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SENATE BILL 5807

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Erwin

Read first time 02/15/93. Referred to Committee on Government Operations.

1 AN ACT Relating to state employee compensation; amending RCW  
2 41.06.150 and 43.03.030; and adding a new section to chapter 43.03 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 43.03 RCW  
5 to read as follows:

6 State employee salaries that are above forty thousand dollars per  
7 year may not be increased, except when necessary to avoid impairing a  
8 labor contract in existence on the effective date of this act.

9 **Sec. 2.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to read  
10 as follows:

11 The board shall adopt rules, consistent with the purposes and  
12 provisions of this chapter, as now or hereafter amended, and with the  
13 best standards of personnel administration, regarding the basis and  
14 procedures to be followed for:

15 (1) The reduction, dismissal, suspension, or demotion of an  
16 employee;

17 (2) Certification of names for vacancies, including departmental  
18 promotions, with the number of names equal to four more names than

1 there are vacancies to be filled, such names representing applicants  
2 rated highest on eligibility lists: PROVIDED, That when other  
3 applicants have scores equal to the lowest score among the names  
4 certified, their names shall also be certified;

5 (3) Examinations for all positions in the competitive and  
6 noncompetitive service;

7 (4) Appointments;

8 (5) Training and career development;

9 (6) Probationary periods of six to twelve months and rejections  
10 therein, depending on the job requirements of the class, except that  
11 entry level state park rangers shall serve a probationary period of  
12 twelve months;

13 (7) Transfers;

14 (8) Sick leaves and vacations;

15 (9) Hours of work;

16 (10) Layoffs when necessary and subsequent reemployment, both  
17 according to seniority;

18 (11) Determination of appropriate bargaining units within any  
19 agency: PROVIDED, That in making such determination the board shall  
20 consider the duties, skills, and working conditions of the employees,  
21 the history of collective bargaining by the employees and their  
22 bargaining representatives, the extent of organization among the  
23 employees, and the desires of the employees;

24 (12) Certification and decertification of exclusive bargaining  
25 representatives: PROVIDED, That after certification of an exclusive  
26 bargaining representative and upon the representative's request, the  
27 director shall hold an election among employees in a bargaining unit to  
28 determine by a majority whether to require as a condition of employment  
29 membership in the certified exclusive bargaining representative on or  
30 after the thirtieth day following the beginning of employment or the  
31 date of such election, whichever is the later, and the failure of an  
32 employee to comply with such a condition of employment constitutes  
33 cause for dismissal: PROVIDED FURTHER, That no more often than once in  
34 each twelve-month period after expiration of twelve months following  
35 the date of the original election in a bargaining unit and upon  
36 petition of thirty percent of the members of a bargaining unit the  
37 director shall hold an election to determine whether a majority wish to  
38 rescind such condition of employment: PROVIDED FURTHER, That for  
39 purposes of this clause, membership in the certified exclusive

1 bargaining representative is satisfied by the payment of monthly or  
2 other periodic dues and does not require payment of initiation,  
3 reinstatement, or any other fees or fines and includes full and  
4 complete membership rights: AND PROVIDED FURTHER, That in order to  
5 safeguard the right of nonassociation of public employees, based on  
6 bona fide religious tenets or teachings of a church or religious body  
7 of which such public employee is a member, such public employee shall  
8 pay to the union, for purposes within the program of the union as  
9 designated by such employee that would be in harmony with his or her  
10 individual conscience, an amount of money equivalent to regular union  
11 dues minus any included monthly premiums for union-sponsored insurance  
12 programs, and such employee shall not be a member of the union but is  
13 entitled to all the representation rights of a union member;

14 (13) Agreements between agencies and certified exclusive bargaining  
15 representatives providing for grievance procedures and collective  
16 negotiations on all personnel matters over which the appointing  
17 authority of the appropriate bargaining unit of such agency may  
18 lawfully exercise discretion;

19 (14) Written agreements may contain provisions for payroll  
20 deductions of employee organization dues upon authorization by the  
21 employee member and for the cancellation of such payroll deduction by  
22 the filing of a proper prior notice by the employee with the appointing  
23 authority and the employee organization: PROVIDED, That nothing  
24 contained herein permits or grants to any employee the right to strike  
25 or refuse to perform his or her official duties;

26 (15) Adoption and revision of a comprehensive classification plan  
27 for all positions in the classified service, based on investigation and  
28 analysis of the duties and responsibilities of each such position;

29 (16) Allocation and reallocation of positions within the  
30 classification plan;

31 (17) Adoption and revision of a state salary schedule to reflect  
32 the prevailing rates in Washington state private industries and other  
33 governmental units but the rates in the salary schedules or plans shall  
34 be increased if necessary to attain comparable worth under an  
35 implementation plan under RCW 41.06.155, such adoption and revision  
36 subject to approval by the director of financial management in  
37 accordance with the provisions of chapter 43.88 RCW, except that  
38 salaries above forty thousand dollars per year may not be increased;

1 (18) Increment increases within the series of steps for each pay  
2 grade based on length of service for all employees whose standards of  
3 performance are such as to permit them to retain job status in the  
4 classified service, except that salaries above forty thousand dollars  
5 per year may not be increased;

6 (19) Providing for veteran's preference as required by existing  
7 statutes, with recognition of preference in regard to layoffs and  
8 subsequent reemployment for veterans and their widows by giving such  
9 eligible veterans and their widows additional credit in computing their  
10 seniority by adding to their unbroken state service, as defined by the  
11 board, the veteran's service in the military not to exceed five years.  
12 For the purposes of this section, "veteran" means any person who has  
13 one or more years of active military service in any branch of the armed  
14 forces of the United States or who has less than one year's service and  
15 is discharged with a disability incurred in the line of duty or is  
16 discharged at the convenience of the government and who, upon  
17 termination of such service has received an honorable discharge, a  
18 discharge for physical reasons with an honorable record, or a release  
19 from active military service with evidence of service other than that  
20 for which an undesirable, bad conduct, or dishonorable discharge shall  
21 be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled  
22 to the benefits of this section regardless of the veteran's length of  
23 active military service: PROVIDED FURTHER, That for the purposes of  
24 this section "veteran" does not include any person who has voluntarily  
25 retired with twenty or more years of active military service and whose  
26 military retirement pay is in excess of five hundred dollars per month;

27 (20) Permitting agency heads to delegate the authority to appoint,  
28 reduce, dismiss, suspend, or demote employees within their agencies if  
29 such agency heads do not have specific statutory authority to so  
30 delegate: PROVIDED, That the board may not authorize such delegation  
31 to any position lower than the head of a major subdivision of the  
32 agency;

33 (21) Assuring persons who are or have been employed in classified  
34 positions under chapter 28B.16 RCW will be eligible for employment,  
35 reemployment, transfer, and promotion in respect to classified  
36 positions covered by this chapter;

37 (22) Affirmative action in appointment, promotion, transfer,  
38 recruitment, training, and career development; development and

1 implementation of affirmative action goals and timetables; and  
2 monitoring of progress against those goals and timetables.

3 The board shall consult with the human rights commission in the  
4 development of rules pertaining to affirmative action. The department  
5 of personnel shall transmit a report annually to the human rights  
6 commission which states the progress each state agency has made in  
7 meeting affirmative action goals and timetables.

8 **Sec. 3.** RCW 43.03.030 and 1965 c 8 s 43.03.030 are each amended to  
9 read as follows:

10 (1) Wherever the compensation of any appointive state officer or  
11 employee is fixed by statute, it may be hereafter increased or  
12 decreased in the manner provided by law for the fixing of compensation  
13 of other appointive state officers or employees; but this subsection  
14 shall not apply to the heads of state departments.

15 (2) Wherever the compensation of any state officer appointed by the  
16 governor, or of any employee in any office or department under the  
17 control of any such officer, is fixed by statute, such compensation may  
18 hereafter, from time to time, be changed by the governor, and he or she  
19 shall have power to fix such compensation at any amount not to exceed  
20 the amount fixed by statute; except that if such employee's salary is  
21 above forty thousand dollars per year, the governor may not increase  
22 the employee's compensation.

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