
SENATE BILL 6813

State of Washington

59th Legislature

2006 Regular Session

By Senators Roach and Keiser

Read first time 01/25/2006. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to binding arbitration for juvenile corrections
2 employees; and amending RCW 41.56.030 and 41.56.465.

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

4 **Sec. 1.** RCW 41.56.030 and 2004 c 3 s 6 are each amended to read as
5 follows:

6 As used in this chapter:

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

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

1 committee, whether appointed by the executive head or body of the
2 public employer, or (c) whose duties as deputy, administrative
3 assistant or secretary necessarily imply a confidential relationship to
4 (i) the executive head or body of the applicable bargaining unit, or
5 (ii) any person elected by popular vote, or (iii) any person appointed
6 to office pursuant to statute, ordinance or resolution for a specified
7 term of office as a member of a multimember board, commission, or
8 committee, whether appointed by the executive head or body of the
9 public employer, or (d) who is a court commissioner or a court
10 magistrate of superior court, district court, or a department of a
11 district court organized under chapter 3.46 RCW, or (e) who is a
12 personal assistant to a district court judge, superior court judge, or
13 court commissioner, or (f) excluded from a bargaining unit under RCW
14 41.56.201(2)(a). For the purpose of (e) of this subsection, no more
15 than one assistant for each judge or commissioner may be excluded from
16 a bargaining unit.

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

20 (4) "Collective bargaining" means the performance of the mutual
21 obligations of the public employer and the exclusive bargaining
22 representative to meet at reasonable times, to confer and negotiate in
23 good faith, and to execute a written agreement with respect to
24 grievance procedures and collective negotiations on personnel matters,
25 including wages, hours and working conditions, which may be peculiar to
26 an appropriate bargaining unit of such public employer, except that by
27 such obligation neither party shall be compelled to agree to a proposal
28 or be required to make a concession unless otherwise provided in this
29 chapter.

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

31 (6) "Executive director" means the executive director of the
32 commission.

33 (7) "Uniformed personnel" means: (a) Law enforcement officers as
34 defined in RCW 41.26.030 employed by the governing body of any city or
35 town with a population of two thousand five hundred or more and law
36 enforcement officers employed by the governing body of any county with
37 a population of ten thousand or more; (b) correctional employees who
38 are uniformed and nonuniformed, commissioned and noncommissioned

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

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

23 (9) "Home care quality authority" means the authority under chapter
24 74.39A RCW.

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

28 **Sec. 2.** RCW 41.56.465 and 1995 c 273 s 2 are each amended to read
29 as follows:

30 (1) In making its determination, the panel shall be mindful of the
31 legislative purpose enumerated in RCW 41.56.430 and, as additional
32 standards or guidelines to aid it in reaching a decision, it shall take
33 into consideration the following factors:

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

35 (b) Stipulations of the parties;

36 (c)(i) For employees listed in RCW 41.56.030(7) (a) through (~~(d)~~)
37 (e), comparison of the wages, hours, and conditions of employment of

1 personnel involved in the proceedings with the wages, hours, and
2 conditions of employment of like personnel of like employers of similar
3 size on the west coast of the United States;

4 (ii) For employees listed in RCW 41.56.030(7) (~~(e)~~) (f) through
5 (~~(h)~~) (i), comparison of the wages, hours, and conditions of
6 employment of personnel involved in the proceedings with the wages,
7 hours, and conditions of employment of like personnel of public fire
8 departments of similar size on the west coast of the United States.
9 However, when an adequate number of comparable employers exists within
10 the state of Washington, other west coast employers may not be
11 considered;

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

14 (e) Changes in any of the circumstances under (a) through (d) of
15 this subsection during the pendency of the proceedings; and

16 (f) Such other factors, not confined to the factors under (a)
17 through (e) of this subsection, that are normally or traditionally
18 taken into consideration in the determination of wages, hours, and
19 conditions of employment. For those employees listed in RCW
20 41.56.030(7)(a) who are employed by the governing body of a city or
21 town with a population of less than fifteen thousand, or a county with
22 a population of less than seventy thousand, consideration must also be
23 given to regional differences in the cost of living.

24 (2) Subsection (1)(c) of this section may not be construed to
25 authorize the panel to require the employer to pay, directly or
26 indirectly, the increased employee contributions resulting from chapter
27 502, Laws of 1993 or chapter 517, Laws of 1993 as required under
28 chapter 41.26 RCW.

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