
SUBSTITUTE HOUSE BILL 1156

State of Washington

53rd Legislature

1993 Regular Session

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

Read first time 02/26/93.

1 AN ACT Relating to transfer of county sheriff's office employees;
2 amending RCW 41.12.050; and adding new sections to chapter 35.13 RCW.

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

4 **Sec. 1.** RCW 41.12.050 and 1987 c 339 s 2 are each amended to read
5 as follows:

6 The classified civil service and provisions of this chapter shall
7 include all full paid employees of the police department of each city,
8 town or municipality coming within its purview, except that individuals
9 appointed as police chief after July 1, 1987, to a department with six
10 or more commissioned officers, including the police chief, may be
11 excluded by the legislative body of the city, town or municipality.
12 All appointments to and promotions in (~~said~~) the department shall be
13 made solely on merit, efficiency and fitness except as provided in
14 sections 2 through 6 of this act, which shall be ascertained by open
15 competitive examination and impartial investigation. No person shall
16 be reinstated in or transferred, suspended or discharged from any such
17 place, position or employment contrary to the provisions of this
18 chapter.

1 NEW SECTION. **Sec. 2.** It is the purpose of sections 2 through 6 of
2 this act to require the lateral transfer of any qualified county
3 sheriff's employee who, by reason of annexation or incorporation of an
4 unincorporated area of a county, will or is likely to be laid off due
5 to sheriff's department cutbacks resulting from the loss of the
6 unincorporated law enforcement responsibility.

7 NEW SECTION. **Sec. 3.** When any portion of an unincorporated area
8 of a county is to be annexed or incorporated into a city, code city, or
9 town, any employee of the sheriff's office of the county may transfer
10 his or her employment to the police department of the city, code city,
11 or town as provided in sections 2 through 6 of this act if the
12 employee: (1) Was, at the time the annexation or incorporation
13 occurred, employed exclusively or principally in performing the powers,
14 duties, and functions of the county sheriff's office; (2) will, as a
15 direct consequence of the annexation or incorporation, be separated
16 from the employ of the county; and (3) can perform the duties and meets
17 the city's, code city's or town's minimum standards and qualifications
18 of the position to be filled within their police department.

19 Nothing in this section or sections 4 of this act requires a city,
20 code city, or town to accept the voluntary transfer of employment of a
21 person who will not be laid off due to his or her seniority status.

22 NEW SECTION. **Sec. 4.** (1) An eligible employee under section 3 of
23 this act may transfer into the civil service system for the police
24 department by filing a written request with the civil service
25 commission of the affected city, code city, or town and by giving
26 written notice thereof to the legislative authority of the county.
27 Upon receipt of such request by the civil service commission the
28 transfer shall be made. The employee so transferring will: (a) Be on
29 probation for the same period as are new employees in the same
30 classification of the police department; (b) be eligible for promotion
31 after completion of the probationary period in compliance with existing
32 civil service rules pertaining to lateral transfers based upon combined
33 service time; (c) receive a salary at least equal to that of other new
34 employees in the same classification of the police department; and (d)
35 in all other matters, such as sick leave and vacation, have, within the
36 civil service system, all the rights, benefits, and privileges that the
37 employee would have been entitled to had he or she been a member of the

1 police department from the beginning of his or her employment with the
2 county. The county is responsible for compensating an employee for
3 benefits accrued while employed with the sheriff's office unless a
4 different agreement is reached between the county and the city, code
5 city, or town. No accrued benefits are transferable to the recipient
6 agency unless the recipient agency agrees to accept the accrued
7 benefits. All benefits shall then accrue based on the combined
8 seniority of each employee in the recipient agency. The county shall,
9 upon receipt of such notice, transmit to the civil service commission
10 a record of the employee's service with the county which shall be
11 credited to the employee as a part of his or her period of employment
12 in the police department. For purposes of layoffs by the city, code
13 city, or town, only the time of service accrued with the city, code
14 city, or town shall apply unless an agreement is reached between the
15 collective bargaining representatives of the police department and
16 sheriff's office employees and the police department and sheriff's
17 office.

18 (2) Only as many of the transferring employees shall be placed upon
19 the payroll of the police department as the city, code city, or town
20 determines are needed to provide an adequate level of law enforcement
21 service. The needed employees shall be taken in order of seniority and
22 the remaining employees who transfer as provided in sections 2 through
23 6 of this act shall head the list of their respective class or job
24 listing exclusive of rank in the civil service system in order of their
25 seniority, so that they shall be the first to be employed in the police
26 department as vacancies become available. Employees who are not
27 immediately hired by the city, code city, or town shall be placed on a
28 reemployment list for a period not to exceed thirty-six months unless
29 a longer period is authorized by an agreement reached between the
30 collective bargaining representatives of the police department and
31 sheriff's office employees and the police department and sheriff's
32 office. The county sheriff's office must rehire former employees who
33 are placed on the city's reemployment list before it can hire anyone
34 else to perform the same duties previously performed by these employees
35 who were laid off.

36 (3) The thirty-six month period contained in subsection (2) of this
37 section shall commence:

38 (a) On the effective date of the annexation in cases of annexation;
39 and

1 (b) On the date when the city creates its own police department in
2 cases of incorporation.

3 (4) The city, code city, or town shall retain the right to select
4 the police chief regardless of seniority.

5 NEW SECTION. **Sec. 5.** In addition to its other duties prescribed
6 by law, the civil service commission shall make rules necessary to
7 provide for the orderly integration of employees of a county sheriff's
8 office to the police department of the city, code city, or town
9 pursuant to sections 2 through 6 of this act.

10 NEW SECTION. **Sec. 6.** When any portion of an unincorporated area
11 of a county is to be annexed or incorporated into a city, code city, or
12 town and layoffs will result in the county sheriff's office, employees
13 so affected shall be notified of their right to transfer. The affected
14 employees shall have ninety days after the commencement of the thirty-
15 six month period as specified in section 4(3) of this act to file a
16 request to transfer their employment to the police department of the
17 city, code city, or town under sections 2 through 6 of this act.

18 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act are each
19 added to chapter 35.13 RCW.

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