
HOUSE BILL 2670

State of Washington

62nd Legislature

2012 Regular Session

By Representative Hudgins

Read first time 01/23/12. Referred to Committee on General Government
Appropriations & Oversight.

1 AN ACT Relating to limited periodic incremental salary increases
2 for special agents; and reenacting 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 2011 1st sp.s. c 43 s 1010, 2011 1st
5 sp.s. c 39 s 4, and 2011 1st sp.s. c 16 s 22 are each reenacted and
6 amended to 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) Officers and employees of the Washington state fruit
35 commission;

36 (n) Officers and employees of the Washington apple commission;

37 (o) Officers and employees of the Washington state dairy products
38 commission;

1 (p) Officers and employees of the Washington tree fruit research
2 commission;

3 (q) Officers and employees of the Washington state beef commission;

4 (r) Officers and employees of the Washington grain commission;

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

7 (t) Officers and employees of agricultural commissions formed under
8 chapter 15.65 RCW;

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

15 (v) In each agency with fifty or more employees: Deputy agency
16 heads, assistant directors or division directors, and not more than
17 three principal policy assistants who report directly to the agency
18 head or deputy agency heads;

19 (w) Staff employed by the department of commerce to administer
20 energy policy functions;

21 (x) The manager of the energy facility site evaluation council;

22 (y) A maximum of ten staff employed by the department of commerce
23 to administer innovation and policy functions, including the three
24 principal policy assistants exempted under (v) of this subsection;

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

28 (aa) Officers and employees of the consolidated technology services
29 agency created in RCW 43.105.006 that perform the following functions
30 or duties: Systems integration; data center engineering and
31 management; network systems engineering and management; information
32 technology contracting; information technology customer relations
33 management; and network and systems security.

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

37 (a) Members of the governing board of each institution of higher
38 education and related boards, all presidents, vice presidents, and

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

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

25 (c) Printing craft employees in the department of printing at the
26 University of Washington.

27 (3) In addition to the exemptions specifically provided by this
28 chapter, the director may provide for further exemptions pursuant to
29 the following procedures. The governor or other appropriate elected
30 official may submit requests for exemption to the office of financial
31 management stating the reasons for requesting such exemptions. The
32 director shall hold a public hearing, after proper notice, on requests
33 submitted pursuant to this subsection. If the director determines that
34 the position for which exemption is requested is one involving
35 substantial responsibility for the formulation of basic agency or
36 executive policy or one involving directing and controlling program
37 operations of an agency or a major administrative division thereof, or
38 is a senior expert in enterprise information technology infrastructure,

1 engineering, or systems, the director shall grant the request. The
2 total number of additional exemptions permitted under this subsection
3 shall not exceed one percent of the number of employees in the
4 classified service not including employees of institutions of higher
5 education and related boards for those agencies not directly under the
6 authority of any elected public official other than the governor, and
7 shall not exceed a total of twenty-five for all agencies under the
8 authority of elected public officials other than the governor.

9 (4) The salary and fringe benefits of all positions presently or
10 hereafter exempted except for the chief executive officer of each
11 agency, full-time members of boards and commissions, administrative
12 assistants and confidential secretaries in the immediate office of an
13 elected state official, and the personnel listed in subsections (1)(j)
14 through (x) and (2) of this section, shall be determined by the
15 director. Changes to the classification plan affecting exempt salaries
16 must meet the same provisions for classified salary increases resulting
17 from adjustments to the classification plan as outlined in RCW
18 41.06.152.

19 (5) From July 1, 2011, through June 29, 2013, salaries for all
20 positions exempt from classification under this chapter are subject to
21 RCW 41.04.820.

22 (6) From February 18, 2009, through June 30, 2013, a salary or wage
23 increase shall not be granted to any position exempt from
24 classification under this chapter, except that a salary or wage
25 increase may be granted to employees pursuant to collective bargaining
26 agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW,
27 to special agents of the Washington state gambling commission pursuant
28 to the existing compensation plan that has been in place since 2001 and
29 was last revised in 2008, and except that increases may be granted for
30 positions for which the employer has demonstrated difficulty retaining
31 qualified employees if the following conditions are met:

32 (a) The salary increase can be paid within existing resources;

33 (b) The salary increase will not adversely impact the provision of
34 client services; and

35 (c) For any state agency of the executive branch, not including
36 institutions of higher education, the salary increase is approved by
37 the director of the office of financial management.

1 (7) Any agency granting a salary increase from February 15, 2010,
2 through June 30, 2011, to a position exempt from classification under
3 this chapter shall submit a report to the fiscal committees of the
4 legislature no later than July 31, 2011, detailing the positions for
5 which salary increases were granted, the size of the increases, and the
6 reasons for giving the increases.

7 (8) Any agency granting a salary increase from July 1, 2011,
8 through June 30, 2013, to a position exempt from classification under
9 this chapter shall submit a report to the fiscal committees of the
10 legislature by July 31, 2012, and July 31, 2013, detailing the
11 positions for which salary increases were granted during the preceding
12 fiscal year, the size of the increases, and the reasons for giving the
13 increases.

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

21 (10) Any classified employee having civil service status in a
22 classified position who accepts an appointment in an exempt position
23 shall have the right of reversion to the highest class of position
24 previously held, or to a position of similar nature and salary.

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

29 (12) From February 15, 2010, until June 30, 2011, no monetary
30 performance-based awards or incentives may be granted by the director
31 or employers to employees covered by rules adopted under this section.
32 This subsection does not prohibit the payment of awards provided for in
33 chapter 41.60 RCW.

34 (13) From July 1, 2011, until June 30, 2013, no performance-based
35 awards or incentives may be granted by the director or employers to
36 employees pursuant to a performance management confirmation granted by

1 the department of personnel under WAC 357-37-055.

--- END ---