

2 **ESHB 2054** - S AMD S3412.3
3 By Senators Moore and Gaspard

4 ADOPTED AS AMENDED BY FLOOR AMDS 1011, 1012 - 4/21/93

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The higher education personnel board and
8 the state personnel board are abolished and their powers, duties, and
9 functions are transferred to the Washington personnel resources board.
10 All references to the director or the higher education personnel board
11 or the state personnel board in the Revised Code of Washington shall be
12 construed to mean the director of the Washington personnel resources
13 board or the Washington personnel resources board.

14 NEW SECTION. **Sec. 2.** All reports, documents, surveys, books,
15 records, files, papers, or written material in the possession of the
16 higher education personnel board and the state personnel board shall be
17 delivered to the custody of the Washington personnel resources board.
18 All cabinets, furniture, office equipment, motor vehicles, and other
19 tangible property employed by the higher education personnel board and
20 the state personnel board shall be made available to the Washington
21 personnel resources board. All funds, credits, or other assets held by
22 the higher education personnel board and the state personnel board
23 shall be assigned to the Washington personnel resources board.

24 Any appropriations made to the higher education personnel board and
25 the state personnel board shall, on the effective date of this section,
26 be transferred and credited to the Washington personnel resources
27 board.

28 Whenever any question arises as to the transfer of any personnel,
29 funds, books, documents, records, papers, files, equipment, or other
30 tangible property used or held in the exercise of the powers and the
31 performance of the duties and functions transferred, the director of
32 financial management shall make a determination as to the proper
33 allocation and certify the same to the state agencies concerned.

1 NEW SECTION. **Sec. 3.** All employees of the higher education
2 personnel board and the state personnel board are transferred to the
3 jurisdiction of the Washington personnel resources board. All
4 employees classified under chapter 28B.16 RCW on June 30, 1993, or
5 chapter 41.06 RCW, the state civil service law, are assigned to the
6 Washington personnel resources board to perform their usual duties upon
7 the same terms as formerly, without any loss of rights, subject to any
8 action that may be appropriate thereafter in accordance with the laws
9 and rules governing state civil service.

10 NEW SECTION. **Sec. 4.** All rules of the higher education personnel
11 board and the state personnel board shall be continued until acted upon
12 by the Washington personnel resources board. All pending business
13 shall be continued until acted upon by the Washington personnel
14 resources board. All existing contracts and obligations shall remain
15 in full force and shall be performed by the Washington personnel
16 resources board.

17 NEW SECTION. **Sec. 5.** The transfer of the powers, duties,
18 functions, and personnel of the higher education personnel board and
19 the state personnel board shall not affect the validity of any act
20 performed prior to the effective date of this section.

21 NEW SECTION. **Sec. 6.** If apportionments of budgeted funds are
22 required because of the transfers directed by sections 2 through 5 of
23 this act, the director of financial management shall certify the
24 apportionments to the agencies affected, the state auditor, and the
25 state treasurer. Each of these shall make the appropriate transfer and
26 adjustments in funds and appropriation accounts and equipment records
27 in accordance with the certification.

28 NEW SECTION. **Sec. 7.** Nothing contained in sections 1 through 6 of
29 this act may be construed to alter any existing collective bargaining
30 unit or the provisions of any existing collective bargaining agreement
31 until the agreement has expired or until the bargaining unit has been
32 modified by action of the Washington personnel resources board as
33 provided by law.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 41.06 RCW
2 to read as follows:

3 For purposes of this chapter, "manager" means any employee who:

4 (1) Formulates state-wide policy or directs the work of an agency
5 or agency subdivision;

6 (2) Is responsible to administer one or more state-wide policies or
7 programs of an agency or agency subdivision;

8 (3) Manages, administers, and controls a local branch office of an
9 agency or agency subdivision, including the physical, financial, or
10 personnel resources;

11 (4) Has substantial responsibility in personnel administration,
12 legislative relations, public information, or the preparation and
13 administration of budgets; or

14 (5) Functionally is above the first level of supervision and
15 exercises authority that is not merely routine or clerical in nature
16 and requires the consistent use of independent judgment.

17 NEW SECTION. **Sec. 9.** A new section is added to chapter 41.06 RCW
18 to read as follows:

19 (1) Except as provided in RCW 41.06.070, notwithstanding any other
20 provisions of this chapter, the director is authorized to adopt, after
21 consultation with state agencies and employee organizations, rules for
22 managers as defined in section 8 of this act. These rules shall not
23 apply to managers employed by institutions of higher education or
24 related boards or whose positions are exempt. The rules shall govern
25 recruitment, appointment, classification and allocation of positions,
26 examination, training and career development, hours of work, probation,
27 certification, compensation, transfer, affirmative action, promotion,
28 layoff, reemployment, performance appraisals, discipline, and any and
29 all other personnel practices for managers. These rules shall be
30 separate from rules adopted by the board for other employees, and to
31 the extent that the rules adopted apply only to managers shall take
32 precedence over rules adopted by the board, and are not subject to
33 review by the board.

34 (2) In establishing rules for managers, the director shall adhere
35 to the following goals:

36 (a) Development of a simplified classification system that
37 facilitates movement of managers between agencies and promotes upward
38 mobility;

1 (b) Creation of a compensation system consistent with the policy
2 set forth in RCW 41.06.150(17). The system shall provide flexibility
3 in setting and changing salaries;

4 (c) Establishment of a performance appraisal system that emphasizes
5 individual accountability for program results and efficient management
6 of resources; effective planning, organization, and communication
7 skills; valuing and managing workplace diversity; development of
8 leadership and interpersonal abilities; and employee development;

9 (d) Strengthening management training and career development
10 programs that build critical management knowledge, skills, and
11 abilities; focusing on managing and valuing workplace diversity;
12 empowering employees by enabling them to share in workplace decision
13 making and to be innovative, willing to take risks, and able to accept
14 and deal with change; promoting a workplace where the overall focus is
15 on the recipient of the government services and how these services can
16 be improved; and enhancing mobility and career advancement
17 opportunities;

18 (e) Permitting flexible recruitment and hiring procedures that
19 enable agencies to compete effectively with other employers, both
20 public and private, for managers with appropriate skills and training;
21 allowing consideration of all qualified candidates for positions as
22 managers; and achieving affirmative action goals and diversity in the
23 workplace;

24 (f) Providing that managers may only be reduced, dismissed,
25 suspended, or demoted for cause; and

26 (g) Facilitating decentralized and regional administration.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 41.06 RCW
28 to read as follows:

29 Each institution of higher education and each related board shall
30 designate an officer who shall perform duties as personnel officer.
31 The personnel officer at each institution or related board shall
32 direct, supervise, and manage administrative and technical personnel
33 activities for the classified service at the institution or related
34 board consistent with policies established by the institution or
35 related board and in accordance with the provisions of this chapter and
36 the rules adopted under this chapter. Institutions may undertake
37 jointly with one or more other institutions to appoint a person
38 qualified to perform the duties of personnel officer, provide staff and

1 financial support and may engage consultants to assist in the
2 performance of specific projects. The services of the department of
3 personnel may also be used by the institutions or related boards
4 pursuant to RCW 41.06.080.

5 The state board for community and technical colleges shall have
6 general supervision and control over activities undertaken by the
7 various community colleges pursuant to this section.

8 NEW SECTION. Sec. 11. A new section is added to chapter 41.06 RCW
9 to read as follows:

10 Rules adopted by the board shall provide for local administration
11 and management by the institutions of higher education and related
12 boards, subject to periodic audit and review by the board, of the
13 following:

- 14 (1) Appointment, promotion, and transfer of employees;
- 15 (2) Dismissal, suspension, or demotion of an employee;
- 16 (3) Examinations for all positions in the competitive and
17 noncompetitive service;
- 18 (4) Probationary periods of six to twelve months and rejection of
19 probationary employees;
- 20 (5) Sick leaves and vacations;
- 21 (6) Hours of work;
- 22 (7) Layoffs when necessary and subsequent reemployment;
- 23 (8) Allocation and reallocation of positions within the
24 classification plans;
- 25 (9) Training programs; and
- 26 (10) Maintenance of personnel records.

27 NEW SECTION. Sec. 12. A new section is added to chapter 41.06 RCW
28 to read as follows:

- 29 (1) The legislature recognizes that:
 - 30 (a) The labor market and the state government work force are
31 diverse in terms of gender, race, ethnicity, age, and the presence of
32 disabilities.
 - 33 (b) The state's personnel resource and management practices must be
34 responsive to the diverse nature of its work force composition.
 - 35 (c) Managers in all agencies play a key role in the implementation
36 of all critical personnel policies.

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

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

5 (a) In consultation with agencies, employee organizations,
6 employees, institutions of higher education, and related boards, review
7 civil service rules and related policies to ensure that they support
8 the state's policy of valuing and managing diversity in the workplace;

9 (b) In consultation with agencies, employee organizations, and
10 employees, institutions of higher education, and related boards,
11 develop model policies, procedures, and technical information to be
12 made available to such entities for the support of workplace diversity
13 programs, including, but not limited to:

14 (i) Voluntary mentorship programs;

15 (ii) Alternative testing practices for persons of disability where
16 deemed appropriate;

17 (iii) Career counseling;

18 (iv) Training opportunities, including management and employee
19 awareness and skills training, English as a second language, and
20 individual tutoring;

21 (v) Recruitment strategies;

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

24 (vii) Alternative work arrangements;

25 (c) In consultation with agencies, employee organizations, and
26 employees, institutions of higher education, and related boards,
27 develop training programs for all managers to enhance their ability to
28 implement diversity policies and to provide a thorough grounding in all
29 aspects of the state civil service law and merit system rules, and how
30 the proper implementation and application thereof can facilitate and
31 further the mission of the agency.

32 (3) The department shall coordinate implementation of this section
33 with the office of financial management and institutions of higher
34 education and related boards to reduce duplication of effort.

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

37 Meaningful and effective involvement of employees and their
38 representatives is essential to the efficient and effective delivery of

1 state government services. To accomplish this, agencies shall use
2 joint employee-management committees to collaborate on the desired
3 goals of streamlined organizational structures, continuous improvement
4 in all systems and processes, empowerment of line level employees to
5 solve workplace and system delivery problems, managers functioning as
6 coaches and facilitators, and employee training and development as an
7 investment in the future. If employees are represented by an exclusive
8 bargaining representative, the representative shall select the employee
9 committee members and also be on the committee. In addition, the
10 committees shall be used for improvement of the quality of work life
11 for state employees resulting in more productive and efficient service
12 delivery to the general public and customers of state government.
13 Nothing in this section supplants any collective bargaining process or
14 provision.

15 **Sec. 14.** RCW 28B.12.060 and 1987 c 330 s 202 are each amended to
16 read as follows:

17 The higher education coordinating board shall adopt rules (~~and~~
18 ~~regulations~~) as may be necessary or appropriate for effecting the
19 provisions of this chapter, and not in conflict with this chapter, in
20 accordance with the provisions of chapter 34.05 RCW, the state higher
21 education administrative procedure act. Such rules (~~and regulations~~)
22 shall include provisions designed to make employment under such work-
23 study program reasonably available, to the extent of available funds,
24 to all eligible students in eligible post-secondary institutions in
25 need thereof. Such rules (~~and regulations~~) shall include:

26 (1) Providing work under the college work-study program which will
27 not result in the displacement of employed workers or impair existing
28 contracts for services.

29 (2) Furnishing work only to a student who:

30 (a) Is capable, in the opinion of the eligible institution, of
31 maintaining good standing in such course of study while employed under
32 the program covered by the agreement; and

33 (b) Has been accepted for enrollment as at least a half-time
34 student at the eligible institution or, in the case of a student
35 already enrolled in and attending the eligible institution, is in good
36 standing and in at least half-time attendance there either as an
37 undergraduate, graduate or professional student; and

38 (c) Is not pursuing a degree in theology.

1 (3) Placing priority on the securing of work opportunities for
2 students who are residents of the state of Washington as defined in RCW
3 28B.15.011 through 28B.15.014.

4 (4) Provisions to assure that in the state institutions of higher
5 education utilization of this student work-study program:

6 (a) Shall only supplement and not supplant classified positions
7 under jurisdiction of chapter ~~((28B.16))~~ 41.06 RCW;

8 (b) That all positions established which are comparable shall be
9 identified to a job classification under the ~~((higher education))~~
10 Washington personnel resources board's classification plan and shall
11 receive equal compensation;

12 (c) Shall not take place in any manner that would replace
13 classified positions reduced due to lack of funds or work; and

14 (d) That work study positions shall only be established at entry
15 level positions of the classified service.

16 **Sec. 15.** RCW 34.05.030 and 1989 c 175 s 2 are each amended to read
17 as follows:

18 (1) This chapter shall not apply to:

19 (a) The state militia, or

20 (b) The board of clemency and pardons, or

21 (c) The department of corrections or the indeterminate sentencing
22 review board with respect to persons who are in their custody or are
23 subject to the jurisdiction of those agencies.

24 (2) The provisions of RCW 34.05.410 through 34.05.598 shall not
25 apply:

26 (a) To adjudicative proceedings of the board of industrial
27 insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

28 (b) Except for actions pursuant to chapter 46.29 RCW, to the
29 denial, suspension, or revocation of a driver's license by the
30 department of licensing;

31 (c) To the department of labor and industries where another statute
32 expressly provides for review of adjudicative proceedings of a
33 department action, order, decision, or award before the board of
34 industrial insurance appeals;

35 (d) To actions of the ~~((state))~~ Washington personnel resources
36 board, ~~((the higher education personnel board,))~~ the director of
37 personnel, or the personnel appeals board; or

1 (e) To the extent they are inconsistent with any provisions of
2 chapter 43.43 RCW.

3 (3) Unless a party makes an election for a formal hearing pursuant
4 to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not
5 apply to a review hearing conducted by the board of tax appeals.

6 (4) All other agencies, whether or not formerly specifically
7 excluded from the provisions of all or any part of the Administrative
8 Procedure Act, shall be subject to the entire act.

9 **Sec. 16.** RCW 34.12.020 and 1989 c 175 s 33 are each amended to
10 read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Office" means the office of administrative hearings.

14 (2) "Administrative law judge" means any person appointed by the
15 chief administrative law judge to conduct or preside over hearings as
16 provided in this chapter.

17 (3) "Hearing" means an adjudicative proceeding within the meaning
18 of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413
19 through 34.05.476.

20 (4) "State agency" means any state board, commission, department,
21 or officer authorized by law to make rules or to conduct adjudicative
22 proceedings, except those in the legislative or judicial branches, the
23 pollution control hearings board, the shorelines hearings board, the
24 forest practices appeals board, the environmental hearings office, the
25 board of industrial insurance appeals, the (~~state personnel board, the~~
26 ~~higher education~~)) Washington personnel resources board, the public
27 employment relations commission, the personnel appeals board, and the
28 board of tax appeals.

29 **Sec. 17.** RCW 41.04.340 and 1991 c 249 s 1 are each amended to read
30 as follows:

31 (1) An attendance incentive program is established for all eligible
32 employees. As used in this section the term "eligible employee" means
33 any employee of the state, other than teaching and research faculty at
34 the state and regional universities and The Evergreen State College,
35 entitled to accumulate sick leave and for whom accurate sick leave
36 records have been maintained. No employee may receive compensation
37 under this section for any portion of sick leave accumulated at a rate

1 in excess of one day per month. The state and regional universities
2 and The Evergreen State College shall maintain complete and accurate
3 sick leave records for all teaching and research faculty.

4 (2) In January of the year following any year in which a minimum of
5 sixty days of sick leave is accrued, and each January thereafter, any
6 eligible employee may receive remuneration for unused sick leave
7 accumulated in the previous year at a rate equal to one day's monetary
8 compensation of the employee for each four full days of accrued sick
9 leave in excess of sixty days. Sick leave for which compensation has
10 been received shall be deducted from accrued sick leave at the rate of
11 four days for every one day's monetary compensation.

12 (3) At the time of separation from state service due to retirement
13 or death, an eligible employee or the employee's estate may elect to
14 receive remuneration at a rate equal to one day's current monetary
15 compensation of the employee for each four full days of accrued sick
16 leave.

17 (4) Pursuant to this subsection, in lieu of cash remuneration the
18 state may, with equivalent funds, provide eligible employees with a
19 benefit plan providing for reimbursement of medical expenses. The
20 committee for deferred compensation shall develop any benefit plan
21 established under this subsection, but may offer and administer the
22 plan only if (a) each eligible employee has the option of whether to
23 receive cash remuneration or to have his or her employer transfer
24 equivalent funds to the plan; and (b) the committee has received an
25 opinion from the United States internal revenue service stating that
26 participating employees, prior to the time of receiving reimbursement
27 for expenses, will incur no United States income tax liability on the
28 amount of the equivalent funds transferred to the plan.

29 (5) Remuneration or benefits received under this section shall not
30 be included for the purpose of computing a retirement allowance under
31 any public retirement system in this state.

32 (6) With the exception of subsection ~~((3))~~ (4) of this section,
33 this section shall be administered, and rules shall be ~~((promulgated))~~
34 adopted to carry out its purposes, by the ~~((state personnel board and
35 the higher education))~~ Washington personnel resources board for persons
36 subject to chapter ~~((s))~~ 41.06 ~~((and 28B.16))~~ RCW ~~((, respectively, and
37 by their respective personnel authorities for other eligible
38 employees))~~: PROVIDED, That determination of classes of eligible

1 employees shall be subject to approval by the office of financial
2 management.

3 (7) Should the legislature revoke any remuneration or benefits
4 granted under this section, no affected employee shall be entitled
5 thereafter to receive such benefits as a matter of contractual right.

6 **Sec. 18.** RCW 41.04.670 and 1990 c 23 s 3 are each amended to read
7 as follows:

8 The (~~state personnel board, the higher education~~) Washington
9 personnel resources board(~~(7)~~) and other personnel authorities shall
10 each adopt rules applicable to employees under their respective
11 jurisdictions: (1) Establishing appropriate parameters for the program
12 which are consistent with the provisions of RCW 41.04.650 through
13 41.04.665; (2) providing for equivalent treatment of employees between
14 their respective jurisdictions and allowing transfers of leave in
15 accordance with RCW 41.04.665(5); (3) establishing procedures to ensure
16 that the program does not significantly increase the cost of providing
17 leave; and (4) providing for the administration of the program and
18 providing for maintenance and collection of sufficient information on
19 the program to allow a thorough legislative review.

20 **Sec. 19.** RCW 41.06.020 and 1985 c 461 s 1 and 1985 c 365 s 3 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) "Agency" means an office, department, board, commission, or
25 other separate unit or division, however designated, of the state
26 government and all personnel thereof; it includes any unit of state
27 government established by law, the executive officer or members of
28 which are either elected or appointed, upon which the statutes confer
29 powers and impose duties in connection with operations of either a
30 governmental or proprietary nature.

31 (2) "Board" means the (~~state~~) Washington personnel resources
32 board established under the provisions of RCW 41.06.110, except that
33 this definition does not apply to the words "board" or "boards" when
34 used in RCW 41.06.070.

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

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

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

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

9 (7) "Department" means an agency of government that has as its
10 governing officer a person, or combination of persons such as a
11 commission, board, or council, by law empowered to operate the agency
12 responsible either to (a) no other public officer or (b) the governor.

13 (8) "Career development" means the progressive development of
14 employee capabilities to facilitate productivity, job satisfaction, and
15 upward mobility through work assignments as well as education and
16 training that are both state-sponsored and are achieved by individual
17 employee efforts, all of which shall be consistent with the needs and
18 obligations of the state and its agencies.

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

21 (10) "Director" means the director of personnel appointed under the
22 provisions of RCW 41.06.130.

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

28 (12) "Institutions of higher education" means the University of
29 Washington, Washington State University, Central Washington University,
30 Eastern Washington University, Western Washington University, The
31 Evergreen State College, and the various state community colleges;

32 (13) "Related boards" means the state board for community and
33 technical colleges; and such other boards, councils, and commissions
34 related to higher education as may be established.

35 **Sec. 20.** RCW 41.06.030 and 1961 c 1 s 3 are each amended to read
36 as follows:

1 A department of personnel, governed by ~~((a state))~~ the Washington
2 personnel resources board and administered by a director of personnel,
3 is hereby established as a separate agency within the state government.

4 **Sec. 21.** RCW 41.06.070 and 1990 c 60 s 101 are each amended to
5 read as follows:

6 (1) The provisions of this chapter do not apply to:

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

12 ~~((2))~~ (b) The justices of the supreme court, judges of the court
13 of appeals, judges of the superior courts or of the inferior courts, or
14 to any employee of, or position in the judicial branch of state
15 government;

16 ~~((3))~~ (c) Officers, academic personnel, and employees of ~~((state~~
17 ~~institutions of higher education, the state board for community))~~
18 technical colleges ~~((education, and the higher education personnel~~
19 ~~board))~~;

20 ~~((4))~~ (d) The officers of the Washington state patrol;

21 ~~((5))~~ (e) Elective officers of the state;

22 ~~((6))~~ (f) The chief executive officer of each agency;

23 ~~((7))~~ (g) In the departments of employment security, fisheries,
24 social and health services, the director and ~~((his))~~ the director's
25 confidential secretary; in all other departments, the executive head of
26 which is an individual appointed by the governor, the director, his or
27 her confidential secretary, and his or her statutory assistant
28 directors;

29 ~~((8))~~ (h) In the case of a multimember board, commission, or
30 committee, whether the members thereof are elected, appointed by the
31 governor or other authority, serve ex officio, or are otherwise chosen:

32 ~~((a))~~ (i) All members of such boards, commissions, or committees;

33 ~~((b))~~ (ii) If the members of the board, commission, or committee
34 serve on a part-time basis and there is a statutory executive officer:

35 ~~((i))~~ The secretary of the board, commission, or committee; ~~((ii))~~
36 the chief executive officer of the board, commission, or committee; and
37 ~~((iii))~~ the confidential secretary of the chief executive officer of
38 the board, commission, or committee;

1 ~~((e))~~ (iii) If the members of the board, commission, or committee
2 serve on a full-time basis: ~~((i))~~ The chief executive officer or
3 administrative officer as designated by the board, commission, or
4 committee; and ~~((ii))~~ a confidential secretary to the ~~((chairman))~~
5 chair of the board, commission, or committee;

6 ~~((d))~~ (iv) If all members of the board, commission, or committee
7 serve ex officio: ~~((i))~~ The chief executive officer; and ~~((ii))~~
8 the confidential secretary of such chief executive officer;

9 ~~((9))~~ (i) The confidential secretaries and administrative
10 assistants in the immediate offices of the elective officers of the
11 state;

12 ~~((10))~~ (j) Assistant attorneys general;

13 ~~((11))~~ (k) Commissioned and enlisted personnel in the military
14 service of the state;

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

18 ~~((13))~~ (m) The public printer or to any employees of or positions
19 in the state printing plant;

20 ~~((14))~~ (n) Officers and employees of the Washington state fruit
21 commission;

22 ~~((15))~~ (o) Officers and employees of the Washington state apple
23 advertising commission;

24 ~~((16))~~ (p) Officers and employees of the Washington state dairy
25 products commission;

26 ~~((17))~~ (q) Officers and employees of the Washington tree fruit
27 research commission;

28 ~~((18))~~ (r) Officers and employees of the Washington state beef
29 commission;

30 ~~((19))~~ (s) Officers and employees of any commission formed under
31 ~~((the provisions of chapter 191, Laws of 1955, and))~~ chapter 15.66 RCW;

32 ~~((20))~~ (t) Officers and employees of the state wheat commission
33 formed under ~~((the provisions of chapter 87, Laws of 1961-))~~ chapter
34 15.63 RCW~~((+))~~;

35 ~~((21))~~ (u) Officers and employees of agricultural commissions
36 formed under ~~((the provisions of chapter 256, Laws of 1961-))~~ chapter
37 15.65 RCW~~((+))~~;

38 ~~((22))~~ (v) Officers and employees of the nonprofit corporation
39 formed under chapter 67.40 RCW;

1 (~~(23)~~) (w) Liquor vendors appointed by the Washington state
2 liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER,
3 That rules (~~and regulations~~) adopted by the (~~state~~) Washington
4 personnel resources board pursuant to RCW 41.06.150 regarding the basis
5 for, and procedures to be followed for, the dismissal, suspension, or
6 demotion of an employee, and appeals therefrom shall be fully
7 applicable to liquor vendors except those part time agency vendors
8 employed by the liquor control board when, in addition to the sale of
9 liquor for the state, they sell goods, wares, merchandise, or services
10 as a self-sustaining private retail business;

11 (~~(24)~~) (x) Executive assistants for personnel administration and
12 labor relations in all state agencies employing such executive
13 assistants including but not limited to all departments, offices,
14 commissions, committees, boards, or other bodies subject to the
15 provisions of this chapter and this subsection shall prevail over any
16 provision of law inconsistent herewith unless specific exception is
17 made in such law;

18 (~~(25)~~) (y) In each agency with fifty or more employees: Deputy
19 agency heads, assistant directors or division directors, and not more
20 than three principal policy assistants who report directly to the
21 agency head or deputy agency heads;

22 (~~(26)~~) (z) All employees of the marine employees' commission;

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

27 (~~(28)~~) (2) The following classifications, positions, and
28 employees of institutions of higher education and related boards are
29 hereby exempted from coverage of this chapter:

30 (a) Members of the governing board of each institution of higher
31 education and related boards, all presidents, vice-presidents and their
32 confidential secretaries, administrative and personal assistants;
33 deans, directors, and chairs; academic personnel; and executive heads
34 of major administrative or academic divisions employed by institutions
35 of higher education; and any employee of a community college district
36 whose place of work is one which is physically located outside the
37 state of Washington and who is employed pursuant to RCW 28B.50.092 and
38 assigned to an educational program operating outside of the state of
39 Washington;

1 (b) Student, part-time, or temporary employees, and part-time
2 professional consultants, as defined by the Washington personnel
3 resources board, employed by institutions of higher education and
4 related boards;

5 (c) The governing board of each institution, and related boards,
6 may also exempt from this chapter classifications involving research
7 activities, counseling of students, extension or continuing education
8 activities, graphic arts or publications activities requiring
9 prescribed academic preparation or special training, and principal
10 assistants to executive heads of major administrative or academic
11 divisions, as determined by the board: PROVIDED, That no nonacademic
12 employee engaged in office, clerical, maintenance, or food and trade
13 services may be exempted by the board under this provision;

14 (d) Printing craft employees in the department of printing at the
15 University of Washington;

16 (3) In addition to the exemptions specifically provided by this
17 chapter, the ((state)) Washington personnel resources board may provide
18 for further exemptions pursuant to the following procedures. The
19 governor or other appropriate elected official may submit requests for
20 exemption to the Washington personnel resources board stating the
21 reasons for requesting such exemptions. The Washington personnel
22 resources board shall hold a public hearing, after proper notice, on
23 requests submitted pursuant to this subsection. If the board
24 determines that the position for which exemption is requested is one
25 involving substantial responsibility for the formulation of basic
26 agency or executive policy or one involving directing and controlling
27 program operations of an agency or a major administrative division
28 thereof, the Washington personnel resources board shall grant the
29 request and such determination shall be final as to any decision made
30 before July 1, 1993. The total number of additional exemptions
31 permitted under this subsection shall not exceed ((one hundred eighty-
32 seven)) one percent of the number of employees in the classified
33 service not including employees of institutions of higher education and
34 related boards for those agencies not directly under the authority of
35 any elected public official other than the governor, and shall not
36 exceed a total of twenty-five for all agencies under the authority of
37 elected public officials other than the governor. The ((state))
38 Washington personnel resources board shall report to each regular
39 session of the legislature during an odd-numbered year all exemptions

1 granted under subsections (~~((24), (25), and (28))~~) (1) (x) and (y) and
2 (2) of this section, together with the reasons for such exemptions.

3 The salary and fringe benefits of all positions presently or
4 hereafter exempted except for the chief executive officer of each
5 agency, full-time members of boards and commissions, administrative
6 assistants and confidential secretaries in the immediate office of an
7 elected state official, and the personnel listed in subsection(~~(s~~
8 ~~(10))~~) (1) (j) through (~~((22))~~) (v) of this section, shall be
9 determined by the (~~(state))~~ Washington personnel resources board.

10 Any person holding a classified position subject to the provisions
11 of this chapter shall, when and if such position is subsequently
12 exempted from the application of this chapter, be afforded the
13 following rights: If such person previously held permanent status in
14 another classified position, such person shall have a right of
15 reversion to the highest class of position previously held, or to a
16 position of similar nature and salary.

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

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

24 **Sec. 22.** RCW 41.06.076 and 1980 c 73 s 1 are each amended to read
25 as follows:

26 In addition to the exemptions set forth in RCW 41.06.070, the
27 provisions of this chapter shall not apply in the department of social
28 and health services to the secretary; the secretary's executive
29 assistant, if any; not to exceed six assistant secretaries, thirteen
30 division directors, six regional directors; one confidential secretary
31 for each of the above-named officers; not to exceed six bureau chiefs;
32 and all superintendents of institutions of which the average daily
33 population equals or exceeds one hundred residents: PROVIDED, That
34 each such confidential secretary must meet the minimum qualifications
35 for the class of secretary II as determined by the (~~(state))~~ Washington
36 personnel resources board.

1 **Sec. 23.** RCW 41.06.079 and 1985 c 178 s 1 are each amended to read
2 as follows:

3 In addition to the exemptions set forth in RCW 41.06.070, the
4 provisions of this chapter shall not apply in the department of
5 transportation to the secretary, a deputy secretary, an administrative
6 assistant to the secretary, if any, one assistant secretary for each
7 division designated pursuant to RCW 47.01.081, one confidential
8 secretary for each of the above-named officers, up to six
9 transportation district administrators and one confidential secretary
10 for each district administrator, up to six additional new
11 administrators or confidential secretaries designated by the secretary
12 of the department of transportation and approved by the ((state))
13 Washington personnel resources board pursuant to the provisions of RCW
14 ((41.06.070(26))) 41.06.070(1)(z), the legislative liaison for the
15 department, the state construction engineer, the state aid engineer,
16 the personnel manager, the state project development engineer, the
17 state maintenance and operations engineer, one confidential secretary
18 for each of the last-named five positions, and a confidential secretary
19 for the public affairs administrator. The individuals appointed under
20 this section shall be exempt from the provisions of the state civil
21 service law, and shall be paid salaries to be fixed by the governor in
22 accordance with the procedure established by law for the fixing of
23 salaries for individuals exempt from the operation of the state civil
24 service law.

25 **Sec. 24.** RCW 41.06.093 and 1990 c 14 s 1 are each amended to read
26 as follows:

27 In addition to the exemptions set forth in RCW 41.06.070, the
28 provisions of this chapter shall not apply in the Washington state
29 patrol to confidential secretaries of agency bureau chiefs, or their
30 functional equivalent, and a confidential secretary for the chief of
31 staff: PROVIDED, That each confidential secretary must meet the
32 minimum qualifications for the class of secretary II as determined by
33 the ((state)) Washington personnel resources board.

34 **Sec. 25.** RCW 41.06.110 and 1984 c 287 s 69 are each amended to
35 read as follows:

36 (1) There is hereby created a ((state)) Washington personnel
37 resources board composed of three members appointed by the governor,

1 subject to confirmation by the senate. (~~The first such board shall be~~
2 ~~appointed within thirty days after December 8, 1960, for terms of two,~~
3 ~~four, and six years.)) The members of the personnel board serving June
4 30, 1993, shall be the members of the Washington personnel resources
5 board, and they shall complete their terms as under the personnel
6 board. Each odd-numbered year thereafter the governor shall appoint
7 a member for a six-year term. Each member shall continue to hold
8 office after the expiration of the member's term until a successor has
9 been appointed. Persons so appointed shall have clearly demonstrated
10 an interest and belief in the merit principle, shall not hold any other
11 employment with the state, shall not have been an officer of a
12 political party for a period of one year immediately prior to such
13 appointment, and shall not be or become a candidate for partisan
14 elective public office during the term to which they are appointed;~~

15 (2) Each member of the board shall be compensated in accordance
16 with RCW 43.03.250. The members of the board may receive any number of
17 daily payments for official meetings of the board actually attended.
18 Members of the board shall also be reimbursed for travel expenses
19 incurred in the discharge of their official duties in accordance with
20 RCW 43.03.050 and 43.03.060.

21 (3) At its first meeting following the appointment of all of its
22 members, and annually thereafter, the board shall elect a (~~chairman~~)
23 chair and (~~vice-chairman~~) vice-chair from among its members to serve
24 one year. The presence of at least two members of the board shall
25 constitute a quorum to transact business. A written public record
26 shall be kept by the board of all actions of the board. The director
27 (~~of personnel~~) shall serve as secretary.

28 (4) The board may appoint and compensate hearing officers to hear
29 and conduct appeals until December 31, 1982. Such compensation shall
30 be paid on a contractual basis for each hearing, in accordance with the
31 provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as
32 they relate to personal service contracts.

33 **Sec. 26.** RCW 41.06.130 and 1982 1st ex.s. c 53 s 3 are each
34 amended to read as follows:

35 The office of director of personnel is hereby established.

36 (1) (~~Within ninety days after December 8, 1960, a director of~~
37 ~~personnel shall be appointed. The merit system director then serving~~
38 ~~under RCW 50.12.030, whose position is terminated by this chapter, may~~

1 ~~serve as director of personnel hereunder until a permanent director of~~
2 ~~personnel is appointed as herein provided, and may be appointed as~~
3 ~~director of personnel by the governor alone; or the governor may fill~~
4 ~~the position in the manner hereinafter provided for subsequent~~
5 ~~vacancies therein on the basis of competitive examination, in~~
6 ~~conformance with board rules for competitive examinations, for which~~
7 ~~examinations the merit system director is eligible.~~

8 ~~(2))~~ The director of personnel shall be appointed by the governor
9 ~~((from a list of three names submitted to him by the board with its~~
10 ~~recommendations. The names on such list shall be those of the three~~
11 ~~standing highest upon competitive examination conducted by a committee~~
12 ~~of three persons appointed by the board solely for that purpose~~
13 ~~whenever the position is vacant. Only persons with substantial~~
14 ~~experience in the field of personnel management are eligible to take~~
15 ~~such examination)).~~ The governor shall consult with, but shall not be
16 obligated by recommendations of the board. The director's appointment
17 shall be subject to confirmation by the senate.

18 ~~((3))~~ (2) The director of personnel ~~((is removable for cause by))~~
19 shall serve at the pleasure of the governor ~~((with the approval of a~~
20 ~~majority of the board or by a majority of the board))~~.

21 ~~((4))~~ (3) The director of personnel shall direct and supervise
22 all the department of personnel's administrative and technical
23 activities in accordance with the provisions of this chapter and the
24 rules ~~((and regulations approved and promulgated thereunder. He))~~
25 adopted under it. The director shall prepare for consideration by the
26 board proposed rules ~~((and regulations))~~ required by this chapter.
27 ~~((His))~~ The director's salary shall be fixed by the ~~((board))~~ governor.

28 ~~((5))~~ (4) The director of personnel may delegate to any agency
29 the authority to perform administrative and technical personnel
30 activities if the agency requests such authority and the director of
31 personnel is satisfied that the agency has the personnel management
32 capabilities to effectively perform the delegated activities. The
33 director of personnel shall prescribe standards and guidelines for the
34 performance of delegated activities. If the director of personnel
35 determines that an agency is not performing delegated activities within
36 the prescribed standards and guidelines, the director shall withdraw
37 the authority from the agency to perform such activities.

1 **Sec. 27.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to
2 read as follows:

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

7 (1) The reduction, dismissal, suspension, or demotion of an
8 employee;

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

15 (3) Examinations for all positions in the competitive and
16 noncompetitive service;

17 (4) Appointments;

18 (5) Training and career development;

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

23 (7) Transfers;

24 (8) Sick leaves and vacations;

25 (9) Hours of work;

26 (10) Layoffs when necessary and subsequent reemployment, both
27 according to seniority;

28 (11) Determination of appropriate bargaining units within any
29 agency: PROVIDED, That in making such determination the board shall
30 consider the duties, skills, and working conditions of the employees,
31 the history of collective bargaining by the employees and their
32 bargaining representatives, the extent of organization among the
33 employees, and the desires of the employees;

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

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

29 (14) Written agreements may contain provisions for payroll
30 deductions of employee organization dues upon authorization by the
31 employee member and for the cancellation of such payroll deduction by
32 the filing of a proper prior notice by the employee with the appointing
33 authority and the employee organization: PROVIDED, That nothing
34 contained herein permits or grants to any employee the right to strike
35 or refuse to perform his or her official duties;

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

1 (16) Allocation and reallocation of positions within the
2 classification plan;

3 (17) Adoption and revision of a state salary schedule to reflect
4 the prevailing rates in Washington state private industries and other
5 governmental units but the rates in the salary schedules or plans shall
6 be increased if necessary to attain comparable worth under an
7 implementation plan under RCW 41.06.155 and that, for institutions of
8 higher education and related boards, shall be competitive for positions
9 of a similar nature in the state or the locality in which an
10 institution of higher education or related board is located, such
11 adoption and revision subject to approval by the director of financial
12 management in accordance with the provisions of chapter 43.88 RCW;

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

17 (19) Providing for veteran's preference as required by existing
18 statutes, with recognition of preference in regard to layoffs and
19 subsequent reemployment for veterans and their ((widows)) surviving
20 spouses by giving such eligible veterans and their ((widows)) surviving
21 spouses additional credit in computing their seniority by adding to
22 their unbroken state service, as defined by the board, the veteran's
23 service in the military not to exceed five years. For the purposes of
24 this section, "veteran" means any person who has one or more years of
25 active military service in any branch of the armed forces of the United
26 States or who has less than one year's service and is discharged with
27 a disability incurred in the line of duty or is discharged at the
28 convenience of the government and who, upon termination of such service
29 has received an honorable discharge, a discharge for physical reasons
30 with an honorable record, or a release from active military service
31 with evidence of service other than that for which an undesirable, bad
32 conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER,
33 That the ((widow)) surviving spouse of a veteran is entitled to the
34 benefits of this section regardless of the veteran's length of active
35 military service: PROVIDED FURTHER, That for the purposes of this
36 section "veteran" does not include any person who has voluntarily
37 retired with twenty or more years of active military service and whose
38 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 before July 1, 1993, will be
9 eligible for employment, reemployment, transfer, and promotion in
10 respect to classified 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. 28.** RCW 41.06.155 and 1983 1st ex.s. c 75 s 6 are each
21 amended to read as follows:

22 Salary changes necessary to achieve comparable worth shall be
23 implemented during the 1983-85 biennium under a schedule developed by
24 the department (~~in cooperation with the higher education personnel~~
25 ~~board~~). Increases in salaries and compensation solely for the purpose
26 of achieving comparable worth shall be made at least annually.
27 Comparable worth for the jobs of all employees under this chapter shall
28 be fully achieved not later than June 30, 1993.

29 **Sec. 29.** RCW 41.06.160 and 1985 c 94 s 2 are each amended to read
30 as follows:

31 In preparing classification and salary schedules as set forth in
32 RCW 41.06.150 as now or hereafter amended the department of personnel
33 shall give full consideration to prevailing rates in other public
34 employment and in private employment in this state. For this purpose
35 the department shall undertake comprehensive salary and fringe benefit
36 surveys (~~to be planned and conducted on a joint basis with the higher~~
37 ~~education personnel board~~), with such surveys to be conducted in the

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

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

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

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

33 (3) A list of class codes and titles indicating recommended monthly
34 salary ranges for all state classes under the control of the department
35 of personnel with(÷

36 ~~(a))~~ those salary ranges which do not substantially conform to the
37 prevailing rates developed from the salary and fringe benefit survey
38 distinctly marked and an explanation of the reason for the deviation
39 included; (~~and~~

1 ~~(b) Those department of personnel classes which are substantially~~
2 ~~the same as classes being used by the higher education personnel board~~
3 ~~clearly marked to show the commonality of the classes between the two~~
4 ~~jurisdictions;))~~

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

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

22 It is the intention of the legislature that requests for funds to
23 support recommendations for salary deviations from the prevailing rate
24 survey data shall be kept to a minimum, and that the requests be fully
25 documented when forwarded by the department of personnel. (~~Further,~~
26 ~~it is the intention of the legislature that the department of personnel~~
27 ~~and the higher education personnel board jointly determine job classes~~
28 ~~which are substantially common to both jurisdictions and that basic~~
29 ~~salaries for these job classes shall be equal based on salary and~~
30 ~~fringe benefit survey findings.))~~

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

35 The first comprehensive salary and fringe benefit survey required
36 by this section shall be completed and forwarded to the governor and
37 the director of financial management by September 30, 1986. The first
38 trend salary and fringe benefit survey required by this section shall

1 be completed and forwarded to the governor and the director of
2 financial management by September 30, 1988.

3 **Sec. 30.** RCW 41.06.163 and 1987 c 185 s 9 are each amended to read
4 as follows:

5 (1) In the conduct of salary and fringe benefit surveys under RCW
6 41.06.160 as now or hereafter amended, it is the intention of the
7 legislature that the surveys be undertaken in a manner consistent with
8 statistically accurate sampling techniques. For this purpose, a
9 comprehensive salary and fringe benefit survey plan shall be submitted
10 to the director of financial management, employee organizations, and
11 the standing committees for appropriations of the senate and house of
12 representatives six months before the beginning of each periodic survey
13 required before regular legislative sessions. This comprehensive plan
14 shall include but not be limited to the following:

15 (a) A complete explanation of the technical, statistical process to
16 be used in the salary and fringe benefit survey including the
17 percentage of accuracy expected from the planned statistical sample
18 chosen for the survey and a definition of the term "prevailing rates"
19 which is to be used in the planned survey;

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

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

25 (ii) Is representative of private and public employment in this
26 state;

27 (iii) Ensures that, wherever practical, data from smaller, private
28 firms are included and proportionally weighted in the survey sample;
29 and

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

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

37 (2) Every comprehensive survey plan shall fully consider fringe
38 benefits as an element of compensation in addition to basic salary

1 data. ((The plans prepared under this section shall be developed
2 jointly by the department of personnel in conjunction with the higher
3 education personnel board established under chapter 28B.16 RCW. All
4 comprehensive salary and fringe benefit survey plans shall be submitted
5 on a joint signature basis by the department of personnel and the
6 higher education personnel board.))

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

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

14 (a) Leave time, including vacation, holiday, civil, and personal
15 leave;

16 (b) Employer retirement contributions;

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

19 (d) Stock options, bonuses, and purchase discounts where
20 appropriate.

21 **Sec. 31.** RCW 41.06.170 and 1981 c 311 s 19 are each amended to
22 read as follows:

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

33 (2) Any employee who is reduced, dismissed, suspended, or demoted,
34 after completing his or her probationary period of service as provided
35 by the rules ((~~and regulations~~)) of the board, or any employee who is
36 adversely affected by a violation of the state civil service law,
37 chapter 41.06 RCW((~~, as now or hereafter amended~~)), or rules
38 ((~~promulgated pursuant thereto~~)) adopted under it, shall have the right

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

6 (3) Any employee whose position has been exempted after July 1,
7 1993, shall have the right to appeal to the personnel appeals board
8 created by RCW 41.64.010 not later than thirty days after the effective
9 date of such action.

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

15 **Sec. 32.** RCW 41.06.186 and 1985 c 461 s 5 are each amended to read
16 as follows:

17 The Washington personnel resources board shall adopt rules designed
18 to terminate the state employment of any employee whose performance is
19 so inadequate as to warrant termination.

20 **Sec. 33.** RCW 41.06.196 and 1985 c 461 s 6 are each amended to read
21 as follows:

22 The Washington personnel resources board shall adopt rules designed
23 to remove from supervisory positions those supervisors who in violation
24 of the rules adopted under RCW 41.06.186 have tolerated the continued
25 employment of employees under their supervision whose performance has
26 warranted termination from state employment.

27 **Sec. 34.** RCW 41.06.280 and 1987 c 248 s 4 are each amended to read
28 as follows:

29 There is hereby created a fund within the state treasury,
30 designated as the "department of personnel service fund," to be used by
31 the board as a revolving fund for the payment of salaries, wages, and
32 operations required for the administration of the provisions of this
33 chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60
34 RCW. An amount not to exceed one and one-half percent of the approved
35 allotments of salaries and wages for all positions in the classified
36 service in each of the agencies subject to this chapter(~~(, except the~~

1 ~~institutions of higher learning,~~) shall be charged to the operations
2 appropriations of each agency and credited to the department of
3 personnel service fund as the allotments are approved pursuant to
4 chapter 43.88 RCW. Subject to the above limitations, the amount shall
5 be charged against the allotments pro rata, at a rate to be fixed by
6 the director from time to time which, together with income derived from
7 services rendered under RCW 41.06.080, will provide the department with
8 funds to meet its anticipated expenditures during the allotment period,
9 including the training requirements in sections 9 and 12 of this act.

10 The director of personnel shall fix the terms and charges for
11 services rendered by the department of personnel pursuant to RCW
12 41.06.080, which amounts shall be credited to the department of
13 personnel service fund and charged against the proper fund or
14 appropriation of the recipient of such services on a quarterly basis.
15 Payment for services so rendered under RCW 41.06.080 shall be made on
16 a quarterly basis to the state treasurer and deposited by him in the
17 department of personnel service fund.

18 Moneys from the department of personnel service fund shall be
19 disbursed by the state treasurer by warrants on vouchers duly
20 authorized by the board.

21 **Sec. 35.** RCW 41.06.340 and 1969 ex.s. c 215 s 13 are each amended
22 to read as follows:

23 Each and every provision of RCW 41.56.140 through 41.56.190 shall
24 be applicable to this chapter as it relates to state civil service
25 employees and the ((state)) Washington personnel resources board, or
26 its designee, whose final decision shall be appealable to the ((state))
27 Washington personnel resources board, which is granted all powers and
28 authority granted to the department of labor and industries by RCW
29 41.56.140 through 41.56.190.

30 **Sec. 36.** RCW 41.06.350 and 1969 ex.s. c 152 s 1 are each amended
31 to read as follows:

32 The ((state)) Washington personnel resources board is authorized to
33 receive federal funds now available or hereafter made available for the
34 assistance and improvement of public personnel administration, which
35 may be expended in addition to the department of personnel service fund
36 established by RCW 41.06.280.

1 **Sec. 37.** RCW 41.06.450 and 1982 c 208 s 10 are each amended to
2 read as follows:

3 (1) By January 1, 1983, the Washington personnel resources board
4 shall adopt rules applicable to each agency to ensure that information
5 relating to employee misconduct or alleged misconduct is destroyed or
6 maintained as follows:

7 (a) All such information determined to be false and all such
8 information in situations where the employee has been fully exonerated
9 of wrongdoing, shall be promptly destroyed;

10 (b) All such information having no reasonable bearing on the
11 employee's job performance or on the efficient and effective management
12 of the agency, shall be promptly destroyed;

13 (c) All other information shall be retained only so long as it has
14 a reasonable bearing on the employee's job performance or on the
15 efficient and effective management of the agency.

16 (2) Notwithstanding subsection (1) of this section, an agency may
17 retain information relating to employee misconduct or alleged
18 misconduct if:

19 (a) The employee requests that the information be retained; or

20 (b) The information is related to pending legal action or legal
21 action may be reasonably expected to result.

22 (3) In adopting rules under this section, the Washington personnel
23 resources board shall consult with the public disclosure commission to
24 ensure that the public policy of the state, as expressed in chapter
25 42.17 RCW, is adequately protected.

26 **Sec. 38.** RCW 41.06.475 and 1986 c 269 s 2 are each amended to read
27 as follows:

28 The ((state)) Washington personnel resources board shall adopt
29 rules, in cooperation with the secretary of social and health services,
30 for the background investigation of persons being considered for state
31 employment in positions directly responsible for the supervision, care,
32 or treatment of children or developmentally disabled persons.

33 **Sec. 39.** RCW 41.48.140 and 1979 c 152 s 3 are each amended to read
34 as follows:

35 Nothing in RCW 41.48.120 or 41.48.130 shall affect the power of the
36 ((state)) Washington personnel resources board(~~(, the higher education~~
37 ~~personnel board,~~) or any other state personnel authority to establish

1 sick leave (~~(regulations)~~) rules except as may be required under RCW
2 41.48.120 or 41.48.130: PROVIDED, That each personnel board and
3 personnel authority shall establish the maximum number of working days
4 an employee under its jurisdiction may be absent on account of sickness
5 or accident disability without a medical certificate.

6 "Personnel authority" as used in this section, means a state
7 agency, board, committee, or similar body having general authority to
8 establish personnel (~~(regulations)~~) rules.

9 **Sec. 40.** RCW 41.50.804 and 1975-'76 2nd ex.s. c 105 s 17 are each
10 amended to read as follows:

11 Nothing contained in this chapter shall be construed to alter any
12 existing collective bargaining agreement until any such agreement has
13 expired or until any such bargaining unit has been modified by action
14 of the Washington personnel resources board as provided by law.

15 **Sec. 41.** RCW 41.64.090 and 1981 c 311 s 10 are each amended to
16 read as follows:

17 (1) The board shall have jurisdiction to decide appeals filed on or
18 after July 1, 1981, of employees under the jurisdiction of the
19 (~~(state)~~) Washington personnel resources board pursuant to RCW
20 41.06.170, as now or hereafter amended.

21 (2) The board shall have jurisdiction to decide appeals filed on or
22 after July 1, 1993, of employees of institutions of higher education
23 and related boards under the jurisdiction of the Washington personnel
24 resources board pursuant to RCW 41.06.170. An appeal under this
25 subsection by an employee of an institution of higher education or a
26 related board shall be held in the county in which the institution is
27 located or the county in which the person was employed when the appeal
28 was filed.

29 **Sec. 42.** RCW 42.16.010 and 1983 1st ex.s. c 28 s 1 are each
30 amended to read as follows:

31 (1) Except as provided otherwise in subsection (2) of this section,
32 all state officers and employees shall be paid for services rendered
33 from the first day of the month through the fifteenth day of the month
34 and for services rendered from the sixteenth day of the month through
35 the last calendar day of the month. Paydates for these two pay periods
36 shall be established by the director of financial management through

1 the administrative hearing process and the official paydates shall be
2 established six months prior to the beginning of each subsequent
3 calendar year. Under no circumstance shall the paydate be established
4 more than ten days after the pay period in which the wages are earned
5 except when the designated paydate falls on Sunday, in which case the
6 paydate shall not be later than the following Monday. Payment shall be
7 deemed to have been made by the established paydates if: (a) The
8 salary warrant is available at the geographic work location at which
9 the warrant is normally available to the employee; or (b) the salary
10 has been electronically transferred into the employee's account at the
11 employee's designated financial institution; or (c) the salary warrants
12 are mailed at least two days before the established paydate for those
13 employees engaged in work in remote or varying locations from the
14 geographic location at which the payroll is prepared, provided that the
15 employee has requested payment by mail.

16 The office of financial management shall develop the necessary
17 policies and operating procedures to assure that all remuneration for
18 services rendered including basic salary, shift differential, standby
19 pay, overtime, penalty pay, salary due based on contractual agreements,
20 and special pay provisions, as provided for by law, Washington
21 personnel resources board rules, agency policy or rule, or contract,
22 shall be available to the employee on the designated paydate.
23 Overtime, penalty pay, and special pay provisions may be paid by the
24 next following paydate if the postponement of payment is attributable
25 to: The employee's not making a timely or accurate report of the facts
26 which are the basis for the payment, or the employer's lack of
27 reasonable opportunity to verify the claim.

28 Compensable benefits payable because of separation from state
29 service shall be paid with the earnings for the final period worked
30 unless the employee separating has not provided the agency with the
31 proper notification of intent to terminate.

32 One-half of the employee's basic monthly salary shall be paid in
33 each pay period. Employees paid on an hourly basis or employees who
34 work less than a full pay period shall be paid for actual salary
35 earned.

36 (2) Subsection (1) of this section shall not apply in instances
37 where it would conflict with contractual rights or, with the approval
38 of the office of financial management, to short-term, intermittent,
39 noncareer state employees, to student employees of institutions of

1 higher education, and to liquor control agency managers who are paid a
2 percentage of monthly liquor sales.

3 **Sec. 43.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to
4 read as follows:

5 For the purposes of RCW 42.17.240, the term "executive state
6 officer" includes:

7 (1) The chief administrative law judge, the director of
8 agriculture, the administrator of the office of marine safety, the
9 administrator of the Washington basic health plan, the director of the
10 department of services for the blind, the director of the state system
11 of community and technical colleges, the director of community
12 development, the secretary of corrections, the director of ecology, the
13 commissioner of employment security, the chairman of the energy
14 facility site evaluation council, the director of the energy office,
15 the secretary of the state finance committee, the director of financial
16 management, the director of fisheries, the executive secretary of the
17 forest practices appeals board, the director of the gambling
18 commission, the director of general administration, the secretary of
19 health, the administrator of the Washington state health care
20 authority, the executive secretary of the health care facilities
21 authority, the executive secretary of the higher education facilities
22 authority, (~~the director of the higher education personnel board,~~)
23 the executive secretary of the horse racing commission, the executive
24 secretary of the human rights commission, the executive secretary of
25 the indeterminate sentence review board, the director of the department
26 of information services, the director of the interagency committee for
27 outdoor recreation, the executive director of the state investment
28 board, the director of labor and industries, the director of licensing,
29 the director of the lottery commission, the director of the office of
30 minority and women's business enterprises, the director of parks and
31 recreation, the director of personnel, the executive director of the
32 public disclosure commission, the director of retirement systems, the
33 director of revenue, the secretary of social and health services, the
34 chief of the Washington state patrol, the executive secretary of the
35 board of tax appeals, the director of trade and economic development,
36 the secretary of transportation, the secretary of the utilities and
37 transportation commission, the director of veterans affairs, the
38 director of wildlife, the president of each of the regional and state

1 universities and the president of The Evergreen State College, each
2 district and each campus president of each state community college;
3 (2) Each professional staff member of the office of the governor;
4 (3) Each professional staff member of the legislature; and
5 (4) Central Washington University board of trustees, board of
6 trustees of each community college, each member of the state board for
7 community and technical colleges (~~(education)~~), state convention and
8 trade center board of directors, committee for deferred compensation,
9 Eastern Washington University board of trustees, Washington economic
10 development finance authority, The Evergreen State College board of
11 trustees, forest practices appeals board, forest practices board,
12 gambling commission, Washington health care facilities authority,
13 higher education coordinating board, higher education facilities
14 authority, (~~((higher education personnel board,))~~) horse racing
15 commission, state housing finance commission, human rights commission,
16 indeterminate sentence review board, board of industrial insurance
17 appeals, information services board, interagency committee for outdoor
18 recreation, state investment board, liquor control board, lottery
19 commission, marine oversight board, oil and gas conservation committee,
20 Pacific Northwest electric power and conservation planning council,
21 parks and recreation commission, personnel appeals board, (~~((personnel
22 board,))~~) board of pilotage (~~([commissioners])~~) commissioners, pollution
23 control hearings board, public disclosure commission, public pension
24 commission, shorelines hearing board, state employees' benefits board,
25 board of tax appeals, transportation commission, University of
26 Washington board of regents, utilities and transportation commission,
27 Washington state maritime commission, Washington personnel resources
28 board, Washington public power supply system executive board,
29 Washington State University board of regents, Western Washington
30 University board of trustees, and wildlife commission.

31 **Sec. 44.** RCW 43.01.170 and 1992 c 234 s 11 are each amended to
32 read as follows:

33 In order to ensure that the state derives the expected benefits
34 from the early retirement provisions of chapter 234, Laws of 1992, no
35 state agency may hire persons who retire from state service under the
36 provisions of chapter 234, Laws of 1992 as temporary or project
37 employees, as defined by the (~~(state))~~ Washington personnel resources
38 board for employees covered under chapter 41.06 RCW (~~(and by the higher~~

1 ~~education personnel board for employees covered under chapter 28B.16~~
2 RCW)). Exceptions to this section may be granted by written approval
3 from the director of the office of financial management if the director
4 finds that the temporary or project employment of a retiree is
5 necessary to protect the public safety, protect against the loss of
6 federal certification or loss of critical federal funds, or carry out
7 functions so essential to the agency that even temporary suspension or
8 delay of services would have a significant negative impact on the
9 public. At the end of each three-month period in which exceptions are
10 approved, the director shall forward a copy of any approvals, together
11 with justification for the exceptions, to the fiscal committees of the
12 legislature. Each forwarded approval shall include the name of the
13 temporary or project employee, the agency and division or department
14 requesting the employment, duration and cost of the proposed
15 employment, and specific functions and duties to be carried out during
16 the employment. This section shall expire June 30, 1995.

17 **Sec. 45.** RCW 43.03.028 and 1991 c 3 s 294 are each amended to read
18 as follows:

19 (1) There is hereby created a state committee on agency officials'
20 salaries to consist of seven members, or their designees, as follows:
21 The president of the University of Puget Sound; the chairperson of the
22 council of presidents of the state's four-year institutions of higher
23 education; the chairperson of the ((State)) Washington personnel
24 resources board; the president of the Association of Washington
25 Business; the president of the Pacific Northwest Personnel Managers'
26 Association; the president of the Washington State Bar Association; and
27 the president of the Washington State Labor Council. If any of the
28 titles or positions mentioned in this subsection are changed or
29 abolished, any person occupying an equivalent or like position shall be
30 qualified for appointment by the governor to membership upon the
31 committee.

32 (2) The committee shall study the duties and salaries of the
33 directors of the several departments and the members of the several
34 boards and commissions of state government, who are subject to
35 appointment by the governor or whose salaries are fixed by the
36 governor, and of the chief executive officers of the following agencies
37 of state government:

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

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

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

22 **Sec. 46.** RCW 43.03.305 and 1986 c 155 s 2 are each amended to read
23 as follows:

24 There is created a commission to be known as the Washington
25 citizens' commission on salaries for elected officials, to consist of
26 fifteen members appointed by the governor as provided in this section.

27 (1) Eight of the fifteen commission members shall be selected by
28 lot by the secretary of state from among those registered voters
29 eligible to vote at the general election held in November, 1986, and
30 thereafter from among those registered voters eligible to vote at the
31 time of the selection. One member shall be selected from each
32 congressional district. The secretary shall establish policies and
33 procedures for conducting the selection by lot. The policies and
34 procedures shall include, but not be limited to, those for notifying
35 persons selected and for providing a new selection from a congressional
36 district if a person selected from the district declines appointment to
37 the commission.

1 (2) The remaining seven of the fifteen commission members, all
2 residents of this state, shall be selected jointly by the speaker of
3 the house of representatives and the president of the senate. The
4 persons selected under this subsection shall have had experience in the
5 field of personnel management. Of these seven members, one shall be
6 selected from each of the following five sectors in this state:
7 Private institutions of higher education; business; professional
8 personnel management; legal profession; and organized labor. Of the
9 two remaining members, one shall be a person recommended to the speaker
10 and the president by the ((chairperson)) chair of the ((state))
11 Washington personnel resources board and one shall be a person
12 recommended by majority vote of the presidents of the state's four-year
13 institutions of higher education.

14 (3) The secretary of state shall forward the names of persons
15 selected under subsection (1) of this section and the speaker of the
16 house of representatives and president of the senate shall forward the
17 names of persons selected under subsection (2) of this section to the
18 governor who shall appoint these persons to the commission. Except as
19 provided in subsection (6) of this section, the names of persons
20 selected for appointment to the commission shall be forwarded to the
21 governor not later than February 15, 1987, and not later than the
22 fifteenth day of February every four years thereafter.

23 (4) Members shall hold office for terms of four years, and no
24 person may be appointed to more than two such terms. No member of the
25 commission may be removed by the governor during his or her term of
26 office unless for cause of incapacity, incompetence, neglect of duty,
27 or malfeasance in office or for a disqualifying change of residence.

28 (5) No state official, public employee, or lobbyist, or immediate
29 family member of the official, employee, or lobbyist, subject to the
30 registration requirements of chapter 42.17 RCW is eligible for
31 membership on the commission.

32 As used in this subsection the phrase "immediate family" means the
33 parents, spouse, siblings, children, or dependent relative of the
34 official, employee, or lobbyist whether or not living in the household
35 of the official, employee, or lobbyist.

36 (6) Upon a vacancy in any position on the commission, a successor
37 shall be selected and appointed to fill the unexpired term. The
38 selection and appointment shall be concluded within thirty days of the

1 date the position becomes vacant and shall be conducted in the same
2 manner as originally provided.

3 **Sec. 47.** RCW 43.06.410 and 1985 c 442 s 1 are each amended to read
4 as follows:

5 There is established within the office of the governor the
6 Washington state internship program to assist students and state
7 employees in gaining valuable experience and knowledge in various areas
8 of state government. In administering the program, the governor shall:

9 (1) Consult with the secretary of state, the director of personnel,
10 (~~the director of the higher education personnel board,~~) the
11 commissioner of the employment security department, and representatives
12 of labor;

13 (2) Encourage and assist agencies in developing intern positions;

14 (3) Develop and coordinate a selection process for placing
15 individuals in intern positions. This selection process shall give due
16 regard to the responsibilities of the state to provide equal employment
17 opportunities;

18 (4) Develop and coordinate a training component of the internship
19 program which balances the need for training and exposure to new ideas
20 with the intern's and agency's need for on-the-job work experience;

21 (5) Work with institutions of higher education in developing the
22 program, soliciting qualified applicants, and selecting participants;
23 and

24 (6) Develop guidelines for compensation of the participants.

25 **Sec. 48.** RCW 43.06.425 and 1985 c 442 s 4 are each amended to read
26 as follows:

27 The ((state)) Washington personnel resources board (~~and the higher
28 education personnel board~~) shall ((each)) adopt rules to provide that:

29 (1) Successful completion of an internship under RCW 43.06.420
30 shall be considered as employment experience at the level at which the
31 intern was placed;

32 (2) Persons leaving classified or exempt positions in state
33 government in order to take an internship under RCW 43.06.420: (a)
34 Have the right of reversion to the previous position at any time during
35 the internship or upon completion of the internship; and (b) shall
36 continue to receive all fringe benefits as if they had never left their
37 classified or exempt positions;

1 (3) Participants in the undergraduate internship program who were
2 not public employees prior to accepting a position in the program
3 receive sick leave allowances commensurate with other state employees;

4 (4) Participants in the executive fellows program who were not
5 public employees prior to accepting a position in the program receive
6 sick and vacation leave allowances commensurate with other state
7 employees.

8 **Sec. 49.** RCW 43.06.430 and 1985 c 442 s 5 are each amended to read
9 as follows:

10 The ((state)) Washington personnel resources board shall adopt
11 rules to provide that persons successfully completing an internship
12 under the executive fellows program created under RCW 43.06.420 are
13 eligible for positions in the career executive program under RCW
14 41.06.430.

15 **Sec. 50.** RCW 43.33A.100 and 1981 c 219 s 3 are each amended to
16 read as follows:

17 The state investment board shall maintain appropriate offices and
18 employ such personnel as may be necessary to perform its duties.
19 Employment by the investment board shall include but not be limited to
20 an executive director, investment officers, and a confidential
21 secretary, which positions are exempt from classified service under
22 chapter 41.06 RCW. Employment of the executive director by the board
23 shall be for a term of three years, and such employment shall be
24 subject to confirmation of the state finance committee: PROVIDED, That
25 nothing shall prevent the board from dismissing the director for cause
26 before the expiration of the term nor shall anything prohibit the
27 board, with the confirmation of the state finance committee, from
28 employing the same individual as director in succeeding terms.
29 Compensation levels for the investment officers employed by the
30 investment board shall be established by the ((state)) Washington
31 personnel resources board.

32 As of July 1, 1981, all employees classified under chapter 41.06
33 RCW and engaged in duties assumed by the state investment board on July
34 1, 1981, are assigned to the state investment board. The transfer
35 shall not diminish any rights granted these employees under chapter
36 41.06 RCW nor exempt the employees from any action which may occur
37 thereafter in accordance with chapter 41.06 RCW.

1 All existing contracts and obligations pertaining to the functions
2 transferred to the state investment board in this 1980 act shall remain
3 in full force and effect, and shall be performed by the board. None of
4 the transfers directed by this 1980 act shall affect the validity of
5 any act performed by a state entity or by any official or employee
6 thereof prior to July 1, 1981.

7 **Sec. 51.** RCW 43.43.832 and 1990 c 3 s 1102 are each amended to
8 read as follows:

9 (1) The legislature finds that businesses and organizations
10 providing services to children, developmentally disabled persons, and
11 vulnerable adults need adequate information to determine which
12 employees or licensees to hire or engage. Therefore, the Washington
13 state patrol criminal identification system may disclose, upon the
14 request of a business or organization as defined in RCW 43.43.830, an
15 applicant's record for convictions of offenses against children or
16 other persons, convictions for crimes relating to financial
17 exploitation, but only if the victim was a vulnerable adult,
18 adjudications of child abuse in a civil action, the issuance of a
19 protection order against the respondent under chapter 74.34 RCW, and
20 disciplinary board final decisions and any subsequent criminal charges
21 associated with the conduct that is the subject of the disciplinary
22 board final decision. When necessary, applicants may be employed on a
23 conditional basis pending completion of such a background
24 investigation.

25 (2) The legislature also finds that the state board of education
26 may request of the Washington state patrol criminal identification
27 system information regarding a certificate applicant's record for
28 convictions under subsection (1) of this section.

29 (3) The legislature also finds that law enforcement agencies, the
30 office of the attorney general, prosecuting authorities, and the
31 department of social and health services may request this same
32 information to aid in the investigation and prosecution of child,
33 developmentally disabled person, and vulnerable adult abuse cases and
34 to protect children and adults from further incidents of abuse.

35 (4) The legislature further finds that the department of social and
36 health services, when considering persons for state positions directly
37 responsible for the care, supervision, or treatment of children,
38 developmentally disabled persons, or vulnerable adults or when

1 licensing or authorizing such persons or agencies pursuant to its
2 authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any
3 later-enacted statute which purpose is to license or regulate a
4 facility which handles vulnerable adults, must consider the information
5 listed in subsection (1) of this section. However, when necessary,
6 persons may be employed on a conditional basis pending completion of
7 the background investigation. The ((state)) Washington personnel
8 resources board shall adopt rules to accomplish the purposes of this
9 subsection as it applies to state employees.

10 **Sec. 52.** RCW 43.60A.906 and 1975-'76 2nd ex.s. c 115 s 16 are each
11 amended to read as follows:

12 Nothing contained in this chapter shall be construed to alter any
13 existing collective bargaining unit or the provisions of any existing
14 collective bargaining agreement until any such agreement has expired or
15 until any such bargaining unit has been modified by action of the
16 Washington personnel resources board as provided by law.

17 **Sec. 53.** RCW 43.105.052 and 1992 c 20 s 10 are each amended to
18 read as follows:

19 The department shall:

20 (1) Perform all duties and responsibilities the board delegates to
21 the department, including but not limited to:

22 (a) The review of agency acquisition plans and requests; and

23 (b) Implementation of state-wide and interagency policies,
24 standards, and guidelines;

25 (2) Make available information services to state agencies and local
26 governments on a full cost-recovery basis. These services may include,
27 but are not limited to:

28 (a) Telecommunications services for voice, data, and video;

29 (b) Mainframe computing services;

30 (c) Support for departmental and microcomputer evaluation,
31 installation, and use;

32 (d) Equipment acquisition assistance, including leasing, brokering,
33 and establishing master contracts;

34 (e) Facilities management services for information technology
35 equipment, equipment repair, and maintenance service;

1 (f) Negotiation with local cable companies and local governments to
2 provide for connection to local cable services to allow for access to
3 these public and educational channels in the state;

4 (g) Office automation services;

5 (h) System development services; and

6 (i) Training.

7 These services are for discretionary use by customers and customers
8 may elect other alternatives for service if those alternatives are more
9 cost-effective or provide better service. Agencies may be required to
10 use the backbone network portions of the telecommunications services
11 during an initial start-up period not to exceed three years;

12 (3) Establish rates and fees for services provided by the
13 department to assure that the services component of the department is
14 self-supporting. A billing rate plan shall be developed for a two-year
15 period to coincide with the budgeting process. The rate plan shall be
16 subject to review at least annually by the customer oversight
17 committees. The rate plan shall show the proposed rates by each cost
18 center and will show the components of the rate structure as mutually
19 determined by the department and the customer oversight committees.
20 The same rate structure will apply to all user agencies of each cost
21 center. The rate plan and any adjustments to rates shall be approved
22 by the office of financial management. The services component shall
23 not subsidize the operations of the planning component;

24 (4) With the advice of the information services board and agencies,
25 develop a state strategic information technology plan and performance
26 reports as required under RCW 43.105.160;

27 (5) Develop plans for the department's achievement of state-wide
28 goals and objectives set forth in the state strategic information
29 technology plan required under RCW 43.105.160. These plans shall
30 address such services as telecommunications, central and distributed
31 computing, local area networks, office automation, and end user
32 computing. The department shall seek the advice of customer oversight
33 committees and the board in the development of these plans;

34 (6) Under direction of the information services board and in
35 collaboration with the department of personnel, (~~the higher education~~
36 ~~personnel board,~~) and other agencies as may be appropriate, develop
37 training plans and coordinate training programs that are responsive to
38 the needs of agencies;

- 1 (7) Identify opportunities for the effective use of information
2 services and coordinate appropriate responses to those opportunities;
- 3 (8) Assess agencies' projects, acquisitions, plans, or overall
4 information processing performance as requested by the board, agencies,
5 the director of financial management, or the legislature. Agencies may
6 be required to reimburse the department for agency-requested reviews;
- 7 (9) Develop planning, budgeting, and expenditure reporting
8 requirements, in conjunction with the office of financial management,
9 for agencies to follow;
- 10 (10) Assist the office of financial management with budgetary and
11 policy review of agency plans for information services;
- 12 (11) Provide staff support from the planning component to the board
13 for:
- 14 (a) Meeting preparation, notices, and minutes;
- 15 (b) Promulgation of policies, standards, and guidelines adopted by
16 the board;
- 17 (c) Supervision of studies and reports requested by the board;
- 18 (d) Conducting reviews and assessments as directed by the board;
- 19 (12) Be the lead agency in coordinating video telecommunications
20 services for all state agencies and develop, pursuant to board
21 policies, standards and common specifications for leased and purchased
22 telecommunications equipment. The department shall not evaluate the
23 merits of school curriculum, higher education course offerings, or
24 other education and training programs proposed for transmission and/or
25 reception using video telecommunications resources. Nothing in this
26 section shall abrogate or abridge the legal responsibilities of
27 licensees of telecommunications facilities as licensed by the federal
28 communication commission on March 27, 1990; and
- 29 (13) Perform all other matters and things necessary to carry out
30 the purposes and provisions of this chapter.

31 **Sec. 54.** RCW 43.131.090 and 1983 1st ex.s. c 27 s 4 are each
32 amended to read as follows:

33 Unless the legislature specifies a shorter period of time, a
34 terminated state agency shall continue in existence until June 30th of
35 the next succeeding year for the purpose of concluding its affairs:
36 PROVIDED, That the powers and authority of the state agency shall not
37 be reduced or otherwise limited during this period. Unless otherwise
38 provided:

1 (1) All employees of terminated state agencies classified under
2 chapter 41.06 RCW, the state civil service law, shall be transferred as
3 appropriate or as otherwise provided in the procedures adopted by the
4 Washington personnel resources board pursuant to RCW 41.06.150;

5 (2) All documents and papers, equipment, or other tangible property
6 in the possession of the terminated state agency shall be delivered to
7 the custody of the agency assuming the responsibilities of the
8 terminated agency or if such responsibilities have been eliminated,
9 documents and papers shall be delivered to the state archivist and
10 equipment or other tangible property to the department of general
11 administration;

12 (3) All funds held by, or other moneys due to, the terminated state
13 agency shall revert to the fund from which they were appropriated, or
14 if that fund is abolished to the general fund;

15 (4) Notwithstanding the provisions of RCW 34.05.020, all rules made
16 by a terminated state agency shall be repealed, without further action
17 by the state agency, at the end of the period provided in this section,
18 unless assumed and reaffirmed by the agency assuming the related legal
19 responsibilities of the terminated state agency;

20 (5) All contractual rights and duties of a state agency shall be
21 assigned or delegated to the agency assuming the responsibilities of
22 the terminated state agency, or if there is none to such agency as the
23 governor shall direct.

24 **Sec. 55.** RCW 48.03.060 and 1981 c 339 s 2 are each amended to read
25 as follows:

26 (1) Examinations within this state of any insurer domiciled or
27 having its home offices in this state, other than a title insurer, made
28 by the commissioner or (~~his~~) the commissioner's examiners and
29 employees shall, except as to fees, mileage, and expense incurred as to
30 witnesses, be at the expense of the state.

31 (2) Every other examination, whatsoever, or any part of the
32 examination of any person domiciled or having its home offices in this
33 state requiring travel and services outside this state, shall be made
34 by the commissioner or by examiners designated by him and shall be at
35 the expense of the person examined; but a domestic insurer shall not be
36 liable for the compensation of examiners employed by the commissioner
37 for such services outside this state.

1 (3) The person examined and liable therefor shall reimburse the
2 state upon presentation of an itemized statement thereof, for the
3 actual travel expenses of the commissioner's examiners, their
4 reasonable living expense allowance, and their per diem compensation,
5 including salary and the employer's cost of employee benefits, at a
6 reasonable rate approved by the commissioner, incurred on account of
7 the examination. Per diem salary and expenses for employees examining
8 insurers domiciled outside the state of Washington shall be established
9 by the commissioner on the basis of the National Association of
10 Insurance Commissioner's recommended salary and expense schedule for
11 zone examiners, or the salary schedule established by the ((state))
12 Washington personnel resources board and the expense schedule
13 established by the office of financial management, whichever is higher.
14 Domestic title insurer shall pay the examination expense and costs to
15 the commissioner as itemized and billed by ((him)) the commissioner.

16 The commissioner or ((his)) the commissioner's examiners shall not
17 receive or accept any additional emolument on account of any
18 examination.

19 **Sec. 56.** RCW 49.46.010 and 1989 c 1 s 1 are each amended to read
20 as follows:

21 As used in this chapter:

22 (1) "Director" means the director of labor and industries;

23 (2) "Wage" means compensation due to an employee by reason of
24 employment, payable in legal tender of the United States or checks on
25 banks convertible into cash on demand at full face value, subject to
26 such deductions, charges, or allowances as may be permitted by
27 ((regulations)) rules of the director;

28 (3) "Employ" includes to permit to work;

29 (4) "Employer" includes any individual, partnership, association,
30 corporation, business trust, or any person or group of persons acting
31 directly or indirectly in the interest of an employer in relation to an
32 employee;

33 (5) "Employee" includes any individual employed by an employer but
34 shall not include:

35 (a) Any individual (i) employed as a hand harvest laborer and paid
36 on a piece rate basis in an operation which has been, and is generally
37 and customarily recognized as having been, paid on a piece rate basis
38 in the region of employment; (ii) who commutes daily from his or her

1 permanent residence to the farm on which he or she is employed; and
2 (iii) who has been employed in agriculture less than thirteen weeks
3 during the preceding calendar year;

4 (b) Any individual employed in casual labor in or about a private
5 home, unless performed in the course of the employer's trade, business,
6 or profession;

7 (c) Any individual employed in a bona fide executive,
8 administrative, or professional capacity or in the capacity of outside
9 salesman as those terms are defined and delimited by ((regulations))
10 rules of the director. However, those terms shall be defined and
11 delimited by the ((state)) Washington personnel resources board
12 pursuant to chapter 41.06 RCW ((and the higher education personnel
13 board pursuant to chapter 28B.16 RCW for employees employed under their
14 respective jurisdictions));

15 (d) Any individual engaged in the activities of an educational,
16 charitable, religious, state or local governmental body or agency, or
17 nonprofit organization where the employer-employee relationship does
18 not in fact exist or where the services are rendered to such
19 organizations gratuitously. If the individual receives reimbursement
20 in lieu of compensation for normally incurred out-of-pocket expenses or
21 receives a nominal amount of compensation per unit of voluntary service
22 rendered, an employer-employee relationship is deemed not to exist for
23 the purpose of this section or for purposes of membership or
24 qualification in any state, local government or publicly supported
25 retirement system other than that provided under chapter 41.24 RCW;

26 (e) Any individual employed full time by any state or local
27 governmental body or agency who provides voluntary services but only
28 with regard to the provision of the voluntary services. The voluntary
29 services and any compensation therefor shall not affect or add to
30 qualification, entitlement or benefit rights under any state, local
31 government, or publicly supported retirement system other than that
32 provided under chapter 41.24 RCW;

33 (f) Any newspaper vendor or carrier;

34 (g) Any carrier subject to regulation by Part 1 of the Interstate
35 Commerce Act;

36 (h) Any individual engaged in forest protection and fire prevention
37 activities;

38 (i) Any individual employed by any charitable institution charged
39 with child care responsibilities engaged primarily in the development

1 of character or citizenship or promoting health or physical fitness or
2 providing or sponsoring recreational opportunities or facilities for
3 young people or members of the armed forces of the United States;

4 (j) Any individual whose duties require that he or she reside or
5 sleep at the place of his or her employment or who otherwise spends a
6 substantial portion of his or her work time subject to call, and not
7 engaged in the performance of active duties;

8 (k) Any resident, inmate, or patient of a state, county, or
9 municipal correctional, detention, treatment or rehabilitative
10 institution;

11 (l) Any individual who holds a public elective or appointive office
12 of the state, any county, city, town, municipal corporation or quasi
13 municipal corporation, political subdivision, or any instrumentality
14 thereof, or any employee of the state legislature;

15 (m) All vessel operating crews of the Washington state ferries
16 operated by the department of transportation;

17 (n) Any individual employed as a seaman on a vessel other than an
18 American vessel.

19 (6) "Occupation" means any occupation, service, trade, business,
20 industry, or branch or group of industries or employment or class of
21 employment in which employees are gainfully employed.

22 **Sec. 57.** RCW 49.74.020 and 1985 c 365 s 9 are each amended to read
23 as follows:

24 If the commission reasonably believes that a state agency, an
25 institution of higher education, or the state patrol has failed to
26 comply with an affirmative action rule adopted under RCW
27 (~~(28B.16.1007)~~) 41.06.150(~~(7)~~) or 43.43.340, the commission shall
28 notify the director of the state agency, president of the institution
29 of higher education, or chief of the Washington state patrol of the
30 noncompliance, as well as the director of personnel (~~(or the director~~
31 ~~of the higher education personnel board, whichever is appropriate)~~).
32 The commission shall give the director of the state agency, president
33 of the institution of higher education, or chief of the Washington
34 state patrol an opportunity to be heard on the failure to comply.

35 **Sec. 58.** RCW 49.74.030 and 1985 c 365 s 10 are each amended to
36 read as follows:

1 The commission in conjunction with the department of personnel(~~(~~
2 ~~the higher education personnel board,~~) or the state patrol, whichever
3 is appropriate, shall attempt to resolve the noncompliance through
4 conciliation. If an agreement is reached for the elimination of
5 noncompliance, the agreement shall be reduced to writing and an order
6 shall be issued by the commission setting forth the terms of the
7 agreement. The noncomplying state agency, institution of higher
8 education, or state patrol shall make a good faith effort to conciliate
9 and make a full commitment to correct the noncompliance with any action
10 that may be necessary to achieve compliance, provided such action is
11 not inconsistent with the rules adopted under RCW (~~(28B.16.100(20),~~)
12 41.06.150(21)(~~)~~) and 43.43.340(5), whichever is appropriate.

13 **Sec. 59.** RCW 50.13.060 and 1981 c 177 s 1 are each amended to read
14 as follows:

15 (1) Governmental agencies, including law enforcement agencies,
16 prosecuting agencies, and the executive branch, whether state, local,
17 or federal shall have access to information or records deemed private
18 and confidential under this chapter if the information or records are
19 needed by the agency for official purposes and:

20 (a) The agency submits an application in writing to the employment
21 security department for the records or information containing a
22 statement of the official purposes for which the information or records
23 are needed and specific identification of the records or information
24 sought from the department; and

25 (b) The director, commissioner, chief executive, or other official
26 of the agency has verified the need for the specific information in
27 writing either on the application or on a separate document; and

28 (c) The agency requesting access has served a copy of the
29 application for records or information on the individual or employing
30 unit whose records or information are sought and has provided the
31 department with proof of service. Service shall be made in a manner
32 which conforms to the civil rules for superior court. The requesting
33 agency shall include with the copy of the application a statement to
34 the effect that the individual or employing unit may contact the public
35 records officer of the employment security department to state any
36 objections to the release of the records or information. The
37 employment security department shall not act upon the application of
38 the requesting agency until at least five days after service on the

1 concerned individual or employing unit. The employment security
2 department shall consider any objections raised by the concerned
3 individual or employing unit in deciding whether the requesting agency
4 needs the information or records for official purposes.

5 (2) The requirements of subsections (1) and (7) of this section
6 shall not apply to the state legislative branch. The state legislature
7 shall have access to information or records deemed private and
8 confidential under this chapter, if the legislature or a legislative
9 committee finds that the information or records are necessary and for
10 official purposes. If the employment security department does not make
11 information or records available as provided in this subsection, the
12 legislature may exercise its authority granted by chapter 44.16 RCW.

13 (3) In cases of emergency the governmental agency requesting access
14 shall not be required to formally comply with the provisions of
15 subsection (1) of this section at the time of the request if the
16 procedures required by subsection (1) of this section are complied with
17 by the requesting agency following the receipt of any records or
18 information deemed private and confidential under this chapter. An
19 emergency is defined as a situation in which irreparable harm or damage
20 could occur if records or information are not released immediately.

21 (4) The requirements of subsection (1)(c) of this section shall not
22 apply to governmental agencies where the procedures would frustrate the
23 investigation of possible violations of criminal laws.

24 (5) Governmental agencies shall have access to certain records or
25 information, limited to such items as names, addresses, social security
26 numbers, and general information about benefit entitlement or employer
27 information possessed by the department, for comparison purposes with
28 records or information possessed by the requesting agency to detect
29 improper or fraudulent claims, or to determine potential tax liability
30 or employer compliance with registration and licensing requirements.
31 In those cases the governmental agency shall not be required to comply
32 with subsection (1)(c) of this section, but the requirements of the
33 remainder of subsection (1) must be satisfied.

34 (6) Disclosure to governmental agencies of information or records
35 obtained by the employment security department from the federal
36 government shall be governed by any applicable federal law or any
37 agreement between the federal government and the employment security
38 department where so required by federal law. When federal law does not
39 apply to the records or information state law shall control.

1 (7) The disclosure of any records or information by a governmental
2 agency which has obtained the records or information under this section
3 is prohibited unless the disclosure is directly connected to the
4 official purpose for which the records or information were obtained.

5 (8) In conducting periodic salary or fringe benefit studies
6 pursuant to law, the department of personnel (~~(and the higher education~~
7 ~~personnel board)~~) shall have access to records of the employment
8 security department as may be required for such studies. For such
9 purposes, the requirements of subsection (1)(c) of this section need
10 not apply.

11 **Sec. 60.** RCW 70.24.300 and 1988 c 206 s 607 are each amended to
12 read as follows:

13 The (~~(state)~~) Washington personnel resources board(~~(, the higher~~
14 ~~education personnel board,)~~) and each unit of local government shall
15 determine whether any employees under their jurisdiction have a
16 substantial likelihood of exposure in the course of their employment to
17 the human immunodeficiency virus. If so, the agency or unit of
18 government shall adopt rules requiring appropriate training and
19 education for the employees on the prevention, transmission, and
20 treatment of AIDS. The rules shall specifically provide for such
21 training and education for law enforcement, correctional, and health
22 care workers. The (~~(state)~~) Washington personnel resources board(~~(,~~
23 ~~the higher education personnel board,)~~) and each unit of local
24 government shall work with the office on AIDS under RCW 70.24.250 to
25 develop the educational and training material necessary for employees.

26 **Sec. 61.** RCW 70.87.120 and 1983 c 123 s 13 are each amended to
27 read as follows:

28 (1) The department shall appoint and employ inspectors, as may be
29 necessary to carry out the provisions of this chapter, under the
30 provisions of the rules adopted by the (~~(state)~~) Washington personnel
31 resources board in accordance with chapter 41.06 RCW.

32 (2) The department shall cause all conveyances to be inspected and
33 tested at least once each year. Inspectors have the right during
34 reasonable hours to enter into and upon any building or premises in the
35 discharge of their official duties, for the purpose of making any
36 inspection or testing any conveyance contained thereon or therein.
37 Inspections and tests shall conform with the rules adopted by the

1 department. The department shall inspect all installations before it
2 issues any initial permit for operation. Permits shall not be issued
3 until the fees required by this chapter have been paid.

4 (3) If inspection shows a conveyance to be in an unsafe condition,
5 the department shall issue an inspection report in writing requiring
6 the repairs or alterations to be made to the conveyance that are
7 necessary to render it safe and may also suspend or revoke a permit
8 pursuant to RCW 70.87.125 or order the operation of a conveyance
9 discontinued pursuant to RCW 70.87.145.

10 (4) The department may investigate accidents and alleged or
11 apparent violations of this chapter.

12 **Sec. 62.** RCW 72.01.210 and 1981 c 136 s 69 are each amended to
13 read as follows:

14 The secretary of corrections shall appoint chaplains for the state
15 correctional institutions for convicted felons; and the secretary of
16 social and health services shall appoint chaplains for the correctional
17 institutions for juveniles found delinquent by the juvenile courts; and
18 the secretary of corrections and the secretary of social and health
19 services shall appoint one or more chaplains for other custodial,
20 correctional and mental institutions under their control. The
21 chaplains so appointed shall have the qualifications and shall be
22 compensated in an amount, as shall hereafter be recommended by the
23 department and approved by the ((state)) Washington personnel resources
24 board.

25 **Sec. 63.** RCW 72.02.045 and 1988 c 143 s 2 are each amended to read
26 as follows:

27 The superintendent of each institution has the powers, duties, and
28 responsibilities specified in this section.

29 (1) Subject to the rules of the department, the superintendent is
30 responsible for the supervision and management of the institution, the
31 grounds and buildings, the subordinate officers and employees, and the
32 prisoners committed, admitted, or transferred to the institution.

33 (2) Subject to the rules of the department and the director of the
34 division of prisons or his or her designee and the ((state)) Washington
35 personnel resources board, the superintendent shall appoint all
36 subordinate officers and employees.

1 (3) The superintendent shall be the custodian of all funds and
2 valuable personal property of convicted persons as may be in their
3 possession upon admission to the institution, or which may be sent or
4 brought in to such persons, or earned by them while in custody, or
5 which shall be forwarded to the superintendent on behalf of convicted
6 persons. All such funds shall be deposited in the personal account of
7 the convicted person and the superintendent shall have authority to
8 disburse moneys from such person's personal account for the personal
9 and incidental needs of the convicted person as may be deemed
10 reasonably necessary. When convicted persons are released from the
11 confines of the institution either on parole, transfer, or discharge,
12 all funds and valuable personal property in the possession of the
13 superintendent belonging to such convicted persons shall be delivered
14 to them. In no case shall the state of Washington, or any state
15 officer, including state elected officials, employees, or volunteers,
16 be liable for the loss of such personal property, except upon a showing
17 that the loss was occasioned by the intentional act, gross negligence,
18 or negligence of the officer, official, employee, or volunteer, and
19 that the actions or omissions occurred while the person was performing,
20 or in good faith purporting to perform, his or her official duties.
21 Recovery of damages for loss of personal property while in the custody
22 of the superintendent under this subsection shall be limited to the
23 lesser of the market value of the item lost at the time of the loss, or
24 the original purchase price of the item or, in the case of hand-made
25 goods, the materials used in fabricating the item.

26 (4) The superintendent, subject to the approval of the director of
27 the division of prisons and the secretary, shall make, amend, and
28 repeal rules for the administration, supervision, discipline, and
29 security of the institution.

30 (5) When in the superintendent's opinion an emergency exists, the
31 superintendent may promulgate temporary rules for the governance of the
32 institution, which shall remain in effect until terminated by the
33 director of the division of prisons or the secretary.

34 (6) The superintendent shall perform such other duties as may be
35 prescribed.

36 **Sec. 64.** RCW 72.09.220 and 1981 c 136 s 33 are each amended to
37 read as follows:

1 Nothing contained in sections 1 through 13 and 16 through 23 of
2 this act may be construed to downgrade any rights of any employee under
3 any existing collective bargaining unit or the provisions of any
4 existing collective bargaining agreement until the agreement has
5 expired or until the bargaining unit has been modified by action of the
6 Washington personnel resources board as provided by law.

7 **Sec. 65.** RCW 72.19.050 and 1979 c 141 s 226 are each amended to
8 read as follows:

9 The superintendent shall have the following powers, duties and
10 responsibilities:

11 (1) Subject to the rules (~~(and regulations)~~) of the department, the
12 superintendent shall have the supervision and management of the
13 institution, of the grounds and buildings, the subordinate officers and
14 employees, and of the juveniles received at such institution and the
15 custody of such persons until released or transferred as provided by
16 law.

17 (2) Subject to the rules (~~(and regulations)~~) of the department and
18 the (~~(state)~~) Washington personnel resources board, appoint all
19 subordinate officers and employees.

20 (3) The superintendent shall be the custodian of the personal
21 property of all juveniles in the institution and shall make rules (~~(and~~
22 ~~regulations)~~) governing the accounting and disposition of all moneys
23 received by such juveniles, not inconsistent with the law, and subject
24 to the approval of the secretary.

25 **Sec. 66.** RCW 74.09.150 and 1959 c 26 s 74.09.150 are each amended
26 to read as follows:

27 All personnel employed in the administration of the medical care
28 program shall be covered by the existing merit system under the
29 (~~(state)~~) Washington personnel resources board (~~(or its successor)~~).

30 **Sec. 67.** RCW 88.46.927 and 1991 c 200 s 436 are each amended to
31 read as follows:

32 Nothing contained in RCW 88.46.921 through 88.46.926 may be
33 construed to alter any existing collective bargaining unit or the
34 provisions of any existing collective bargaining agreement until the
35 agreement has expired or until the bargaining unit has been modified by
36 action of the Washington personnel resources board as provided by law.

1 NEW SECTION. **Sec. 68.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 28B.16.010 and 1969 ex.s. c 36 s 1;
4 (2) RCW 28B.16.020 and 1985 c 461 s 8, 1985 c 365 s 2, 1983 1st
5 ex.s. c 75 s 1, 1982 1st ex.s. c 53 s 14, 1977 ex.s. c 169 s 41, & 1969
6 ex.s. c 36 s 2;
7 (3) RCW 28B.16.030 and 1969 ex.s. c 36 s 3;
8 (4) RCW 28B.16.040 and 1990 c 60 s 201, 1982 1st ex.s. c 53 s 15,
9 1977 ex.s. c 94 s 1, & 1969 ex.s. c 36 s 4;
10 (5) RCW 28B.16.041 and 1985 c 442 s 9;
11 (6) RCW 28B.16.042 and 1985 c 266 s 1;
12 (7) RCW 28B.16.043 and 1991 c 238 s 107;
13 (8) RCW 28B.16.060 and 1984 c 287 s 63, 1981 c 338 s 19, 1975-'76
14 2nd ex.s. c 34 s 73, & 1969 ex.s. c 36 s 6;
15 (9) RCW 28B.16.070 and 1983 c 23 s 1 & 1969 ex.s. c 36 s 7;
16 (10) RCW 28B.16.080 and 1969 ex.s. c 36 s 8;
17 (11) RCW 28B.16.090 and 1969 ex.s. c 36 s 9;
18 (12) RCW 28B.16.100 and 1990 c 60 s 202;
19 (13) RCW 28B.16.101 and 1982 1st ex.s. c 53 s 19 & 1977 ex.s. c 152
20 s 9;
21 (14) RCW 28B.16.105 and 1985 c 461 s 10, 1982 1st ex.s. c 53 s 17,
22 & 1977 ex.s. c 152 s 13;
23 (15) RCW 28B.16.110 and 1985 c 94 s 1, 1980 c 11 s 3, 1979 c 151 s
24 16, 1977 ex.s. c 152 s 10, 1975 1st ex.s. c 122 s 2, & 1969 ex.s. c 36
25 s 11;
26 (16) RCW 28B.16.112 and 1987 c 185 s 3, 1986 c 158 s 4, 1979 c 151
27 s 17, & 1977 ex.s. c 152 s 11;
28 (17) RCW 28B.16.113 and 1977 ex.s. c 152 s 12;
29 (18) RCW 28B.16.116 and 1983 1st ex.s. c 75 s 3;
30 (19) RCW 28B.16.120 and 1969 ex.s. c 36 s 12;
31 (20) RCW 28B.16.130 and 1969 ex.s. c 36 s 13;
32 (21) RCW 28B.16.140 and 1969 ex.s. c 36 s 14;
33 (22) RCW 28B.16.150 and 1969 ex.s. c 36 s 15;
34 (23) RCW 28B.16.160 and 1988 c 202 s 27, 1971 c 81 s 72, & 1969
35 ex.s. c 36 s 16;
36 (24) RCW 28B.16.170 and 1969 ex.s. c 36 s 26;
37 (25) RCW 28B.16.180 and 1973 1st ex.s. c 46 s 3 & 1969 ex.s. c 36
38 s 17;
39 (26) RCW 28B.16.190 and 1969 ex.s. c 36 s 19;

1 (27) RCW 28B.16.200 and 1979 c 151 s 18 and 1969 ex.s. c 36 s 20;
2 (28) RCW 28B.16.210 and 1969 ex.s. c 36 s 29;
3 (29) RCW 28B.16.220 and 1969 ex.s. c 36 s 31;
4 (30) RCW 28B.16.230 and 1973 c 62 s 6 & 1969 ex.s. c 215 s 14;
5 (31) RCW 28B.16.255 and 1985 c 461 s 11;
6 (32) RCW 28B.16.265 and 1985 c 461 s 12;
7 (33) RCW 28B.16.275 and 1985 c 461 s 13;
8 (34) RCW 28B.16.300 and 1990 c 204 s 4;
9 (35) RCW 28B.16.900 and 1969 ex.s. c 36 s 18;
10 (36) RCW 28B.16.910 and 1969 ex.s. c 36 s 27;
11 (37) RCW 28B.16.920 and 1969 ex.s. c 36 s 30; and
12 (38) RCW 28B.16.930 and 1969 ex.s. c 36 s 28.

13 NEW SECTION. **Sec. 69.** RCW 41.06.430 and 1990 c 60 s 102 and 1980
14 c 118 s 7 are each repealed.

15 NEW SECTION. **Sec. 70.** RCW 28B.16.240 is recodified as a new
16 section in chapter 41.06 RCW.

17 NEW SECTION. **Sec. 71.** RCW 41.06.230, 41.06.240, 41.06.310, and
18 41.64.900 are each decodified.

19 NEW SECTION. **Sec. 72.** (1) The legislature recognizes that the
20 most vital asset of state government is the people who design, manage,
21 and implement its programs and deliver its services. The quality and
22 effectiveness of state service depends on many factors, including
23 adequate resources, personal dedication, proper training, skilled and
24 sensitive management, and the removal of artificial barriers to
25 personal and organizational success.

26 (2) The legislature further recognizes that due to increasing
27 demands on state government requiring new levels of efficiency and
28 effectiveness in service delivery, and the impact of the total system
29 of laws and rules governing recruitment, development, and management of
30 personnel resources in state government, it is imperative to
31 immediately and comprehensively examine all aspects of that system, and
32 make whatever changes are indicated forthwith.

33 (3) To that end, there is hereby created a study task force
34 composed of the following members: Three members of the house of
35 representatives appointed by the speaker of the house of

1 representatives, three members of the senate appointed by the president
2 of the senate, five members appointed by the governor, and one
3 representative from each employee organization that has at least five
4 hundred dues-paying members employed by the state of Washington. The
5 charge of the task force is to make a comprehensive recommendation to
6 the legislature no later than December 1, 1993, in the form of proposed
7 legislation, regarding the provision of personnel resources in state
8 government. The task force shall address at least the following
9 issues:

10 (a) Overall organization of the personnel resources apparatus in
11 state government:

12 (i) Consolidation or decentralization of all personnel services;
13 and

14 (ii) The appropriate role and degree of control of the governor,
15 the Washington personnel resources board, agency directors, and other
16 elected officials;

17 (b) Efficiency in management and service delivery:

18 (i) Identify the principal barriers to, and successes in, effective
19 recruitment, retention, development, and assignment of a quality work
20 force in state service;

21 (ii) Analyze the extent to which improvement in these areas is best
22 achieved by changes in civil service reform, or from management and
23 organizational initiatives of the governor, agency directors, employee
24 organizations, employees, and other elected officials; and

25 (iii) Develop principles regarding the purchase of services by
26 state government;

27 (c) Employee rights and participation:

28 (i) Identify areas and issues that are appropriately decided
29 cooperatively between classified employees and management through
30 collective bargaining or otherwise, and those areas that are inherently
31 management prerogatives and responsibilities;

32 (ii) Analyze the full range of collective bargaining or other
33 collaborative process issues, and identify those features that are the
34 most effective and equitable, including grievance procedures,
35 bargaining units, representation, union security, negotiations, and
36 unfair labor practices;

37 (iii) Analyze the duty of the state to provide job stability and
38 termination rights such as notice for exempt employees and develop a
39 policy of equitable protection for exempt employees; and

1 (d) Any other related issue that comes to light during the course
2 of the study may properly be examined. This list of issues is in no
3 way intended to limit the inquiry and exploration of the task force in
4 its pursuit of its principal charge.

5 (4) In developing its recommendation the task force shall draw upon
6 the following resources:

7 (a) Full and frequent consultation with particular interest groups,
8 including state employees and their organizations, managers, and
9 directors at all levels of state service, elected officials, and
10 academic and private sector personnel resource specialists;

11 (b) The experience of other states, particularly those who have
12 recently made significant changes in this area; and

13 (c) The experience of private sector organizations that are
14 recognized for innovative and effective accomplishment in this field.

15 (5) The task force shall meet at least monthly, and shall hold
16 meetings in different regions of the state. Staff services shall be
17 provided by legislative and governor's office staff.

18 (6) This section shall expire December 31, 1993.

19 NEW SECTION. **Sec. 73.** Section 67 of this act shall take effect
20 July 1, 1997.

21 NEW SECTION. **Sec. 74.** Sections 1 through 66 and 68 through 71 of
22 this act are necessary for the immediate preservation of the public
23 peace, health, or safety, or support of the state government and its
24 existing public institutions, and shall take effect July 1, 1993."

25 **ESHB 2054** - S AMD
26 By Senators Moore and Gaspard

27 ADOPTED AS AMENDED 4/21/93

28 On page 1, line 1 of the title, after "government;" strike the
29 remainder of the title and insert "amending RCW 28B.12.060, 34.05.030,
30 34.12.020, 41.04.340, 41.04.670, 41.06.030, 41.06.070, 41.06.076,
31 41.06.079, 41.06.093, 41.06.110, 41.06.130, 41.06.150, 41.06.155,
32 41.06.160, 41.06.163, 41.06.170, 41.06.186, 41.06.196, 41.06.280,
33 41.06.340, 41.06.350, 41.06.450, 41.06.475, 41.48.140, 41.50.804,
34 41.64.090, 42.16.010, 42.17.2401, 43.01.170, 43.03.028, 43.03.305,
35 43.06.410, 43.06.425, 43.06.430, 43.33A.100, 43.43.832, 43.60A.906,

1 43.105.052, 43.131.090, 48.03.060, 49.46.010, 49.74.020, 49.74.030,
2 50.13.060, 70.24.300, 70.87.120, 72.01.210, 72.02.045, 72.09.220,
3 72.19.050, 74.09.150, and 88.46.927; reenacting and amending RCW
4 41.06.020; adding new sections to chapter 41.06 RCW; creating new
5 sections; recodifying RCW 28B.16.240; decodifying RCW 41.06.230,
6 41.06.240, 41.06.310, and 41.64.900; repealing RCW 28B.16.010,
7 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043,
8 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101,
9 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120,
10 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180,
11 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.255,
12 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920,
13 28B.16.930, and 41.06.430; providing effective dates; and declaring an
14 emergency."

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