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HOUSE BILL 1222

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Ludwig, Jacobsen, Wood, Ogden, R. Johnson, Bray, Basich, Quall, Franklin and Shin

Read first time 01/20/93. Referred to Committee on Higher Education.

1 AN ACT Relating to salaries of employees classified by the higher  
2 education personnel board; and amending RCW 28B.16.100.

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

4 **Sec. 1.** RCW 28B.16.100 and 1990 c 60 s 202 are each amended to  
5 read as follows:

6 The higher education personnel board shall adopt rules, consistent  
7 with the purposes and provisions of this chapter and with the best  
8 standards of personnel administration, regarding the basis and  
9 procedures to be followed for:

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

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

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

1 (4) Appointments;

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

4 (6) Transfers;

5 (7) Sick leaves and vacations;

6 (8) Hours of work;

7 (9) Layoffs when necessary and subsequent reemployment, both  
8 according to seniority;

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

15 (11) Certification and decertification of exclusive bargaining  
16 representatives: PROVIDED, That after certification of an exclusive  
17 bargaining representative and upon the representative's request, the  
18 director shall hold an election among employees in a bargaining unit to  
19 determine by a majority whether to require as a condition of employment  
20 membership in the certified exclusive bargaining representative on or  
21 after the thirtieth day following the beginning of employment or the  
22 date of such election, whichever is the later, and the failure of an  
23 employee to comply with such condition of employment constitutes cause  
24 for dismissal: PROVIDED FURTHER, That no more often than once in each  
25 twelve-month period after expiration of twelve months following the  
26 date of the original election in a bargaining unit and upon petition of  
27 thirty percent of the members of a bargaining unit the director shall  
28 hold an election to determine whether a majority wish to rescind such  
29 condition of employment: PROVIDED FURTHER, That for purposes of this  
30 clause, membership in the certified exclusive bargaining representative  
31 is satisfied by the payment of monthly or other periodic dues and does  
32 not require payment of initiation, reinstatement, or any other fees or  
33 fines and includes full and complete membership rights: AND PROVIDED  
34 FURTHER, That in order to safeguard the right of nonassociation of  
35 public employees, based on bona fide religious tenets or teachings of  
36 a church or religious body of which such public employee is a member,  
37 such public employee shall pay to the union, for purposes within the  
38 program of the union as designated by such employee that would be in  
39 harmony with his individual conscience, an amount of money equivalent

1 to regular union dues minus any included monthly premiums for union-  
2 sponsored insurance programs, and such employee shall not be a member  
3 of the union but is entitled to all the representation rights of a  
4 union member;

5 (12) Agreements between institutions or related boards and  
6 certified exclusive bargaining representatives providing for grievance  
7 procedures and collective negotiations on all personnel matters over  
8 which the institution or the related board may lawfully exercise  
9 discretion;

10 (13) Written agreements may contain provisions for payroll  
11 deductions of employee organization dues upon authorization by the  
12 employee member and for the cancellation of such payroll deduction by  
13 the filing of a proper prior notice by the employee with the  
14 institution and the employee organization: PROVIDED, That nothing  
15 contained herein permits or grants to any employee the right to strike  
16 or refuse to perform his official duties;

17 (14) Adoption and revision of comprehensive classification plans  
18 for all positions in the classified service, based on investigation and  
19 analysis of the duties and responsibilities of each such position:  
20 PROVIDED, That reclassifications adopted by the board that result in  
21 salary increases shall not exceed the funds appropriated by the  
22 legislature for such salary increases;

23 (15) Allocation and reallocation of positions within the  
24 classification plan;

25 (16) Adoption and revision of salary schedules and compensation  
26 plans which reflect the prevailing rates in Washington state private  
27 industries and other governmental units for positions of a similar  
28 nature but the rates in the salary schedules or plans shall be  
29 increased if necessary to attain comparable worth under an  
30 implementation plan under RCW 28B.16.116 and which shall be competitive  
31 in the state or the locality in which the institution or related boards  
32 are located, such adoption, revision, and implementation subject to  
33 approval as to availability of funds by the director of financial  
34 management in accordance with the provisions of chapter 43.88 RCW, and  
35 after consultation with the chief financial officer of each institution  
36 or related board for that institution or board, or in the case of  
37 community colleges, by the chief financial officer of the state board  
38 for community and technical colleges ((education)) for the various  
39 community colleges;

1 (17) Training programs including in-service, promotional, and  
2 supervisory;

3 (18) Increment increases within the series of steps for each pay  
4 grade based on length of service for all employees whose standards of  
5 performance are such as to permit them to retain job status in the  
6 classified service: PROVIDED, That the rules adopted by the board  
7 shall not require institutions to provide such additional incremental  
8 increases unless fully funded by the legislature;

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

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

35 (21) Assuring that any person who is or has been employed in a  
36 classified position under this chapter will be eligible for employment,  
37 reemployment, transfer, and promotion in respect to classified  
38 positions at any other institution of higher education or related  
39 board.

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

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

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