



RCW 41.56.030

Definitions.

*** CHANGE IN 2021 *** (SEE [5055-S.SL](#)) ***

As used in this chapter:

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

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

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

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

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

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

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

(8) "Fish and wildlife officer" means a fish and wildlife officer as defined in RCW [77.08.010](#) who ranks below lieutenant and includes officers, detectives, and sergeants of the department of fish and wildlife.

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

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

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

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services

on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers who provided these services on or after January 1, 2019; or

(iii) For state agencies who provided these services on or after January 1, 2019.

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

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

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

(14) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW **41.26.030** employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW **70.48.020**(9), by a county with a population of seventy thousand or more, in a correctional facility created under RCW **70.48.095**, or in a detention facility created under chapter **13.40** RCW that is located in a county with a population over one million five hundred thousand, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW **10.93.020** employed by a port district in a county with a population of one million or more; (d) security forces established under RCW **43.52.520**; (e) firefighters as that term is defined in RCW **41.26.030**; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW **18.71.200**, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the

county sheriff or mandated by judicial order.

[**2020 c 298 § 1**; **2020 c 289 § 1**; **2019 c 280 § 1**; **2018 c 253 § 6**; (2018 c 253 § 5 expired July 1, 2018); **2017 3rd sp.s. c 6 § 808**; **2015 2nd sp.s. c 6 § 1**; **2011 1st sp.s. c 21 § 11**; **2010 c 296 § 3**; **2007 c 184 § 2**; **2006 c 54 § 2**; **2004 c 3 § 6**; **2002 c 99 § 2**. Prior: **2000 c 23 § 1**; **2000 c 19 § 1**; **1999 c 217 § 2**; **1995 c 273 § 1**; prior: **1993 c 398 § 1**; **1993 c 397 § 1**; **1993 c 379 § 302**; **1992 c 36 § 2**; **1991 c 363 § 119**; **1989 c 275 § 2**; **1987 c 135 § 2**; **1984 c 150 § 1**; **1975 1st ex.s. c 296 § 15**; **1973 c 131 § 2**; **1967 ex.s. c 108 § 3**.]

NOTES:

Reviser's note: (1) The definitions in this section have been alphabetized pursuant to RCW **1.08.015(2)(k)**.

(2) This section was amended by 2020 c 289 § 1 and by 2020 c 298 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW **1.12.025(2)**. For rule of construction, see RCW **1.12.025(1)**.

Expiration date—2018 c 253 §§ 5 and 7: "Sections 5 and 7 of this act expire July 1, 2018." [**2018 c 253 § 10**.]

Effective date—2018 c 253 §§ 6 and 8: "Sections 6 and 8 of this act take effect July 1, 2018." [**2018 c 253 § 11**.]

Intent—Conflict with federal requirements—2018 c 253: See notes following RCW **74.04.025**.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW **43.216.025**.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW **43.216.908**.

Effective date—2011 1st sp.s. c 21: See note following RCW **72.23.025**.

Conflict with federal requirements—2010 c 296: See note following RCW **41.56.510**.

Part headings not law—Severability—Conflict with federal requirements—2007 c 184: See notes following RCW **41.56.029**.

Severability—Effective date—2004 c 3: See notes following RCW **74.39A.270**.

Effective date—1995 c 273: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [**1995 c 273 § 5**.]

Effective dates—1993 c 398: "(1) Sections 3 and 5 of this act shall take effect July 1, 1995.

(2) Sections 1, 2, 4, and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 15, 1993]." [**1993 c 398 § 7.**]

Intent—Severability—Effective date—1993 c 379: See notes following RCW **28B.10.029.**

Purpose—Captions not law—1991 c 363: See notes following RCW **2.32.180.**

Severability—1987 c 135: See note following RCW **41.56.020.**

Effective date—1984 c 150: "This act shall take effect on July 1, 1985." [**1984 c 150 § 2.**]

Construction—1973 c 131: See RCW **41.56.905.**

*Public employment relations commission: Chapter **41.58** RCW.*