
ENGROSSED SENATE BILL 5152

State of Washington

56th Legislature

1999 Regular Session

By Senators Kline, Fairley, Costa, Gardner and Goings

Read first time 01/14/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to clarifying who are appointed personnel for the
2 purpose of public employees' collective bargaining; and amending RCW
3 41.56.030 and 36.27.040.

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

5 **Sec. 1.** RCW 41.56.030 and 1999 c 217 s 2 are each amended to read
6 as follows:

7 As used in this chapter:

8 (1) "Public employer" means any officer, board, commission,
9 council, or other person or body acting on behalf of any public body
10 governed by this chapter, or any subdivision of such public body. For
11 the purposes of this section, the public employer of district court or
12 superior court employees for wage-related matters is the respective
13 county legislative authority, or person or body acting on behalf of the
14 legislative authority, and the public employer for nonwage-related
15 matters is the judge or judge's designee of the respective district
16 court or superior court.

17 (2) "Public employee" means any employee of a public employer
18 except any person (a) elected by popular vote, or (b) appointed to
19 office pursuant to statute, ordinance or resolution for a specified

1 term of office as a member of a multimember board, commission, or
2 committee, whether appointed by the executive head or body of the
3 public employer, or (c) whose duties as deputy, administrative
4 assistant or secretary necessarily imply a confidential relationship to
5 (i) the executive head or body of the applicable bargaining unit, or
6 (ii) any person elected by popular vote, or (iii) any person appointed
7 to office pursuant to statute, ordinance or resolution for a specified
8 term of office as a member of a multimember board, commission, or
9 committee, whether appointed by the executive head or body of the
10 public employer, or (d) who is a court commissioner or a court
11 magistrate of superior court, district court, or a department of a
12 district court organized under chapter 3.46 RCW, or (e) who is a
13 personal assistant to a district court judge, superior court judge, or
14 court commissioner. For the purpose of (~~(d)~~) (e) of this subsection,
15 no more than one assistant for each judge or commissioner may be
16 excluded from a bargaining unit.

17 (3) "Bargaining representative" means any lawful organization which
18 has as one of its primary purposes the representation of employees in
19 their employment relations with employers.

20 (4) "Collective bargaining" means the performance of the mutual
21 obligations of the public employer and the exclusive bargaining
22 representative to meet at reasonable times, to confer and negotiate in
23 good faith, and to execute a written agreement with respect to
24 grievance procedures and collective negotiations on personnel matters,
25 including wages, hours and working conditions, which may be peculiar to
26 an appropriate bargaining unit of such public employer, except that by
27 such obligation neither party shall be compelled to agree to a proposal
28 or be required to make a concession unless otherwise provided in this
29 chapter.

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

31 (6) "Executive director" means the executive director of the
32 commission.

33 (7) "Uniformed personnel" means: (a) Law enforcement officers as
34 defined in RCW 41.26.030 employed by the governing body of any city or
35 town with a population of two thousand five hundred or more and law
36 enforcement officers employed by the governing body of any county with
37 a population of ten thousand or more; (b) correctional employees who
38 are uniformed and nonuniformed, commissioned and noncommissioned
39 security personnel employed in a jail as defined in RCW 70.48.020(5),

1 by a county with a population of seventy thousand or more, and who are
2 trained for and charged with the responsibility of controlling and
3 maintaining custody of inmates in the jail and safeguarding inmates
4 from other inmates; (c) general authority Washington peace officers as
5 defined in RCW 10.93.020 employed by a port district in a county with
6 a population of one million or more; (d) security forces established
7 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW
8 41.26.030; (f) employees of a port district in a county with a
9 population of one million or more whose duties include crash fire
10 rescue or other fire fighting duties; (g) employees of fire departments
11 of public employers who dispatch exclusively either fire or emergency
12 medical services, or both; or (h) employees in the several classes of
13 advanced life support technicians, as defined in RCW 18.71.200, who are
14 employed by a public employer.

15 (8) "Institution of higher education" means the University of
16 Washington, Washington State University, Central Washington University,
17 Eastern Washington University, Western Washington University, The
18 Evergreen State College, and the various state community colleges.

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

21 The prosecuting attorney may appoint one or more deputies who shall
22 have the same power in all respects as their principal. Each
23 appointment shall be in writing, signed by the prosecuting attorney,
24 and filed in the county auditor's office. Each deputy thus appointed
25 shall have the same qualifications required of the prosecuting
26 attorney, except that such deputy need not be a resident of the county
27 in which he serves. The prosecuting attorney may appoint one or more
28 special deputy prosecuting attorneys upon a contract or fee basis whose
29 authority shall be limited to the purposes stated in the writing signed
30 by the prosecuting attorney and filed in the county auditor's office.
31 Such special deputy prosecuting attorney shall be admitted to practice
32 as an attorney before the courts of this state but need not be a
33 resident of the county in which he serves and shall not be under the
34 legal disabilities attendant upon prosecuting attorneys or their
35 deputies except to avoid any conflict of interest with the purpose for
36 which he has been engaged by the prosecuting attorney. The prosecuting
37 attorney shall be responsible for the acts of his deputies and may
38 revoke appointments at will.

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

6 The provisions of chapter 39.34 RCW shall not apply to such
7 agreements.

8 The provisions of RCW 41.56.030(2) shall not be interpreted to
9 permit a prosecuting attorney to alter the at-will relationship
10 established between the prosecuting attorney and his or her appointed
11 deputies by this section for a period of time exceeding his or her term
12 of office. Neither shall the provisions of RCW 41.56.030(2) require a
13 prosecuting attorney to alter the at-will relationship established by
14 this section.

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