

2 **SB 5152** - H COMM AMD  
3 By Committee on Commerce & Labor

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 41.56.030 and 1995 c 273 s 1 are each amended to read  
8 as follows:

9 As used in this chapter:

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

19 (2) "Public employee" means any employee of a public employer  
20 except any person (a) elected by popular vote, or (b) appointed to  
21 office pursuant to statute, ordinance or resolution for a specified  
22 term of office as a member of a multimember board, commission, or  
23 committee, whether appointed by the executive head or body of the  
24 public employer, or (c) whose duties as deputy, administrative  
25 assistant or secretary necessarily imply a confidential relationship to  
26 (i) the executive head or body of the applicable bargaining unit, or  
27 (ii) any person elected by popular vote, or (iii) any person appointed  
28 to office pursuant to statute, ordinance or resolution for a specified  
29 term of office as a member of a multimember board, commission, or  
30 committee, whether appointed by the executive head or body of the  
31 public employer, or (d) who is a court commissioner or a court  
32 magistrate of superior court, district court, or a department of a  
33 district court organized under chapter 3.46 RCW, or (e) who is a  
34 personal assistant to a district court judge, superior court judge, or  
35 court commissioner. For the purpose of ((+d)) (e) of this subsection,

1 no more than one assistant for each judge or commissioner may be  
2 excluded from a bargaining unit.

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

6 (4) "Collective bargaining" means the performance of the mutual  
7 obligations of the public employer and the exclusive bargaining  
8 representative to meet at reasonable times, to confer and negotiate in  
9 good faith, and to execute a written agreement with respect to  
10 grievance procedures and collective negotiations on personnel matters,  
11 including wages, hours and working conditions, which may be peculiar to  
12 an appropriate bargaining unit of such public employer, except that by  
13 such obligation neither party shall be compelled to agree to a proposal  
14 or be required to make a concession unless otherwise provided in this  
15 chapter. In the case of the Washington state patrol, "collective  
16 bargaining" shall not include wages and wage-related matters.

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

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

20 (7) "Uniformed personnel" means: (a)(i) Until July 1, 1997, law  
21 enforcement officers as defined in RCW 41.26.030 employed by the  
22 governing body of any city or town with a population of seven thousand  
23 five hundred or more and law enforcement officers employed by the  
24 governing body of any county with a population of thirty-five thousand  
25 or more; (ii) beginning on July 1, 1997, 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(5),  
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) fire fighters as that term is defined in RCW  
39 41.26.030; (f) employees of a port district in a county with a

1 population of one million or more whose duties include crash fire  
2 rescue or other fire fighting duties; (g) employees of fire departments  
3 of public employers who dispatch exclusively either fire or emergency  
4 medical services, or both; or (h) employees in the several classes of  
5 advanced life support technicians, as defined in RCW 18.71.200, who are  
6 employed by a public employer.

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

11 **Sec. 2.** RCW 36.27.040 and 1975 1st ex.s. c 19 s 2 are each amended  
12 to read as follows:

13 The prosecuting attorney may appoint one or more deputies who shall  
14 have the same power in all respects as their principal. Each  
15 appointment shall be in writing, signed by the prosecuting attorney,  
16 and filed in the county auditor's office. Each deputy thus appointed  
17 shall have the same qualifications required of the prosecuting  
18 attorney, except that such deputy need not be a resident of the county  
19 in which he serves. The prosecuting attorney may appoint one or more  
20 special deputy prosecuting attorneys upon a contract or fee basis whose  
21 authority shall be limited to the purposes stated in the writing signed  
22 by the prosecuting attorney and filed in the county auditor's office.  
23 Such special deputy prosecuting attorney shall be admitted to practice  
24 as an attorney before the courts of this state but need not be a  
25 resident of the county in which he serves and shall not be under the  
26 legal disabilities attendant upon prosecuting attorneys or their  
27 deputies except to avoid any conflict of interest with the purpose for  
28 which he has been engaged by the prosecuting attorney. The prosecuting  
29 attorney shall be responsible for the acts of his deputies and may  
30 revoke appointments at will.

31 Two or more prosecuting attorneys may agree that one or more  
32 deputies for any one of them may serve temporarily as deputy for any  
33 other of them on terms respecting compensation which are acceptable to  
34 said prosecuting attorneys. Any such deputy thus serving shall have  
35 the same power in all respects as if he were serving permanently.

36 The provisions of chapter 39.34 RCW shall not apply to such  
37 agreements.

1        The provisions of RCW 41.56.030(2) shall not be interpreted to  
2 permit a prosecuting attorney to alter the at-will relationship  
3 established between the prosecuting attorney and his or her appointed  
4 deputies by this section for a period of time exceeding his or her term  
5 of office. Neither shall the provisions of RCW 41.56.030(2) require a  
6 prosecuting attorney to alter the at-will relationship established by  
7 this section."

8        Correct the title.

EFFECT: Exempts court commissioners and magistrates from the definition of public employee.

Clarifies that including deputy prosecutors within the definition of "public employee" for collective bargaining purposes, does not alter their status as at-will employees appointed for a term coinciding with the county prosecutor's term.

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