" means the executive director of the  
39 commission.

1 (7) "Uniformed personnel" means: (a) ~~((i) Until July 1, 1997, law~~  
2 ~~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) beginning on July 1, 1997,)) Law enforcement officers as~~  
7 defined in RCW 41.26.030 employed by the governing body of any city or  
8 town with a population of two thousand five hundred or more and law  
9 enforcement officers employed by the governing body of any county with  
10 a population of ten thousand or more; (b) correctional employees who  
11 are uniformed and nonuniformed, commissioned and noncommissioned  
12 security personnel employed in a jail as defined in RCW 70.48.020(5),  
13 by a county with a population of seventy thousand or more, and who are  
14 trained for and charged with the responsibility of controlling and  
15 maintaining custody of inmates in the jail and safeguarding inmates  
16 from other inmates; (c) general authority Washington peace officers as  
17 defined in RCW 10.93.020 employed by a port district in a county with  
18 a population of one million or more; (d) security forces established  
19 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW  
20 41.26.030; (f) employees of a port district in a county with a  
21 population of one million or more whose duties include crash fire  
22 rescue or other fire fighting duties; (g) employees of fire departments  
23 of public employers who dispatch exclusively either fire or emergency  
24 medical services, or both; or (h) employees in the several classes of  
25 advanced life support technicians, as defined in RCW 18.71.200, who are  
26 employed by a public employer.

27 (8) "Institution of higher education" means the University of  
28 Washington, Washington State University, Central Washington University,  
29 Eastern Washington University, Western Washington University, The  
30 Evergreen State College, and the various state community colleges.

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

33 (1) In addition to the entities listed in RCW 41.56.020, this  
34 chapter applies to the Washington state patrol with respect to the  
35 officers of the Washington state patrol appointed under RCW 43.43.020.  
36 Subjects of bargaining include wage-related matters, except that the  
37 Washington state patrol is prohibited from negotiating rates of pay or

1 wage levels and any matters relating to retirement benefits or health  
2 care benefits or other employee insurance benefits.

3 (2) Provisions pertaining to wage-related matters in a collective  
4 bargaining agreement between the Washington state patrol and the  
5 Washington state patrol officers that are entered into before the  
6 legislature approves the funds necessary to implement the provisions  
7 must be conditioned upon the legislature's subsequent approval of the  
8 funds.

9 **Sec. 4.** RCW 41.56.475 and 1993 c 351 s 1 are each amended to read  
10 as follows:

11 In addition to the classes of employees listed in RCW 41.56.030(7),  
12 the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470,  
13 41.56.480, and 41.56.490 also apply to Washington state patrol officers  
14 appointed under RCW 43.43.020 as provided in this section, subject to  
15 the following:

16 (1) The mediator (~~((shall not consider wages and wage-related~~  
17 ~~matters))~~) or arbitration panel may consider only matters that are  
18 subject to bargaining under section 3 of this act.

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

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

24 (b) Stipulations of the parties;

25 (c) Comparison of the hours and conditions of employment of  
26 personnel involved in the proceedings with the hours and conditions of  
27 employment of like personnel of like employers of similar size on the  
28 west coast of the United States;

29 (d) Changes in any of the foregoing circumstances during the  
30 pendency of the proceedings; and

31 (e) Such other factors, not confined to the foregoing, which are  
32 normally or traditionally taken into consideration in the determination  
33 of (~~((hours and conditions of employment))~~) matters that are subject to  
34 bargaining under section 3 of this act.

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