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HOUSE BILL 2240

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State of Washington                      58th Legislature                      2003 Regular Session

By Representative Conway

Read first time 04/08/2003. Referred to Committee on Appropriations.

1            AN ACT Relating to the salaries and fringe benefits of certain  
2 employees of institutions of higher education; and amending RCW  
3 41.06.070.

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

5            **Sec. 1.** RCW 41.06.070 and 2002 c 354 s 209 are each amended to  
6 read as follows:

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

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

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

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

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

1 (e) Elective officers of the state;

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

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

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

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

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

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

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

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

28 (j) Assistant attorneys general;

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

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

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

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

1 (o) Officers and employees of the Washington ((state)) apple  
2 ((advertising)) commission;

3 (p) Officers and employees of the Washington state dairy products  
4 commission;

5 (q) Officers and employees of the Washington tree fruit research  
6 commission;

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

8 (s) Officers and employees of any commission formed under chapter  
9 15.66 RCW;

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

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

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

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

24 (x) All employees of the marine employees' commission;

25 (y) Staff employed by the department of community, trade, and  
26 economic development to administer energy policy functions and manage  
27 energy site evaluation council activities under RCW 43.21F.045(2)(m);

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

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

34 (a) Members of the governing board of each institution of higher  
35 education and related boards, all presidents, vice-presidents, and  
36 their confidential secretaries, administrative, and personal  
37 assistants; deans, directors, and chairs; academic personnel; and  
38 executive heads of major administrative or academic divisions employed

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

14 (b) The governing board of each institution, and related boards,  
15 may also exempt from this chapter classifications involving research  
16 activities, counseling of students, extension or continuing education  
17 activities, graphic arts or publications activities requiring  
18 prescribed academic preparation or special training as determined by  
19 the board: PROVIDED, That no nonacademic employee engaged in office,  
20 clerical, maintenance, or food and trade services may be exempted by  
21 the board under this provision;

22 (c) Printing craft employees in the department of printing at the  
23 University of Washington.

24 (3) In addition to the exemptions specifically provided by this  
25 chapter, the director of personnel may provide for further exemptions  
26 pursuant to the following procedures. The governor or other  
27 appropriate elected official may submit requests for exemption to the  
28 director of personnel stating the reasons for requesting such  
29 exemptions. The director of personnel shall hold a public hearing,  
30 after proper notice, on requests submitted pursuant to this subsection.  
31 If the director determines that the position for which exemption is  
32 requested is one involving substantial responsibility for the  
33 formulation of basic agency or executive policy or one involving  
34 directing and controlling program operations of an agency or a major  
35 administrative division thereof, the director of personnel shall grant  
36 the request and such determination shall be final as to any decision  
37 made before July 1, 1993. The total number of additional exemptions  
38 permitted under this subsection shall not exceed one percent of the

1 number of employees in the classified service not including employees  
2 of institutions of higher education and related boards for those  
3 agencies not directly under the authority of any elected public  
4 official other than the governor, and shall not exceed a total of  
5 twenty-five for all agencies under the authority of elected public  
6 officials other than the governor.

7 The salary and fringe benefits of all positions presently or  
8 hereafter exempted except for the chief executive officer of each  
9 agency, full-time members of boards and commissions, administrative  
10 assistants and confidential secretaries in the immediate office of an  
11 elected state official, and the personnel listed in subsections (1)(j)  
12 through (u) and (x) and (2)(a) and (c) of this section, shall be  
13 determined by the director of personnel. Changes to the classification  
14 plan affecting exempt salaries must meet the same provisions for  
15 classified salary increases resulting from adjustments to the  
16 classification plan as outlined in RCW 41.06.152.

17 Any person holding a classified position subject to the provisions  
18 of this chapter shall, when and if such position is subsequently  
19 exempted from the application of this chapter, be afforded the  
20 following rights: If such person previously held permanent status in  
21 another classified position, such person shall have a right of  
22 reversion to the highest class of position previously held, or to a  
23 position of similar nature and salary.

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

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

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