
HOUSE BILL 2199

State of Washington 57th Legislature 2001 Regular Session

By Representatives Clements, Boldt, Lambert and Esser

Read first time 02/26/2001. Referred to Committee on State Government.

1 AN ACT Relating to graduate student employees employed by
2 institutions of higher education; and amending RCW 41.06.070.

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

4 **Sec. 1.** RCW 41.06.070 and 1998 c 245 s 40 are each amended to read
5 as follows:

6 (1) The provisions of this chapter do not apply to:

7 (a) The members of the legislature or to any employee of, or
8 position in, the legislative branch of the state government including
9 members, officers, and employees of the legislative council, joint
10 legislative audit and review committee, statute law committee, and any
11 interim committee of the legislature;

12 (b) The justices of the supreme court, judges of the court of
13 appeals, judges of the superior courts or of the inferior courts, or to
14 any employee of, or position in the judicial branch of state
15 government;

16 (c) Officers, academic personnel, and employees of technical
17 colleges;

18 (d) The officers of the Washington state patrol;

19 (e) Elective officers of the state;

1 (f) The chief executive officer of each agency;

2 (g) In the departments of employment security and social and health
3 services, the director and the director's confidential secretary; in
4 all other departments, the executive head of which is an individual
5 appointed by the governor, the director, his or her confidential
6 secretary, and his or her statutory assistant directors;

7 (h) In the case of a multimember board, commission, or committee,
8 whether the members thereof are elected, appointed by the governor or
9 other authority, serve ex officio, or are otherwise chosen:

10 (i) All members of such boards, commissions, or committees;

11 (ii) If the members of the board, commission, or committee serve on
12 a part-time basis and there is a statutory executive officer: The
13 secretary of the board, commission, or committee; the chief executive
14 officer of the board, commission, or committee; and the confidential
15 secretary of the chief executive officer of the board, commission, or
16 committee;

17 (iii) If the members of the board, commission, or committee serve
18 on a full-time basis: The chief executive officer or administrative
19 officer as designated by the board, commission, or committee; and a
20 confidential secretary to the chair of the board, commission, or
21 committee;

22 (iv) If all members of the board, commission, or committee serve ex
23 officio: The chief executive officer; and the confidential secretary
24 of such chief executive officer;

25 (i) The confidential secretaries and administrative assistants in
26 the immediate offices of the elective officers of the state;

27 (j) Assistant attorneys general;

28 (k) Commissioned and enlisted personnel in the military service of
29 the state;

30 (l) Inmate, student, part-time, or temporary employees, and part-
31 time professional consultants, as defined by the Washington personnel
32 resources board;

33 (m) The public printer or to any employees of or positions in the
34 state printing plant;

35 (n) Officers and employees of the Washington state fruit
36 commission;

37 (o) Officers and employees of the Washington state apple
38 advertising commission;

1 (p) Officers and employees of the Washington state dairy products
2 commission;

3 (q) Officers and employees of the Washington tree fruit research
4 commission;

5 (r) Officers and employees of the Washington state beef commission;

6 (s) Officers and employees of any commission formed under chapter
7 15.66 RCW;

8 ~~(t) ((Officers and employees of the state wheat commission formed
9 under chapter 15.63 RCW;~~

10 ~~(u))~~ (u) Officers and employees of agricultural commissions formed
11 under chapter 15.65 RCW;

12 ~~((v))~~ (v) Officers and employees of the nonprofit corporation
13 formed under chapter 67.40 RCW;

14 ~~((w))~~ (w) Executive assistants for personnel administration and
15 labor relations in all state agencies employing such executive
16 assistants including but not limited to all departments, offices,
17 commissions, committees, boards, or other bodies subject to the
18 provisions of this chapter and this subsection shall prevail over any
19 provision of law inconsistent herewith unless specific exception is
20 made in such law;

21 ~~((x))~~ (x) In each agency with fifty or more employees: Deputy
22 agency heads, assistant directors or division directors, and not more
23 than three principal policy assistants who report directly to the
24 agency head or deputy agency heads;

25 ~~((y))~~ (y) All employees of the marine employees' commission;

26 ~~((z) Up to a total of five senior staff positions of the western
27 library network under chapter 27.26 RCW responsible for formulating
28 policy or for directing program management of a major administrative
29 unit. This subsection (1)(z) shall expire on June 30, 1997;~~

30 ~~(aa))~~ (y) Staff employed by the department of community, trade,
31 and economic development to administer energy policy functions and
32 manage energy site evaluation council activities under RCW
33 43.21F.045(2)(m);

34 ~~((bb))~~ (z) Staff employed by Washington State University to
35 administer energy education, applied research, and technology transfer
36 programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

37 (2) The following classifications, positions, and employees of
38 institutions of higher education and related boards are hereby exempted
39 from coverage of this chapter:

1 (a) Members of the governing board of each institution of higher
2 education and related boards, all presidents, vice-presidents, and
3 their confidential secretaries, administrative, and personal
4 assistants; deans, directors, and chairs; academic personnel; and
5 executive heads of major administrative or academic divisions employed
6 by institutions of higher education; principal assistants to executive
7 heads of major administrative or academic divisions; other managerial
8 or professional employees in an institution or related board having
9 substantial responsibility for directing or controlling program
10 operations and accountable for allocation of resources and program
11 results, or for the formulation of institutional policy, or for
12 carrying out personnel administration or labor relations functions,
13 legislative relations, public information, development, senior computer
14 systems and network programming, or internal audits and investigations;
15 and any employee of a community college district whose place of work is
16 one which is physically located outside the state of Washington and who
17 is employed pursuant to RCW 28B.50.092 and assigned to an educational
18 program operating outside of the state of Washington;

19 (b) Student, graduate teaching and research assistants, part-time,
20 or temporary employees, and part-time professional consultants, as
21 defined by the Washington personnel resources board, employed by
22 institutions of higher education and related boards;

23 (c) The governing board of each institution, and related boards,
24 may also exempt from this chapter classifications involving research
25 activities, counseling of students, extension or continuing education
26 activities, graphic arts or publications activities requiring
27 prescribed academic preparation or special training as determined by
28 the board: PROVIDED, That no nonacademic employee engaged in office,
29 clerical, maintenance, or food and trade services may be exempted by
30 the board under this provision;

31 (d) Printing craft employees in the department of printing at the
32 University of Washington.

33 (3) In addition to the exemptions specifically provided by this
34 chapter, the Washington personnel resources board may provide for
35 further exemptions pursuant to the following procedures. The governor
36 or other appropriate elected official may submit requests for exemption
37 to the Washington personnel resources board stating the reasons for
38 requesting such exemptions. The Washington personnel resources board
39 shall hold a public hearing, after proper notice, on requests submitted

1 pursuant to this subsection. If the board determines that the position
2 for which exemption is requested is one involving substantial
3 responsibility for the formulation of basic agency or executive policy
4 or one involving directing and controlling program operations of an
5 agency or a major administrative division thereof, the Washington
6 personnel resources board shall grant the request and such
7 determination shall be final as to any decision made before July 1,
8 1993. The total number of additional exemptions permitted under this
9 subsection shall not exceed one percent of the number of employees in
10 the classified service not including employees of institutions of
11 higher education and related boards for those agencies not directly
12 under the authority of any elected public official other than the
13 governor, and shall not exceed a total of twenty-five for all agencies
14 under the authority of elected public officials other than the
15 governor.

16 The salary and fringe benefits of all positions presently or
17 hereafter exempted except for the chief executive officer of each
18 agency, full-time members of boards and commissions, administrative
19 assistants and confidential secretaries in the immediate office of an
20 elected state official, and the personnel listed in subsections (1)(j)
21 through ~~((v))~~ (u), ~~((y), (z))~~ (x), and (2) of this section, shall
22 be determined by the Washington personnel resources board. However,
23 beginning with changes proposed for the 1997-99 fiscal biennium,
24 changes to the classification plan affecting exempt salaries must meet
25 the same provisions for classified salary increases resulting from
26 adjustments to the classification plan as outlined in RCW 41.06.152.

27 Any person holding a classified position subject to the provisions
28 of this chapter shall, when and if such position is subsequently
29 exempted from the application of this chapter, be afforded the
30 following rights: If such person previously held permanent status in
31 another classified position, such person shall have a right of
32 reversion to the highest class of position previously held, or to a
33 position of similar nature and salary.

34 Any classified employee having civil service status in a classified
35 position who accepts an appointment in an exempt position shall have
36 the right of reversion to the highest class of position previously
37 held, or to a position of similar nature and salary.

1 A person occupying an exempt position who is terminated from the
2 position for gross misconduct or malfeasance does not have the right of
3 reversion to a classified position as provided for in this section.

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