

SENATE BILL REPORT

SHB 1156

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,
APRIL 1, 1993

Brief Description: Transferring county sheriff's office employees.

SPONSORS: House Committee on Local Government (originally sponsored by Representatives H. Myers, Ludwig, Scott, Riley, Cothorn, R. Meyers, L. Johnson and Ogden)

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

Staff: Katie Healy (786-7784)

Hearing Dates: March 30, 1993; April 1, 1993

BACKGROUND:

City police department employees are allowed to transfer to the county sheriff's office if the employees are separated from employment because the city contracts with the county for law enforcement services. City fire department employees are permitted to transfer to a fire district and fire district employees to a city fire department if an annexation or incorporation occurs.

Employees of county sheriff departments are not covered if jobs are eliminated due to annexation or incorporation of an area of unincorporated county.

SUMMARY:

When any part of an unincorporated area of a county is annexed or incorporated into a municipality, any sheriff's department employee may transfer his or her employment to the municipal police agency. This transfer applies if the employee meets three conditions: (1) the employee was performing the duties of the county sheriff's office at the time of annexation or incorporation; (2) the employee will be separated from the county's employ as a direct result of the annexation or incorporation; and (3) the employee can perform the duties and meets the minimum standards and qualifications of the municipality. Nothing requires a city or town to accept the voluntary transfer of employment of a person who would not be laid off.

An eligible employee may transfer into a municipal civil service system for the police department by filing a written request with the Civil Service Commission and by giving written notice to the legislative authority of the county. The transfer is made when the Civil Service Commission receives the request. The transferring employee is on probation for the same period as new employees in the same class, is eligible for promotion after completion of the probationary period, receives a salary at least equal to that of other new employees in the same classification, and has the same rights, benefits and privileges that the employee would be entitled to as if he or she had been a member of the police department from the beginning of his or her employment with the county. The employee may not transfer accrued benefits to the city or town unless the city or town agrees. The county is responsible for compensating the employee for accrued benefits unless the county and the municipality reach a different agreement. Benefits will accrue based upon the employee's combined seniority between the sheriff's office and the police department. For purposes of layoffs by the municipality, only the time of service accrued with the municipality shall apply unless a different agreement is reached.

Only so many of the transferring employees are placed on the police department's payroll as is needed to provide an adequate level of law enforcement service. The employees are taken in order of seniority. The remaining transferring employees shall head the list of their respective class or job listing in the civil service system in order of their seniority, so that they will be first to be reemployed as vacancies become available. Employees not immediately hired are placed on a reemployment list for a period not to exceed 36 months, unless a longer time period is agreed upon. This 36 month time period commences on the effective date of an annexation, or in the case of an incorporation, on the date the city creates its own police force. The county must rehire former employees on this reemployment list before hiring new employees in the sheriff's office.

Employees affected by layoffs from the sheriff's office as a result of annexation or incorporation of a portion of the county are given notice of their right to transfer. These employees have 90 days to transfer employment to the municipality.

The Civil Service Commission adopts rules as necessary to provide for the orderly integration of employees of a county sheriff's office to a municipality after annexation or incorporation of a portion of the county.

A city or town retains the right to select the police chief regardless of seniority.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This is an attempt to give some equity to the system. At present, police officers and fire fighters are able to transfer. This would be cost effective for the city since the people usually laid off are the newest employees and thus recently trained.

TESTIMONY AGAINST:

The 36-month roster effectively freezes the city's hiring list. City police departments will lose their flexibility if they are forced to hire only off the 36-month roster. Law enforcement duties are not interchangeable. Not all officers can do D.A.R.E. work effectively, for example. The county should be required to rehire anyone they laid off before they hire new people. The better tack to take would be to have an interlocal agreement. This policy may edge out qualified persons when taking promotional examinations. There is concern that a transferee can bound around to more advantageous situations.

TESTIFIED: Mike Patrick, WSCPO (pro); Mark Ericson, Bothell Chief of Police (con); Stan Finkelstein, AWC (con)