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**SENATE BILL 5310**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senator Hunt; by request of Office of Financial Management

1 AN ACT Relating to correcting agency names and accounts in  
2 statutes to reflect the organizational structure, duties, and  
3 responsibilities of the office of financial management; amending RCW  
4 41.07.020, 41.06.070, 41.06.160, 41.48.140, and 72.01.210; reenacting  
5 and amending RCW 41.07.030 and 43.43.832; providing an effective  
6 date; and declaring an emergency.

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

8 **Sec. 1.** RCW 41.07.020 and 2015 3rd sp.s. c 1 s 107 are each  
9 amended to read as follows:

10 The (~~consolidated technology services agency~~) office of  
11 financial management is authorized to administer, maintain, and  
12 operate the central personnel-payroll system and to provide its  
13 services for any state agency designated (~~jointly by the~~  
14 ~~consolidated technology services agency and~~) by the director of  
15 financial management.

16 State agencies shall convert personnel and payroll processing to  
17 the central personnel-payroll system as soon as administratively and  
18 technically feasible as determined by the office of financial  
19 management and the consolidated technology services agency. It is the  
20 intent of the legislature to provide, through the central personnel-  
21 payroll system, for uniform reporting to the office of financial

1 management and to the legislature regarding salaries and related  
2 costs, and to reduce present costs of manual procedures in personnel  
3 and payroll recordkeeping and reporting.

4 **Sec. 2.** RCW 41.07.030 and 2011 1st sp.s. c 43 s 611 and 2011 1st  
5 sp.s. c 43 s 442 are each reenacted and amended to read as follows:

6 The costs of administering, maintaining, and operating the  
7 central personnel-payroll system shall be distributed to the using  
8 state agencies. In order to insure proper and equitable distribution  
9 of costs the (~~department of enterprise services~~) office of  
10 financial management shall utilize cost accounting procedures to  
11 identify all costs incurred in the administration, maintenance, and  
12 operation of the central personnel-payroll system. In order to  
13 facilitate proper and equitable distribution of costs to the using  
14 state agencies the (~~department of enterprise services~~) office of  
15 financial management is authorized to utilize the (~~data processing~~  
16 ~~revolving fund created by RCW 43.19.791 and the personnel service~~  
17 ~~fund~~) statewide information technology system maintenance and  
18 operations revolving account created by RCW (~~(41.06.280)~~) 43.41.442.

19 **Sec. 3.** RCW 41.06.070 and 2018 c 246 s 1 are each amended to  
20 read as follows:

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

22 (a) The members of the legislature or to any employee of, or  
23 position in, the legislative branch of the state government including  
24 members, officers, and employees of the legislative council, joint  
25 legislative audit and review committee, statute law committee, and  
26 any interim committee of the legislature;

27 (b) The justices of the supreme court, judges of the court of  
28 appeals, judges of the superior courts or of the inferior courts, or  
29 to any employee of, or position in the judicial branch of state  
30 government;

31 (c) Officers, academic personnel, and employees of technical  
32 colleges;

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

34 (e) Elective officers of the state;

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

36 (g) In the departments of employment security and social and  
37 health services, the director and the director's confidential  
38 secretary; in all other departments, the executive head of which is

1 an individual appointed by the governor, the director, his or her  
2 confidential secretary, and his or her statutory assistant directors;

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

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

7 (ii) If the members of the board, commission, or committee serve  
8 on a part-time basis and there is a statutory executive officer: The  
9 secretary of the board, commission, or committee; the chief executive  
10 officer of the board, commission, or committee; and the confidential  
11 secretary of the chief executive officer of the board, commission, or  
12 committee;

13 (iii) If the members of the board, commission, or committee serve  
14 on a full-time basis: The chief executive officer or administrative  
15 officer as designated by the board, commission, or committee; and a  
16 confidential secretary to the chair of the board, commission, or  
17 committee;

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

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

23 (j) Assistant attorneys general;

24 (k) Commissioned and enlisted personnel in the military service  
25 of the state;

26 (l) Inmate, student, and temporary employees, and part-time  
27 professional consultants, as defined by the (~~Washington personnel~~  
28 ~~resources board~~) director;

29 (m) Officers and employees of the Washington state fruit  
30 commission;

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

32 (o) Officers and employees of the Washington state dairy products  
33 commission;

34 (p) Officers and employees of the Washington tree fruit research  
35 commission;

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

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

39 (s) Officers and employees of any commission formed under chapter  
40 15.66 RCW;

1 (t) Officers and employees of agricultural commissions formed  
2 under chapter 15.65 RCW;

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

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

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

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

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

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

22 (aa) Officers and employees of the consolidated technology  
23 services agency created in RCW 43.105.006 that perform the following  
24 functions or duties: Systems integration; data center engineering and  
25 management; network systems engineering and management; information  
26 technology contracting; information technology customer relations  
27 management; and network and systems security;

28 (bb) The executive director of the Washington statewide reentry  
29 council.

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

33 (a) Members of the governing board of each institution of higher  
34 education and related boards, all presidents, vice presidents, and  
35 their confidential secretaries, administrative, and personal  
36 assistants; deans, directors, and chairs; academic personnel; and  
37 executive heads of major administrative or academic divisions  
38 employed by institutions of higher education; principal assistants to  
39 executive heads of major administrative or academic divisions; other  
40 managerial or professional employees in an institution or related

1 board having substantial responsibility for directing or controlling  
2 program operations and accountable for allocation of resources and  
3 program results, or for the formulation of institutional policy, or  
4 for carrying out personnel administration or labor relations  
5 functions, legislative relations, public information, development,  
6 senior computer systems and network programming, or internal audits  
7 and investigations; and any employee of a community college district  
8 whose place of work is one which is physically located outside the  
9 state of Washington and who is employed pursuant to RCW 28B.50.092  
10 and assigned to an educational program operating outside of the state  
11 of Washington;

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

20 (c) Printing craft employees in the department of printing at the  
21 University of Washington.

22 (3) In addition to the exemptions specifically provided by this  
23 chapter, the director may provide for further exemptions pursuant to  
24 the following procedures. The governor or other appropriate elected  
25 official may submit requests for exemption to the office of financial  
26 management stating the reasons for requesting such exemptions. The  
27 director shall hold a public hearing, after proper notice, on  
28 requests submitted pursuant to this subsection. If the director  
29 determines that the position for which exemption is requested is one  
30 involving substantial responsibility for the formulation of basic  
31 agency or executive policy or one involving directing and controlling  
32 program operations of an agency or a major administrative division  
33 thereof, or is a senior expert in enterprise information technology  
34 infrastructure, engineering, or systems, the director shall grant the  
35 request. The total number of additional exemptions permitted under  
36 this subsection shall not exceed one percent of the number of  
37 employees in the classified service not including employees of  
38 institutions of higher education and related boards for those  
39 agencies not directly under the authority of any elected public  
40 official other than the governor, and shall not exceed a total of

1 twenty-five for all agencies under the authority of elected public  
2 officials other than the governor.

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

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

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

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

28 **Sec. 4.** RCW 41.06.160 and 2005 c 274 s 278 are each amended to  
29 read as follows:

30 In preparing classification and salary schedules as set forth in  
31 RCW 41.06.150 the (~~department of personnel~~) office of financial  
32 management shall give full consideration to prevailing rates in other  
33 public employment and in private employment in this state. For this  
34 purpose the department shall undertake comprehensive salary and  
35 fringe benefit surveys.

36 Salary and fringe benefit survey information collected from  
37 private employers which identifies a specific employer with the  
38 salary and fringe benefit rates which that employer pays to its

1 employees shall not be subject to public disclosure under chapter  
2 42.56 RCW.

3 **Sec. 5.** RCW 41.48.140 and 1993 c 281 s 39 are each amended to  
4 read as follows:

5 Nothing in RCW 41.48.120 or 41.48.130 shall affect the power of  
6 the (~~Washington personnel resources board~~) office of financial  
7 management or any other state personnel authority to establish sick  
8 leave rules except as may be required under RCW 41.48.120 or  
9 41.48.130: PROVIDED, That each personnel board and personnel  
10 authority shall establish the maximum number of working days an  
11 employee under its jurisdiction may be absent on account of sickness  
12 or accident disability without a medical certificate.

13 "Personnel authority" as used in this section, means a state  
14 agency, board, committee, or similar body having general authority to  
15 establish personnel rules.

16 **Sec. 6.** RCW 43.43.832 and 2017 3rd sp.s. c 20 s 5 and 2017 3rd  
17 sp.s. c 6 s 224 are each reenacted and amended to read as follows:

18 (1) The Washington state patrol identification and criminal  
19 history section shall disclose conviction records as follows:

20 (a) An applicant's conviction record, upon the request of a  
21 business or organization as defined in RCW 43.43.830, a  
22 developmentally disabled person, or a vulnerable adult as defined in  
23 RCW 43.43.830 or his or her guardian;

24 (b) The conviction record of an applicant for certification, upon  
25 the request of the Washington professional educator standards board;

26 (c) Any conviction record to aid in the investigation and  
27 prosecution of child, developmentally disabled person, and vulnerable  
28 adult abuse cases and to protect children and adults from further  
29 incidents of abuse, upon the request of a law enforcement agency, the  
30 office of the attorney general, prosecuting authority, or the  
31 department of social and health services; and

32 (d) A prospective client's or resident's conviction record, upon  
33 the request of a business or organization that qualifies for  
34 exemption under section 501(c)(3) of the internal revenue code of  
35 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter  
36 or transitional housing for children, persons with developmental  
37 disabilities, or vulnerable adults.

1 (2) The secretary of the department of social and health services  
2 and the secretary of children, youth, and families must establish  
3 rules and set standards to require specific action when considering  
4 the information received pursuant to subsection (1) of this section,  
5 and when considering additional information including but not limited  
6 to civil adjudication proceedings as defined in RCW 43.43.830 and any  
7 out-of-state equivalent, in the following circumstances:

8 (a) When considering persons for state employment in positions  
9 directly responsible for the supervision, care, or treatment of  
10 children, vulnerable adults, or individuals with mental illness or  
11 developmental disabilities provided that: For persons residing in a  
12 home that will be utilized to provide foster care for dependent  
13 youth, a criminal background check will be required for all persons  
14 aged sixteen and older and the department of social and health  
15 services may require a criminal background check for persons who are  
16 younger than sixteen in situations where it may be warranted to  
17 ensure the safety of youth in foster care;

18 (b) When considering persons for state positions involving  
19 unsupervised access to vulnerable adults to conduct comprehensive  
20 assessments, financial eligibility determinations, licensing and  
21 certification activities, investigations, surveys, or case  
22 management; or for state positions otherwise required by federal law  
23 to meet employment standards;

24 (c) When licensing agencies or facilities with individuals in  
25 positions directly responsible for the care, supervision, or  
26 treatment of children, developmentally disabled persons, or  
27 vulnerable adults, including but not limited to agencies or  
28 facilities licensed under chapter 74.15 or 18.51 RCW;

29 (d) When contracting with individuals or businesses or  
30 organizations for the care, supervision, case management, or  
31 treatment, including peer counseling, of children, developmentally  
32 disabled persons, or vulnerable adults, including but not limited to  
33 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,  
34 or 74.39A RCW or Title 71A RCW;

35 (e) When individual providers are paid by the state or providers  
36 are paid by home care agencies to provide in-home services involving  
37 unsupervised access to persons with physical, mental, or  
38 developmental disabilities or mental illness, or to vulnerable adults  
39 as defined in chapter 74.34 RCW, including but not limited to  
40 services provided under chapter 74.39 or 74.39A RCW.



1 (3) The secretary of the department of children, youth, and  
2 families shall investigate the conviction records, pending charges,  
3 and other information including civil adjudication proceeding records  
4 of current employees and of any person actively being considered for  
5 any position with the department who will or may have unsupervised  
6 access to children, or for state positions otherwise required by  
7 federal law to meet employment standards. "Considered for any  
8 position" includes decisions about (a) initial hiring, layoffs,  
9 reallocations, transfers, promotions, or demotions, or (b) other  
10 decisions that result in an individual being in a position that will  
11 or may have unsupervised access to children as an employee, an  
12 intern, or a volunteer.

13 (4) The secretary of the department of children, youth, and  
14 families shall adopt rules and investigate conviction records,  
15 pending charges, and other information including civil adjudication  
16 proceeding records, in the following circumstances:

17 (a) When licensing or certifying agencies with individuals in  
18 positions that will or may have unsupervised access to children who  
19 are in child day care, in early learning programs, or receiving early  
20 childhood education services, including but not limited to licensees,  
21 agency staff, interns, volunteers, contracted providers, and persons  
22 living on the premises who are sixteen years of age or older;

23 (b) When authorizing individuals who will or may have  
24 unsupervised access to children who are in child day care, in early  
25 learning programs, or receiving early childhood learning education  
26 services in licensed or certified agencies, including but not limited  
27 to licensees, agency staff, interns, volunteers, contracted  
28 providers, and persons living on the premises who are sixteen years  
29 of age or older;

30 (c) When contracting with any business or organization for  
31 activities that will or may have unsupervised access to children who  
32 are in child day care, in early learning programs, or receiving early  
33 childhood learning education services;

34 (d) When establishing the eligibility criteria for individual  
35 providers to receive state paid subsidies to provide child day care  
36 or early learning services that will or may involve unsupervised  
37 access to children.

38 (5) Whenever a state conviction record check is required by state  
39 law, persons may be employed or engaged as volunteers or independent  
40 contractors on a conditional basis pending completion of the state

1 background investigation. Whenever a national criminal record check  
2 through the federal bureau of investigation is required by state law,  
3 a person may be employed or engaged as a volunteer or independent  
4 contractor on a conditional basis pending completion of the national  
5 check. The (~~Washington personnel resources board~~) office of  
6 financial management shall adopt rules to accomplish the purposes of  
7 this subsection as it applies to state employees.

8 (6) (a) For purposes of facilitating timely access to criminal  
9 background information and to reasonably minimize the number of  
10 requests made under this section, recognizing that certain health  
11 care providers change employment frequently, health care facilities  
12 may, upon request from another health care facility, share copies of  
13 completed criminal background inquiry information.

14 (b) Completed criminal background inquiry information may be  
15 shared by a willing health care facility only if the following  
16 conditions are satisfied: The licensed health care facility sharing  
17 the criminal background inquiry information is reasonably known to be  
18 the person's most recent employer, no more than twelve months has  
19 elapsed from the date the person was last employed at a licensed  
20 health care facility to the date of their current employment  
21 application, and the criminal background information is no more than  
22 two years old.

23 (c) If criminal background inquiry information is shared, the  
24 health care facility employing the subject of the inquiry must  
25 require the applicant to sign a disclosure statement indicating that  
26 there has been no conviction or finding as described in RCW 43.43.842  
27 since the completion date of the most recent criminal background  
28 inquiry.

29 (d) Any health care facility that knows or has reason to believe  
30 that an applicant has or may have a disqualifying conviction or  
31 finding as described in RCW 43.43.842, subsequent to the completion  
32 date of their most recent criminal background inquiry, shall be  
33 prohibited from relying on the applicant's previous employer's  
34 criminal background inquiry information. A new criminal background  
35 inquiry shall be requested pursuant to RCW 43.43.830 through  
36 43.43.842.

37 (e) Health care facilities that share criminal background inquiry  
38 information shall be immune from any claim of defamation, invasion of  
39 privacy, negligence, or any other claim in connection with any  
40 dissemination of this information in accordance with this subsection.

1 (f) Health care facilities shall transmit and receive the  
2 criminal background inquiry information in a manner that reasonably  
3 protects the subject's rights to privacy and confidentiality.

4 **Sec. 7.** RCW 72.01.210 and 2017 3rd sp.s. c 6 s 727 are each  
5 amended to read as follows:

6 (1) The secretary of corrections shall appoint institutional  
7 chaplains for the state correctional institutions for convicted  
8 felons. Institutional chaplains shall be appointed as employees of  
9 the department of corrections. The secretary of corrections may  
10 further contract with chaplains to be employed as is necessary to  
11 meet the religious needs of those inmates whose religious  
12 denominations are not represented by institutional chaplains and  
13 where volunteer chaplains are not available.

14 (2) Institutional chaplains appointed by the department of  
15 corrections under this section shall have qualifications necessary to  
16 function as religious program coordinators for all faith groups  
17 represented within the department. Every chaplain so appointed or  
18 contracted with shall have qualifications consistent with community  
19 standards of the given faith group to which the chaplain belongs and  
20 shall not be required to violate the tenets of his or her faith when  
21 acting in an ecclesiastical role.

22 (3) The secretary of children, youth, and families shall appoint  
23 chaplains for the correctional institutions for juveniles found  
24 delinquent by the juvenile courts; and the secretary of corrections  
25 and the secretary of social and health services shall appoint one or  
26 more chaplains for other custodial, correctional, and mental  
27 institutions under their control.

28 (4) Except as provided in this section, the chaplains so  
29 appointed under this section shall have the qualifications and shall  
30 be compensated in an amount as recommended by the appointing  
31 department and approved by the (~~Washington personnel resources~~  
32 ~~board~~) director of financial management.

33 NEW SECTION. **Sec. 8.** Section 7 of this act is necessary for the  
34 immediate preservation of the public peace, health, or safety, or  
35 support of the state government and its existing public institutions,  
36 and takes effect July 1, 2019.

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