
HOUSE BILL 1035

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Morris, McLean, Basich, Vance and May; by request of Governor Gardner.

Read first time January 16, 1991. Referred to Committee on State Government.

1 AN ACT Relating to improvement of the state's human resource
2 systems; amending RCW 41.06.030, 41.06.070, 41.06.080, 41.06.120,
3 41.06.130, 41.06.140, 41.06.150, 41.06.160, 41.06.163, 41.06.167,
4 41.06.169, 41.06.170, 41.06.280, 41.06.350, 41.06.400, 41.06.420,
5 41.06.430, 41.64.090, 43.03.028, 28B.16.090, 28B.16.100, and
6 28B.16.110; reenacting and amending RCW 41.06.020 and 28B.16.020;
7 adding new sections to chapter 41.06 RCW; adding new sections to
8 chapter 28B.16 RCW; decodifying RCW 41.06.230, 41.06.240, and
9 41.06.310; and providing an effective date.

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

11 **Sec. 1.** RCW 41.06.020 and 1985 c 461 s 1 and 1985 c 365 s 3 are
12 each reenacted and amended to read as follows:

13 Unless the context clearly indicates otherwise, the words used in
14 this chapter have the meaning given in this section.

1 (1) "Agency" means an office, department, board, commission, or
2 other separate unit or division, however designated, of the state
3 government and all personnel thereof; it includes any unit of state
4 government established by law, the executive officer or members of
5 which are either elected or appointed, upon which the statutes confer
6 powers and impose duties in connection with operations of either a
7 governmental or proprietary nature.

8 (2) "Board" means the state personnel board established under the
9 provisions of RCW 41.06.110, except that this definition does not apply
10 to the words "board" or "boards" when used in RCW 41.06.070.

11 (3) "Classified service" means all positions in the state service
12 subject to the provisions of this chapter.

13 (4) "Competitive service" means all positions in the classified
14 service for which a competitive examination is required as a condition
15 precedent to appointment.

16 (5) "Comparable worth" means the provision of similar salaries for
17 positions that require or impose similar responsibilities, judgments,
18 knowledge, skills, and working conditions.

19 (6) "Noncompetitive service" means all positions in the classified
20 service for which a competitive examination is not required.

21 (7) "Department" means ~~((an agency of government that has as its
22 governing officer a person, or combination of persons such as a
23 commission, board, or council, by law empowered to operate the agency
24 responsible either to (a) no other public officer or (b) the governor))~~
25 the department of personnel and human resources.

26 (8) "Career development" means the progressive development of
27 employee capabilities to facilitate productivity, job satisfaction, and
28 upward mobility through work assignments as well as education and
29 training that are both state-sponsored and are achieved by individual

1 employee efforts, all of which shall be consistent with the needs and
2 obligations of the state and its agencies.

3 (9) "Training" means activities designed to develop job-related
4 knowledge and skills of employees.

5 (10) "Director" means the director of personnel and human resources
6 appointed under the provisions of RCW 41.06.130.

7 (11) "Affirmative action" means a procedure by which racial
8 minorities, women, persons in the protected age category, persons with
9 disabilities, Vietnam-era veterans, and disabled veterans are provided
10 with increased employment opportunities. It shall not mean any sort of
11 quota system.

12 (12) "Manager" or "management" means an employee who: (a) Directs
13 and controls program operations and is accountable for allocation of
14 resources and program results; or (b) is primarily responsible for
15 participating in selecting and training staff, planning and assigning
16 work, evaluating performance, and taking corrective action, and who
17 exercises individual judgment in the management or supervision of other
18 employees that is not of a routine nature; or (c) has substantial
19 responsibility for the formulation of basic agency or executive policy;
20 or (d) has substantial responsibility in an agency for carrying out
21 functions relating to personnel or labor relations, legislative
22 relations, or public information.

23 **Sec. 2.** RCW 41.06.030 and 1961 c 1 s 3 are each amended to read as
24 follows:

25 A department of personnel and human resources, governed by a state
26 personnel board and administered by a director of personnel and human
27 resources, is hereby established as a separate agency within the state
28 government.

1 **Sec. 3.** RCW 41.06.070 and 1990 c 60 s 101 are each amended to read
2 as follows:

3 The provisions of this chapter do not apply to:

4 (1) The members of the legislature or to any employee of, or
5 position in, the legislative branch of the state government including
6 members, officers, and employees of the legislative council,
7 legislative budget committee, statute law committee, and any interim
8 committee of the legislature;

9 (2) The justices of the supreme court, judges of the court of
10 appeals, judges of the superior courts or of the inferior courts, or to
11 any employee of, or position in the judicial branch of state
12 government;

13 (3) Officers, academic personnel, and employees of state
14 institutions of higher education, the state board for community college
15 education, and the higher education personnel board;

16 (4) The officers of the Washington state patrol;

17 (5) Elective officers of the state;

18 (6) The chief executive officer of each agency;

19 (7) In the departments of employment security, fisheries, social
20 and health services, the director and his confidential secretary; in
21 all other departments, the executive head of which is an individual
22 appointed by the governor, the director, his confidential secretary,
23 and his statutory assistant directors;

24 (8) In the case of a multimember board, commission, or committee,
25 whether the members thereof are elected, appointed by the governor or
26 other authority, serve ex officio, or are otherwise chosen:

27 (a) All members of such boards, commissions, or committees;

28 (b) If the members of the board, commission, or committee serve on
29 a part-time basis and there is a statutory executive officer: (i) The
30 secretary of the board, commission, or committee; (ii) the chief

1 executive officer of the board, commission, or committee; and (iii) the
2 confidential secretary of the chief executive officer of the board,
3 commission, or committee;

4 (c) If the members of the board, commission, or committee serve on
5 a full-time basis: (i) The chief executive officer or administrative
6 officer as designated by the board, commission, or committee; and (ii)
7 a confidential secretary to the chairman of the board, commission, or
8 committee;

9 (d) If all members of the board, commission, or committee serve ex
10 officio: (i) The chief executive officer; and (ii) the confidential
11 secretary of such chief executive officer;

12 (9) The confidential secretaries and administrative assistants in
13 the immediate offices of the elective officers of the state;

14 (10) Assistant attorneys general;

15 (11) Commissioned and enlisted personnel in the military service of
16 the state;

17 (12) Inmate, student, part-time, or temporary employees, and part-
18 time professional consultants, as defined by the state personnel board
19 or the board having jurisdiction;

20 (13) The public printer or to any employees of or positions in the
21 state printing plant;

22 (14) Officers and employees of the Washington state fruit
23 commission;

24 (15) Officers and employees of the Washington state apple
25 advertising commission;

26 (16) Officers and employees of the Washington state dairy products
27 commission;

28 (17) Officers and employees of the Washington tree fruit research
29 commission;

1 (18) Officers and employees of the Washington state beef
2 commission;

3 (19) Officers and employees of any commission formed under the
4 provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

5 (20) Officers and employees of the state wheat commission formed
6 under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

7 (21) Officers and employees of agricultural commissions formed
8 under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

9 (22) Officers and employees of the nonprofit corporation formed
10 under chapter 67.40 RCW;

11 (23) Liquor vendors appointed by the Washington state liquor
12 control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules
13 and regulations adopted by the state personnel board pursuant to RCW
14 41.06.150 regarding the basis for, and procedures to be followed for,
15 the dismissal, suspension, or demotion of an employee, and appeals
16 therefrom shall be fully applicable to liquor vendors except those part
17 time agency vendors employed by the liquor control board when, in
18 addition to the sale of liquor for the state, they sell goods, wares,
19 merchandise, or services as a self-sustaining private retail business;

20 (24) Executive assistants for personnel administration and labor
21 relations in all state agencies employing such executive assistants
22 including but not limited to all departments, offices, commissions,
23 committees, boards, or other bodies subject to the provisions of this
24 chapter and this subsection shall prevail over any provision of law
25 inconsistent herewith unless specific exception is made in such law;

26 (25) In each agency with fifty or more employees: Deputy agency
27 heads, assistant directors or division directors, and not more than
28 three principal policy assistants who report directly to the agency
29 head or deputy agency heads;

30 (26) All employees of the marine employees' commission;

1 (27) Up to a total of five senior staff positions of the western
2 library network under chapter 27.26 RCW responsible for formulating
3 policy or for directing program management of a major administrative
4 unit. This subsection shall expire on June 30, 1997;

5 (28) In addition to the exemptions specifically provided by this
6 chapter, the state personnel board may provide for further exemptions
7 pursuant to the following procedures. The governor or other
8 appropriate elected official may submit requests for exemption to the
9 personnel board stating the reasons for requesting such exemptions.
10 The personnel board shall hold a public hearing, after proper notice,
11 on requests submitted pursuant to this subsection. If the board
12 determines that the position for which exemption is requested is one
13 involving substantial responsibility for the formulation of basic
14 agency or executive policy or one involving directing and controlling
15 program operations of an agency or a major administrative division
16 thereof, the personnel board shall grant the request and such
17 determination shall be final. The total number of additional exemptions
18 permitted under this subsection shall not exceed one hundred eighty-
19 seven for those agencies not directly under the authority of any
20 elected public official other than the governor, and shall not exceed
21 a total of twenty-five for all agencies under the authority of elected
22 public officials other than the governor. The state personnel board
23 shall report to each regular session of the legislature during an odd-
24 numbered year all exemptions granted under subsections (24), (25), and
25 (28) of this section, together with the reasons for such exemptions.

26 The salary and fringe benefits of all positions presently or
27 hereafter exempted except for the chief executive officer of each
28 agency, full-time members of boards and commissions, administrative
29 assistants and confidential secretaries in the immediate office of an
30 elected state official, and the personnel listed in subsections (10)

1 through (22) of this section, shall be determined by the ((state
2 ~~personnel board~~) director).

3 Any person holding a classified position subject to the provisions
4 of this chapter shall, when and if such position is subsequently
5 exempted from the application of this chapter, be afforded the
6 following rights: If such person previously held permanent status in
7 another classified position, such person shall have a right of
8 reversion to the highest class of position previously held, or to a
9 position of similar nature and salary.

10 Any classified employee having civil service status in a classified
11 position who accepts an appointment in an exempt position shall have
12 the right of reversion to the highest class of position previously
13 held, or to a position of similar nature and salary.

14 A person occupying an exempt position who is terminated from the
15 position for gross misconduct or malfeasance does not have the right of
16 reversion to a classified position as provided for in this section.

17 **Sec. 4.** RCW 41.06.080 and 1970 ex.s. c 12 s 2 are each amended to
18 read as follows:

19 Notwithstanding the provisions of this chapter, the department ((of
20 ~~personnel~~)) may make its services available on request, on a
21 reimbursable basis, to:

22 (1) Either the legislative or the judicial branch of the state
23 government;

24 (2) Any county, city, town, or other municipal subdivision of the
25 state;

26 (3) The institutions of higher learning;

27 (4) Any agency, class, or position set forth in RCW 41.06.070.

1 **Sec. 5.** RCW 41.06.120 and 1981 c 311 s 17 are each amended to read
2 as follows:

3 (1) In the necessary conduct of its work, the board shall meet
4 monthly unless there is no pending business requiring board action and
5 may hold hearings, such hearings to be called by (a) the chairman of
6 the board, or (b) a majority of the members of the board. An official
7 notice of the calling of the hearing shall be filed with the secretary,
8 and all members shall be notified of the hearing within a reasonable
9 period of time prior to its convening.

10 (2) No release of material or statement of findings shall be made
11 except with the approval of a majority of the board;

12 (3) In the conduct of hearings or investigations, a member of the
13 board ~~((or))~~, the director ~~((of personnel))~~, or the hearing officer,
14 may administer oaths.

15 **Sec. 6.** RCW 41.06.130 and 1982 1st ex.s. c 53 s 3 are each amended
16 to read as follows:

17 The office of director of personnel and human resources is hereby
18 established.

19 ~~((Within ninety days after December 8, 1960, a director of
20 personnel shall be appointed. The merit system director then serving
21 under RCW 50.12.030, whose position is terminated by this chapter, may
22 serve as director of personnel hereunder until a permanent director of
23 personnel is appointed as herein provided, and may be appointed as
24 director of personnel by the governor alone; or the governor may fill
25 the position in the manner hereinafter provided for subsequent
26 vacancies therein on the basis of competitive examination, in
27 conformance with board rules for competitive examinations, for which
28 examinations the merit system director is eligible.~~

1 ~~(2))~~ The director of personnel shall be appointed by the governor
2 from a list of three names submitted to him by the board with its
3 recommendations. The names on such list shall be those of the three
4 standing highest upon competitive examination conducted by a committee
5 of three persons appointed by the board solely for that purpose
6 whenever the position is vacant. Only persons with substantial
7 experience in the field of personnel management are eligible to take
8 such examination.

9 ~~((3))~~ (2) The director of personnel is removable for cause by the
10 governor with the approval of a majority of the board or by a majority
11 of the board.

12 ~~((4))~~ (3) The requirements of subsections (1) and (2) of this
13 section for the appointment and removal of the director apply only to
14 appointments made before July 1, 1992.

15 (4) For any appointment to the position of director made after
16 June 30, 1992, the following requirements apply:

17 (a) The governor shall appoint the director with the approval of a
18 majority of the board and with the consent of the senate. The director
19 shall have substantial experience in the field of personnel management;

20 (b) The director is removable by the governor with the approval of
21 a majority of the board.

22 (5) The director ~~((of personnel))~~ shall direct and supervise all
23 the ~~((department of personnel's))~~ department's administrative and
24 technical activities in accordance with ~~((the provisions of))~~ this
25 chapter and the rules ~~((and regulations approved and promulgated~~
26 ~~thereunder.—He))~~ adopted under it. The director shall prepare for
27 consideration by the board proposed rules ~~((and regulations))~~
28 ~~((by))~~ to be adopted by the board under this chapter. ~~((His salary~~
29 ~~shall be fixed by the board))~~ The director shall be paid a salary to be
30 fixed by the governor in accordance with RCW 43.03.040. The director

1 shall adopt rules pursuant to chapter 34.05 RCW that are required to be
2 adopted by the director under this chapter.

3 ~~((5))~~ (6) The director ~~((of personnel))~~ may delegate to any
4 agency the authority to perform administrative and technical personnel
5 activities if the agency requests such authority and the director ~~((of~~
6 ~~personnel))~~ is satisfied that the agency has the personnel management
7 capabilities to effectively perform the delegated activities. The
8 director ~~((of personnel))~~ shall prescribe standards and guidelines for
9 the performance of delegated activities. If the director ~~((of~~
10 ~~personnel))~~ determines that an agency is not performing delegated
11 activities within the prescribed standards and guidelines, the director
12 shall withdraw the authority from the agency to perform such
13 activities.

14 (7) After consultation with state agencies and employee
15 organizations, the board, notwithstanding any other provisions of this
16 chapter, shall by rule establish procedures that permit the director to
17 approve all uncontested personnel actions except for adoption of rules
18 and comprehensive and trend salary survey results.

19 **Sec. 7.** RCW 41.06.140 and 1961 c 1 s 14 are each amended to read
20 as follows:

21 ~~((It shall be the duty of))~~ The board ~~((to))~~ shall make rules ~~((and~~
22 ~~regulations))~~ providing for employee participation in the development
23 and administration of personnel policies required to be adopted by the
24 board. To assure this right, personnel policies, rules, classification
25 and pay plans, and amendments thereto except as provided in RCW
26 41.06.130(7), shall be acted on only after the board has given twenty
27 days notice to, and considered proposals from, employee representatives
28 and agencies affected. Complete and current compilations of all rules
29 ~~((and regulations))~~ of the board in printed, mimeographed, or

1 multigraphed form shall be available to the public in the office of the
2 director (~~(of personnel)~~) free of charge.

3 **Sec. 8.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to read
4 as follows:

5 The board shall adopt rules, consistent with the purposes and
6 provisions of this chapter, (~~(as now or hereafter amended,)~~) and with
7 the best standards of personnel administration, regarding the basis and
8 procedures to be followed for:

9 (1) The reduction, dismissal, suspension, or demotion of an
10 employee;

11 (2) Certification of names for vacancies, including departmental
12 promotions, with the number of names equal to four more names than
13 there are vacancies to be filled, such names representing applicants
14 rated highest on eligibility lists: PROVIDED, That when other
15 applicants have scores equal to the lowest score among the names
16 certified, their names shall also be certified;

17 (3) Examinations for all positions in the competitive and
18 noncompetitive service;

19 (4) Appointments;

20 (5) Training and career development;

21 (6) Probationary periods of six to twelve months and rejections
22 therein, depending on the job requirements of the class, except that
23 entry level state park rangers shall serve a probationary period of
24 twelve months;

25 (7) Transfers;

26 (8) Sick leaves and vacations;

27 (9) Hours of work;

28 (10) Layoffs when necessary and subsequent reemployment, both
29 according to seniority. However, for reemployment, if the position to

1 be filled is one that has been approved in advance by the director as
2 requiring specialized qualifications, the most senior person on the
3 layoff list who has the specialized qualifications shall be certified.
4 If no person on the layoff list has the specialized qualifications,
5 certification shall be in accordance with subsection (2) of this
6 section;

7 (11) Determination of appropriate bargaining units within any
8 agency: PROVIDED, That in making such determination the board shall
9 consider the duties, skills, and working conditions of the employees,
10 the history of collective bargaining by the employees and their
11 bargaining representatives, the extent of organization among the
12 employees, and the desires of the employees;

13 (12) Certification and decertification of exclusive bargaining
14 representatives: PROVIDED, That after certification of an exclusive
15 bargaining representative and upon the representative's request, the
16 director shall hold an election among employees in a bargaining unit to
17 determine by a majority whether to require as a condition of employment
18 membership in the certified exclusive bargaining representative on or
19 after the thirtieth day following the beginning of employment or the
20 date of such election, whichever is the later, and the failure of an
21 employee to comply with such a condition of employment constitutes
22 cause for dismissal: PROVIDED FURTHER, That no more often than once in
23 each twelve-month period after expiration of twelve months following
24 the date of the original election in a bargaining unit and upon
25 petition of thirty percent of the members of a bargaining unit the
26 director shall hold an election to determine whether a majority wish to
27 rescind such condition of employment: PROVIDED FURTHER, That for
28 purposes of this clause, membership in the certified exclusive
29 bargaining representative is satisfied by the payment of monthly or
30 other periodic dues and does not require payment of initiation,

1 reinstatement, or any other fees or fines and includes full and
2 complete membership rights: AND PROVIDED FURTHER, That in order to
3 safeguard the right of nonassociation of public employees, based on
4 bona fide religious tenets or teachings of a church or religious body
5 of which such public employee is a member, such public employee shall
6 pay to the union, for purposes within the program of the union as
7 designated by such employee that would be in harmony with his or her
8 individual conscience, an amount of money equivalent to regular union
9 dues minus any included monthly premiums for union-sponsored insurance
10 programs, and such employee shall not be a member of the union but is
11 entitled to all the representation rights of a union member;

12 (13) Agreements between agencies and certified exclusive bargaining
13 representatives providing for grievance procedures and collective
14 negotiations on all personnel matters over which the appointing
15 authority of the appropriate bargaining unit of such agency may
16 lawfully exercise discretion;

17 (14) Written agreements may contain provisions for payroll
18 deductions of employee organization dues upon authorization by the
19 employee member and for the cancellation of such payroll deduction by
20 the filing of a proper prior notice by the employee with the appointing
21 authority and the employee organization: PROVIDED, That nothing
22 contained herein permits or grants to any employee the right to strike
23 or refuse to perform his or her official duties;

24 (15) Adoption and revision of a comprehensive classification plan
25 for all positions in the classified service, based on investigation and
26 analysis of the duties and responsibilities of each such position;

27 (16) Allocation and reallocation of positions within the
28 classification plan;

29 (17) Adoption and revision of a state salary schedule to reflect
30 the prevailing rates in Washington state private industries and other

1 governmental units but the rates in the salary schedules or plans shall
2 be increased if necessary to attain comparable worth under an
3 implementation plan under RCW 41.06.155, such adoption and revision
4 subject to approval by the director of financial management in
5 accordance with the provisions of chapter 43.88 RCW;

6 (18) Increment increases within the series of steps for each pay
7 grade based on length of service for all employees whose standards of
8 performance are such as to permit them to retain job status in the
9 classified service;

10 (19) Providing for veteran's preference as required by existing
11 statutes, with recognition of preference in regard to layoffs and
12 subsequent reemployment for veterans and their widows by giving such
13 eligible veterans and their widows additional credit in computing their
14 seniority by adding to their unbroken state service, as defined by the
15 board, the veteran's service in the military not to exceed five years.
16 For the purposes of this section, "veteran" means any person who has
17 one or more years of active military service in any branch of the armed
18 forces of the United States or who has less than one year's service and
19 is discharged with a disability incurred in the line of duty or is
20 discharged at the convenience of the government and who, upon
21 termination of such service has received an honorable discharge, a
22 discharge for physical reasons with an honorable record, or a release
23 from active military service with evidence of service other than that
24 for which an undesirable, bad conduct, or dishonorable discharge shall
25 be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to
26 the benefits of this section regardless of the veteran's length of
27 active military service: PROVIDED FURTHER, That for the purposes of
28 this section "veteran" does not include any person who has voluntarily
29 retired with twenty or more years of active military service and whose
30 military retirement pay is in excess of five hundred dollars per month;

1 (20) Permitting agency heads to delegate the authority to appoint,
2 reduce, dismiss, suspend, or demote employees within their agencies if
3 such agency heads do not have specific statutory authority to so
4 delegate: PROVIDED, That the board may not authorize such delegation
5 to any position lower than the head of a major subdivision of the
6 agency;

7 (21) Assuring persons who are or have been employed in classified
8 positions under chapter 28B.16 RCW will be eligible for employment,
9 reemployment, transfer, and promotion in respect to classified
10 positions covered by this chapter;

11 (22) Affirmative action in appointment, promotion, transfer,
12 recruitment, training, and career development; development and
13 implementation of affirmative action goals and timetables; and
14 monitoring of progress against those goals and timetables.

15 The board shall consult with the human rights commission in the
16 development of rules pertaining to affirmative action. The department
17 of personnel shall transmit a report annually to the human rights
18 commission which states the progress each state agency has made in
19 meeting affirmative action goals and timetables.

20 **Sec. 9.** RCW 41.06.160 and 1985 c 94 s 2 are each amended to read
21 as follows:

22 In preparing classification and salary schedules as set forth in
23 RCW 41.06.150 (~~((as now or hereafter amended))~~) and section 19 of this
24 act the department (~~((of personnel))~~) shall give full consideration to
25 prevailing rates in other public employment and in private employment
26 in this state. For this purpose the department shall undertake
27 comprehensive salary and fringe benefit surveys to be planned and
28 conducted on a joint basis with the higher education personnel board,
29 with such surveys to be conducted in the year prior to the convening of

1 every other one hundred five day regular session of the state
2 legislature. In the year prior to the convening of each one hundred
3 five day regular session during which a comprehensive salary and fringe
4 benefit survey is not conducted, the department shall plan and conduct
5 on a joint basis with the higher education personnel board a trend
6 salary and fringe benefit survey. This survey shall measure average
7 salary and fringe benefit movement for broad occupational groups which
8 has occurred since the last comprehensive salary and fringe benefit
9 survey was conducted. The results of each comprehensive and trend
10 salary and fringe benefit survey shall be completed and forwarded by
11 September 30 with a recommended state salary schedule to the governor
12 and director of financial management for their use in preparing budgets
13 to be submitted to the succeeding legislature. A copy of the data and
14 supporting documentation shall be furnished by the department of
15 personnel to the standing committees for appropriations of the senate
16 and house of representatives.

17 In the case of comprehensive salary and fringe benefit surveys, the
18 department shall furnish the following supplementary data in support of
19 its recommended salary schedule:

20 (1) A total dollar figure which reflects the recommended increase
21 or decrease in state salaries as a direct result of the specific salary
22 and fringe benefit survey that has been conducted and which is
23 categorized to indicate what portion of the increase or decrease is
24 represented by salary survey data and what portion is represented by
25 fringe benefit survey data;

26 (2) An additional total dollar figure which reflects the impact of
27 recommended increases or decreases to state salaries based on other
28 factors rather than directly on prevailing rate data obtained through
29 the survey process and which is categorized to indicate the sources of

1 the requests for deviation from prevailing rates and the reasons for
2 the changes;

3 (3) A list of class codes and titles indicating recommended monthly
4 salary ranges for all state classes under the control of the department
5 of personnel with:

6 (a) Those salary ranges which do not substantially conform to the
7 prevailing rates developed from the salary and fringe benefit survey
8 distinctly marked and an explanation of the reason for the deviation
9 included; and

10 (b) Those ((~~department of personnel~~)) classes which are
11 substantially the same as classes being used by the higher education
12 personnel board clearly marked to show the commonality of the classes
13 between the two jurisdictions;

14 (4) A supplemental salary schedule which indicates the additional
15 salary to be paid state employees for hazardous duties or other
16 considerations requiring extra compensation under specific
17 circumstances. Additional compensation for these circumstances shall
18 not be included in the basic salary schedule but shall be maintained as
19 a separate pay schedule for purposes of full disclosure and visibility;
20 and

21 (5) A supplemental salary schedule which indicates those cases
22 where the board determines that prevailing rates do not provide similar
23 salaries for positions that require or impose similar responsibilities,
24 judgment, knowledge, skills, and working conditions. This
25 supplementary salary schedule shall contain proposed salary adjustments
26 necessary to eliminate any such dissimilarities in compensation.
27 Additional compensation needed to eliminate such salary dissimilarities
28 shall not be included in the basic salary schedule but shall be
29 maintained as a separate salary schedule for purposes of full
30 disclosure and visibility.

1 It is the intention of the legislature that requests for funds to
2 support recommendations for salary deviations from the prevailing rate
3 survey data shall be kept to a minimum, and that the requests be fully
4 documented when forwarded by the department (~~of personnel~~). Further,
5 it is the intention of the legislature that the department (~~of~~
6 ~~personnel~~) and the higher education personnel board jointly determine
7 job classes which are substantially common to both jurisdictions and
8 that basic salaries for these job classes shall be equal based on
9 salary and fringe benefit survey findings.

10 Salary and fringe benefit survey information collected from private
11 employers which identifies a specific employer with the salary and
12 fringe benefit rates which that employer pays to its employees shall
13 not be subject to public disclosure under chapter 42.17 RCW.

14 The first comprehensive salary and fringe benefit survey required
15 by this section shall be completed and forwarded to the governor and
16 the director of financial management by September 30, 1986. The first
17 trend salary and fringe benefit survey required by this section shall
18 be completed and forwarded to the governor and the director of
19 financial management by September 30, 1988.

20 **Sec. 10.** RCW 41.06.163 and 1987 c 185 s 9 are each amended to read
21 as follows:

22 (1) In the conduct of salary and fringe benefit surveys under RCW
23 41.06.160 as now or hereafter amended, it is the intention of the
24 legislature that the surveys be undertaken in a manner consistent with
25 statistically accurate sampling techniques. For this purpose, a
26 comprehensive salary and fringe benefit survey plan shall be submitted
27 to the director of financial management, employee organizations, and
28 the standing committees for appropriations of the senate and house of
29 representatives six months before the beginning of each periodic survey

1 required before regular legislative sessions. This comprehensive plan
2 shall include but not be limited to the following:

3 (a) A complete explanation of the technical, statistical process to
4 be used in the salary and fringe benefit survey including the
5 percentage of accuracy expected from the planned statistical sample
6 chosen for the survey and a definition of the term "prevailing rates"
7 which is to be used in the planned survey;

8 (b) A comprehensive salary and fringe benefit survey model based on
9 scientific statistical principles which:

10 (i) Encompasses the interrelationships among the various elements
11 of the survey sample including sources of salary and fringe benefit
12 data by organization type, size, and regional location;

13 (ii) Is representative of private and public employment in this
14 state;

15 (iii) Ensures that, wherever practical, data from smaller, private
16 firms are included and proportionally weighted in the survey sample;
17 and

18 (iv) Indicates the methodology to be used in application of survey
19 data to job classes used by state government;

20 (c) A prediction of the increase or decrease in total funding
21 requirements expected to result from the pending salary and fringe
22 benefit survey based on consumer price index information and other
23 available trend data pertaining to Washington state salaries and fringe
24 benefits.

25 (2) Every comprehensive survey plan shall fully consider fringe
26 benefits as an element of compensation in addition to basic salary
27 data. The plans prepared under this section shall be developed jointly
28 by the department ((of personnel)) in conjunction with the higher
29 education personnel board established under chapter 28B.16 RCW. All
30 comprehensive salary and fringe benefit survey plans shall be submitted

1 on a joint signature basis by the department (~~of personnel~~) and the
2 higher education personnel board.

3 (3) Interim or special surveys conducted under RCW 41.06.160 as now
4 or hereafter amended shall conform when possible to the statistical
5 techniques and principles developed for regular periodic surveys under
6 this section.

7 (4) The term "fringe benefits" as used in this section and in
8 conjunction with salary surveys shall include but not be limited to
9 compensation for:

10 (a) Leave time, including vacation, holiday, civil, and personal
11 leave;

12 (b) Employer retirement contributions;

13 (c) Health and insurance payments, including life, accident, and
14 health insurance, workers' compensation, and sick leave; and

15 (d) Stock options, bonuses, and purchase discounts where
16 appropriate.

17 **Sec. 11.** RCW 41.06.167 and 1986 c 158 s 7 are each amended to read
18 as follows:

19 The department (~~of personnel~~) shall undertake comprehensive
20 salary and fringe benefit surveys for officers of the Washington state
21 patrol, with such surveys to be conducted in the year prior to the
22 convening of every other one hundred five day regular session of the
23 state legislature. In the year prior to the convening of each one
24 hundred five day regular session during which a comprehensive salary
25 and fringe benefit survey is not conducted, the department shall
26 conduct a trend salary and fringe benefit survey. This survey shall
27 measure average salary and fringe benefit movement which has occurred
28 since the last comprehensive salary and fringe benefit survey was
29 conducted. The results of each comprehensive and trend survey shall be

1 completed and forwarded by September 30, after review and concurrence
2 by the chief of the Washington state patrol, to the governor and
3 director of financial management for their use in preparing budgets to
4 be submitted to the succeeding legislature. A copy of the data and
5 supporting documentation shall be furnished by the department of
6 personnel to the standing committees for appropriations of the senate
7 and house of representatives. The office of financial management shall
8 analyze the survey results and conduct investigations which may be
9 necessary to arbitrate differences between interested parties regarding
10 the accuracy of collected survey data and the use of such data for
11 salary adjustment.

12 Surveys conducted by the department (~~of personnel~~) for the
13 Washington state patrol shall be undertaken in a manner consistent with
14 statistically accurate sampling techniques, including comparisons of
15 weighted averages of salaries. This service performed by the
16 department (~~of personnel~~) shall be on a reimbursable basis in
17 accordance with the provisions of RCW 41.06.080 (~~as now existing or~~
18 ~~hereafter amended~~)).

19 A comprehensive salary and fringe benefits survey plan shall be
20 submitted jointly by the department (~~of personnel~~) and the Washington
21 state patrol to the director of financial management, the committee on
22 ways and means of the senate, and the committee on appropriations of
23 the house of representatives six months before the beginning of each
24 periodic survey.

25 The first comprehensive salary and fringe benefit survey required
26 by this section shall be completed and forwarded to the governor and
27 the director of financial management by September 30, 1986. The first
28 trend salary and fringe benefit survey required by this section shall
29 be completed and forwarded to the governor and the director of
30 financial management by September 30, 1988.

1 **Sec. 12.** RCW 41.06.169 and 1985 c 461 s 3 are each amended to read
2 as follows:

3 After consultation with state agency heads, employee organizations,
4 and other interested parties, the (~~(state personnel)~~) director shall
5 develop standardized employee performance evaluation procedures and
6 forms which shall be used by state agencies for the appraisal of
7 employee job performance at least annually. These procedures shall
8 include means whereby individual agencies may supplement the
9 standardized evaluation process with special performance factors
10 peculiar to specific organizational needs. Performance evaluation
11 procedures shall place primary emphasis on recording how well the
12 employee has contributed to efficiency, effectiveness, and economy in
13 fulfilling state agency and job objectives.

14 **Sec. 13.** RCW 41.06.170 and 1981 c 311 s 19 are each amended to
15 read as follows:

16 (1) The board, in the (~~(promulgation)~~) adoption of rules (~~(and~~
17 ~~regulations)~~) governing suspensions for cause, shall not authorize an
18 appointing authority to suspend an employee for more than fifteen
19 calendar days as a single penalty or more than thirty calendar days in
20 any one calendar year as an accumulation of several penalties. The
21 board shall require that the appointing authority give written notice
22 to the employee not later than one day after the suspension takes
23 effect, stating the reasons for and the duration thereof. The authority
24 shall file a copy of the notice with the director of personnel.

25 (2) Any employee who is reduced, dismissed, suspended, or demoted,
26 after completing his probationary period of service as provided by the
27 rules (~~(and regulations)~~) of the board or the director, or any employee
28 who is adversely affected by a violation of the state civil service
29 law, chapter 41.06 RCW, (~~(as now or hereafter amended,)~~) or rules

1 ((promulgated)) adopted pursuant thereto, shall have the right to
2 appeal to the personnel appeals board created by RCW 41.64.010 not
3 later than thirty days after the effective date of such action. The
4 employee shall be furnished with specified charges in writing when a
5 reduction, dismissal, suspension, or demotion action is taken. Such
6 appeal shall be in writing.

7 (3) An employee incumbent in a position at the time of its
8 allocation or reallocation, or the agency utilizing the position, may
9 appeal the allocation or reallocation to the personnel appeals board
10 created by RCW 41.64.010. Notice of such appeal must be filed in
11 writing within thirty days of the action from which appeal is taken.

12 **Sec. 14.** RCW 41.06.280 and 1987 c 248 s 4 are each amended to read
13 as follows:

14 There is hereby created a fund within the state treasury,
15 designated as the "Department of Personnel and Human Resources Service
16 Fund," referred to in this section as "the fund," to be used by the
17 ((board)) director as a revolving fund for the payment of salaries,
18 wages, and operations required for the administration of the provisions
19 of this chapter, applicable provisions of chapter 41.04 RCW, and
20 chapter 41.60 RCW. An amount not to exceed one percent of the approved
21 allotments of salaries and wages for all positions in the classified
22 service in each of the agencies subject to this chapter, except the
23 institutions of higher learning, shall be charged to the operations
24 appropriations of each agency and credited to the ((department of
25 personnel service)) fund as the allotments are approved pursuant to
26 chapter 43.88 RCW. Subject to the above limitations, the amount shall
27 be charged against the allotments pro rata, at a rate to be fixed by
28 the director from time to time which, together with income derived from

1 services rendered under RCW 41.06.080, will provide the department with
2 funds to meet its anticipated expenditures during the allotment period.

3 The director (~~((of personnel))~~) shall fix the terms and charges for
4 services rendered by the department (~~((of personnel))~~) pursuant to RCW
5 41.06.080, which amounts shall be credited to the (~~((department of~~
6 ~~personnel service))~~) fund and charged against the proper fund or
7 appropriation of the recipient of such services on a quarterly basis.
8 Payment for services so rendered under RCW 41.06.080 shall be made on
9 a quarterly basis to the state treasurer and deposited by (~~((him))~~) the
10 treasurer in the (~~((department of personnel service))~~) fund.

11 Moneys from the (~~((department of personnel service))~~) fund shall be
12 disbursed by the state treasurer by warrants on vouchers duly
13 authorized by the (~~((board))~~) director.

14 **Sec. 15.** RCW 41.06.350 and 1969 ex.s. c 152 s 1 are each amended
15 to read as follows:

16 The (~~((state personnel board is authorized to))~~) director may receive
17 federal funds now available or hereafter made available for the
18 assistance and improvement of public personnel administration, which
19 may be expended in addition to the (~~((department of personnel service))~~)
20 fund established by RCW 41.06.280.

21 **Sec. 16.** RCW 41.06.400 and 1980 c 118 s 4 are each amended to read
22 as follows:

23 (1) In addition to other powers and duties specified in this
24 chapter, the board shall, by rule, prescribe the purpose and minimum
25 standards for training and career development programs and, in so
26 doing, regularly consult with and consider the needs of individual
27 agencies and employees.

1 (2) In addition to other powers and duties specified in this
2 chapter, the director shall:

3 (a) Provide for the evaluation of training and career development
4 programs and plans of agencies based on minimum standards established
5 by the board. The director shall report the results of such
6 evaluations to the agency which is the subject of the evaluation;

7 (b) Provide training and career development programs which may be
8 conducted more efficiently and economically on an interagency basis;

9 (c) Promote interagency sharing of resources for training and
10 career development;

11 (d) Monitor and review the impact of training and career
12 development programs to ensure that the responsibilities of the state
13 to provide equal employment opportunities are diligently carried out.
14 The director shall report to the board the impact of training and
15 career development programs on the fulfillment of such
16 responsibilities.

17 (3) At an agency's request, the director may provide training and
18 career development programs for an agency's internal use which may be
19 conducted more efficiently and economically by the department of
20 personnel.

21 (4) The director may provide career development services that: (a)
22 Assist in the establishment of mentorship programs for state employees;
23 (b) provide a clearinghouse for information on successful public and
24 private sector career development programs; (c) offer instruction and
25 resource materials on test taking, writing resumes, interviewing, and
26 other career skills; and (d) provide career counseling. These services
27 shall be made available to employees of higher education institutions
28 as authorized by RCW 41.06.080.

1 **Sec. 17.** RCW 41.06.420 and 1980 c 118 s 6 are each amended to read
2 as follows:

3 (1) The (~~board, by rule,~~) director shall prescribe the conditions
4 under which an employee appointed to a supervisory or management
5 position after June 12, 1980, shall be required to successfully
6 complete an entry-level management training course (~~as approved by the~~
7 ~~director~~). The training course shall focus on the critical knowledge,
8 skills, and abilities for successful management performance and include
9 instruction on managing and valuing diversity in the workplace. Such
10 training shall not be required of any employee who has completed a
11 management training course prior to the employee's appointment which
12 is, in the judgment of the director, at least equivalent to the entry-
13 level course required by this section.

14 (2) The (~~board~~) director, by rule, shall establish procedures for
15 the suspension of the entry-level training requirement in cases where
16 the ability of an agency to perform its responsibilities is adversely
17 affected, or for the waiver of this requirement in cases where a person
18 has demonstrated experience as a substitute for training.

19 (3) Agencies subject to the provisions of this chapter, in
20 accordance with rules prescribed by the (~~board~~) director, shall
21 designate individual positions, or groups of positions, as being
22 "supervisory" or "management" positions. Such designations shall be
23 subject to review by the director as part of the director's evaluation
24 of training and career development programs prescribed by RCW
25 41.06.400(2).

26 **Sec. 18.** RCW 41.06.430 and 1990 c 60 s 102 are each amended to
27 read as follows:

28 (1) The (~~board~~) director, by rule, shall, after consultation with
29 agency heads, develop a career executive program which recognizes the

1 profession of management and recognizes excellence in managerial skills
2 in order to (a) identify, attract, and retain highly qualified
3 executive candidates, (b) provide outstanding employees a broad
4 opportunity for career development, and (c) provide for the mobility of
5 such employees among agencies, it being to the advantage of the state
6 to make the most beneficial use of individual managerial skills. The
7 career executive program is a part of the Washington management
8 service.

9 (2) ~~((To accomplish the purposes of subsection (1) of this section,~~
10 ~~the board, notwithstanding any other provision of this chapter, may~~
11 ~~provide policies and standards for recruitment, appointment,~~
12 ~~examination, training, probation, employment register control,~~
13 ~~certification, classification, salary administration, transfer,~~
14 ~~promotion, reemployment, conditions of employment, and separation~~
15 ~~separate from procedures established for other employment.))~~ To the
16 extent practicable, rules adopted for the career executive program
17 shall be consistent with rules established for the Washington
18 management service in section 19 of this act.

19 (3) The director, in consultation with affected agencies, shall
20 ~~((recommend to the board))~~ determine the classified positions which may
21 be filled by participants in the career executive program. Upon the
22 request of an agency, management positions that are exempt from the
23 state civil service law pursuant to RCW 41.06.070 may be included in
24 all or any part of the career executive program: PROVIDED, That an
25 agency may at any time, after providing written notice to the ~~((board))~~
26 director, withdraw an exempt position from the career executive
27 program. No employee may be placed in the career executive program
28 without the employee's consent.

1 (4) The number of employees participating in the career executive
2 program shall not exceed two percent of the employees subject to the
3 provisions of this chapter.

4 (5) The director shall monitor and review the impact of the career
5 executive program to ensure that the responsibilities of the state to
6 provide equal employment opportunities are diligently carried out. The
7 director shall report to the board the impact of the career executive
8 program on the fulfillment of such responsibilities.

9 (6) Any classified state employee, upon entering a position in the
10 career executive program, shall be entitled subsequently to revert to
11 any class or position previously held with permanent status, or, if
12 such position is not available, revert to a position similar in nature
13 and salary to the position previously held.

14 NEW SECTION. **Sec. 19.** A new section is added to chapter 41.06 RCW
15 to read as follows:

16 (1) The Washington management service is created. The purpose of
17 the management service is to strive for excellence in the management of
18 the state's resources, attract and retain qualified managers, and
19 establish a management identity in state government through separate
20 personnel rules that are unique to the responsibilities of management
21 employees.

22 (2) Notwithstanding any other provisions of this chapter, the
23 director, after consultation with state agencies and employee
24 organizations, shall adopt personnel rules for the classified members
25 of the management service. These rules shall govern recruitment,
26 appointment, classification and allocation of positions, examination,
27 training and career development, hours of work, probation,
28 certification, compensation, transfer, affirmative action, promotion,
29 layoff, reemployment, performance appraisals, discipline, and other

1 personnel practices. These rules shall be separate from rules
2 established for other employees. In developing rules for the
3 management service, the director shall consult with the higher
4 education personnel board to achieve consistency, where appropriate,
5 with rules adopted under section 33 of this act.

6 (3) In establishing rules for the management service, the director
7 shall adhere to the following goals:

8 (a) To develop a simplified classification system that facilitates
9 movement of managers between agencies and promotes upward mobility;

10 (b) To create a compensation system consistent with the policy set
11 forth in RCW 41.06.150(17). The system shall provide agency
12 flexibility in setting and changing salaries and allow incentives for
13 outstanding performance;

14 (c) To establish a performance appraisal system that emphasizes
15 individual accountability for program results and efficient management
16 of resources; effective planning, organization, and communication
17 skills; valuing and managing workplace diversity; development of
18 leadership and interpersonal abilities; and employee development;

19 (d) To strengthen management training and career development
20 programs that build critical management knowledge, skills, and
21 abilities; focus on managing and valuing workplace diversity; and
22 enhance mobility and career advancement opportunities;

23 (e) To permit flexible recruitment and hiring procedures that
24 enable agencies to compete effectively with other employers, both
25 public and private, for managers with appropriate skills and training;
26 allow consideration of all qualified candidates for positions in the
27 management service; and achieve affirmative action goals and diversity
28 in the workplace; and

29 (f) To provide that members of the classified management service
30 may only be reduced, dismissed, suspended, or demoted for cause.

1 (4) After consultation with, or upon the request of, agency heads,
2 the director shall determine which classified management positions
3 shall be included in the Washington management service. Persons
4 occupying those positions on the effective date of this act may
5 voluntarily become members of the management service or they may retain
6 their current civil service status for not more than three years, after
7 which time they will be subject to rules governing the management
8 service. Persons appointed to vacant positions in the management
9 service shall be members of the management service and be subject to
10 the rules specified in this section. Career executive positions are
11 included in the management service.

12 NEW SECTION. **Sec. 20.** A new section is added to chapter 41.06 RCW
13 to read as follows:

14 (1) The legislature recognizes that:

15 (a) The labor market and the state government work force are
16 becoming increasingly diverse in terms of gender, race, ethnicity, age,
17 and the presence of disabilities.

18 (b) The state's personnel and management systems must be responsive
19 to these fundamental changes in work force composition.

20 It is therefore the policy of the state to create an organizational
21 culture in state government that respects and values individual
22 differences and encourages the productive potential of every employee.

23 (2) To implement this policy, the department shall:

24 (a) In consultation with agencies, review civil service rules and
25 related agency policies to ensure that they support the state's policy
26 of valuing and managing diversity in the workplace;

27 (b) In consultation with agencies, institutions of higher
28 education, and related boards, develop model policies, procedures, and

1 technical information to be made available to such entities for the
2 support of workplace diversity programs, including, but not limited to:

3 (i) Voluntary mentorship programs;

4 (ii) Alternative testing practices for persons of disability where
5 deemed appropriate;

6 (iii) Career counseling;

7 (iv) Training opportunities, including management and employee
8 awareness and skills training, English as a second language, and
9 individual tutoring;

10 (v) Recruitment strategies;

11 (vi) Management performance appraisal techniques that focus on
12 valuing and managing diversity in the workplace; and

13 (vii) Alternative work arrangements.

14 (3) The department shall coordinate implementation of this section
15 with the office of financial management, the higher education personnel
16 board, and related institutions and boards to reduce duplication of
17 effort.

18 NEW SECTION. **Sec. 21.** A new section is added to chapter 41.06 RCW
19 to read as follows:

20 (1) The college career entry program is created. The purpose of
21 the program is to: (a) Recognize the value of higher education in a
22 state government work environment that is characterized by rapid change
23 and increasing technology demands; (b) enable state agencies to compete
24 effectively with other employers for qualified job applicants who have
25 undergraduate and graduate degrees; (c) attract degree recipients to
26 careers in state government; and (d) encourage and support student
27 internship and fellowship programs.

28 (2) To implement the college career entry program, the director,
29 after consultation with state agencies and employee organizations,

1 shall adopt rules for recruitment and appointment of qualified
2 undergraduate and graduate degree candidates or recipients.
3 Notwithstanding any other provisions of this chapter, the rules shall
4 be separate from other rules governing recruitment announcements,
5 examinations, and employment registers. The rules shall be designed to
6 permit agencies to make timely and firm employment offers in a
7 competitive recruitment environment.

8 (3) The college career entry program applies only to job
9 classifications established at the entry professional level of a career
10 series for which an undergraduate college degree without experience is
11 one of the eligibility requirements, or at the advanced levels within
12 a career series for which a graduate degree without experience is one
13 of the eligibility requirements. Agency directors shall determine the
14 positions to be included in the program. The number of appointments
15 under the program shall not exceed twenty-five percent of the number of
16 such vacant positions in each participating agency in any fiscal
17 biennium.

18 (4) Persons appointed to student intern or executive fellowship
19 positions, upon completion of their undergraduate or graduate degrees,
20 are eligible to be appointed to positions under this program, as
21 determined by the employing agency.

22 (5) A classified employee appointed to a college career entry
23 program position has the same rights and benefits as other classified
24 employees.

25 (6) The director shall monitor and review the college career entry
26 program to ensure compliance with the requirements of this chapter and
27 with state policies and goals for affirmative action and workplace
28 diversity.

1 NEW SECTION. **Sec. 22.** A new section is added to chapter 41.06 RCW
2 to read as follows:

3 (1) The legislature recognizes that the state as an employer must
4 have the capacity to compete effectively with other employers for the
5 attraction and retention of qualified job candidates who possess scarce
6 and highly sought-after skills. The purpose of this section is to
7 provide agencies with recruitment and appointment flexibility to
8 attract and employ qualified applicants for designated hard-to-fill
9 positions. For purposes of this section, "hard-to-fill position" or
10 "positions" means positions where there are documented shortages of
11 qualified applicants and where there is evidence that good-faith
12 recruitment efforts have failed to fill vacant positions.

13 (2) With the approval of the director of personnel and human
14 resources, agency directors may designate hard-to-fill positions. The
15 director, after consultation with state agencies and employee
16 organizations, shall adopt rules for the recruitment and appointment of
17 hard-to-fill positions. Notwithstanding any other provisions of this
18 chapter, these rules shall be separate from other rules governing
19 recruitment announcements, examinations, and employment registers. The
20 rules shall be designed to permit agencies to make timely and firm
21 employment offers in a competitive recruitment environment.

22 (3) To assist agencies in attracting and retaining qualified
23 applicants for hard-to-fill positions, agencies may provide recruitment
24 and retention incentives, including salary adjustments for positions in
25 a geographic area, interview expenses, and job relocation assistance,
26 including paid leave. The provision of incentives is subject to prior
27 approval by the office of financial management of an agency's plan for
28 the incentives. Salary adjustments for positions in a geographic area
29 are also subject to review and approval by the director.

1 **Sec. 23.** RCW 41.64.090 and 1981 c 311 s 10 are each amended to
2 read as follows:

3 The board shall have jurisdiction to decide appeals (~~((filed on or~~
4 ~~after July 1, 1981,))~~) of employees (~~((under the jurisdiction of the~~
5 ~~state personnel board))~~) pursuant to RCW 41.06.170(~~(, as now or~~
6 ~~hereafter amended))~~).

7 **Sec. 24.** RCW 43.03.028 and 1988 c 167 s 9 are each amended to read
8 as follows:

9 (1) There is hereby created a state committee on agency officials'
10 salaries to consist of seven members, or their designees, as follows:
11 The president of the University of Puget Sound; the chairperson of the
12 council of presidents of the state's four-year institutions of higher
13 education; the chairperson of the State Personnel Board; the president
14 of the Association of Washington Business; the president of the Pacific
15 Northwest Personnel Managers' Association; the president of the
16 Washington State Bar Association; and the president of the Washington
17 State Labor Council. If any of the titles or positions mentioned in
18 this subsection are changed or abolished, any person occupying an
19 equivalent or like position shall be qualified for appointment by the
20 governor to membership upon the committee.

21 (2) The committee shall study the duties and salaries of the
22 directors of the several departments and the members of the several
23 boards and commissions of state government, who are subject to
24 appointment by the governor or whose salaries are fixed by the
25 governor, and of the chief executive officers of the following agencies
26 of state government:

27 The arts commission; the human rights commission; the board of
28 accountancy; the board of pharmacy; the capitol historical association
29 and museum; the eastern Washington historical society; the Washington

1 state historical society; the interagency committee for outdoor
2 recreation; the criminal justice training commission; (~~the department~~
3 ~~of personnel;~~) the state finance committee; the state library; the
4 traffic safety commission; the horse racing commission; the advisory
5 council on vocational education; the public disclosure commission;
6 (~~the hospital commission;~~) the state conservation commission; the
7 commission on Hispanic affairs; the commission on Asian-American
8 affairs; the state board for volunteer (~~firemen~~) fire fighters; the
9 transportation improvement board; the public (~~employees~~) employment
10 relations commission; the forest practices appeals board; and the
11 energy facilities site evaluation council.

12 The committee shall report to the governor or the chairperson of
13 the appropriate salary fixing authority at least once in each fiscal
14 biennium on such date as the governor may designate, but not later than
15 seventy-five days prior to the convening of each regular session of the
16 legislature during an odd-numbered year, its recommendations for the
17 salaries to be fixed for each position.

18 (3) Committee members shall be reimbursed by the department of
19 personnel for travel expenses under RCW 43.03.050 and 43.03.060.

20 **Sec. 25.** RCW 28B.16.020 and 1985 c 461 s 8 and 1985 c 365 s 2 are
21 each reenacted and amended to read as follows:

22 Unless the context clearly indicates otherwise, the words used in
23 this chapter have the meaning given in this section.

24 (1) "Institutions of higher education" are the University of
25 Washington, Washington State University, Central Washington University,
26 Eastern Washington University, Western Washington University, The
27 Evergreen State College, and the various state community colleges;

28 (2) "Board" means the higher education personnel board established
29 under the provisions of RCW 28B.16.060;

1 (3) "Related boards" means the state board for community college
2 education and the higher education personnel board; and such other
3 boards, councils and commissions related to higher education as may be
4 established;

5 (4) "Classified service" means all positions at the institutions of
6 higher education subject to the provisions of this chapter;

7 (5) "Comparable worth" means the provision of similar salaries for
8 positions that require or impose similar responsibilities, judgments,
9 knowledge, skills, and working conditions;

10 (6) "Competitive service" means all positions in the classified
11 service for which a competitive examination is required as a condition
12 precedent to appointment;

13 (7) "Noncompetitive service" means all positions in the classified
14 service for which a competitive examination is not required;

15 (8) "Affirmative action" means a procedure by which racial
16 minorities, women, persons in the protected age category, persons with
17 disabilities, Vietnam-era veterans, and disabled veterans are provided
18 with increased employment opportunities. It shall not mean any sort of
19 quota system;

20 (9) "Manager" or "management" means an employee who: (a) Directs
21 and controls program operations and is accountable for allocation of
22 resources and program results; or (b) is primarily responsible for
23 participating in selecting and training staff, planning and assigning
24 work, evaluating performance, and taking corrective action, and who
25 exercises individual judgment in the management or supervision of other
26 employees that is not of a routine nature; or (c) has substantial
27 responsibility in an institution or related board for the formulation
28 of basic institution or executive policy; or (d) has substantial
29 responsibility in an institution or related board for carrying out

1 functions relating to personnel or labor relations, legislative
2 relations, or public information.

3 **Sec. 26.** RCW 28B.16.090 and 1969 ex.s. c 36 s 9 are each amended
4 to read as follows:

5 It shall be the duty of the personnel board to promulgate rules and
6 regulations providing for employee participation in the development and
7 administration of personnel policies. To assure this right, personnel
8 policies, rules, classification and pay plans, and amendments thereto,
9 except as provided in section 29 of this act, shall be acted on only
10 after the board has given twenty days' notice to, and considered
11 proposals from, employee representatives and institutions or related
12 boards affected. In matters involving the various state community
13 colleges, notice shall also be given to the state board for community
14 college education. Complete and current compilations of all rules and
15 regulations of the board in printed, mimeographed, or multigraphed form
16 shall be available from the board without charge.

17 **Sec. 27.** RCW 28B.16.100 and 1990 c 60 s 202 are each amended to
18 read as follows:

19 The higher education personnel board shall adopt rules, consistent
20 with the purposes and provisions of this chapter and with the best
21 standards of personnel administration, regarding the basis and
22 procedures to be followed for:

23 (1) The dismissal, suspension, or demotion of an employee, and
24 appeals therefrom;

25 (2) Certification of names for vacancies, including promotions,
26 with the number of names equal to four more names than there are
27 vacancies to be filled, such names representing applicants rated
28 highest on eligibility lists: PROVIDED, That when other applicants

1 have scores equal to the lowest score among the names certified, their
2 names shall also be certified;

3 (3) Examination for all positions in the competitive and
4 noncompetitive service;

5 (4) Appointments;

6 (5) Probationary periods of six to twelve months and rejections
7 therein, depending on the job requirements of the class;

8 (6) Transfers;

9 (7) Sick leaves and vacations;

10 (8) Hours of work;

11 (9) Layoffs when necessary and subsequent reemployment, both
12 according to seniority. However, for reemployment, if the position to
13 be filled is one that has been approved in advance by the director of
14 the higher education personnel board as requiring specialized
15 qualifications, the most senior person on the layoff list who has the
16 specialized qualifications shall be certified. If no person on the
17 layoff list has the specialized qualifications, certification shall be
18 in accordance with subsection (2) of this section;

19 (10) Determination of appropriate bargaining units within any
20 institution or related boards: PROVIDED, That in making such
21 determination the board shall consider the duties, skills, and working
22 conditions of the employees, the history of collective bargaining by
23 the employees and their bargaining representatives, the extent of
24 organization among the employees, and the desires of the employees;

25 (11) Certification and decertification of exclusive bargaining
26 representatives: PROVIDED, That after certification of an exclusive
27 bargaining representative and upon the representative's request, the
28 director shall hold an election among employees in a bargaining unit to
29 determine by a majority whether to require as a condition of employment
30 membership in the certified exclusive bargaining representative on or

1 after the thirtieth day following the beginning of employment or the
2 date of such election, whichever is the later, and the failure of an
3 employee to comply with such condition of employment constitutes cause
4 for dismissal: PROVIDED FURTHER, That no more often than once in each
5 twelve-month period after expiration of twelve months following the
6 date of the original election in a bargaining unit and upon petition of
7 thirty percent of the members of a bargaining unit the director shall
8 hold an election to determine whether a majority wish to rescind such
9 condition of employment: PROVIDED FURTHER, That for purposes of this
10 clause, membership in the certified exclusive bargaining representative
11 is satisfied by the payment of monthly or other periodic dues and does
12 not require payment of initiation, reinstatement, or any other fees or
13 fines and includes full and complete membership rights: AND PROVIDED
14 FURTHER, That in order to safeguard the right of nonassociation of
15 public employees, based on bona fide religious tenets or teachings of
16 a church or religious body of which such public employee is a member,
17 such public employee shall pay to the union, for purposes within the
18 program of the union as designated by such employee that would be in
19 harmony with his individual conscience, an amount of money equivalent
20 to regular union dues minus any included monthly premiums for union-
21 sponsored insurance programs, and such employee shall not be a member
22 of the union but is entitled to all the representation rights of a
23 union member;

24 (12) Agreements between institutions or related boards and
25 certified exclusive bargaining representatives providing for grievance
26 procedures and collective negotiations on all personnel matters over
27 which the institution or the related board may lawfully exercise
28 discretion;

29 (13) Written agreements may contain provisions for payroll
30 deductions of employee organization dues upon authorization by the

1 employee member and for the cancellation of such payroll deduction by
2 the filing of a proper prior notice by the employee with the
3 institution and the employee organization: PROVIDED, That nothing
4 contained herein permits or grants to any employee the right to strike
5 or refuse to perform his official duties;

6 (14) Adoption and revision of comprehensive classification plans
7 for all positions in the classified service, based on investigation and
8 analysis of the duties and responsibilities of each such position;

9 (15) Allocation and reallocation of positions within the
10 classification plan;

11 (16) Adoption and revision of salary schedules and compensation
12 plans which reflect the prevailing rates in Washington state private
13 industries and other governmental units for positions of a similar
14 nature but the rates in the salary schedules or plans shall be
15 increased if necessary to attain comparable worth under an
16 implementation plan under RCW 28B.16.116 and which shall be competitive
17 in the state or the locality in which the institution or related boards
18 are located, such adoption, revision, and implementation subject to
19 approval as to availability of funds by the director of financial
20 management in accordance with the provisions of chapter 43.88 RCW, and
21 after consultation with the chief financial officer of each institution
22 or related board for that institution or board, or in the case of
23 community colleges, by the chief financial officer of the state board
24 for community college education for the various community colleges;

25 (17) Training programs including in-service, promotional, and
26 supervisory;

27 (18) Increment increases within the series of steps for each pay
28 grade based on length of service for all employees whose standards of
29 performance are such as to permit them to retain job status in the
30 classified service;

1 (19) Providing for veteran's preference as provided by existing
2 statutes, with recognition of preference in regard to layoffs and
3 subsequent reemployment for veterans and their widows by giving such
4 eligible veterans and their widows additional credit in computing their
5 seniority by adding to their unbroken higher education service, as
6 defined by the board, the veteran's service in the military not to
7 exceed five years of such service. For the purposes of this section,
8 "veteran" means any person who has one or more years of active military
9 service in any branch of the armed forces of the United States or who
10 has less than one year's service and is discharged with a disability
11 incurred in the line of duty or is discharged at the convenience of the
12 government and who, upon termination of such service, has received an
13 honorable discharge, a discharge for physical reasons with an honorable
14 record, or a release from active military service with evidence of
15 service other than that for which an undesirable, bad conduct, or
16 dishonorable discharge shall be given: PROVIDED, HOWEVER, That the
17 widow of a veteran is entitled to the benefits of this section
18 regardless of the veteran's length of active military service:
19 PROVIDED FURTHER, That for the purposes of this section "veteran" does
20 not include any person who has voluntarily retired with twenty or more
21 years of active military service and whose military retirement pay is
22 in excess of five hundred dollars per month;

23 (20) Assuring that persons who are or have been employed in
24 classified positions under chapter 41.06 RCW will be eligible for
25 employment, reemployment, transfer, and promotion in respect to
26 classified positions covered by this chapter; ((and))

27 (21) Assuring that any person who is or has been employed in a
28 classified position under this chapter will be eligible for employment,
29 reemployment, transfer, and promotion in respect to classified

1 positions at any other institution of higher education or related
2 board(~~(-)~~); and

3 (22) Affirmative action in appointment, promotion, transfer,
4 recruitment, training, and career development; development and
5 implementation of affirmative action goals and timetables; and
6 monitoring of progress against those goals and timetables.

7 The board shall consult with the human rights commission in the
8 development of rules consistent with federal guidelines pertaining to
9 affirmative action. The board shall transmit a report annually to the
10 human rights commission which states the progress each institution of
11 higher education has made in meeting affirmative action goals and
12 timetables.

13 **Sec. 28.** RCW 28B.16.110 and 1985 c 94 s 1 are each amended to read
14 as follows:

15 The salary schedules and compensation plans, adopted and revised as
16 provided in RCW 28B.16.100 (~~(as now or hereafter amended)~~) and section
17 33 of this act, shall reflect prevailing rates in other public
18 employment and in private employment in this state or in the locality
19 in which the institution or related board is located. For this purpose
20 comprehensive salary and fringe benefit surveys shall be undertaken by
21 the board with the assistance of the various personnel officers of the
22 institutions of higher education and on a joint basis with the
23 department of personnel, with such surveys to be conducted in the year
24 prior to the convening of every other one hundred five day regular
25 session of the state legislature. In the year prior to the convening
26 of each one hundred five day regular session during which a
27 comprehensive salary and fringe benefit survey is not conducted, the
28 board with assistance of the various personnel officers of the
29 institutions of higher education and on a joint basis with the

1 department of personnel, shall conduct a trend salary and fringe
2 benefit survey. This survey shall measure average salary and fringe
3 benefit movement for broad occupational groups which has occurred since
4 the last comprehensive salary and fringe benefit survey was conducted.
5 The results of each comprehensive and trend salary and fringe benefit
6 survey shall be completed and forwarded by September 30 with
7 recommended salary adjustments, which recommendations shall be advisory
8 only, to the governor and the director of financial management for
9 their use in preparing budgets to be submitted to the succeeding
10 legislature. A copy of the data and supporting documentation shall be
11 furnished by the board to the standing committees for appropriations of
12 the senate and house of representatives.

13 In the case of comprehensive salary and fringe benefit surveys, the
14 board shall furnish the following supplementary data in support of its
15 recommended salary schedule:

16 (1) A total dollar figure which reflects the recommended increase
17 or decrease in state salaries as a direct result of the specific salary
18 and fringe benefit survey that has been conducted and which is
19 categorized to indicate what portion of the increase or decrease is
20 represented by salary survey data and what portion is represented by
21 fringe benefit survey data;

22 (2) An additional total dollar figure which reflects the impact of
23 recommended increases or decreases to state salaries based on other
24 factors rather than directly on prevailing rate data obtained through
25 the survey process and which is categorized to indicate the sources of
26 the requests for deviation from prevailing rates and the reasons for
27 the changes;

28 (3) A list of class codes and titles indicating recommended monthly
29 salary ranges for all state classes under the control of the higher
30 education personnel board with:

1 (a) Those salary ranges which do not substantially conform to the
2 prevailing rates developed from the salary and fringe benefit survey
3 distinctly marked and an explanation of the reason for the deviation
4 included; and

5 (b) Those higher education personnel board classes which are
6 substantially the same as classes being used by the department of
7 personnel clearly marked to show the commonality of the classes between
8 the two jurisdictions;

9 (4) A supplemental salary schedule which indicates the additional
10 salary to be paid state employees for hazardous duties or other
11 considerations requiring extra compensation under specific
12 circumstances. Additional compensation for these circumstances shall
13 not be included in the basic salary schedule but shall be maintained as
14 a separate pay schedule for purposes of full disclosure and visibility;
15 and

16 (5) A supplemental salary schedule which indicates those cases
17 where the board determines that prevailing rates do not provide similar
18 salaries for positions that require or impose similar responsibilities,
19 judgment, knowledge, skills, and working conditions. This
20 supplementary salary schedule shall contain proposed salary adjustments
21 necessary to eliminate any such dissimilarities in compensation.
22 Additional compensation needed to eliminate such salary dissimilarities
23 shall not be included in the basic salary schedule but shall be
24 maintained as a separate salary schedule for purposes of full
25 disclosure and visibility.

26 It is the intention of the legislature that requests for funds to
27 support recommendations for salary deviations from the prevailing rate
28 survey data shall be kept to a minimum, and that the requests be fully
29 documented when forwarded by the board. Further, it is the intention
30 of the legislature that the department of personnel and the higher

1 education personnel board jointly determine job classes which are
2 substantially common to both jurisdictions and that basic salaries for
3 these job classes shall be equal based on salary and fringe benefit
4 survey findings.

5 Salary and fringe benefit survey information collected from private
6 employers which identifies a specific employer with the salary and
7 fringe benefit rates which that employer pays to its employees shall
8 not be subject to public disclosure under chapter 42.17 RCW.

9 The first comprehensive salary and fringe benefit survey required
10 by this section shall be completed and forwarded to the governor and
11 the director of financial management by September 30, 1986. The first
12 trend salary and fringe benefit survey required by this section shall
13 be completed and forwarded to the governor and the director of
14 financial management by September 30, 1988.

15 NEW SECTION. **Sec. 29.** A new section is added to chapter 28B.16
16 RCW to read as follows:

17 After consultation with institutions of higher education, related
18 boards, and employee organizations, the board, notwithstanding any
19 other provisions of this chapter, shall by rule establish procedures
20 that permit the director of the higher education personnel board to
21 approve all uncontested personnel actions except for adoption of rules
22 and comprehensive and trend salary survey results.

23 NEW SECTION. **Sec. 30.** A new section is added to chapter 28B.16
24 RCW to read as follows:

25 (1) The legislature recognizes that:

26 (a) The labor market and the state government work force are
27 becoming increasingly diverse in terms of gender, race, ethnicity, age,
28 and the presence of disabilities;

1 (b) The state's personnel and management systems must be responsive
2 to these fundamental changes in work force composition.

3 It is therefore the policy of the state to create an organizational
4 culture in state government that respects and values individual
5 differences and encourages the productive potential of every employee.

6 (2) To implement this policy, the personnel director of the higher
7 education personnel board, with the cooperation of institutions and
8 related boards, shall review civil service rules and related
9 institutional policies to ensure that they support the state's policy
10 of valuing and managing diversity in the workplace.

11 NEW SECTION. **Sec. 31.** A new section is added to chapter 28B.16
12 RCW to read as follows:

13 (1) The college career entry program is created. The purpose of
14 the program is to: (a) Recognize the value of higher education in a
15 state government work environment that is characterized by rapid change
16 and increasing technology demands; (b) enable institutions of higher
17 education and related boards to compete effectively with other
18 employers for qualified job applicants who have undergraduate and
19 graduate degrees; (c) attract degree recipients to careers in state
20 government; and (d) encourage and support student internship and
21 fellowship programs.

22 (2) To implement the college career entry program, the higher
23 education personnel board, after consultation with institutions,
24 related boards, and employee organizations, shall adopt rules for
25 recruitment and appointment of qualified undergraduate and graduate
26 degree candidates and recipients. Notwithstanding any other provisions
27 of this chapter, the rules shall be separate from other rules governing
28 recruitment announcements, examinations, and employment registers. The
29 rules shall be designed to permit institutions and related boards to

1 make timely and firm employment offers in a competitive recruitment
2 environment.

3 (3) The college career entry program applies only to job
4 classifications established at the entry professional level of a career
5 series for which an undergraduate college degree without experience is
6 one of the eligibility requirements, or at the advanced levels within
7 a career series for which a graduate degree without experience is one
8 of the eligibility requirements. Institutions and related boards shall
9 determine the positions to be included in the program. The number of
10 appointments under the program shall not exceed twenty-five percent of
11 the number of such vacant positions in each participating institution
12 and related board in any fiscal biennium.

13 (4) Persons appointed to student intern or executive fellowship
14 positions, upon completion of their undergraduate or graduate degrees,
15 are eligible to be appointed to positions under this program, as
16 determined by the employing institution and the related board.

17 (5) A classified employee appointed to a college career entry
18 program position has the same rights and benefits as other classified
19 employees.

20 (6) The director of the higher education personnel board shall
21 monitor and review the college career entry program to ensure
22 compliance with the requirements of this chapter and with state
23 policies and goals for affirmative action and workplace diversity.

24 NEW SECTION. **Sec. 32.** A new section is added to chapter 28B.16
25 RCW to read as follows:

26 (1) The legislature recognizes that the state as an employer must
27 have the capacity to compete effectively with other employers for the
28 attraction and retention of qualified job candidates who possess scarce
29 and highly sought-after skills. The purpose of this section is to

1 provide institutions of higher education and related boards with
2 recruitment and appointment flexibility to attract and employ qualified
3 applicants for designated hard-to-fill positions. For purposes of this
4 section, "hard-to-fill position" or "positions" means positions where
5 there are documented shortages of qualified applicants and where there
6 is evidence that good-faith recruitment efforts have failed to fill
7 vacant positions.

8 (2) With the approval of the personnel director of the higher
9 education personnel board, institutions and related boards may
10 designate hard-to-fill positions. The board, after consultation with
11 institutions of higher education and related boards and employee
12 organizations, shall adopt rules for the recruitment and appointment of
13 hard-to-fill positions. Notwithstanding any other provisions of this
14 chapter, the rules shall be separate from other rules governing
15 recruitment announcements, examinations, and employment registers. The
16 rules shall be designed to permit institutions and related boards to
17 make timely and firm employment offers in a competitive recruitment
18 environment.

19 (3) To assist institutions in attracting and retaining qualified
20 applicants for hard-to-fill positions, institutions and related boards
21 may provide recruitment and retention incentives, including salary
22 adjustments for positions in a geographic area, interview expenses, and
23 job relocation assistance, including paid leave. The provision of
24 incentives is subject to prior approval by the office of financial
25 management of an institution's or related board's plan for the
26 incentives.

27 NEW SECTION. **Sec. 33.** A new section is added to chapter 28B.16
28 RCW to read as follows:

1 (1) The Washington management service is created. The purpose of
2 the management service is to strive for excellence in the management of
3 the state's resources, attract and retain qualified managers, and
4 establish a management identity in state government through separate
5 personnel rules that are unique to the responsibilities of management
6 employees.

7 (2) Notwithstanding any other provision of this chapter, the board,
8 after consultation with the institutions of higher education and
9 related boards and employee organizations, shall adopt personnel rules
10 for the classified members of the management service. These rules
11 shall govern recruitment, appointment, classification and allocation of
12 positions, examination, training and career development, hours of work,
13 probation, certification, compensation, transfer, promotion, layoff,
14 reemployment, performance appraisals, discipline, and other personnel
15 practices. These rules shall be separate from rules established for
16 other employees. In developing rules for the management service, the
17 board shall consult with the director of the department of personnel
18 and human resources to achieve consistency, where appropriate, with
19 rules adopted under section 19 of this act.

20 (3) In establishing rules for the management service, the board
21 shall adhere to the following goals:

22 (a) To develop a simplified classification system that facilitates
23 movement of managers between institutions and related boards and
24 promotes upward mobility;

25 (b) To create a compensation system consistent with the policy set
26 forth in RCW 28B.16.100(16). Such system shall provide institutional
27 flexibility in setting and changing salaries and allow incentives for
28 outstanding performance;

29 (c) To establish a performance appraisal system that emphasizes
30 individual accountability for program results and efficient management

1 of resources; effective planning, organization, and communication
2 skills; valuing and managing workplace diversity; development of
3 leadership and interpersonal abilities; and employee development;

4 (d) To strengthen management training and career development
5 programs that build critical management knowledge, skills and
6 abilities; focus on managing and valuing workplace diversity; and
7 enhance mobility and career advancement opportunities;

8 (e) To permit flexible recruitment and hiring procedures that
9 enable institutions and related boards to compete effectively with
10 other employers, both public and private, for managers with appropriate
11 skills and training; allow consideration of all qualified candidates
12 for positions in the management service; and achieve affirmative action
13 goals and diversity in the workplace; and

14 (f) To provide that members of the classified management service
15 may only be reduced, dismissed, suspended, or demoted for cause.

16 (4) After consultation with, or upon request of, the institutions
17 of higher education and related boards, the board shall determine which
18 classified management positions shall be included in the Washington
19 management service. Persons occupying such positions on the effective
20 date of this act may voluntarily become members of the management
21 service or they may retain their current civil service status for not
22 more than three years, after which time they will be subject to rules
23 governing the management service. Persons appointed to vacant
24 positions in the management service shall be members of the management
25 service and be subject to the rules specified in this section.

26 NEW SECTION. **Sec. 34.** The following sections are each
27 decodified:

28 (1) RCW 41.06.230;

29 (2) RCW 41.06.240; and

1 (3) RCW 41.06.310.

2 NEW SECTION. **Sec. 35.** If any provision of this act or its
3 application to any person or circumstance is held invalid, the
4 remainder of the act or the application of the provision to other
5 persons or circumstances is not affected.

6 NEW SECTION. **Sec. 36.** This act shall take effect on July 1,
7 1992. However, rules required under this act may be adopted before
8 that date.