
SENATE BILL 6445

State of Washington

63rd Legislature

2014 Regular Session

By Senators Roach and Kline

Read first time 01/27/14. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the definition of uniformed personnel for the
2 purposes 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 2011 1st sp.s. c 21 s 11 are each
6 amended to read as follows:

7 As used in this chapter:

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

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

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

18 (4) "Collective bargaining" means the performance of the mutual
19 obligations of the public employer and the exclusive bargaining

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

9 (5) "Commission" means the public employment relations 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 hours;
17 (b) receives child care subsidies; and (c) is either licensed by the
18 state under RCW 74.15.030 or is exempt from licensing under chapter
19 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 University,
25 Eastern Washington University, Western Washington University, The
26 Evergreen State College, and the various state community colleges.

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

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

35 (11) "Public employee" means any employee of a public employer
36 except any person (a) elected by popular vote, or (b) appointed to
37 office pursuant to statute, ordinance or resolution for a specified
38 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. For the purpose of (e) of this subsection, no more
14 than one assistant for each judge or commissioner may be excluded from
15 a bargaining unit.

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

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

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

--- END ---