

HOUSE BILL ANALYSIS

HB 1883

Brief Description: Reforming civil service.

Sponsors: Representatives Lisk, McMorris, Huff, Reams, Honeyford, and Clements

Hearing: February 26, 1997

BACKGROUND:

The Washington Personnel Resources Board (WPRB) is a part-time board composed of three members appointed by the Governor. The WPRB sets overall policy for the civil service system as it applies to state employees. The board has some appeals authority, but most state civil service appeals are heard by the Personnel Appeals Board (PAB). The director of the Department of Personnel (DOP) is responsible for the central administration of the state civil service system.

CIVIL SERVICE RULES

The WPRB adopts civil service rules, including rules regarding the classification system. The WPRB's rules are restricted by law in several respects, including restrictions on filling job vacancies and dealing with layoffs.

The director of the DOP is authorized to adopt rules for managers. The rules for the Washington management service are separate from the WPRB's rules governing other civil service employees and govern all aspects of the employment of managers.

Certification of names. When a vacancy is to be filled, the "rule of 7" applies, requiring selection to be made from a list of the seven names that scored highest on the eligibility list for the job.

Criteria for layoffs. The WPRB's rules must provide that layoffs of state employees are to be made according to seniority.

Collective bargaining. The WPRB's rules also must address state employee collective bargaining and provide for written agreements on personnel matters over which the agency has discretion and on grievance procedures.

Salary surveys. The WPRB is required by law to adopt a state salary schedule. In preparing a salary schedule, the DOP must undertake a comprehensive salary survey before every other long session of the legislature. Before the other long sessions of the legislature, the DOP must undertake a trend survey. The department must furnish supplementary data for the comprehensive surveys, including the total dollar figure reflecting the recommended increase or decrease in state salaries based on the survey or on factors other than the prevailing rate data, a list of job classes that do not conform to the prevailing rates, a hazardous duty salary schedule, and a supplemental salary schedule to eliminate salary dissimilarities based on similar responsibilities, judgment, skills, and working conditions.

The statute requires salary surveys to be undertaken in a statistically accurate manner. A salary survey plan must be submitted six months in advance of the survey to the Office of Financial Management, employee organizations, and various committees of the legislature. The plan must address various factors, including an explanation of the process to be used, a survey model, and a prediction of the increase or decrease expected based on the consumer price index information and other trend information.

PERSONNEL APPEALS

The PAB has jurisdiction over appeals involving an employee: (1) who is reduced, dismissed, suspended, or demoted; (2) who is adversely affected by a violation of the state civil service law or rules; (3) whose position becomes exempted; or (4) who is incumbent in a position that is allocated or reallocated. In addition, an agency may appeal an allocation or reallocation decision. Appeals must be filed within 30 days after the action that is being appealed.

The PAB may appoint hearing examiners whose recommended decisions may be reviewed by the PAB upon the filing of exceptions by an adversely affected party. During this review, the parties may present written and oral argument to the PAB.

The PAB must determine an appeal within 90 days from the date the appeal was first received unless the time is extended by agreement of the parties. The PAB must enter its findings and order in the appeal within 30 days after the conclusion of a hearing. The PAB decisions, except decisions dealing with allocation and reallocation appeals, may be further appealed to superior court within 30 days of the PAB's decision.

SUMMARY OF BILL:

Various changes are made in the Washington Personnel Resources Board's (WPRB) authority to adopt civil service rules. The Personnel Appeals Board (PAB) is repealed and appeal jurisdiction is transferred to the WPRB. These changes do not apply to unions and agencies who have an unexpired collective bargaining agreement in effect on July 1, 1997, until the

agreement expires.

CIVIL SERVICE RULES

Certification of names. The "rule of 7" requiring seven names to be certified for job vacancies is repealed, removing the restriction on the WPRB's authority to adopt a rule addressing the certification of names for job vacancies.

Criteria for layoffs. The WPRB's rules on layoffs must consider performance in addition to seniority.

Collective bargaining. Employees in the Washington management service are not permitted to be members of bargaining units.

Collective bargaining agreements must contain provisions requiring employees with appealable issues under the civil service law to elect to use either the civil service appeals system or the grievance procedures under the collective bargaining agreement, but not both.

Salary surveys. The requirements for salary surveys are revised. In performing surveys, the Department of Personnel must use an appropriate mix of data gathered from surveys conducted by the department or other entities. The requirements are repealed for the department to provide comprehensive surveys before every other long session of the legislature, to conduct trend salary surveys before the other long sessions, and to provide supplementary data to support the salary schedule resulting from the comprehensive salary survey. The criteria for the survey plan is repealed.

PERSONNEL APPEALS

On July 1, 1997, jurisdiction over personnel appeals is transferred to the WPRB. The PAB is repealed, beginning January 1, 1998. Until then, the PAB will continue to resolve appeals filed before July 1, 1997.

The appeal process at the WPRB is generally the same as the appeal process under the PAB statute except that:

- (1) the appointment of hearings officer must follow consultation with employee organizations and employment agencies. The hearings officers may not be state employees.
- (2) a request for review of a hearings officer's decision is limited to the issues stated in the request. The requesting party must provide written argument in support of the request for review, but oral argument is at the discretion of the WPRB. If a request for review is not filed, the hearings officer's recommended decision is adopted by the WPRB.

- (3) the requirement to determine an appeal in 90 days is deleted. The WPRB and hearings officers are directed to process appeals promptly.
- (4) the WPRB has 60 days, instead of 30, after the conclusion of the hearing to enter its findings and order in the appeal.
- (5) the WPRB may order payment of appeal costs to the prevailing party in an appeal.
- (6) the WPRB may consolidate cases where issues are appropriate for resolution together.

FISCAL NOTE: Requested on February 22, 1997.

EFFECTIVE DATE: The bill has an emergency clause and takes effect July 1, 1997, except for the repeal of the Personnel Appeals Board, which takes effect January 1, 1998.