
SENATE BILL 5993

State of Washington

55th Legislature

1997 Regular Session

By Senators Fraser and Kohl

Read first time 02/25/97. Referred to Committee on Government Operations.

1 AN ACT Relating to transfer of accrued sick leave between state
2 employees and employees of educational service districts; and amending
3 RCW 41.06.150 and 28A.310.240.

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

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

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

11 (1) The reduction, dismissal, suspension, or demotion of an
12 employee;

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

1 (3) Examinations for all positions in the competitive and
2 noncompetitive service;

3 (4) Appointments;

4 (5) Training and career development;

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

9 (7) Transfers;

10 (8) Sick leaves and vacations. The rules of the board shall
11 provide for (a) the transfer of accrued sick leave for employees who
12 transfer employment to or from educational service districts under
13 chapter 28A.310 RCW, and (b) payments between employers to reflect the
14 liability for the transferred sick leave. The authority to transfer
15 accrued sick leave shall be retroactive to January 1, 1996;

16 (9) Hours of work;

17 (10) Layoffs when necessary and subsequent reemployment, both
18 according to seniority;

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

25 (12) Certification and decertification of exclusive bargaining
26 representatives: PROVIDED, That after certification of an exclusive
27 bargaining representative and upon the representative's request, the
28 director shall hold an election among employees in a bargaining unit to
29 determine by a majority whether to require as a condition of employment
30 membership in the certified exclusive bargaining representative on or
31 after the thirtieth day following the beginning of employment or the
32 date of such election, whichever is the later, and the failure of an
33 employee to comply with such a condition of employment constitutes
34 cause for dismissal: PROVIDED FURTHER, That no more often than once in
35 each twelve-month period after expiration of twelve months following
36 the date of the original election in a bargaining unit and upon
37 petition of thirty percent of the members of a bargaining unit the
38 director shall hold an election to determine whether a majority wish to
39 rescind such condition of employment: PROVIDED FURTHER, That for

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

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

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

27 (15) Adoption and revision of a comprehensive classification plan
28 for all positions in the classified service, based on investigation and
29 analysis of the duties and responsibilities of each such position.

30 (a) The board shall not adopt job classification revisions or class
31 studies unless implementation of the proposed revision or study will
32 result in net cost savings, increased efficiencies, or improved
33 management of personnel or services, and the proposed revision or study
34 has been approved by the director of financial management in accordance
35 with chapter 43.88 RCW.

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

1 (i) The board may approve the implementation of salary increases
2 resulting from adjustments to the classification plan during the 1995-
3 97 fiscal biennium only if:

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

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

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

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

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

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

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

30 (17) Adoption and revision of a state salary schedule to reflect
31 the prevailing rates in Washington state private industries and other
32 governmental units but the rates in the salary schedules or plans shall
33 be increased if necessary to attain comparable worth under an
34 implementation plan under RCW 41.06.155 and that, for institutions of
35 higher education and related boards, shall be competitive for positions
36 of a similar nature in the state or the locality in which an
37 institution of higher education or related board is located, such
38 adoption and revision subject to approval by the director of financial
39 management in accordance with the provisions of chapter 43.88 RCW;

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

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

27 (20) Permitting agency heads to delegate the authority to appoint,
28 reduce, dismiss, suspend, or demote employees within their agencies if
29 such agency heads do not have specific statutory authority to so
30 delegate: PROVIDED, That the board may not authorize such delegation
31 to any position lower than the head of a major subdivision of the
32 agency;

33 (21) Assuring persons who are or have been employed in classified
34 positions before July 1, 1993, will be eligible for employment,
35 reemployment, transfer, and promotion in respect to classified
36 positions covered by this chapter;

37 (22) Affirmative action in appointment, promotion, transfer,
38 recruitment, training, and career development; development and

1 implementation of affirmative action goals and timetables; and
2 monitoring of progress against those goals and timetables.

3 The board shall consult with the human rights commission in the
4 development of rules pertaining to affirmative action. The department
5 of personnel shall transmit a report annually to the human rights
6 commission which states the progress each state agency has made in
7 meeting affirmative action goals and timetables.

8 **Sec. 2.** RCW 28A.310.240 and 1990 c 33 s 279 are each amended to
9 read as follows:

10 (1) Every educational service district board shall adopt written
11 policies granting leaves to persons under contracts of employment with
12 the district in positions requiring either certification or
13 noncertification qualifications, including but not limited to leaves
14 for attendance at official or private institutes and conferences and
15 sabbatical leaves for employees in positions requiring certification
16 qualification, and leaves for illness, injury, bereavement, and
17 emergencies for both certificated and noncertificated employees, with
18 such compensation as the board prescribes. The board shall adopt
19 written policies granting annual leave with compensation for illness,
20 injury, and emergencies as follows:

21 (a) For persons under contract with the district for a full fiscal
22 year, at least ten days;

23 (b) For persons under contract with the district as part-time
24 employees, at least that portion of ten days as the total number of
25 days contracted for bears to one hundred eighty days;

26 (c) For certificated and noncertificated employees, annual leave
27 with compensation for illness, injury, and emergencies shall be granted
28 and accrue at a rate not to exceed twelve days per fiscal year.
29 Provisions of any contract in force on July 23, 1989, which conflict
30 with requirements of this subsection shall continue in effect until
31 contract expiration; after expiration, any new contract executed
32 between the parties shall be consistent with this subsection;

33 (d) Compensation for leave for illness or injury actually taken
34 shall be the same as the compensation the person would have received
35 had the person not taken the leave provided in this section;

36 (e) Leave provided in this section not taken shall accumulate from
37 fiscal year to fiscal year up to a maximum of one hundred eighty days
38 for the purposes of RCW 28A.310.490, and for leave purposes up to a

1 maximum of the number of contract days agreed to in a given contract,
2 but not greater than one fiscal year. Such accumulated time may be
3 taken at any time during the fiscal year, or up to twelve days per year
4 may be used for the purpose of payments for unused sick leave; and

5 (f) Accumulated leave under this section shall be transferred to
6 educational service districts, school districts, and the office of the
7 superintendent of public instruction, and from any such district or
8 office to another such district or office. An intervening customary
9 summer break in employment or the performance of employment duties
10 shall not preclude such a transfer. Accumulated leave for illness,
11 injury, bereavement, and emergencies may be transferred to other
12 agencies of the state under RCW 41.06.150(8).

13 (2) Leave accumulated by a person in a district prior to leaving
14 the district may, under rules of the board, be granted to the person
15 when the person returns to the employment of the district.

16 (3) Leave for illness or injury accumulated before July 23, 1989,
17 under the administrative practices of an educational service district,
18 and such leave transferred before July 23, 1989, to or from an
19 educational service district, school district, or the office of the
20 superintendent of public instruction under the administrative practices
21 of the district or office, is declared valid and shall be added to such
22 leave for illness or injury accumulated after July 23, 1989.

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