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**SENATE BILL 6367**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Conway, Hasegawa, and Lias

1 AN ACT Relating to changing the definition of public employee for  
2 public employees' collective bargaining; and amending RCW 41.56.030.

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

4 **Sec. 1.** RCW 41.56.030 and 2018 c 253 s 6 are each amended to  
5 read as follows:

6 As used in this chapter:

7 (1) "Adult family home provider" means a provider as defined in  
8 RCW 70.128.010 who receives payments from the medicaid and state-  
9 funded long-term care programs.

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

13 (3) "Child care subsidy" means a payment from the state through a  
14 child care subsidy program established pursuant to RCW 74.12.340, 45  
15 C.F.R. Sec. 98.1 through 98.17, or any successor program.

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  
19 in good faith, and to execute a written agreement with respect to  
20 grievance procedures and collective negotiations on personnel  
21 matters, including wages, hours and working conditions, which may be

1 peculiar to an appropriate bargaining unit of such public employer,  
2 except that by such obligation neither party shall be compelled to  
3 agree to a proposal or be required to make a concession unless  
4 otherwise provided in this chapter.

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

7 (6) "Executive director" means the executive director of the  
8 commission.

9 (7) "Family child care provider" means a person who: (a) Provides  
10 regularly scheduled care for a child or children in the home of the  
11 provider or in the home of the child or children for periods of less  
12 than twenty-four hours or, if necessary due to the nature of the  
13 parent's work, for periods equal to or greater than twenty-four  
14 hours; (b) receives child care subsidies; and (c) under chapter  
15 43.216 RCW, is either licensed by the state or is exempt from  
16 licensing.

17 (8) "Individual provider" means an individual provider as defined  
18 in RCW 74.39A.240(3) who, solely for the purposes of collective  
19 bargaining, is a public employee as provided in RCW 74.39A.270.

20 (9) "Institution of higher education" means the University of  
21 Washington, Washington State University, Central Washington  
22 University, Eastern Washington University, Western Washington  
23 University, The Evergreen State College, and the various state  
24 community colleges.

25 (10)(a) "Language access provider" means any independent  
26 contractor who provides spoken language interpreter services, whether  
27 paid by a broker, language access agency, or the respective  
28 department:

29 (i) For department of social and health services appointments,  
30 department of children, youth, and families appointments, medicaid  
31 enrollee appointments, or who provided these services on or after  
32 January 1, 2011, and before June 10, 2012;

33 (ii) For department of labor and industries authorized medical  
34 and vocational providers, or who provided these services on or after  
35 January 1, 2016, and before July 1, 2018; or

36 (iii) For state agencies, or who provided these services on or  
37 after January 1, 2016, and before July 1, 2018.

38 (b) "Language access provider" does not mean a manager or  
39 employee of a broker or a language access agency.

1           (11) "Public employee" means any employee of a public employer  
2 except any person (a) elected by popular vote, or (b) appointed to  
3 office pursuant to statute, ordinance or resolution for a specified  
4 term of office as a member of a multimember board, commission, or  
5 committee, whether appointed by the executive head or body of the  
6 public employer, or (c) whose duties as deputy, administrative  
7 assistant or secretary necessarily imply a confidential relationship  
8 to (i) the executive head or body of the applicable bargaining unit,  
9 or (ii) any person elected by popular vote, or (iii) any person  
10 appointed to office pursuant to statute, ordinance or resolution for  
11 a specified term of office as a member of a multimember board,  
12 commission, or committee, whether appointed by the executive head or  
13 body of the public employer, or (d) who is a court commissioner or a  
14 court magistrate of superior court, district court, or a department  
15 of a district court organized under chapter 3.46 RCW (~~(, or (e) who is~~  
16 ~~a personal assistant to a district court judge, superior court judge,~~  
17 ~~or court commissioner. For the purpose of (e) of this subsection, no~~  
18 ~~more than one assistant for each judge or commissioner may be~~  
19 ~~excluded from a bargaining unit)) ).~~

20           (12) "Public employer" means any officer, board, commission,  
21 council, or other person or body acting on behalf of any public body  
22 governed by this chapter, or any subdivision of such public body. For  
23 the purposes of this section, the public employer of district court  
24 or superior court employees for wage-related matters is the  
25 respective county legislative authority, or person or body acting on  
26 behalf of the legislative authority, and the public employer for  
27 nonwage-related matters is the judge or judge's designee of the  
28 respective district court or superior court.

29           (13) "Uniformed personnel" means: (a) Law enforcement officers as  
30 defined in RCW 41.26.030 employed by the governing body of any city  
31 or town with a population of two thousand five hundred or more and  
32 law enforcement officers employed by the governing body of any county  
33 with a population of ten thousand or more; (b) correctional employees  
34 who are uniformed and nonuniformed, commissioned and noncommissioned  
35 security personnel employed in a jail as defined in RCW 70.48.020(9),  
36 by a county with a population of seventy thousand or more, and who  
37 are trained for and charged with the responsibility of controlling  
38 and maintaining custody of inmates in the jail and safeguarding  
39 inmates from other inmates; (c) general authority Washington peace  
40 officers as defined in RCW 10.93.020 employed by a port district in a

1 county with a population of one million or more; (d) security forces  
2 established under RCW 43.52.520; (e) firefighters as that term is  
3 defined in RCW 41.26.030; (f) employees of a port district in a  
4 county with a population of one million or more whose duties include  
5 crash fire rescue or other firefighting duties; (g) employees of fire  
6 departments of public employers who dispatch exclusively either fire  
7 or emergency medical services, or both; (h) employees in the several  
8 classes of advanced life support technicians, as defined in RCW  
9 18.71.200, who are employed by a public employer; or (i) court  
10 marshals of any county who are employed by, trained for, and  
11 commissioned by the county sheriff and charged with the  
12 responsibility of enforcing laws, protecting and maintaining security  
13 in all county-owned or contracted property, and performing any other  
14 duties assigned to them by the county sheriff or mandated by judicial  
15 order.

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