
SENATE BILL 6788

State of Washington

56th Legislature

2000 Regular Session

By Senators Haugen and Horn

Read first time . Referred to Committee on .

1 AN ACT Relating to the contracting of department of transportation
2 maintenance services and establishing pilot projects; amending RCW
3 41.06.380 and 41.06.150; adding a new section to chapter 47.04 RCW; and
4 creating a new section.

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

6 **Sec. 1.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to
7 read as follows:

8 Nothing contained in this chapter shall prohibit any department, as
9 defined in RCW 41.06.020, from purchasing services by contract with
10 individuals or business entities if ((such)) services were regularly
11 purchased by valid contract by ((such)) the department prior to April
12 23, 1979: PROVIDED, That without prior legislative approval, no
13 ((such)) contract may be executed or renewed if it would have the
14 effect of terminating classified employees or classified employee
15 positions existing at the time of the execution or renewal of the
16 contract.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.04 RCW
18 to read as follows:

1 (1) For purposes of this section, the following definitions apply:

2 (a) "Repair" means any activity that restores or mends to a sound
3 or good condition by replacing or fixing after decay, injury,
4 dilapidation, or partial destruction has occurred.

5 (b) "Maintenance" means to preserve or retain in a condition of
6 good repair or efficiency.

7 (c) "Traffic services" means maintenance activities such as, but
8 not limited to, pavement striping; pavement marking; raised pavement
9 markers; repairing and replacing highway signage, guideposts, and
10 guardrails; traffic signal maintenance; and highway lighting.

11 (2) For purposes of the pilot projects authorized in section 3 of
12 this act, the department of transportation may purchase maintenance
13 services by contract with individuals or business entities.
14 Maintenance services that may be contracted out include, but are not
15 limited to, roadway maintenance and repair, drainage maintenance and
16 slope repair, roadside and landscape maintenance, bridge and urban
17 tunnel maintenance, snow and ice control, traffic services, and rest
18 area maintenance. As prescribed in RCW 41.06.150(13), a discretionary
19 decision by the department to purchase maintenance services by contract
20 is not a bargainable issue.

21 (3) If the department intends to purchase maintenance services, the
22 department shall notify the director of the maintenance program and any
23 exclusive bargaining representative who represents any employee whose
24 employment status will be directly affected by such a contract. The
25 director of the maintenance program and the exclusive bargaining
26 representative may offer alternatives to the proposed contract, and the
27 department must consider these alternatives in making the final
28 decision to contract out.

29 NEW SECTION. **Sec. 3.** (1) The department of transportation shall
30 conduct two three-year maintenance contracting pilot projects to
31 commence on July 1, 2000, and conclude on June 30, 2003.

32 (2) The department of transportation may determine the types of
33 projects most appropriate for these pilot projects. However, the two
34 projects selected shall reflect the diverse geographic nature of the
35 state and incorporate the managed competition approach described in
36 section 2(3) of this act.

37 (3) The department of transportation shall develop a methodology
38 for comparing the costs of government and privately delivered services.

1 The methodology shall reflect the fully allocated costs of services,
2 including, but not limited to:

3 (a) Employee salaries and wages;

4 (b) Employee benefits;

5 (c) Capital outlays, including supplies and equipment;

6 (d) Administrative and overhead expenditures;

7 (e) Contract administration and evaluation; and

8 (f) Taxes that would be received by the state or local governments
9 from private contractors for services.

10 (4) At the end of each fiscal year, the department of
11 transportation shall:

12 (a) Evaluate the effectiveness and the efficiency of the pilot
13 projects;

14 (b) Evaluate the cost-effectiveness of each project;

15 (c) Compare the costs of government and privately delivered
16 services where appropriate using the methodology developed under
17 subsection (3) of this section; and

18 (d) Identify the problems and benefits encountered in each project.

19 The department of transportation shall include this information in
20 an annual report to be submitted to the transportation commission and
21 the appropriate legislative bodies in August of each year starting in
22 August 2001. The department shall include in this report
23 recommendations that may be applied to similar projects in the future.

24 **Sec. 4.** RCW 41.06.150 and 1999 c 297 s 3 are each amended to read
25 as follows:

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

30 (1) The reduction, dismissal, suspension, or demotion of an
31 employee;

32 (2) Certification of names for vacancies, including departmental
33 promotions, with the number of names equal to six more names than there
34 are vacancies to be filled, such names representing applicants rated
35 highest on eligibility lists: PROVIDED, That when other applicants
36 have scores equal to the lowest score among the names certified, their
37 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;

11 (9) Hours of work;

12 (10) Layoffs when necessary and subsequent reemployment, both
13 according to seniority;

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

20 (12) Certification and decertification of exclusive bargaining
21 representatives: PROVIDED, That after certification of an exclusive
22 bargaining representative and upon the representative's request, the
23 director shall hold an election among employees in a bargaining unit to
24 determine by a majority whether to require as a condition of employment
25 membership in the certified exclusive bargaining representative on or
26 after the thirtieth day following the beginning of employment or the
27 date of such election, whichever is the later, and the failure of an
28 employee to comply with such a condition of employment constitutes
29 cause for dismissal: PROVIDED FURTHER, That no more often than once in
30 each twelve-month period after expiration of twelve months following
31 the date of the original election in a bargaining unit and upon
32 petition of thirty percent of the members of a bargaining unit the
33 director shall hold an election to determine whether a majority wish to
34 rescind such condition of employment: PROVIDED FURTHER, That for
35 purposes of this clause, membership in the certified exclusive
36 bargaining representative is satisfied by the payment of monthly or
37 other periodic dues and does not require payment of initiation,
38 reinstatement, or any other fees or fines and includes full and
39 complete membership rights: AND PROVIDED FURTHER, That in order to

1 safeguard the right of nonassociation of public employees, based on
2 bona fide religious tenets or teachings of a church or religious body
3 of which such public employee is a member, such public employee shall
4 pay to the union, for purposes within the program of the union as
5 designated by such employee that would be in harmony with his or her
6 individual conscience, an amount of money equivalent to regular union
7 dues minus any included monthly premiums for union-sponsored insurance
8 programs, and such employee shall not be a member of the union but is
9 entitled to all the representation rights of a union member;

10 (13) Agreements between agencies and certified exclusive bargaining
11 representatives providing for grievance procedures and collective
12 negotiations on all personnel matters over which the appointing
13 authority of the appropriate bargaining unit of such agency may
14 lawfully exercise discretion. Discretionary decisions to purchase
15 maintenance services by contract by the department of transportation
16 are not subject to this subsection;

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

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

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

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

35 ~~(i) The board may approve the implementation of salary increases~~
36 ~~resulting from adjustments to the classification plan during the 1995-~~
37 ~~97 fiscal biennium only if:~~

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

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

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

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

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

22 ~~(e))~~ Reclassifications, class studies, and salary adjustments to
23 be implemented during the 1997-99 and subsequent fiscal biennia are
24 governed by (a) of this subsection and RCW 41.06.152;

25 (16) Allocation and reallocation of positions within the
26 classification plan;

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

37 (18) Increment increases within the series of steps for each pay
38 grade based on length of service for all employees whose standards of

1 performance are such as to permit them to retain job status in the
2 classified service;

3 (19) Optional lump sum relocation compensation approved by the
4 agency director, whenever it is reasonably necessary that a person make
5 a domiciliary move in accepting a transfer or other employment with the
6 state. An agency must provide lump sum compensation within existing
7 resources. If the person receiving the relocation payment terminates
8 or causes termination with the state, for reasons other than layoff,
9 disability separation, or other good cause as determined by an agency
10 director, within one year of the date of the employment, the state is
11 entitled to reimbursement of the lump sum compensation from the person;

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

34 (21) Permitting agency heads to delegate the authority to appoint,
35 reduce, dismiss, suspend, or demote employees within their agencies if
36 such agency heads do not have specific statutory authority to so
37 delegate: PROVIDED, That the board may not authorize such delegation
38 to any position lower than the head of a major subdivision of the
39 agency;

1 (22) Assuring persons who are or have been employed in classified
2 positions before July 1, 1993, will be eligible for employment,
3 reemployment, transfer, and promotion in respect to classified
4 positions covered by this chapter;

5 (23) Affirmative action in appointment, promotion, transfer,
6 recruitment, training, and career development; development and
7 implementation of affirmative action goals and timetables; and
8 monitoring of progress against those goals and timetables.

9 The board shall consult with the human rights commission in the
10 development of rules pertaining to affirmative action. The department
11 of personnel shall transmit a report annually to the human rights
12 commission which states the progress each state agency has made in
13 meeting affirmative action goals and timetables.

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