
SENATE BILL 5160

State of Washington

63rd Legislature

2013 Regular Session

By Senators Holmquist Newbry, Becker, Braun, Carrell, Sheldon, Schoesler, Honeyford, and Roach

Read first time 01/21/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to administrative reassignment; and adding a new
2 section to chapter 41.04 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.04 RCW
5 to read as follows:

6 (1) An employee may be placed on administrative reassignment if the
7 employee's manager determines that administrative reassignment is
8 necessary to ensure a full, thorough, and impartial investigation of a
9 workplace complaint.

10 (2) The manager must notify the agency governing officer or
11 officers and the agency human resources director in writing of the
12 administrative reassignment and the reasons for the reassignment. If
13 the governing officer is responsible to the governor, the manager must
14 also notify the state human resources director.

15 (3) An administrative reassignment may last up to fifteen calendar
16 days. The fifteen-day reassignment may be extended in thirty-day
17 increments upon a determination that additional time is needed to
18 complete the investigation of the workplace complaint. If the
19 governing officer of the agency is responsible to the governor, the

1 governor must approve the extension. If the governing officer of the
2 agency is responsible to a statewide elected official, that official
3 must approve the extension. In all other cases, the governing officer
4 or officers of the agency must approve the extension.

5 (4) Before extending the administrative reassignment, the officer
6 responsible for approving the extension must receive an update on the
7 investigation, the reason additional time is needed to complete the
8 investigation, and an estimated time of completion. The governing
9 officer or designee must notify the agency human resources director of
10 any extensions. If the governing officer is responsible to the
11 governor, the governing officer or designee must also notify the state
12 human resources director of any extension.

13 (5) When the administrative reassignment ends, the agency governing
14 officer or designee must document the results of the investigation,
15 whether the employee returned to work, and the date of any disciplinary
16 action administered pursuant to the investigation.

17 (6) Unless the context clearly indicates otherwise, the definitions
18 in this subsection apply throughout this section.

19 (a) "Agency" means an office, department, board, commission, or
20 other separate unit or division, however designated, of the state
21 government and all personnel thereof; it includes any unit of state
22 government established by law, the executive officer or members of
23 which are either elected or appointed, upon which the statutes confer
24 powers and impose duties in connection with operations of either a
25 governmental or proprietary nature.

26 (b) "Administrative reassignment" means assigning an employee to
27 work at home pending an investigation of a workplace disruption. An
28 employee on administrative reassignment will continue to earn the usual
29 pay and accrue benefits throughout the duration of the administrative
30 reassignment.

31 (c) "Employee" includes all employees of the state, whether or not
32 covered by civil service; elected and appointed officials of the
33 executive branch of government, including full-time members of boards,
34 commissions, or committees; justices of the supreme court and judges of
35 the court of appeals and the superior courts; and members of the state
36 legislature.

37 (d) "Governing officer" means the person, or combination of persons

1 such as a commission, board, or council, by law empowered to operate
2 the agency who is responsible either to (i) no other public officer or
3 (ii) the governor.

4 (e) "Manager" means a state employee who is responsible for
5 administering one or more policies or programs of an agency or agency
6 subdivision and has the authority to make personnel administration
7 decisions, including the ability to appoint or employ an employee.

8 (f) "Workplace disruption" means any disturbance, complaint,
9 disagreement, or other personnel matter involving one or more employees
10 that, at the discretion of the employee's manager, warrants the
11 reassignment of the employee from the workplace to the employee's home
12 pending an investigation of the disruption.

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