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HOUSE BILL 1156

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives H. Myers, Ludwig, Scott, Riley, Cothorn, R. Meyers,  
L. Johnson and Ogden

Read first time 01/18/93. Referred to Committee on Local Government.

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 minimum qualifications of the position to be filled with the police  
18 department of the city, code city, or town.

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

1 county shall, upon receipt of such notice, transmit to the civil  
2 service commission a record of the employee's service with the county  
3 which shall be credited to the employee as a part of his or her period  
4 of employment in the police department. For purposes of layoffs by the  
5 city, code city, or town, only the time of service accrued with the  
6 city, code city, or town shall apply unless an agreement is reached  
7 between the collective bargaining representatives of the police  
8 department and sheriff's office employees and the police department and  
9 sheriff's office.

10 (2) Only as many of the transferring employees shall be placed upon  
11 the payroll of the police department as the city, code city, or town  
12 determines are needed to provide an adequate level of law enforcement  
13 service. The needed employees shall be taken in order of seniority and  
14 the remaining employees who transfer as provided in sections 2 through  
15 6 of this act shall head the list of their respective class or job  
16 listing in the civil service system in order of their seniority, so  
17 that they shall be the first to be employed in the police department as  
18 vacancies become available. Employees who are not immediately hired by  
19 the city, code city, or town shall be placed on a reemployment list for  
20 a period not to exceed thirty-six months unless a longer period is  
21 authorized by an agreement reached between the collective bargaining  
22 representatives of the police department and sheriff's office employees  
23 and the police department and sheriff's office.

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

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

31 NEW SECTION. **Sec. 6.** When any portion of an unincorporated area  
32 of a county is to be annexed or incorporated into a city, code city, or  
33 town and layoffs will result in the county sheriff's office, employees  
34 so affected shall be notified of their right to transfer and shall have  
35 ninety days to transfer their employment to the police department of  
36 the city, code city, or town under sections 2 through 6 of this act.

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

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