

Charter Amendment 3 - Granting the County Sheriff the Authority to Bargain Working Conditions for Employees of the Sheriff's Office While Reserving to the County Executive the Authority to Bargain Compensation and Benefits

MUNICIPAL LEAGUE OF KING COUNTY

TAKES NO POSITION

Charter Amendment No. 3 granting the County Sheriff the authority to bargain working conditions for employees of the Sheriff's office while reserving to the County Executive the authority to bargain compensation and benefits

General Election, November 2, 2010

SUMMARY OF THE MEASURE

In 1996, voters approved a Charter amendment to make the County Sheriff an elective office. In 2006, a Blue Ribbon Panel was convened after newspaper articles described apparent misconduct by a number of officers over many years. Among other matters, the Panel recommended that the Sheriff be granted authority to bargain management rights and working conditions with its labor union. The Panel reasoned that without this authority it is difficult for citizens to hold the Sheriff accountable for the leadership and oversight of the office. Subsequently the County's Charter Review Commission considered the proposed amendment and in a split vote narrowly decided not to forward the recommendation to the Council. In 2010 the County Council voted to place the proposed Charter amendment on the ballot.

ARGUMENTS FOR THE MEASURE

The following arguments were put forth by the proponents of the measure:

- The current structure doesn't work well because the Sheriff has no input in setting the bargaining framework at the outset and expertise in law enforcement matters is not brought to the detailed language of the contract.
- The proposed amendment properly aligns authority and accountability. The Sheriff can't be held accountable for something he/she can't control, for example the behavior of deputies.
- Examples of matters that are subject to bargaining and that the Sheriff needs to control include: how officers are disciplined, how overtime is calculated, rotation of officer assignments and personal use of vehicles.
- Examples of management rights the Sheriff needs to be able to exercise include: the ability to interpret contract language, to set discipline policies, and to select arbitrators and arbitration timelines.
- Other comparable positions (such as the King County Prosecutor's office and other Sheriff's offices around the state) have the ability to bargain working conditions.
- Under this amendment change the County Executive would retain the authority to negotiate compensation and benefits.
- A Blue Ribbon Panel formed to oversee discipline in the Sheriff's office and former County Executives Gary Locke and Randy Revelle endorse this proposal.
- King County citizens voted to make the Sheriff an elected position. In order for the Sheriff to effectively serve in this position, he/she needs the ability to negotiate working conditions in labor relations contracts with employees under the Sheriff's authority.

ARGUMENTS AGAINST THE MEASURE

The following arguments were put forth by the opponents of the measure:

- The proposed amendment undermines the established form of King County government in which there is a strong unitary Executive balanced by a legislative body that oversees management and sets policy.
- The proposal is unworkable in the context of labor negotiations – splitting responsibilities between the Executive and Sheriff may lead to conflicts that are extremely difficult to resolve including multiple proceedings subject to oversight by the State Public Employment Relations Commission. Furthermore, bargaining working conditions has financial consequences. Implying these subjects of bargaining can be separated into different processes is misleading.
- The Charter Review Commission opposed this amendment because the creation of separately elected county officials with their own powers is inconsistent with the Charter.
- Opponents of this measure include King County Charter Review Committee co-chairs, Mike Lowry, Former Governor and Lois North, former Freeholder.
- This is like returning to the old commissioner form of county government which does still exist in many much more rural counties with true separately elected public officials. King County government is far more complex and needs real professional managers.
- This Charter amendment was placed on the ballot without adequate public notice or review.
- The problem this amendment is trying to fix is that in the recent past the Executive and the Sheriff did not see eye to eye on many policies. While the Sheriff must have input into and be integrated with the collective bargaining relating to that Department's personnel, it is impossible to legislate playing nicely together.
- There are ways other than a Charter amendment to address this issue. For example a letter or other documented understanding between the Executive and Sheriff delegating certain authority and input to the Sheriff would serve the purpose.
- Bifurcating the process of collective bargaining between wages and working conditions does not solve the problem. Working conditions are not without cost.

RECOMMENDATIONS AND RATIONALE

The Municipal League of King County takes no position on this amendment.

The Municipal League opposed the creation of a separately elected Sheriff in 1996, the voters disagreed and we now have this position. The question before voters is how to ensure the effectiveness and accountability of this position. We recognize the Sheriff's need to have authority to control the conditions for which she will be held accountable. However, we are also concerned that bifurcating authority may not be a workable solution.

We offer our summary of pros and cons and urge voters to educate themselves on both sides of this proposed amendment.