
HOUSE BILL 2849

State of Washington 64th Legislature 2016 Regular Session

By Representatives Goodman, Springer, Stambaugh, Sullivan, and Kilduff

Read first time 01/22/16. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to adding certain commissioned court marshals of
2 city police departments to the definition of uniformed personnel for
3 the purpose of public employees' collective bargaining; and amending
4 RCW 41.56.030.

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

6 **Sec. 1.** RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each
7 amended to read as follows:

8 As used in this chapter:

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

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

15 (3) "Child care subsidy" means a payment from the state through a
16 child care subsidy program established pursuant to RCW 74.12.340 (~~or~~
17 ~~74.08A.340~~)), 45 C.F.R. Sec. 98.1 through 98.17, or any successor
18 program.

19 (4) "Collective bargaining" means the performance of the mutual
20 obligations of the public employer and the exclusive bargaining
21 representative to meet at reasonable times, to confer and negotiate

1 in good faith, and to execute a written agreement with respect to
2 grievance procedures and collective negotiations on personnel
3 matters, including wages, hours and working conditions, which may be
4 peculiar to an appropriate bargaining unit of such public employer,
5 except that by such obligation neither party shall be compelled to
6 agree to a proposal or be required to make a concession unless
7 otherwise provided in this chapter.

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

10 (6) "Executive director" means the executive director of the
11 commission.

12 (7) "Family child care provider" means a person who: (a) Provides
13 regularly scheduled care for a child or children in the home of the
14 provider or in the home of the child or children for periods of less
15 than twenty-four hours or, if necessary due to the nature of the
16 parent's work, for periods equal to or greater than twenty-four
17 hours; (b) receives child care subsidies; and (c) is either licensed
18 by the state under RCW 74.15.030 or is exempt from licensing under
19 chapter 74.15 RCW.

20 (8) "Individual provider" means an individual provider as defined
21 in RCW 74.39A.240(4) who, solely for the purposes of collective
22 bargaining, is a public employee as provided in RCW 74.39A.270.

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

28 (10)(a) "Language access provider" means any independent
29 contractor who provides spoken language interpreter services for
30 department of social and health services appointments or medicaid
31 enrollee appointments, or provided these services on or after January
32 1, 2009, and before June 10, 2010, whether paid by a broker, language
33 access agency, or the department.

34 (b) "Language access provider" does not mean an owner, manager,
35 or employee of a broker or a language access agency.

36 (11) "Public employee" means any employee of a public employer
37 except any person (a) elected by popular vote, or (b) appointed to
38 office pursuant to statute, ordinance or resolution for a specified
39 term of office as a member of a multimember board, commission, or
40 committee, whether appointed by the executive head or body of the

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

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

24 (13) "Uniformed personnel" means: (a) Law enforcement officers as
25 defined in RCW 41.26.030 employed by the governing body of any city
26 or town with a population of two thousand five hundred or more and
27 law enforcement officers employed by the governing body of any county
28 with a population of ten thousand or more; (b) correctional employees
29 who are uniformed and nonuniformed, commissioned and noncommissioned
30 security personnel employed in a jail as defined in RCW 70.48.020(9),
31 by a county with a population of seventy thousand or more, and who
32 are trained for and charged with the responsibility of controlling
33 and maintaining custody of inmates in the jail and safeguarding
34 inmates from other inmates; (c) general authority Washington peace
35 officers as defined in RCW 10.93.020 employed by a port district in a
36 county with a population of one million or more; (d) security forces
37 established under RCW 43.52.520; (e) firefighters as that term is
38 defined in RCW 41.26.030; (f) employees of a port district in a
39 county with a population of one million or more whose duties include
40 crash fire rescue or other firefighting duties; (g) employees of fire

1 departments of public employers who dispatch exclusively either fire
2 or emergency medical services, or both; (h) employees in the several
3 classes of advanced life support technicians, as defined in RCW
4 18.71.200, who are employed by a public employer; or (i) court
5 marshals of any city with a population of more than four hundred
6 thousand or county who are employed by, trained for, and commissioned
7 by the city police department or county sheriff and charged with the
8 responsibility of enforcing laws, protecting and maintaining security
9 in all city or county-owned or contracted property, and performing
10 any other duties assigned to them by the city police department or
11 county sheriff or mandated by judicial order.

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