

2 **SB 5152** - S AMD - 026

3 By Senators Sheahan and Kline

4 ADOPTED 2/9/00

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

7 "**Sec. 1.** RCW 41.56.030 and 1999 c 217 s 2 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.

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

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

19 (7) "Uniformed personnel" means: (a) Law enforcement officers as
20 defined in RCW 41.26.030 employed by the governing body of any city or
21 town with a population of two thousand five hundred or more and law
22 enforcement officers employed by the governing body of any county with
23 a population of ten thousand or more; (b) correctional employees who
24 are uniformed and nonuniformed, commissioned and noncommissioned
25 security personnel employed in a jail as defined in RCW 70.48.020(5),
26 by a county with a population of seventy thousand or more, and who are
27 trained for and charged with the responsibility of controlling and
28 maintaining custody of inmates in the jail and safeguarding inmates
29 from other inmates; (c) general authority Washington peace officers as
30 defined in RCW 10.93.020 employed by a port district in a county with
31 a population of one million or more; (d) security forces established
32 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW
33 41.26.030; (f) employees of a port district in a county with a
34 population of one million or more whose duties include crash fire
35 rescue or other fire fighting duties; (g) employees of fire departments
36 of public employers who dispatch exclusively either fire or emergency
37 medical services, or both; or (h) employees in the several classes of
38 advanced life support technicians, as defined in RCW 18.71.200, who are
39 employed by a public employer.

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

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

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

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

30 The provisions of chapter 39.34 RCW shall not apply to such
31 agreements.

32 The provisions of RCW 41.56.030(2) shall not be interpreted to
33 permit a prosecuting attorney to alter the at-will relationship
34 established between the prosecuting attorney and his or her appointed
35 deputies by this section for a period of time exceeding his or her term
36 of office. Neither shall the provisions of RCW 41.56.030(2) require a
37 prosecuting attorney to alter the at-will relationship established by
38 this section."

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4 On page 1, line 2 of the title, after "bargaining;" strike the
5 remainder of the title and insert "and amending RCW 41.56.030 and
6 36.27.040."

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.

--- **END** ---