

SENATE BILL REPORT

SB 5160

As Reported by Senate Committee On:
Commerce & Labor, February 15, 2013

Title: An act relating to administrative reassignment.

Brief Description: Creating a process for administrative reassignment of public employees.

Sponsors: Senators Holmquist Newbry, Becker, Braun, Carrell, Sheldon, Schoesler, Honeyford and Roach.

Brief History:

Committee Activity: Commerce & Labor: 1/28/13, 2/15/13 [DPS].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5160 be substituted therefor, and the substitute bill do pass.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa, Hewitt, Keiser and King.

Staff: Edith Rice (786-7444)

Background: In response to a directive issued by Governor Gregoire in 2011, state agencies instituted written protocols for placing someone on administrative home assignment pending the outcome of an investigation. The protocols incorporated the following principles outlined by the Governor:

- Only an appointing authority may place an employee on home assignment. The appointing authority may place the employee on home assignment for up to 15 calendar days;
- When an appointing authority places an employee on home assignment, they must notify the agency head, in writing, of the action and the reasons for the action. The appointing authority must also notify the agency human resources director and the state human resources director;
- The agency head or designee may approve home assignment beyond 15 calendar days in 30 day increments. Before approving each extension, the agency head or designee must receive an update of what transpired over the last 30 days and why additional time is necessary. If the extension is necessary due to an ongoing investigation, the agency head or designee must communicate with the investigator and document

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progress of the investigation and estimated time of completion. The agency head or designee must notify the human resources director of any approvals or extensions. A copy must be submitted to the state human resources director; and

- Once the need for home assignment ends, agencies should document whether the employee returned to work and the date of any action.

Summary of Bill (Recommended Substitute): Agencies must develop a home assignment policy that meets the minimum requirements set in this act, and must be reviewed annually. Employees may be placed on home assignment if the employee's appointing authority determines that it is necessary. A home assignment can last up to 15 days and can be extended in 30 day increments if additional time is needed as determined by the governing officer. The governing officer must notify the agency human resources director of any extensions. When the home assignment ends, it must be documented. If the governing officer is responsible to the Governor, the agency must report all home assignments, extensions, and requested information to the state human resources director. Beginning in March 2014, and each March 1 thereafter, the state human resources director must submit an annual report to the Legislature regarding the use of home assignments during the preceding year.

EFFECT OF CHANGES MADE BY COMMERCE & LABOR COMMITTEE (Recommended Substitute): Agencies must develop home assignment policies and procedures, and review them annually.

The terms – appointing authority – replaces the terms – the employee's manager. Appointing authority is defined in WAC as an individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

The terms – administrative reassignment – replaces the terms – home assignment.

The requirement that employees be paid and receive benefits while on home assignment is removed.

Home assignment can be ordered by the employee's appointing authority when necessary, not only for a workplace complaint.

The Office of the State Human Resources Director is responsible for monitoring home assignments, and will submit an annual report to the Legislature, beginning March 1, 2014.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The intent of the bill is to put into statute Governor Gregoire's directive relating to home assignment. This has to do with the issue that

was in the news last year that state employees were being paid while at home under investigation. This is an attempt to make sure people are not forgotten about at home, and there are checks and balances in our system.

OTHER: The Federation of State Employees members are not put on home assignment very often and this bill would speed things along as one of its functions. People put on home leave do not have an easy show. It is not a fun duty to have to stay attached to your phone. But the administrative investigation is just one part of the process that slows things down. Another question on how the bill would work is if you have to get approval for the investigation to go on and you do not get approval, what happens then? The Governor's directives put a process in place to look at home assignments and put together protocols and standards for when home assignments are used and to report back to the Office of Financial Management (OFM) Human Resources Director on a monthly basis. It has been a successful process. We want home assignment review to be at the highest level and to have feedback and monitoring. This directive allows there to be overall policy direction and enable the office to use best practices. We would prefer this practice not be placed in statute so the office can use best practices. This bill is limited to workplace disruptions and what we actually look at it is fitness for duty. We do use home assignment sparingly but we believe it is an appropriate tool. We believe there is already a process in place to use, absent this legislation.

Persons Testifying: PRO: Senator Holmquist-Newbry, prime sponsor.

OTHER: Matt Zuvich, WA Federation of State Employees; Julie Murray, OFM.