

HOUSE BILL ANALYSIS

SB 5152

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

Sponsors: Senators Kline and Fairley

Hearing: March 31, 1999

Brief Summary of Bill

· Alters which employees are "public employees" for the purpose of public sector collective bargaining.

BACKGROUND:

The statutes governing public sector collective bargaining cover all public employees except those specifically exempted by statute. Employees who are appointed to office pursuant to statute, ordinance or resolution for a specified term of office are exempt from the requirements and privileges of the collective bargaining statute.

Deputy prosecutors are an example of employees exempt under this category. Deputy prosecutors are currently represented by collective bargaining units certified by the Public Employment Relations Commission (PERC) in six counties in Washington. However, 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.

Deputy auditors and deputy assessors are also employees that may be exempt from collective bargaining as appointed officers.

Deputies, administrative assistants, or secretaries whose duties necessitate a confidential relationship with the head of a bargaining unit, or an elected or appointed official are also exempt. The Supreme Court has limited this group of "confidential employees" to those whose duties concern the official and policy responsibilities of the head of the bargaining unit

or public official.

SUMMARY OF BILL:

Employees appointed to bodies other than boards, commissions, or committees are brought into the definition of public employees.

The Supreme Court's definition of a confidential employee is codified. Confidential employees are not public employees if they use independent judgment in the formation of labor relations policy, preparation for collective bargaining, or the administration of collective bargaining, or assist and act in a confidential capacity to a person performing such tasks.

RULES AUTHORITY: The bill does not contain provisions addressing the rule making powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.