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HOUSE BILL 1883

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Lisk, McMorris, Huff, Reams, Honeyford and Clements

Read first time 02/12/97. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to state civil service reform, including reform of  
2 civil service collective bargaining with respect to issues other than  
3 wages; amending RCW 41.06.150, 41.06.160, 41.06.170, and 41.64.090;  
4 adding new sections to chapter 41.06 RCW; creating new sections;  
5 repealing RCW 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050,  
6 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110,  
7 41.64.120, 41.64.130, 41.64.140, 41.64.910, and 41.06.163; providing  
8 effective dates; and declaring an emergency.

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

10            **Sec. 1.** RCW 41.06.150 and 1996 c 319 s 2 are each amended to read  
11 as follows:

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

16            (1) The reduction, dismissal, suspension, or demotion of an  
17 employee;

18            (2) Certification of names for vacancies, including departmental  
19 promotions(~~(, with the number of names equal to six more names than~~

1 ~~there are vacancies to be filled, such names representing applicants~~  
2 ~~rated highest on eligibility lists: PROVIDED, That when other~~  
3 ~~applicants have scores equal to the lowest score among the names~~  
4 ~~certified, their names shall also be certified));~~

5 (3) Examinations for all positions in the competitive and  
6 noncompetitive service;

7 (4) Appointments;

8 (5) Training and career development;

9 (6) Probationary periods of six to twelve months and rejections of  
10 probationary employees, depending on the job requirements of the class,  
11 except that entry level state park rangers shall serve a probationary  
12 period of twelve months;

13 (7) Transfers;

14 (8) Sick leaves and vacations;

15 (9) Hours of work;

16 (10) Layoffs when necessary and subsequent reemployment, (~~both~~  
17 ~~according to~~) taking into consideration performance and seniority;

18 (11) Collective bargaining, including:

19 (a) Determination of appropriate bargaining units within any  
20 agency(~~(: PROVIDED, That)~~). In making such determination the board  
21 shall consider the duties, skills, and working conditions of the  
22 employees, the history of collective bargaining by the employees and  
23 their bargaining representatives, the extent of organization among the  
24 employees, and the desires of the employees. Employees who are  
25 managers as defined in RCW 41.06.022 may not be included in a  
26 bargaining unit;

27 (~~(12)~~) (b) Certification and decertification of exclusive  
28 bargaining representatives(~~(: PROVIDED, That)~~) subject to the  
29 following:

30 (i) After certification of an exclusive bargaining representative  
31 and upon the representative's request, the director shall hold an  
32 election among employees in a bargaining unit to determine by a  
33 majority whether to require as a condition of employment membership in  
34 the certified exclusive bargaining representative on or after the  
35 thirtieth day following the beginning of employment or the date of such  
36 election, whichever is the later, and the failure of an employee to  
37 comply with such a condition of employment constitutes cause for  
38 dismissal(~~(: PROVIDED FURTHER, That)~~);

1       (ii) No more often than once in each twelve-month period after  
2 expiration of twelve months following the date of the original election  
3 in a bargaining unit and upon petition of thirty percent of the members  
4 of a bargaining unit the director shall hold an election to determine  
5 whether a majority wish to rescind such condition of employment(~~(+~~  
6 ~~PROVIDED FURTHER, That))~~);

7       (iii) For purposes of this (~~clause~~) subsection, membership in the  
8 certified exclusive bargaining representative is satisfied by the  
9 payment of monthly or other periodic dues and does not require payment  
10 of initiation, reinstatement, or any other fees or fines and includes  
11 full and complete membership rights(~~(+ AND PROVIDED FURTHER, That in~~  
12 ~~order))~~); and

13       (iv) To safeguard the right of nonassociation of public employees,  
14 based on bona fide religious tenets or teachings of a church or  
15 religious body of which such public employee is a member, such public  
16 employee shall pay to the union, for purposes within the program of the  
17 union as designated by such employee that would be in harmony with his  
18 or her individual conscience, an amount of money equivalent to regular  
19 union dues minus any included monthly premiums for union-sponsored  
20 insurance programs, and such employee shall not be a member of the  
21 union but is entitled to all the representation rights of a union  
22 member;

23       (~~(13)~~) (c) Agreements between agencies and certified exclusive  
24 bargaining representatives providing for grievance procedures and  
25 collective negotiations on all personnel matters over which the  
26 appointing authority of the appropriate bargaining unit of such agency  
27 may lawfully exercise discretion. Agreements must contain provisions  
28 specifying that when an employee covered by this chapter has a right to  
29 appeal an issue to the board under this chapter, a collective  
30 bargaining provision permitting the employee to contest the issue  
31 through the agreement's grievance procedure must specify an election of  
32 remedies by the employee. The election of remedies must require the  
33 employee to choose to pursue the entire issue through the grievance  
34 procedure or through the appeal process, but not both;

35       (~~(14)~~) (d) Authorization for written agreements (~~may~~) to  
36 contain provisions for payroll deductions of employee organization dues  
37 upon authorization by the employee member and for the cancellation of  
38 such payroll deduction by the filing of a proper prior notice by the

1 employee with the appointing authority and the employee organization(~~(+~~  
2 PROVIDED, That))i

3 (e) Nothing contained ((herein)) in this chapter permits or grants  
4 to any employee the right to strike or refuse to perform his or her  
5 official duties;

6 ~~((+15+))~~ (12) Adoption and revision of a comprehensive  
7 classification plan for all positions in the classified service, based  
8 on investigation and analysis of the duties and responsibilities of  
9 each such position.

10 (a) The board shall not adopt job classification revisions or class  
11 studies unless implementation of the proposed revision or study will  
12 result in net cost savings, increased efficiencies, or improved  
13 management of personnel or services, and the proposed revision or study  
14 has been approved by the director of financial management in accordance  
15 with chapter 43.88 RCW.

16 (b) Beginning July 1, 1995, through June 30, 1997, in addition to  
17 the requirements of (a) of this subsection:

18 (i) The board may approve the implementation of salary increases  
19 resulting from adjustments to the classification plan during the 1995-  
20 97 fiscal biennium only if:

21 (A) The implementation will not result in additional net costs and  
22 the proposed implementation has been approved by the director of  
23 financial management in accordance with chapter 43.88 RCW;

24 (B) The implementation will take effect on July 1, 1996, and the  
25 total net cost of all such actions approved by the board for  
26 implementation during the 1995-97 fiscal biennium does not exceed the  
27 amounts specified by the legislature specifically for this purpose; or

28 (C) The implementation is a result of emergent conditions.  
29 Emergent conditions are defined as emergency situations requiring the  
30 establishment of positions necessary for the preservation of the public  
31 health, safety, or general welfare, which do not exceed \$250,000 of the  
32 moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp.  
33 sess.

34 (ii) The board shall approve only those salary increases resulting  
35 from adjustments to the classification plan if they are due to  
36 documented recruitment and retention difficulties, salary compression  
37 or inversion, increased duties and responsibilities, or inequities.  
38 For these purposes, inequities are defined as similar work assigned to  
39 different job classes with a salary disparity greater than 7.5 percent.

1 (iii) Adjustments made to the higher education hospital special pay  
2 plan are exempt from (b)(i) through (ii) of this subsection.

3 (c) Reclassifications, class studies, and salary adjustments to be  
4 implemented during the 1997-99 and subsequent fiscal biennia are  
5 governed by (a) of this subsection and RCW 41.06.152;

6 (~~(16)~~) (13) Allocation and reallocation of positions within the  
7 classification plan;

8 (~~(17)~~) (14) Adoption and revision of a state salary schedule to  
9 reflect the prevailing rates in Washington state private industries and  
10 other governmental units but the rates in the salary schedules or plans  
11 shall be increased if necessary to attain comparable worth under an  
12 implementation plan under RCW 41.06.155 and that, for institutions of  
13 higher education and related boards, shall be competitive for positions  
14 of a similar nature in the state or the locality in which an  
15 institution of higher education or related board is located, such  
16 adoption and revision subject to approval by the director of financial  
17 management in accordance with the provisions of chapter 43.88 RCW;

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

22 (~~(19)~~) (16) Providing for veteran's preference as required by  
23 existing statutes, with recognition of preference in regard to layoffs  
24 and subsequent reemployment for veterans and their surviving spouses by  
25 giving such eligible veterans and their surviving spouses additional  
26 credit in computing their seniority by adding to their unbroken state  
27 service, as defined by the board, the veteran's service in the military  
28 not to exceed five years. For the purposes of this section, "veteran"  
29 means any person who has one or more years of active military service  
30 in any branch of the armed forces of the United States or who has less  
31 than one year's service and is discharged with a disability incurred in  
32 the line of duty or is discharged at the convenience of the government  
33 and who, upon termination of such service has received an honorable  
34 discharge, a discharge for physical reasons with an honorable record,  
35 or a release from active military service with evidence of service  
36 other than that for which an undesirable, bad conduct, or dishonorable  
37 discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse  
38 of a veteran is entitled to the benefits of this section regardless of  
39 the veteran's length of active military service: PROVIDED FURTHER,

1 That for the purposes of this section "veteran" does not include any  
2 person who has voluntarily retired with twenty or more years of active  
3 military service and whose military retirement pay is in excess of five  
4 hundred dollars per month;

5 ~~((20))~~ (17) Permitting agency heads to delegate the authority to  
6 appoint, reduce, dismiss, suspend, or demote employees within their  
7 agencies if such agency heads do not have specific statutory authority  
8 to so delegate: PROVIDED, That the board may not authorize such  
9 delegation to any position lower than the head of a major subdivision  
10 of the agency;

11 ~~((21))~~ (18) Assuring persons who are or have been employed in  
12 classified positions before July 1, 1993, will be eligible for  
13 employment, reemployment, transfer, and promotion in respect to  
14 classified positions covered by this chapter;

15 ~~((22))~~ (19) Affirmative action in appointment, promotion,  
16 transfer, recruitment, training, and career development; development  
17 and implementation of affirmative action goals and timetables; and  
18 monitoring of progress against those goals and timetables.

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

24 **Sec. 2.** RCW 41.06.160 and 1993 c 281 s 29 are each amended to read  
25 as follows:

26 (1) In preparing classification and salary schedules as set forth  
27 in RCW 41.06.150 ~~((as now or hereafter amended))~~, the department of  
28 personnel shall give full consideration to prevailing rates in other  
29 public employment and in private employment in this state. ~~((For this  
30 purpose))~~ The department shall ~~((undertake comprehensive salary and  
31 fringe benefit surveys, with such surveys to be conducted in the year  
32 prior to the convening of every other one hundred five day regular  
33 session of the state legislature. In the year prior to the convening  
34 of each one hundred five day regular session during which a  
35 comprehensive salary and fringe benefit survey is not conducted, the  
36 department shall plan and conduct a trend salary and fringe benefit  
37 survey. This survey shall measure average salary and fringe benefit  
38 movement for broad occupational groups which has occurred since the~~

1 ~~last comprehensive salary and fringe benefit survey was conducted. The~~  
2 ~~results of each comprehensive and trend salary and fringe benefit~~  
3 ~~survey)) use an appropriate mix of data gathered from surveys conducted~~  
4 ~~by the department and from surveys conducted by other entities to~~  
5 ~~determine the prevailing rates. The prevailing rate results shall be~~  
6 ~~((completed and)) forwarded by September 30th of each even-numbered~~  
7 ~~year with a recommended state salary schedule to the governor and~~  
8 ~~director of financial management for their use in preparing budgets to~~  
9 ~~be submitted to the succeeding legislature. ((A copy of the data and~~  
10 ~~supporting documentation shall be furnished by the department of~~  
11 ~~personnel)) The information shall also be forwarded to the standing~~  
12 ~~committees for appropriations of the senate and house of~~  
13 ~~representatives.~~

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

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

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

29 ~~(3) A list of class codes and titles indicating recommended monthly~~  
30 ~~salary ranges for all state classes under the control of the department~~  
31 ~~of personnel with those salary ranges which do not substantially~~  
32 ~~conform to the prevailing rates developed from the salary and fringe~~  
33 ~~benefit survey distinctly marked and an explanation of the reason for~~  
34 ~~the deviation included;~~

35 ~~(4) A supplemental salary schedule which indicates the additional~~  
36 ~~salary to be paid state employees for hazardous duties or other~~  
37 ~~considerations requiring extra compensation under specific~~  
38 ~~circumstances. Additional compensation for these circumstances shall~~  
39 ~~not be included in the basic salary schedule but shall be maintained as~~

1 a separate pay schedule for purposes of full disclosure and visibility;  
2 and

3 (5) A supplemental salary schedule which indicates those cases  
4 where the board determines that prevailing rates do not provide similar  
5 salaries for positions that require or impose similar responsibilities,  
6 judgment, knowledge, skills, and working conditions. This  
7 supplementary salary schedule shall contain proposed salary adjustments  
8 necessary to eliminate any such dissimilarities in compensation.  
9 Additional compensation needed to eliminate such salary dissimilarities  
10 shall not be included in the basic salary schedule but shall be  
11 maintained as a separate salary schedule for purposes of full  
12 disclosure and visibility.

13 It is the intention of the legislature that requests for funds to  
14 support recommendations for salary deviations from the prevailing rate  
15 survey data shall be kept to a minimum, and that the requests be fully  
16 documented when forwarded by the department of personnel.))

17 (2) Salary and fringe benefit survey information collected from  
18 private employers which identifies a specific employer with the salary  
19 and fringe benefit rates which that employer pays to its employees  
20 shall not be subject to public disclosure under chapter 42.17 RCW.

21 ((The first comprehensive salary and fringe benefit survey required  
22 by this section shall be completed and forwarded to the governor and  
23 the director of financial management by September 30, 1986. The first  
24 trend salary and fringe benefit survey required by this section shall  
25 be completed and forwarded to the governor and the director of  
26 financial management by September 30, 1988.))

27 **Sec. 3.** RCW 41.06.170 and 1993 c 281 s 31 are each amended to read  
28 as follows:

29 (1) The board or director, in the adoption of rules governing  
30 suspensions for cause, shall not authorize an appointing authority to  
31 suspend an employee for more than fifteen calendar days as a single  
32 penalty or more than thirty calendar days in any one calendar year as  
33 an accumulation of several penalties. The board or director shall  
34 require that the appointing authority give written notice to the  
35 employee not later than one day after the suspension takes effect,  
36 stating the reasons for and the duration thereof.

37 (2) Any employee who is reduced, dismissed, suspended, or demoted,  
38 after completing his or her probationary period of service as provided



1 by the rules of the board, or any employee who is adversely affected by  
2 a violation of the state civil service law, chapter 41.06 RCW, or rules  
3 adopted under it, shall have the right to appeal to the ((~~personnel~~  
4 ~~appeals~~)) board ((~~created by RCW 41.64.010~~)) not later than thirty days  
5 after the effective date of such action. The employee shall be  
6 furnished with specified charges in writing when a reduction,  
7 dismissal, suspension, or demotion action is taken. Such appeal shall  
8 be in writing. The board shall furnish the agency concerned with a  
9 copy of the appeal in advance of the hearing. The board or hearings  
10 officer will process an appeal, or a review of a hearings officer's  
11 recommended decision, if any, as quickly as is feasible to provide  
12 prompt resolution of the appeal.

13 (3) Any employee whose position has been exempted after July 1,  
14 1993, shall have the right to appeal to the ((~~personnel appeals~~)) board  
15 ((~~created by RCW 41.64.010~~)) not later than thirty days after the  
16 effective date of such action.

17 (4) An employee incumbent in a position at the time of its  
18 allocation or reallocation, or the agency utilizing the position, may  
19 appeal the allocation or reallocation to the ((~~personnel appeals~~))  
20 board ((~~created by RCW 41.64.010~~)). Notice of such appeal must be  
21 filed in writing within thirty days of the action from which appeal is  
22 taken.

23 (5) The board may consolidate two or more appeals when the cases  
24 present issues appropriate for joint resolution.

25 NEW SECTION. Sec. 4. (1) The board may appoint, following  
26 consultation with employee organizations and employing agencies, one or  
27 more hearings officers to conduct hearings and make recommended  
28 decisions in accordance with rules adopted by the board. Hearings  
29 officers may not be employees of the state. The hearings officer shall  
30 conduct hearings in the same manner and shall have the same authority  
31 as provided in hearings by the board. The recommended decision must be  
32 forthwith served upon the parties and transmitted to the board.

33 (2)(a) Within thirty days of service of the recommended decision of  
34 a hearings officer, any party adversely affected may request the board  
35 to review the recommended decision. The request for review must  
36 include a statement of the issues to which the party takes exception.  
37 The board's review is limited to the stated issues and the requesting  
38 party will be deemed to have waived all objections or irregularities

1 not specifically stated in the request. The requesting party must  
2 provide written argument in support of the exceptions and may, at the  
3 discretion of the board, provide oral argument. The board's decision  
4 is subject to section 6 of this act.

5 (b) If a request for review of a hearings officer's decision is not  
6 filed as required by this section, the recommended decision of the  
7 hearings officer shall be adopted by the board as the board's decision.

8 NEW SECTION. **Sec. 5.** (1) Hearings on appeals under this chapter  
9 shall be open to the public, except for cases in which the board  
10 determines there is substantial reason for not having an open hearing  
11 or in cases where the employee so requests, and shall be informal with  
12 technical rules of evidence not applying to the proceedings except the  
13 rules of privilege recognized by law. Both the employee and his or her  
14 employing agency shall be notified reasonably in advance of the hearing  
15 and may select representatives of their choosing, present and  
16 cross-examine witnesses, and give evidence before the board.

17 (2) Members of the board or the executive secretary may, and shall  
18 at the request of either party, issue subpoenas and subpoenas duces  
19 tecum. All testimony shall be on oath administered by a member of the  
20 board. The board shall certify to the superior court the facts of any  
21 refusals to obey a subpoena, take the oath, or testify. The court  
22 shall summarily hear the evidence on such refusal and, if the evidence  
23 warrants, punish such refusal in the same manner and to the same extent  
24 as for contempt committed before, or in connection with the proceedings  
25 of, the court.

26 (3) The board shall prepare an official record of the hearing,  
27 including all testimony, recorded manually or by mechanical device, and  
28 exhibits; but it may not be required to transcribe the record unless  
29 requested by the employee, who shall be furnished with a complete  
30 transcript upon payment of a reasonable charge. However, payment of  
31 the cost of a transcript used on appeal shall await determination of  
32 the appeal and shall be made by the employing agency if the employee  
33 prevails.

34 NEW SECTION. **Sec. 6.** (1) Within sixty days after the conclusion  
35 of an appeal hearing under this chapter, the board shall make and fully  
36 record in its permanent records the following: (a) Findings of fact;  
37 (b) conclusions of law when the construction of a rule, regulation, or

1 statute is in question; (c) reasons for the action taken; and (d) the  
2 board's order based thereon. The order is final, subject to action by  
3 the court on appeal as provided in section 7 of this act.

4 (2) The board may order the payment to the prevailing party of  
5 reasonable attorneys' fees and costs related to the hearing.

6 (3) The board shall simultaneously send a copy of the findings,  
7 conclusions, and order by certified mail to the employing agency and to  
8 the employee or the employee's designated representative.

9 NEW SECTION. **Sec. 7.** (1) Within thirty days after the recording  
10 of an order under section 6 of this act and its mailing, the employee  
11 may appeal a decision and order of the board made under RCW  
12 41.06.170(2) to the superior court of Thurston county on one or more of  
13 the grounds that the order was:

14 (a) Founded on or contained an error of law, which shall  
15 specifically include error in construction or application of any  
16 pertinent rules or regulations;

17 (b) Contrary to a preponderance of the evidence as disclosed by the  
18 entire record with respect to any specified finding or findings of  
19 fact;

20 (c) Materially affected by unlawful procedure;

21 (d) Based on violation of any constitutional provision; or

22 (e) Arbitrary or capricious.

23 (2) The grounds for appeal shall be stated in a written notice of  
24 appeal filed with the court, with copies thereof served on the director  
25 of personnel or a member of his or her staff or a member of the board  
26 and on the employing agency, all within the time stated.

27 (3) Within thirty days after service of a notice of appeal, or  
28 within such further time as the court may allow, the board shall  
29 transmit to the court a certified transcript, with exhibits, of the  
30 hearing; but by stipulation between the employing agency and the  
31 employee the transcript may be shortened, and either party unreasonably  
32 refusing to stipulate to such limitation may be ordered by the court to  
33 pay the additional cost involved. The court may require or permit  
34 subsequent corrections or additions to the transcript.

35 NEW SECTION. **Sec. 8.** (1) The court shall review the hearing  
36 without a jury on the basis of the transcript and exhibits, except that  
37 in case of alleged irregularities in procedure before the board not

1 shown by the transcript the court may order testimony to be given  
2 thereon. The court shall upon request by either party hear oral  
3 argument and receive written briefs.

4 (2) The court may affirm the order of the board, remand the matter  
5 for further proceedings before the board, or reverse or modify the  
6 order if it finds that the objection thereto is well taken on any of  
7 the grounds stated. Appellate review of the order of the superior  
8 court may be sought as in other civil cases.

9 **Sec. 9.** RCW 41.64.090 and 1993 c 281 s 41 are each amended to read  
10 as follows:

11 (1) The board shall have jurisdiction to decide appeals filed on or  
12 after July 1, 1981, and before July 1, 1997, of employees under the  
13 jurisdiction of the Washington personnel resources board pursuant to  
14 RCW 41.06.170, as now or hereafter amended.

15 (2) The board shall have jurisdiction to decide appeals filed on or  
16 after July 1, 1993, and before July 1, 1997, of employees of  
17 institutions of higher education and related boards under the  
18 jurisdiction of the Washington personnel resources board pursuant to  
19 RCW 41.06.170. An appeal under this subsection by an employee of an  
20 institution of higher education or a related board shall be held in the  
21 county in which the institution is located or the county in which the  
22 person was employed when the appeal was filed.

23 NEW SECTION. **Sec. 10.** (1) All powers, duties, and functions of  
24 the personnel appeals board pertaining to appeals filed under RCW  
25 41.06.170 on or after the effective date of this section are  
26 transferred to the Washington personnel resources board. All appeals  
27 filed under RCW 41.06.170 before the effective date of this section  
28 shall be resolved by the personnel appeals board in accordance with the  
29 authorities, rules, and procedures that were in effect at the time of  
30 the appeal.

31 (2) All reports, documents, surveys, books, records, files, papers,  
32 or written material in the possession of the department of personnel  
33 pertaining to the powers, functions, and duties transferred in  
34 subsection (1) of this section shall be delivered to the custody of the  
35 Washington personnel resources board. All cabinets, furniture, office  
36 equipment, motor vehicles, and other tangible property employed by the  
37 personnel appeals board in carrying out the powers, functions, and

1 duties transferred in subsection (1) of this section shall be made  
2 available to the Washington personnel resources board. All funds,  
3 credits, or other assets held in connection with the powers, functions,  
4 and duties transferred in subsection (1) of this section shall be  
5 assigned to the Washington personnel resources board.

6 (3) Any appropriations made to the personnel appeals board for  
7 carrying out the powers, functions, and duties transferred in  
8 subsection (1) of this section shall, on the effective date of this  
9 section, be transferred and credited to the Washington personnel  
10 resources board.

11 (4) Whenever any question arises as to the transfer of any  
12 personnel, funds, books, documents, records, papers, files, equipment,  
13 or other tangible property used or held in the exercise of the powers  
14 and the performance of the duties and functions transferred, the  
15 director of financial management shall make a determination as to the  
16 proper allocation and certify the same to the state agencies concerned.

17 (5) After the effective date of this section, the director of  
18 personnel and the executive secretary of the personnel appeals board  
19 shall meet and agree upon a schedule for the transfer of personnel  
20 appeals board employees and property to the Washington personnel  
21 resources board. Whenever a question arises as to the transfer of any  
22 personnel, funds, books, documents, records, papers, files, equipment,  
23 or other tangible property used or held in the exercise of the powers  
24 and the performance of the duties and functions transferred, the  
25 director of financial management shall make a determination as to the  
26 proper allocation and certify the same to the state agencies concerned.

27 (6) The transfer of the powers, duties, functions, and personnel of  
28 the personnel appeals board under this section does not affect the  
29 validity of any act performed before the effective date of this  
30 section. All existing contracts and obligations of the personnel  
31 appeals board shall remain in full force and shall be performed by the  
32 personnel appeals board.

33 NEW SECTION. **Sec. 11.** (1) The personnel appeals board is hereby  
34 abolished and its powers, duties, and functions are hereby transferred  
35 to the Washington personnel resources board. All references to the  
36 executive secretary of the personnel appeals board or the personnel  
37 appeals board in the Revised Code of Washington shall be construed to

1 mean the director of personnel or the Washington personnel resources  
2 board, respectively.

3 (2)(a) All reports, documents, surveys, books, records, files,  
4 papers, or written material in the possession of the personnel appeals  
5 board shall be delivered to the custody of the Washington personnel  
6 resources board. All cabinets, furniture, office equipment, motor  
7 vehicles, and other tangible property employed by the personnel appeals  
8 board shall be made available to the department of personnel. All  
9 funds, credits, or other assets held by the personnel appeals board  
10 shall be assigned to the department of personnel.

11 (b) Any appropriations made to the personnel appeals board shall,  
12 on the effective date of this section, be transferred and credited to  
13 the department of personnel.

14 (c) If any question arises as to the transfer of any personnel,  
15 funds, books, documents, records, papers, files, equipment, or other  
16 tangible property used or held in the exercise of the powers and the  
17 performance of the duties and functions transferred, the director of  
18 financial management shall make a determination as to the proper  
19 allocation and certify the same to the state agencies concerned.

20 (3) All employees of the personnel appeals board are transferred to  
21 the jurisdiction of the department of personnel. All employees  
22 classified under this chapter, the state civil service law, are  
23 assigned to the department of personnel to perform their usual duties  
24 upon the same terms as formerly, without any loss of rights, subject to  
25 any action that may be appropriate thereafter in accordance with the  
26 laws and rules governing state civil service.

27 (4) All rules and all pending business before the personnel appeals  
28 board shall be continued and acted upon by the Washington personnel  
29 resources board. All existing contracts and obligations shall remain  
30 in full force and shall be performed by the Washington personnel  
31 resources board.

32 (5) The transfer of the powers, duties, functions, and personnel of  
33 the personnel appeals board shall not affect the validity of any act  
34 performed before the effective date of this section.

35 (6) If apportionments of budgeted funds are required because of the  
36 transfers directed by this section, the director of financial  
37 management shall certify the apportionments to the agencies affected,  
38 the state auditor, and the state treasurer. Each of these shall make

1 the appropriate transfer and adjustments in funds and appropriation  
2 accounts and equipment records in accordance with the certification.

3 NEW SECTION. **Sec. 12.** Sections 4 through 8 and 11 of this act are  
4 each added to chapter 41.06 RCW.

5 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
6 each repealed:

7 (1) RCW 41.64.010 and 1981 c 311 s 1;

8 (2) RCW 41.64.020 and 1981 c 311 s 3;

9 (3) RCW 41.64.030 and 1984 c 287 s 73, 1984 c 34 s 4, & 1981 c 311  
10 s 4;

11 (4) RCW 41.64.040 and 1981 c 311 s 5;

12 (5) RCW 41.64.050 and 1981 c 311 s 6;

13 (6) RCW 41.64.060 and 1981 c 311 s 7;

14 (7) RCW 41.64.070 and 1981 c 311 s 8;

15 (8) RCW 41.64.080 and 1981 c 311 s 9;

16 (9) RCW 41.64.090 and 1997 c ... s 9 (section 9 of this act), 1993  
17 c 281 s 41, & 1981 c 311 s 10;

18 (10) RCW 41.64.100 and 1981 c 311 s 11;

19 (11) RCW 41.64.110 and 1985 c 461 s 7 & 1981 c 311 s 12;

20 (12) RCW 41.64.120 and 1981 c 311 s 13;

21 (13) RCW 41.64.130 and 1981 c 311 s 14;

22 (14) RCW 41.64.140 and 1988 c 202 s 42 & 1981 c 311 s 15; and

23 (15) RCW 41.64.910 and 1981 c 311 s 24.

24 NEW SECTION. **Sec. 14.** RCW 41.06.163 and 1993 c 281 s 30, 1987 c  
25 185 s 9, 1986 c 158 s 6, 1979 c 151 s 59, & 1977 ex.s. c 152 s 3 are  
26 each repealed.

27 NEW SECTION. **Sec. 15.** With respect to state employees and  
28 employing agencies who are parties to a collective bargaining agreement  
29 that is in effect on the effective date of this section, this act does  
30 not apply until the first day following expiration of the collective  
31 bargaining agreement. On that day, this act shall apply without regard  
32 to renewal or extension of the agreement.

33 NEW SECTION. **Sec. 16.** Sections 1 through 10, 12, 14, and 15 of  
34 this act are necessary for the immediate preservation of the public

1 peace, health, or safety, or support of the state government and its  
2 existing public institutions, and take effect July 1, 1997.  
3 (2) Sections 11 and 13 of this act take effect January 1, 1998.

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