

# SENATE BILL REPORT

## ESB 5152

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As Passed Senate, February 9, 2000

**Title:** An act relating to clarifying who are appointed personnel for the purpose of public employees' collective bargaining.

**Brief Description:** Clarifying who are appointed personnel for the purpose of public employees' collective bargaining.

**Sponsors:** Senators Kline, Fairley, Costa, Gardner and Goings.

**Brief History:**

**Committee Activity:** Labor & Workforce Development: 2/1/99, 2/4/99 [DP]; 1/20/00 [DP].

Passed Senate, 3/4/99, 29-19; 2/9/00, 44-0.

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### SENATE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Franklin, Vice Chair; Hochstatter, Kline, Oke and Wojahn.

**Staff:** Jack Brummel (786-7428)

**Background:** Deputy prosecutors are currently represented by collective bargaining units certified by the Public Employment Relations Commission (PERC) in six counties in Washington. The first union representation of deputy prosecutors began in 1982.

The State Supreme Court ruled 5-4 last year in a case arising in Spokane County that deputy prosecutors are appointed personnel and at-will employees who do not meet the definition of a public employee under the state's public employees' collective bargaining statute.

**Summary of Bill:** The definition of a public employee is changed in the public employees' collective bargaining statute. Persons appointed to a public office as a member of a board, commission, committee, or who are court commissioners or magistrates are not public employees for the purposes of PERC jurisdiction.

Elected prosecuting attorneys may not alter the at-will employment of deputies beyond the elected prosecutor's term of office. This has the effect of making deputy prosecutors public employees for collective bargaining purposes.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill will restore the status quo by correcting a Supreme Court misinterpretation of statute. Prosecuting attorneys may revoke appointments at will under current law.

**Testimony Against:** None.

**Testified:** Pat Thompson, WA State Council of County and City Employees (pro); Mike Patrick, Moses Garcia, WA Council of County and Municipal Prosecuting Attorneys (pro); John Tunheim, Thurston County Deputy Prosecutors Assn. (pro); Mike Ryherd, Joint Council of Teamsters (pro); Tom McBride, WA Assn. of Prosecuting Attorneys.