

HOUSE BILL ANALYSIS

ESB 5152

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

Sponsors: Senators Kline and Fairley

Hearing: February 21, 2000

Brief Summary of Bill

- Limits the exclusion of appointed persons from the definition of "public employees" under the local government collective bargaining law to members of boards or commissions and adds an exclusion for court commissioners and magistrates.

BACKGROUND:

Employees of cities, counties, and other political subdivisions of the state, including employees of superior and district courts, bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA). The statute covers all employees of these public employers unless specifically exempt. Exempt employees include those who are appointed to office pursuant to statute, ordinance, or resolution for a specified term of office.

By statute, prosecuting attorneys are authorized to appoint deputy prosecutors. The prosecuting attorney may revoke the appointments of these deputy prosecutors at will. Other local officials, such as county auditors and assessors, have similar authority to appoint deputies.

In 1998 the Washington State Supreme Court held that deputy prosecutors are at-will employees appointed for a specified term of office that coincides with the term of the prosecuting attorney. Therefore, deputy prosecutors are not "public employees" for purposes of the PECBA, and are not subject to the Public Employment Relations Commission's (PERC) jurisdiction. Prior to this decision, the PERC had certified collective bargaining

units of deputy prosecutors in several counties.

SUMMARY OF BILL:

The definition of "public employee" under the PECBA is modified by (1) limiting the exclusion of "appointed persons" to those persons who are appointed as a member of a multimember board, commission, or committee, and (2) adding an exclusion for court commissioners and magistrates of superior and district courts.

A prosecuting attorney's statutory authority to appoint deputy prosecuting attorneys is amended to state that the definition of "public employee" under the PECBA does not permit a prosecuting attorney to alter the at-will employment relationship of his or her appointed deputy prosecutors beyond the prosecuting attorney's term of office. The definition also does not require a prosecuting attorney to alter the at-will relationship of the appointed deputy prosecutors.

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 session in which bill is passed.