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SENATE BILL 6590

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State of Washington                      61st Legislature                      2010 Regular Session

By Senators Kline, Delvin, Brandland, Hargrove, and Roach

Read first time 01/18/10. Referred to Committee on Judiciary.

1            AN ACT Relating to law enforcement officer conduct; and adding new  
2 sections to chapter 43.101 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 43.101 RCW  
5 to read as follows:

6            The legislature finds that the recent decision of the Washington  
7 state supreme court in *Kitsap County Deputy Sheriff's Guild v. Kitsap*  
8 *County*, No. 80720-5 (2009) may limit the ability of employers to  
9 terminate law enforcement officers for acts of dishonesty and  
10 untruthfulness. The supreme court concluded that state law lacks a  
11 statute or other clear expression of public policy that a law  
12 enforcement officer should be honest and truthful. The legislature  
13 intends to amend state law to include an "explicit, well-defined, and  
14 dominant public policy" that law enforcement officers should be honest  
15 and truthful by clarifying that an arbitrator shall not overturn the  
16 decision of an employer to terminate a law enforcement officer for  
17 engaging in an act or acts of dishonesty or untruthfulness unless the  
18 arbitrator finds that the law enforcement officer was not dishonest nor  
19 untruthful.

1        NEW SECTION.   **Sec. 2.**   A new section is added to chapter 43.101 RCW  
2   to read as follows:  
3        In the event that any peace officer certified under the provisions  
4   of this chapter has been found by the appointing authority or the  
5   commission by a preponderance of the evidence to have engaged in an act  
6   or acts of dishonesty or untruthfulness in the discharge of his or her  
7   official duties and has been terminated by his or her employing agency  
8   or the commission based on the finding of dishonesty or untruthfulness,  
9   the arbitrator shall not substitute his or her judgment for the  
10   appointing authority or commission and shall sustain the termination  
11   unless the arbitrator also overturns the finding of dishonesty or  
12   untruthfulness.

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