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**SUBSTITUTE SENATE BILL 6503**

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**State of Washington                      61st Legislature                      2010 Regular Session**

**By Senate Ways & Means (originally sponsored by Senator Prentice)**

READ FIRST TIME 01/22/10.

1            AN ACT Relating to the operations of state agencies; amending RCW  
2 42.04.060; adding a new section to chapter 41.80 RCW; creating new  
3 sections; providing an expiration date; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.** (1) From the effective date of this section,  
6 state agencies of the legislative, executive, and judicial branches,  
7 including institutions of higher education, shall achieve a reduction  
8 in employee compensation costs of \$69.154 million from general fund--  
9 state and education legacy trust account expenditures for the 2009-2011  
10 fiscal biennium.

11            (2) The office of financial management shall certify to each state  
12 agency and institution of higher education that portion of the  
13 compensation reduction amount specified in subsection (1) of this  
14 section to be achieved by that agency or institution, based on the  
15 agency's proportionate share of compensation costs. By May 15, 2010,  
16 each agency and institution shall submit to the office of financial  
17 management a compensation reduction plan to achieve the cost reductions  
18 specified in this subsection. The compensation reduction plan of each  
19 agency may include, but is not limited to, employee leave without pay,

1 including mandatory and voluntary temporary layoffs, reductions in the  
2 agency workforce, compensation reductions, and reduced work hours, as  
3 well as voluntary retirement, separation, and other incentive programs  
4 authorized by section 912, chapter 564, Laws of 2009. The amount of  
5 compensation cost reductions to be achieved by each agency or  
6 institution shall be adjusted to reflect voluntary and mandatory  
7 temporary layoffs implemented by the agency or institution during the  
8 2009-2011 fiscal biennium and prior to the effective date of this  
9 section. It is the legislature's intent that, in developing the  
10 compensation reduction plans, agencies shall strive to preserve family  
11 wage jobs by reducing the impact of temporary layoffs on lower-wage  
12 jobs.

13 (3) By June 1, 2010, the director of financial management shall  
14 review, approve, and submit to the legislative fiscal committees those  
15 agency compensation reduction plans that achieve the cost reduction  
16 required by subsection (2) of this section. For those agencies and  
17 institutions of higher education that do not have an approved  
18 compensation reduction plan by June 1, 2010, the agency or institution  
19 shall be closed on the following dates in addition to the legal  
20 holidays specified in RCW 1.16.050:

- 21 (a) Monday, June 14, 2010;
- 22 (b) Tuesday, July 6, 2010;
- 23 (c) Friday, August 6, 2010;
- 24 (d) Tuesday, September 7, 2010;
- 25 (e) Monday, October 11, 2010;
- 26 (f) Friday, November 12, 2010;
- 27 (g) Monday, December 27, 2010;
- 28 (h) Friday, January 14, 2011;
- 29 (i) Friday, February 18, 2011;
- 30 (j) Friday, March 11, 2011;
- 31 (k) Friday, April 15, 2011;
- 32 (l) Friday, May 27, 2011; and
- 33 (m) Friday, June 10, 2011.

34 (4) If the closure of an office of an agency of the state under  
35 subsection (3) of this section prevents the performance of any action,  
36 the action shall be considered timely if performed on the next business  
37 day. For any agency of the judicial branch that is closed on the dates

1 specified in subsection (3) of this section, the dates are deemed to be  
2 nonjudicial days for the purposes of Article IV of the state  
3 Constitution.

4 (5) The following activities of state agencies and institutions of  
5 higher education are exempt from subsections (2) and (3) of this  
6 section:

7 (a) Direct custody, supervision, and patient care in: (i)  
8 Corrections; (ii) juvenile rehabilitation; (iii) institutional care of  
9 veterans, the mentally ill, and developmentally disabled; (iv) state  
10 hospitals, the University of Washington medical center, and Harborview  
11 medical center; (v) the special commitment center; (vi) the school for  
12 the blind; (vii) the state center for childhood deafness and hearing  
13 loss; and (viii) the Washington youth academy;

14 (b) Direct protective services to children and other vulnerable  
15 populations in the department of social and health services;

16 (c) Washington state patrol investigative services and field  
17 enforcement;

18 (d) Hazardous materials response or emergency response and cleanup;

19 (e) Emergency public health and patient safety response and the  
20 public health laboratory;

21 (f) Military operations and emergency management within the  
22 military department;

23 (g) Firefighting;

24 (h) Enforcement officers in the department of fish and wildlife,  
25 the liquor control board, the gambling commission, department of  
26 financial institutions, and the department of natural resources;

27 (i) State parks operated by the parks and recreation commission;

28 (j) In institutions of higher education, classroom instruction,  
29 operations not funded from state funds or tuition, campus police and  
30 security, emergency management and response, and student health care;

31 (k) Operations of liquor control board business enterprises and  
32 games conducted by the state lottery;

33 (l) Agricultural commodity commissions and boards, and agricultural  
34 inspection programs operated by the department of agriculture;

35 (m) The unemployment insurance program and reemployment services of  
36 the employment security department;

37 (n) The workers' compensation program and workplace safety and  
38 health compliance activities of the department of labor and industries;

1 (o) The operation, maintenance, and construction of state ferries  
2 and state highways;

3 (p) The audit and compliance sections of the department of revenue;

4 (q) Licensing service offices in the department of licensing that  
5 are open no more than two days per week, and no licensing service  
6 office closures may occur as a result of this section on Saturdays;

7 (r) The governor, lieutenant governor, legislative agencies, and  
8 the office of financial management, during sessions of the legislature  
9 under Article II, section 12 of the state Constitution and the twenty-  
10 day veto period under Article IV, section 12 of the state Constitution;  
11 and

12 (s) The minimal use of state employees on the specified closure  
13 dates as necessary to protect public assets, information technology  
14 systems, and maintain public safety.

15 (6) The closure of an office of a state agency or institution of  
16 higher education under this section shall result in the temporary  
17 layoff of the employees of the agency or institution. The compensation  
18 of the employees shall be reduced proportionately to the duration of  
19 the temporary layoff. Temporary layoffs under this section shall not  
20 affect the employees' vacation leave accrual, seniority, or sick leave  
21 credits. For the purposes of chapter 430, Laws of 2009, the  
22 compensation reductions under this section are deemed to be an integral  
23 part of an employer's expenditure reduction efforts and shall not  
24 result in the loss of retirement benefits in any state defined benefit  
25 retirement plan for an employee whose period of average final  
26 compensation includes a portion of the period from the effective date  
27 of this section through June 30, 2011.

28 (7) Except as provided in subsection (5) of this section, for  
29 employees not scheduled to work on a day specified in subsection (3) of  
30 this section, the employing agency must designate an alternative day  
31 during that month on which the employee is scheduled to work that the  
32 employee will be temporarily laid off.

33 (8) To the extent that the implementation of this section is  
34 subject to collective bargaining under chapters 28B.52, 41.56, 41.76,  
35 41.80, or 47.64 RCW, the bargaining shall be conducted pursuant to  
36 section 2 of this act.

37 (9) For all or a portion of the employees of an agency of the  
38 executive branch, the office of financial management may approve the

1 substitution of temporary layoffs on an alternative date for any date  
2 specified in subsection (3) of this section as necessary for the  
3 critical work of any agency.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.80 RCW  
5 to read as follows:

6 (1) To the extent that the implementation of section 1 of this act  
7 is subject to collective bargaining:

8 (a) For institutions of higher education that have elected to have  
9 negotiations conducted by the governor or governor's designee in  
10 accordance with RCW 41.80.010(4), negotiations regarding impacts of  
11 section 1 of this act shall be conducted between the governor or  
12 governor's designee and one coalition of all of the exclusive  
13 bargaining representatives subject to chapter 41.80 RCW; and

14 (b) For institutions of higher education that have not elected to  
15 have negotiations conducted by the governor or governor's designee  
16 under RCW 41.80.010(4), negotiations regarding impacts of section 1 of  
17 this act shall be conducted between each institution of higher  
18 education and the exclusive bargaining representatives.

19 (2) This section expires on June 30, 2011.

20 **Sec. 3.** RCW 42.04.060 and 2009 c 428 s 1 are each amended to read  
21 as follows:

22 Except as provided in section 1 of this act, all state elective and  
23 appointive officers shall keep their offices open for the transaction  
24 of business for a minimum of forty hours per week, except weeks that  
25 include state legal holidays. Customary business hours must be posted  
26 on the agency or office's web site and made known by other means  
27 designed to provide the public with notice.

28 ~~((This section shall not apply to the courts of record of this~~  
29 ~~state or to their officers nor to the office of the attorney general~~  
30 ~~and the lieutenant governor.))~~

31 NEW SECTION. **Sec. 4.** If any part of this act is found to be in  
32 conflict with federal requirements that are a prescribed condition to  
33 the allocation of federal funds to the state, the conflicting part of  
34 this act is inoperative solely to the extent of the conflict and with  
35 respect to the agencies directly affected, and this finding does not

1 affect the operation of the remainder of this act in its application to  
2 the agencies concerned. Rules adopted under this act must meet federal  
3 requirements that are a necessary condition to the receipt of federal  
4 funds by the state.

5 NEW SECTION. **Sec. 5.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 immediately.

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