

SENATE BILL 6479

State of Washington 53rd Legislature 1994 Regular Session

By Senators Moore, Winsley, Morton, Fraser, Prentice, Roach, Pelz and McAuliffe

Read first time 01/24/94. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to civil service and collective bargaining reform
2 for state government; amending RCW 41.06.030, 41.06.022, 41.06.110,
3 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270,
4 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490,
5 41.06.520, 34.05.030, 34.12.020, 41.04.340, 41.50.804, 43.06.425,
6 43.33A.100, 43.131.090, and 49.46.010; reenacting and amending RCW
7 41.06.150, 41.06.070, and 28B.12.060; adding new sections to chapter
8 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections;
9 repealing RCW 41.06.140, 41.06.163, 41.06.165, 41.06.340, 41.06.380,
10 41.06.382, 41.50.804, 41.64.010, 41.64.020, 41.64.030, 41.64.040,
11 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100,
12 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; prescribing
13 penalties; and providing effective dates.

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

PART I

LEGISLATIVE INTENT

17 NEW SECTION. **Sec. 101.** SHORT TITLE. This act shall be known and
18 may be cited as the civil service and collective bargaining reform act.

1 are vacancies to be filled, such names representing applicants rated
2 highest on eligibility lists: PROVIDED, That when other applicants
3 have scores equal to the lowest score among the names certified, their
4 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 of
10 probationary employees, depending on the job requirements of the class,
11 except that entry level state park rangers shall serve a probationary
12 period of 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
27 plan, in accordance with rules adopted by the board under section 203
28 of this act, for all positions in the classified service((, based on
29 investigation and analysis of the duties and responsibilities of each
30 such position)) and allocation and reallocation of positions within the
31 classification plan. However, beginning July 1, 1993, through June 30,
32 1995, the ((board)) director shall not adopt job classification
33 revisions or class studies unless implementation of the proposed
34 revision or study will result in net cost savings, increased
35 efficiencies, or improved management of personnel or services, and the
36 proposed revision or study has been approved by the director of
37 financial management in accordance with chapter 43.88 RCW;

38 ((16) Allocation and reallocation of positions within the
39 classification plan;

1 ~~(17))~~ (12) Adoption and revision of a state salary schedule to
2 reflect the prevailing rates in Washington state private industries and
3 other governmental units but the rates in the salary schedules or plans
4 shall be increased if necessary to attain comparable worth under an
5 implementation plan under RCW 41.06.155 and that, for institutions of
6 higher education and related boards, shall be competitive for positions
7 of a similar nature in the state or the locality in which an
8 institution of higher education or related board is located, such
9 adoption and revision subject to approval by the director of financial
10 management in accordance with the provisions of chapter 43.88 RCW;

11 ~~((18))~~ (13) Increment increases within the series of steps for
12 each pay grade based on length of service for all employees whose
13 standards of performance are such as to permit them to retain job
14 status in the classified service. However, beginning July 1, 1993,
15 through June 30, 1995, increment increases shall not be provided to any
16 classified or exempt employees under the jurisdiction of the ~~((board))~~
17 director whose monthly salary on or after July 1, 1993, exceeds three
18 thousand seven hundred fifty dollars;

19 ~~((19))~~ (14) Providing for veteran's preference as required by
20 existing statutes, with recognition of preference in regard to layoffs
21 and subsequent reemployment for veterans and their surviving spouses by
22 giving such eligible veterans and their surviving spouses additional
23 credit in computing their seniority by adding to their unbroken state
24 service, as defined by the ~~((board))~~ director, the veteran's service in
25 the military not to exceed five years. For the purposes of this
26 section, "veteran" means any person who has one or more years of active
27 military service in any branch of the armed forces of the United States
28 or who has less than one year's service and is discharged with a
29 disability incurred in the line of duty or is discharged at the
30 convenience of the government and who, upon termination of such service
31 has received an honorable discharge, a discharge for physical reasons
32 with an honorable record, or a release from active military service
33 with evidence of service other than that for which an undesirable, bad
34 conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER,
35 That the surviving spouse of a veteran is entitled to the benefits of
36 this section regardless of the veteran's length of active military
37 service: PROVIDED FURTHER, That for the purposes of this section
38 "veteran" does not include any person who has voluntarily retired with

1 twenty or more years of active military service and whose military
2 retirement pay is in excess of five hundred dollars per month;

3 ~~((20))~~ (15) Permitting agency heads to delegate the authority to
4 appoint, reduce, dismiss, suspend, or demote employees within their
5 agencies if such agency heads do not have specific statutory authority
6 to so delegate: PROVIDED, That the ~~((board))~~ director may not
7 authorize such delegation to any position lower than the head of a
8 major subdivision of the agency;

9 ~~((21))~~ (16) Assuring persons who are or have been employed in
10 classified positions under chapter 28B.16 RCW before July 1, 1993, will
11 be eligible for employment, reemployment, transfer, and promotion in
12 respect to classified positions covered by this chapter;

13 ~~((22))~~ (17) Affirmative action in appointment, promotion,
14 transfer, recruitment, training, and career development; development
15 and implementation of affirmative action goals and timetables; and
16 monitoring of progress against those goals and timetables.

17 The ~~((board))~~ director shall consult with the human rights
18 commission in the development of rules pertaining to affirmative
19 action. The department of personnel shall transmit a report annually
20 to the human rights commission which states the progress each state
21 agency has made in meeting affirmative action goals and timetables.

22 Rules adopted by the director pursuant to subsections (1), (2) only
23 with respect to the number of names to be certified, (4) except for
24 initial employment appointments and the names of appointees, (5)
25 through (10), (12) through (14), and (16) of this section may be
26 superseded by the effect of a collective bargaining agreement
27 negotiated pursuant to sections 301 through 317 of this act. However,
28 the supersession of such rules shall only affect employees in the
29 respective collective bargaining units.

30 NEW SECTION. Sec. 203. A new section is added to chapter 41.06
31 RCW to read as follows:

32 (1) The board shall conduct a comprehensive review of all rules in
33 effect on the effective date of this section governing the
34 classification, allocation, and reallocation of positions within the
35 classified service. The review shall include analysis of the duties,
36 responsibilities, and skills held by each job classification. In
37 conducting this review, the board shall consult with state agencies,
38 institutions of higher education, employee organizations, and members

1 of the general public. The department shall assist the board in the
2 conduct of this review, which shall be completed by the board no later
3 than July 1, 1995.

4 (2) By September 15, 1995, the board shall adopt new rules
5 governing the classification, allocation, and reallocation of positions
6 in the classified service. In adopting such rules, the board shall
7 adhere to the following goals:

8 (a) To improve the effectiveness and efficiency of the delivery of
9 services to the citizens of the state through the use of the most
10 current personnel management processes and to promote a workplace where
11 the overall focus is on the recipient of governmental services;

12 (b) To develop the most simplified classification system that will
13 substantially reduce the number of job classifications in the
14 classified service and facilitate the most effective use of the state
15 personnel resources;

16 (c) To develop the most flexible possible classification system to
17 permit state agencies to respond to changing technologies, economic and
18 social conditions, and the needs of its citizens;

19 (d) To value workplace diversity;

20 (e) To facilitate the reorganization and decentralization of
21 governmental services; and

22 (f) To enhance mobility and career advancement opportunities.

23 (3) Rules adopted by the board under subsection (2) of this section
24 shall permit an appointing authority and an employee organization
25 representing classified employees of the appointing authority for
26 collective bargaining purposes to make a joint request for the
27 initiation of a classification study.

28 NEW SECTION. **Sec. 204.** A new section is added to chapter 41.06
29 RCW to read as follows:

30 In accordance with rules adopted by the board under section 203 of
31 this act, the director shall, by March 15, 1997, implement a new
32 classification system for positions in the classified service. Any
33 employee who believes that the director has incorrectly applied the
34 rules of the board in determining a job classification for a job held
35 by that employee may appeal the director's decision to the board by
36 filing a notice in writing within thirty days of the action from which
37 the appeal is taken. Decisions of the board concerning such appeals
38 are final.

1 **Sec. 205.** RCW 41.06.022 and 1993 c 281 s 8 are each amended to
2 read as follows:

3 For purposes of this chapter, "manager" means any employee who:

4 (1) Formulates state-wide policy or directs the work of an agency
5 or agency subdivision;

6 (2) Is responsible to administer one or more state-wide policies or
7 programs of an agency or agency subdivision;

8 (3) Manages, administers, and controls a local branch office of an
9 agency or agency subdivision, including the physical, financial, or
10 personnel resources;

11 (4) Has substantial responsibility in personnel administration,
12 legislative relations, public information, or the preparation and
13 administration of budgets; or

14 (5) Functionally is above the first level of supervision and
15 exercises authority that is not merely routine or clerical in nature
16 and requires the consistent use of independent judgment.

17 No employee who is a member of the Washington management service
18 may be included in a collective bargaining unit established under
19 sections 301 through 317 of this act.

20 NEW SECTION. **Sec. 206.** A new section is added to chapter 41.06
21 RCW to read as follows:

22 (1) A department, agency, or institution of higher education or
23 related board may purchase services by contract with individuals,
24 businesses, or nonprofit entities except that no contract may cause the
25 displacement of employees in accordance with subsection (2)(d) of this
26 section.

27 (2) Contracts in excess of one hundred thousand dollars shall be
28 subject to the following criteria:

29 (a) The affected department, agency, or institution of higher
30 education or related board has conducted an analysis to determine that
31 contracting will result in a significant cost savings or productivity
32 increase. The analysis shall include both direct and indirect costs
33 and shall also detail why equivalent cost savings or productivity
34 increases cannot be achieved through alternative management practices
35 or through the more efficient use of existing personnel.

36 (b) Departments, agencies, or institutions of higher education or
37 related boards shall use a public competitive procurement process and
38 shall notify in advance any exclusive bargaining representative that

1 represents any employee whose employment status will be affected by the
2 potential contract. The exclusive bargaining representative shall have
3 the right to offer alternatives to the proposed contract, including
4 compensation alternatives, restructuring of work, work methods, and
5 service delivery models, or to use state employees in submitting an
6 alternative to contracting out through the procurement process. For
7 any contract awarded, the bid price shall be binding for the initial
8 contract term. Contract extensions beyond the initial contract term
9 shall be made at the option of the procuring agency and advance
10 notification shall be given to affected exclusive bargaining
11 representatives. Price increases for extended contracts shall be
12 subject to review by the office of financial management.

13 (c) Proposals to contract for services shall be eligible for
14 approval if the contractors' wage rates correspond substantially to
15 market wage rates and if no more than twenty percent of the expected
16 cost savings are derived from employee wages and benefits.

17 (d) Proposals to contract for services shall not cause displacement
18 of employees covered under this chapter. For the purposes of this
19 subsection "displacement" includes layoff, demotion, transfer to an
20 inappropriate classification, involuntary transfer to a new location
21 requiring a change of residence, and time base reductions, but does not
22 include changes in shifts or days off, or reassignment to other
23 positions without a loss of pay and within the same general location.

24 (e) Contracts shall not adversely affect the state's affirmative
25 action efforts and shall include provisions requiring the contractor to
26 comply with chapter 39.19 RCW.

27 (f) The department, agency, or institution of higher education or
28 related board may determine that the potential economic advantage of
29 contracting for services is not outweighed by the public's interest in
30 having a particular function performed directly by state government.

31 (3) Contracts for one hundred thousand dollars or less shall, in
32 addition to meeting the displacement standard established in subsection
33 (2)(d) of this section, meet one of the following conditions:

34 (a) Services procured by such contracts shall be of a highly
35 specialized or technical nature or require special equipment, products,
36 tools, software, physical space, or other technologies so as to make it
37 cost-effective to contract for such services rather than to use
38 personnel in the classified service;

1 (b) Services to be performed are in a locale that is so
2 substantially remote from the place where services are traditionally
3 provided as to make it more cost-effective to contract for services
4 than to use personnel in the classified service;

5 (c) Services to be performed are of such an urgent or emergency
6 nature that the delay incumbent in their implementation under existing
7 personnel procedures or rules would frustrate their very purpose; or

8 (d) Services to be performed by the contract are of an
9 intermittent, occasional, or temporary nature.

10 (4) This section does not apply to the purchase of services or to
11 any contracting for services that was authorized by law before the
12 effective date of this section.

13 **Sec. 207.** RCW 41.06.070 and 1993 sp.s. c 2 s 15 and 1993 c 379 s
14 306 are each reenacted and amended to read as follows:

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

16 (a) The members of the legislature or to any employee of, or
17 position in, the legislative branch of the state government including
18 members, officers, and employees of the legislative council,
19 legislative budget committee, statute law committee, and any interim
20 committee of the legislature;

21 (b) The justices of the supreme court, judges of the court of
22 appeals, judges of the superior courts or of the inferior courts, or to
23 any employee of, or position in the judicial branch of state
24 government;

25 (c) Officers, academic personnel, and employees of technical
26 colleges;

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

28 (e) Elective officers of the state;

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

30 (g) In the departments of employment security((7)) and social and
31 health services, the director and the director's confidential
32 secretary; in all other departments, the executive head of which is an
33 individual appointed by the governor, the director, his or her
34 confidential secretary, and his or her statutory assistant directors;

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

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

1 (ii) If the members of the board, commission, or committee serve on
2 a part-time basis and there is a statutory executive officer: The
3 secretary of the board, commission, or committee; the chief executive
4 officer of the board, commission, or committee; and the confidential
5 secretary of the chief executive officer of the board, commission, or
6 committee;

7 (iii) If the members of the board, commission, or committee serve
8 on a full-time basis: The chief executive officer or administrative
9 officer as designated by the board, commission, or committee; and a
10 confidential secretary to the chair of the board, commission, or
11 committee;

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

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

17 (j) Assistant attorneys general;

18 (k) Commissioned and enlisted personnel in the military service of
19 the state;

20 (l) Inmate, student, part-time, or temporary employees, and part-
21 time professional consultants, as defined by the (~~Washington personnel~~
22 ~~resources board~~) director of personnel, unless coverage of students,
23 part-time or temporary employees, or part-time professional consultants
24 is provided by a collective bargaining agreement negotiated under
25 sections 301 through 317 of this act;

26 (m) The public printer or to any employees of or positions in the
27 state printing plant;

28 (n) Officers and employees of the Washington state fruit
29 commission;

30 (o) Officers and employees of the Washington state apple
31 advertising commission;

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

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

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

37 (s) Officers and employees of any commission formed under chapter
38 15.66 RCW;

1 (t) Officers and employees of the state wheat commission formed
2 under chapter 15.63 RCW;

3 (u) Officers and employees of agricultural commissions formed under
4 chapter 15.65 RCW;

5 (v) Officers and employees of the nonprofit corporation formed
6 under chapter 67.40 RCW;

7 (w) Liquor vendors appointed by the Washington state liquor control
8 board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules adopted
9 by the (~~Washington personnel resources board~~) director of personnel
10 pursuant to RCW 41.06.150 regarding the basis for, and procedures to be
11 followed for, the dismissal, suspension, or demotion of an employee,
12 and appeals therefrom shall be fully applicable to liquor vendors
13 except those part time agency vendors employed by the liquor control
14 board when, in addition to the sale of liquor for the state, they sell
15 goods, wares, merchandise, or services as a self-sustaining private
16 retail business;

17 (x) Executive assistants for personnel administration and labor
18 relations in all state agencies employing such executive assistants
19 including but not limited to all departments, offices, commissions,
20 committees, boards, or other bodies subject to the provisions of this
21 chapter and this subsection shall prevail over any provision of law
22 inconsistent herewith unless specific exception is made in such law;

23 (y) In each agency with fifty or more employees: Deputy agency
24 heads, assistant directors or division directors, and not more than
25 three principal policy assistants who report directly to the agency
26 head or deputy agency heads;

27 (z) All employees of the marine employees' commission;

28 (aa) Up to a total of five senior staff positions of the western
29 library network under chapter 27.26 RCW responsible for formulating
30 policy or for directing program management of a major administrative
31 unit. This subsection shall expire on June 30, 1997.

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

35 (a) Members of the governing board of each institution of higher
36 education and related boards, all presidents, vice-presidents and their
37 confidential secretaries, administrative and personal assistants;
38 deans, directors, and chairs; academic personnel; and executive heads
39 of major administrative or academic divisions employed by institutions

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

14 ~~((Student, part-time, or temporary employees, and part-time
15 professional consultants, as defined by the Washington personnel
16 resources board, employed by institutions of higher education and
17 related boards;~~

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

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

28 (3) In addition to the exemptions specifically provided by this
29 chapter, the ~~((Washington personnel resources board))~~ director of
30 personnel may provide for further exemptions pursuant to the following
31 procedures. The governor or other appropriate elected official may
32 submit requests for exemption to the ~~((Washington personnel resources
33 board))~~ director of personnel stating the reasons for requesting such
34 exemptions. The ~~((Washington personnel resources board))~~ director of
35 personnel shall hold a public hearing, after proper notice, on requests
36 submitted pursuant to this subsection. If the ~~((board))~~ director of
37 personnel determines that the position for which exemption is requested
38 is one involving substantial responsibility for the formulation of
39 basic agency or executive policy or one involving directing and

1 controlling program operations of an agency or a major administrative
2 division thereof, the (~~Washington personnel resources board~~) director
3 of personnel shall grant the request and such determination shall be
4 final as to any decision made before July 1, 1993. The total number of
5 additional exemptions permitted under this subsection shall not exceed
6 one percent of the number of employees in the classified service not
7 including employees of institutions of higher education and related
8 boards for those agencies not directly under the authority of any
9 elected public official other than the governor, and shall not exceed
10 a total of twenty-five for all agencies under the authority of elected
11 public officials other than the governor. The (~~Washington personnel~~
12 ~~resources board~~) director of personnel shall report to each regular
13 session of the legislature during an odd-numbered year all exemptions
14 granted under subsections (1) (x) and (y) and (2) of this section,
15 together with the reasons for such exemptions.

16 The salary and fringe benefits of all positions presently or
17 hereafter exempted except for the chief executive officer of each
18 agency, full-time members of boards and commissions, administrative
19 assistants and confidential secretaries in the immediate office of an
20 elected state official, and the personnel listed in subsections (1) (j)
21 through (v) and (2) of this section, shall be determined by the
22 (~~Washington personnel resources board~~) director of personnel.

23 Any person holding a classified position subject to the provisions
24 of this chapter shall, when and if such position is subsequently
25 exempted from the application of this chapter, be afforded the
26 following rights: If such person previously held permanent status in
27 another classified position, such person shall have a right of
28 reversion to the highest class of position previously held, or to a
29 position of similar nature and salary.

30 Any classified employee having civil service status in a classified
31 position who accepts an appointment in an exempt position shall have
32 the right of reversion to the highest class of position previously
33 held, or to a position of similar nature and salary.

34 A person occupying an exempt position who is terminated from the
35 position for gross misconduct or malfeasance does not have the right of
36 reversion to a classified position as provided for in this section.

37 **Sec. 208.** RCW 41.06.110 and 1993 c 281 s 25 are each amended to
38 read as follows:

1 (1) There is hereby created a Washington personnel resources board
2 composed of three members appointed by the governor, subject to
3 confirmation by the senate. The members of the personnel board serving
4 June 30, 1993, shall be the members of the Washington personnel
5 resources board, and they shall complete their terms as under the
6 personnel board. Each odd-numbered year thereafter the governor shall
7 appoint a member for a six-year term. Each member shall continue to
8 hold office after the expiration of the member's term until a successor
9 has been appointed. Persons so appointed shall have clearly
10 demonstrated an interest and belief in the merit principle, shall not
11 hold any other employment with the state, shall not have been an
12 officer of a political party for a period of one year immediately prior
13 to such appointment, and shall not be or become a candidate for
14 partisan elective public office during the term to which they are
15 appointed;

16 (2) Each member of the board shall be compensated in accordance
17 with RCW 43.03.250. The members of the board may receive any number of
18 daily payments for official meetings of the board actually attended.
19 Members of the board shall also be reimbursed for travel expenses
20 incurred in the discharge of their official duties in accordance with
21 RCW 43.03.050 and 43.03.060.

22 (3) At its first meeting following the appointment of all of its
23 members, and annually thereafter, the board shall elect a chair and
24 vice-chair from among its members to serve one year. The presence of
25 at least two members of the board shall constitute a quorum to transact
26 business. A written public record shall be kept by the board of all
27 actions of the board. The director of personnel shall serve as
28 secretary.

29 (4) The board may appoint and compensate hearing officers to hear
30 and conduct appeals (~~((until December 31, 1982))~~). Such compensation
31 shall be paid on a contractual basis for each hearing, in accordance
32 with the provisions of chapter 43.88 RCW and rules adopted pursuant
33 thereto, as they relate to personal service contracts.

34 **Sec. 209.** RCW 41.06.160 and 1993 c 281 s 29 are each amended to
35 read as follows:

36 In preparing classification and salary schedules as set forth in
37 RCW 41.06.150 (~~((as now or hereafter amended))~~) the department of
38 personnel shall give full consideration to prevailing rates in other

1 public employment and in private employment in this state. For this
2 purpose the department shall undertake comprehensive salary and fringe
3 benefit surveys(~~(, with such surveys to be conducted in the year prior~~
4 ~~to the convening of every other one hundred five day regular session of~~
5 ~~the state legislature. In the year prior to the convening of each one~~
6 ~~hundred five day regular session during which a comprehensive salary~~
7 ~~and fringe benefit survey is not conducted, the department shall plan~~
8 ~~and conduct a trend salary and fringe benefit survey. This survey~~
9 ~~shall measure average salary and fringe benefit movement for broad~~
10 ~~occupational groups which has occurred since the last comprehensive~~
11 ~~salary and fringe benefit survey was conducted. The results of each~~
12 ~~comprehensive and trend salary and fringe benefit survey shall be~~
13 ~~completed and forwarded by September 30 with a recommended state salary~~
14 ~~schedule to the governor and director of financial management for their~~
15 ~~use in preparing budgets to be submitted to the succeeding legislature.~~
16 A copy of the data and supporting documentation shall be furnished by
17 the department of personnel to the standing committees for
18 appropriations of the senate and house of representatives.

19 In the case of comprehensive salary and fringe benefit surveys, the
20 department shall furnish the following supplementary data in support of
21 its recommended salary schedule:

22 (1) A total dollar figure which reflects the recommended increase
23 or decrease in state salaries as a direct result of the specific salary
24 and fringe benefit survey that has been conducted and which is
25 categorized to indicate what portion of the increase or decrease is
26 represented by salary survey data and what portion is represented by
27 fringe benefit survey data;

28 (2) An additional total dollar figure which reflects the impact of
29 recommended increases or decreases to state salaries based on other
30 factors rather than directly on prevailing rate data obtained through
31 the survey process and which is categorized to indicate the sources of
32 the requests for deviation from prevailing rates and the reasons for
33 the changes;

34 (3) A list of class codes and titles indicating recommended monthly
35 salary ranges for all state classes under the control of the department
36 of personnel with those salary ranges which do not substantially
37 conform to the prevailing rates developed from the salary and fringe
38 benefit survey distinctly marked and an explanation of the reason for
39 the deviation included;

1 ~~(4) A supplemental salary schedule which indicates the additional~~
2 ~~salary to be paid state employees for hazardous duties or other~~
3 ~~considerations requiring extra compensation under specific~~
4 ~~circumstances. Additional compensation for these circumstances shall~~
5 ~~not be included in the basic salary schedule but shall be maintained as~~
6 ~~a separate pay schedule for purposes of full disclosure and visibility;~~
7 ~~and~~

8 ~~(5) A supplemental salary schedule which indicates those cases~~
9 ~~where the board determines that prevailing rates do not provide similar~~
10 ~~salaries for positions that require or impose similar responsibilities,~~
11 ~~judgment, knowledge, skills, and working conditions. This~~
12 ~~supplementary salary schedule shall contain proposed salary adjustments~~
13 ~~necessary to eliminate any such dissimilarities in compensation.~~
14 ~~Additional compensation needed to eliminate such salary dissimilarities~~
15 ~~shall not be included in the basic salary schedule but shall be~~
16 ~~maintained as a separate salary schedule for purposes of full~~
17 ~~disclosure and visibility.~~

18 ~~It is the intention of the legislature that requests for funds to~~
19 ~~support recommendations for salary deviations from the prevailing rate~~
20 ~~survey data shall be kept to a minimum, and that the requests be fully~~
21 ~~documented when forwarded by the department of personnel)).~~

22 ~~Salary and fringe benefit survey information collected from private~~
23 ~~employers which identifies a specific employer with the salary and~~
24 ~~fringe benefit rates which that employer pays to its employees shall~~
25 ~~not be subject to public disclosure under chapter 42.17 RCW.~~

26 ~~((The first comprehensive salary and fringe benefit survey required~~
27 ~~by this section shall be completed and forwarded to the governor and~~
28 ~~the director of financial management by September 30, 1986. The first~~
29 ~~trend salary and fringe benefit survey required by this section shall~~
30 ~~be completed and forwarded to the governor and the director of~~
31 ~~financial management by September 30, 1988.))~~

32 **Sec. 210.** ~~RCW 41.06.167 and 1991 c 196 s 1 are each amended to~~
33 ~~read as follows:~~

34 ~~The department of personnel shall undertake comprehensive~~
35 ~~compensation surveys for officers and entry-level officer candidates of~~
36 ~~the Washington state patrol, with such surveys to be conducted in the~~
37 ~~year prior to the convening of every other one hundred five day regular~~
38 ~~session of the state legislature. ((In the year prior to the convening~~

1 of each one hundred five day regular session during which a
2 comprehensive compensation survey is not conducted, the department
3 shall conduct a trend compensation survey. This survey shall measure
4 average compensation movement which has occurred since the last
5 comprehensive compensation survey was conducted. The results of each
6 comprehensive and trend survey shall be completed and forwarded by
7 September 30th, after review and preparation of recommendations by the
8 chief of the Washington state patrol, to the governor and director of
9 financial management for their use in preparing budgets to be submitted
10 to the succeeding legislature. A copy of the data and supporting
11 documentation shall be furnished by the department of personnel to the
12 legislative transportation committee and the standing committees for
13 appropriations of the senate and house of representatives. The office
14 of financial management shall analyze the survey results and conduct
15 investigations which may be necessary to arbitrate differences between
16 interested parties regarding the accuracy of collected survey data and
17 the use of such data for salary adjustment.

18 Surveys conducted by the department of personnel for the Washington
19 state patrol shall be undertaken in a manner consistent with
20 statistically accurate sampling techniques, including comparisons of
21 medians, base ranges, and weighted averages of salaries. The surveys
22 shall compare competitive labor markets of law enforcement officers.
23 This service performed by the department of personnel shall be on a
24 reimbursable basis in accordance with the provisions of RCW 41.06.080.

25 A comprehensive compensation survey plan and the recommendations of
26 the chief of the Washington state patrol shall be submitted jointly by
27 the department of personnel and the Washington state patrol to the
28 director of financial management, the legislative transportation
29 committee, the committee on ways and means of the senate, and the
30 committee on appropriations of the house of representatives six months
31 before the beginning of each periodic survey.))

32 **Sec. 211.** RCW 41.06.170 and 1993 c 281 s 31 are each amended to
33 read as follows:

34 (1) The ((board or)) director, in the adoption of rules governing
35 suspensions for cause, shall not authorize an appointing authority to
36 suspend an employee for more than fifteen calendar days as a single
37 penalty or more than thirty calendar days in any one calendar year as
38 an accumulation of several penalties. The ((board or)) director shall

1 require that the appointing authority give written notice to the
2 employee not later than one day after the suspension takes effect,
3 stating the reasons for and the duration thereof.

4 (2) Any employee who is reduced, dismissed, suspended, or demoted,
5 after completing his or her probationary period of service as provided
6 by the rules of the (~~board~~) director, or any employee who is
7 adversely affected by a violation of the state civil service law,
8 chapter 41.06 RCW, or rules adopted under it, or in either case his or
9 her authorized representative, shall have the right to appeal to the
10 (~~personnel appeals~~) board (~~created by RCW 41.64.010~~) not later than
11 thirty days after the effective date of such action. The employee
12 shall be furnished with specified charges in writing when a reduction,
13 dismissal, suspension, or demotion action is taken. Such appeal shall
14 be in writing. The decision of the board shall be final.

15 (3) Any employee whose position has been exempted after July 1,
16 1993, or his her authorized representative, shall have the right to
17 appeal to the (~~personnel appeals~~) board (~~created by RCW 41.64.010~~)
18 not later than thirty days after the effective date of such action.

19 (4) An employee incumbent in a position at the time of its
20 allocation or reallocation, or the agency utilizing the position, may
21 appeal the allocation or reallocation to the (~~personnel appeals board~~
22 ~~created by RCW 41.64.010~~) Washington personnel resources board.
23 Notice of such appeal must be filed in writing within thirty days of
24 the action from which appeal is taken.

25 (5) Subsections (1) and (2) of this section do not apply to any
26 employee who is subject to the provisions of a collective bargaining
27 agreement negotiated under sections 301 through 317 of this act.

28 **Sec. 212.** RCW 41.06.186 and 1993 c 281 s 32 are each amended to
29 read as follows:

30 The (~~Washington personnel resources board~~) director shall adopt
31 rules designed to terminate the state employment of any employee whose
32 performance is so inadequate as to warrant termination.

33 **Sec. 213.** RCW 41.06.196 and 1993 c 281 s 33 are each amended to
34 read as follows:

35 The (~~Washington personnel resources board~~) director shall adopt
36 rules designed to remove from supervisory positions those supervisors
37 who in violation of the rules adopted under RCW 41.06.186 have

1 tolerated the continued employment of employees under their supervision
2 whose performance has warranted termination from state employment.

3 **Sec. 214.** RCW 41.06.270 and 1979 c 151 s 61 are each amended to
4 read as follows:

5 A disbursing officer shall not pay any employee holding a position
6 covered by this chapter unless the employment is in accordance with
7 this chapter or the rules, regulations and orders issued hereunder.
8 The (~~board and the~~) directors of personnel and financial management
9 shall jointly establish procedures for the certification of payrolls.

10 **Sec. 215.** RCW 41.06.350 and 1993 c 281 s 36 are each amended to
11 read as follows:

12 The (~~Washington personnel resources board~~) director is authorized
13 to receive federal funds now available or hereafter made available for
14 the assistance and improvement of public personnel administration,
15 which may be expended in addition to the department of personnel
16 service fund established by RCW 41.06.280.

17 **Sec. 216.** RCW 41.06.400 and 1980 c 118 s 4 are each amended to
18 read as follows:

19 (1) In addition to other powers and duties specified in this
20 chapter, the (~~board~~) director shall, by rule, prescribe the purpose
21 and minimum standards for training and career development programs and,
22 in so doing, regularly consult with and consider the needs of
23 individual agencies and employees.

24 (2) In addition to other powers and duties specified in this
25 chapter, the director shall:

26 (a) Provide for the evaluation of training and career development
27 programs and plans of agencies (~~based on minimum standards established~~
28 ~~by the board~~). The director shall report the results of such
29 evaluations to the agency which is the subject of the evaluation;

30 (b) Provide training and career development programs which may be
31 conducted more efficiently and economically on an interagency basis;

32 (c) Promote interagency sharing of resources for training and
33 career development;

34 (d) Monitor and review the impact of training and career
35 development programs to ensure that the responsibilities of the state
36 to provide equal employment opportunities are diligently carried out.

1 (~~The director shall report to the board the impact of training and~~
2 ~~career development programs on the fulfillment of such~~
3 ~~responsibilities.~~)

4 (3) At an agency's request, the director may provide training and
5 career development programs for an agency's internal use which may be
6 conducted more efficiently and economically by the department of
7 personnel.

8 **Sec. 217.** RCW 41.06.410 and 1980 c 118 s 5 are each amended to
9 read as follows:

10 Each agency subject to the provisions of this chapter shall:

11 (1) Prepare an employee training and career development plan which
12 shall at least meet minimum standards established by the (~~board~~)
13 director. A copy of such plan shall be submitted to the director for
14 purposes of administering the provisions of RCW 41.06.400(2);

15 (2) Provide for training and career development for its employees
16 in accordance with the agency plan;

17 (3) Report on its training and career development program
18 operations and costs to the director in accordance with reporting
19 procedures adopted by the (~~board~~) director;

20 (4) Budget for training and career development in accordance with
21 procedures of the office of financial management.

22 **Sec. 218.** RCW 41.06.450 and 1993 c 281 s 37 are each amended to
23 read as follows:

24 (1) (~~By January 1, 1983, the Washington personnel resources~~
25 ~~board~~) The director shall adopt rules applicable to each agency to
26 ensure that information relating to employee misconduct or alleged
27 misconduct is destroyed or maintained as follows:

28 (a) All such information determined to be false and all such
29 information in situations where the employee has been fully exonerated
30 of wrongdoing, shall be promptly destroyed;

31 (b) All such information having no reasonable bearing on the
32 employee's job performance or on the efficient and effective management
33 of the agency, shall be promptly destroyed;

34 (c) All other information shall be retained only so long as it has
35 a reasonable bearing on the employee's job performance or on the
36 efficient and effective management of the agency.

1 (2) Notwithstanding subsection (1) of this section, an agency may
2 retain information relating to employee misconduct or alleged
3 misconduct if:

4 (a) The employee requests that the information be retained; or

5 (b) The information is related to pending legal action or legal
6 action may be reasonably expected to result.

7 (3) In adopting rules under this section, the ((Washington
8 ~~personnel resources board~~)) director shall consult with the public
9 disclosure commission to ensure that the public policy of the state, as
10 expressed in chapter 42.17 RCW, is adequately protected.

11 **Sec. 219.** RCW 41.06.475 and 1993 c 281 s 38 are each amended to
12 read as follows:

13 The ((Washington personnel resources board)) director shall adopt
14 rules, in cooperation with the secretary of social and health services,
15 for the background investigation of persons being considered for state
16 employment in positions directly responsible for the supervision, care,
17 or treatment of children or developmentally disabled persons.

18 **Sec. 220.** RCW 41.06.490 and 1990 c 204 s 3 are each amended to
19 read as follows:

20 (1) In addition to the rules adopted under RCW 41.06.150, the
21 ((board)) director shall adopt rules establishing a state employee
22 return-to-work program. The program shall, at a minimum:

23 (a) Direct each agency to adopt a return-to-work policy. The
24 program shall allow each agency program to take into consideration the
25 special nature of employment in the agency;

26 (b) Provide for eligibility in the return-to-work program, for a
27 minimum of two years from the date the temporary disability commenced,
28 for any permanent employee who is receiving compensation under RCW
29 51.32.090 and who is, by reason of his or her temporary disability,
30 unable to return to his or her previous work, but who is physically
31 capable of carrying out work of a lighter or modified nature;

32 (c) Allow opportunity for return-to-work state-wide when
33 appropriate job classifications are not available in the agency that is
34 the appointing authority at the time of injury;

35 (d) Require each agency to name an agency representative
36 responsible for coordinating the return-to-work program of the agency;

1 (e) Provide that applicants receiving appointments for classified
2 service receive an explanation of the return-to-work policy;

3 (f) Require training of supervisors on implementation of the
4 return-to-work policy, including but not limited to assessment of the
5 appropriateness of the return-to-work job for the employee; and

6 (g) Coordinate participation of applicable employee assistance
7 programs, as appropriate.

8 (2) The agency full-time equivalents necessary to implement the
9 return-to-work program established under this section shall be used
10 only for the purposes of the return-to-work program and the net
11 increase in full-time equivalents shall be temporary.

12 **Sec. 221.** RCW 41.06.520 and 1993 c 281 s 11 are each amended to
13 read as follows:

14 (1) Rules adopted by the (~~board~~) director shall provide for local
15 administration and management by the institutions of higher education
16 and related boards, subject to periodic audit and review by the
17 (~~board~~) director, of the following:

18 (~~(1)~~) (a) Appointment, promotion, and transfer of employees;

19 (~~(2)~~) (b) Dismissal, suspension, or demotion of an employee;

20 (~~(3)~~) (c) Examinations for all positions in the competitive and
21 noncompetitive service;

22 (~~(4)~~) (d) Probationary periods of six to twelve months and
23 rejection of probationary employees;

24 (~~(5)~~) (e) Sick leaves and vacations;

25 (~~(6)~~) (f) Hours of work;

26 (~~(7)~~) (g) Layoffs when necessary and subsequent reemployment;

27 (~~(8)~~) (h) Allocation and reallocation of positions within the
28 classification plans;

29 (~~(9)~~) (i) Training programs; and

30 (~~(10)~~) (j) Maintenance of personnel records.

31 (2) A collective bargaining agreement negotiated under sections 301
32 through 317 of this act may supersede rules adopted with respect to
33 subsections (1)(a) except for initial employment appointments and the
34 names of appointees, (1)(b), (d) through (g), and (i) of this section.
35 However, the supersession of such rules shall only effect employees in
36 the respective collective bargaining units.

1 **Sec. 222.** RCW 28B.12.060 and 1993 sp.s. c 18 s 3 and 1993 c 281 s
2 14 are each reenacted and amended to read as follows:

3 The higher education coordinating board shall adopt rules as may be
4 necessary or appropriate for effecting the provisions of this chapter,
5 and not in conflict with this chapter, in accordance with the
6 provisions of chapter 34.05 RCW, the state higher education
7 administrative procedure act. Such rules shall include provisions
8 designed to make employment under such work-study program reasonably
9 available, to the extent of available funds, to all eligible students
10 in eligible post-secondary institutions in need thereof. Such rules
11 shall include:

12 (1) Providing work under the college work-study program which will
13 not result in the displacement of employed workers or impair existing
14 contracts for services.

15 (2) Furnishing work only to a student who:

16 (a) Is capable, in the opinion of the eligible institution, of
17 maintaining good standing in such course of study while employed under
18 the program covered by the agreement; and

19 (b) Has been accepted for enrollment as at least a half-time
20 student at the eligible institution or, in the case of a student
21 already enrolled in and attending the eligible institution, is in good
22 standing and in at least half-time attendance there either as an
23 undergraduate, graduate or professional student; and

24 (c) Is not pursuing a degree in theology.

25 (3) Placing priority on the securing of work opportunities for
26 students who are residents of the state of Washington as defined in RCW
27 28B.15.012 and 28B.15.013 except resident students defined in RCW
28 28B.15.012(2)(e).

29 (4) Provisions to assure that in the state institutions of higher
30 education utilization of this student work-study program:

31 (a) Shall only supplement and not supplant classified positions
32 under jurisdiction of chapter 41.06 RCW;

33 (b) That all positions established which are comparable shall be
34 identified to a job classification under the (~~Washington personnel~~
35 ~~resources board's~~) director of personnel's classification plan and
36 shall receive equal compensation;

37 (c) Shall not take place in any manner that would replace
38 classified positions reduced due to lack of funds or work; and

1 (d) That work study positions shall only be established at entry
2 level positions of the classified service.

3 **Sec. 223.** RCW 34.05.030 and 1993 c 281 s 15 are each amended to
4 read as follows:

5 (1) This chapter shall not apply to:

6 (a) The state militia, or

7 (b) The board of clemency and pardons, or

8 (c) The department of corrections or the indeterminate sentencing
9 review board with respect to persons who are in their custody or are
10 subject to the jurisdiction of those agencies.

11 (2) The provisions of RCW 34.05.410 through 34.05.598 shall not
12 apply:

13 (a) To adjudicative proceedings of the board of industrial
14 insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

15 (b) Except for actions pursuant to chapter 46.29 RCW, to the
16 denial, suspension, or revocation of a driver's license by the
17 department of licensing;

18 (c) To the department of labor and industries where another statute
19 expressly provides for review of adjudicative proceedings of a
20 department action, order, decision, or award before the board of
21 industrial insurance appeals;

22 (d) To actions of the Washington personnel resources board(~~(7)~~) or
23 the director of personnel(~~(7, or the personnel appeals board)~~); or

24 (e) To the extent they are inconsistent with any provisions of
25 chapter 43.43 RCW.

26 (3) Unless a party makes an election for a formal hearing pursuant
27 to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not
28 apply to a review hearing conducted by the board of tax appeals.

29 (4) All other agencies, whether or not formerly specifically
30 excluded from the provisions of all or any part of the Administrative
31 Procedure Act, shall be subject to the entire act.

32 **Sec. 224.** RCW 34.12.020 and 1993 c 281 s 16 are each amended to
33 read as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section apply throughout this chapter.

36 (1) "Office" means the office of administrative hearings.

1 (2) "Administrative law judge" means any person appointed by the
2 chief administrative law judge to conduct or preside over hearings as
3 provided in this chapter.

4 (3) "Hearing" means an adjudicative proceeding within the meaning
5 of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413
6 through 34.05.476.

7 (4) "State agency" means any state board, commission, department,
8 or officer authorized by law to make rules or to conduct adjudicative
9 proceedings, except those in the legislative or judicial branches, the
10 pollution control hearings board, the shorelines hearings board, the
11 forest practices appeals board, the environmental hearings office, the
12 board of industrial insurance appeals, the Washington personnel
13 resources board, the public employment relations commission, (~~the~~
14 ~~personnel appeals board,~~) and the board of tax appeals.

15 **Sec. 225.** RCW 41.04.340 and 1993 c 281 s 17 are each amended to
16 read as follows:

17 (1) An attendance incentive program is established for all eligible
18 employees. As used in this section the term "eligible employee" means
19 any employee of the state, other than teaching and research faculty at
20 the state and regional universities and The Evergreen State College,
21 entitled to accumulate sick leave and for whom accurate sick leave
22 records have been maintained. No employee may receive compensation
23 under this section for any portion of sick leave accumulated at a rate
24 in excess of one day per month. The state and regional universities
25 and The Evergreen State College shall maintain complete and accurate
26 sick leave records for all teaching and research faculty.

27 (2) In January of the year following any year in which a minimum of
28 sixty days of sick leave is accrued, and each January thereafter, any
29 eligible employee may receive remuneration for unused sick leave
30 accumulated in the previous year at a rate equal to one day's monetary
31 compensation of the employee for each four full days of accrued sick
32 leave in excess of sixty days. Sick leave for which compensation has
33 been received shall be deducted from accrued sick leave at the rate of
34 four days for every one day's monetary compensation.

35 (3) At the time of separation from state service due to retirement
36 or death, an eligible employee or the employee's estate may elect to
37 receive remuneration at a rate equal to one day's current monetary

1 compensation of the employee for each four full days of accrued sick
2 leave.

3 (4) Pursuant to this subsection, in lieu of cash remuneration the
4 state may, with equivalent funds, provide eligible employees with a
5 benefit plan providing for reimbursement of medical expenses. The
6 committee for deferred compensation shall develop any benefit plan
7 established under this subsection, but may offer and administer the
8 plan only if (a) each eligible employee has the option of whether to
9 receive cash remuneration or to have his or her employer transfer
10 equivalent funds to the plan; and (b) the committee has received an
11 opinion from the United States internal revenue service stating that
12 participating employees, prior to the time of receiving reimbursement
13 for expenses, will incur no United States income tax liability on the
14 amount of the equivalent funds transferred to the plan.

15 (5) Remuneration or benefits received under this section shall not
16 be included for the purpose of computing a retirement allowance under
17 any public retirement system in this state.

18 (6) With the exception of subsection (4) of this section, this
19 section shall be administered, and rules shall be adopted to carry out
20 its purposes, by the (~~Washington personnel resources board~~) director
21 of personnel for persons subject to chapter 41.06 RCW: PROVIDED, That
22 determination of classes of eligible employees shall be subject to
23 approval by the office of financial management.

24 (7) Should the legislature revoke any remuneration or benefits
25 granted under this section, no affected employee shall be entitled
26 thereafter to receive such benefits as a matter of contractual right.

27 **Sec. 226.** RCW 41.50.804 and 1993 c 281 s 40 are each amended to
28 read as follows:

29 Nothing contained in this chapter shall be construed to alter any
30 existing collective bargaining agreement until any such agreement has
31 expired or until any such bargaining unit has been modified by action
32 of the (~~Washington personnel resources board~~) state employment
33 relations commission as provided by law.

34 **Sec. 227.** RCW 43.06.425 and 1993 c 281 s 48 are each amended to
35 read as follows:

36 The (~~Washington personnel resources board~~) director of personnel
37 shall adopt rules to provide that:

1 (1) Successful completion of an internship under RCW 43.06.420
2 shall be considered as employment experience at the level at which the
3 intern was placed;

4 (2) Persons leaving classified or exempt positions in state
5 government in order to take an internship under RCW 43.06.420: (a)
6 Have the right of reversion to the previous position at any time during
7 the internship or upon completion of the internship; and (b) shall
8 continue to receive all fringe benefits as if they had never left their
9 classified or exempt positions;

10 (3) Participants in the undergraduate internship program who were
11 not public employees prior to accepting a position in the program
12 receive sick leave allowances commensurate with other state employees;

13 (4) Participants in the executive fellows program who were not
14 public employees prior to accepting a position in the program receive
15 sick and vacation leave allowances commensurate with other state
16 employees.

17 **Sec. 228.** RCW 43.33A.100 and 1993 c 281 s 50 are each amended to
18 read as follows:

19 The state investment board shall maintain appropriate offices and
20 employ such personnel as may be necessary to perform its duties.
21 Employment by the investment board shall include but not be limited to
22 an executive director, investment officers, and a confidential
23 secretary, which positions are exempt from classified service under
24 chapter 41.06 RCW. Employment of the executive director by the board
25 shall be for a term of three years, and such employment shall be
26 subject to confirmation of the state finance committee: PROVIDED, That
27 nothing shall prevent the board from dismissing the director for cause
28 before the expiration of the term nor shall anything prohibit the
29 board, with the confirmation of the state finance committee, from
30 employing the same individual as director in succeeding terms.
31 Compensation levels for the investment officers employed by the
32 investment board shall be established by the (~~Washington personnel~~
33 ~~resources board~~) director of personnel.

34 As of July 1, 1981, all employees classified under chapter 41.06
35 RCW and engaged in duties assumed by the state investment board on July
36 1, 1981, are assigned to the state investment board. The transfer
37 shall not diminish any rights granted these employees under chapter

1 41.06 RCW nor exempt the employees from any action which may occur
2 thereafter in accordance with chapter 41.06 RCW.

3 All existing contracts and obligations pertaining to the functions
4 transferred to the state investment board in this 1980 act shall remain
5 in full force and effect, and shall be performed by the board. None of
6 the transfers directed by this 1980 act shall affect the validity of
7 any act performed by a state entity or by any official or employee
8 thereof prior to July 1, 1981.

9 **Sec. 229.** RCW 43.131.090 and 1993 c 281 s 54 are each amended to
10 read as follows:

11 Unless the legislature specifies a shorter period of time, a
12 terminated state agency shall continue in existence until June 30th of
13 the next succeeding year for the purpose of concluding its affairs:
14 PROVIDED, That the powers and authority of the state agency shall not
15 be reduced or otherwise limited during this period. Unless otherwise
16 provided:

17 (1) All employees of terminated state agencies classified under
18 chapter 41.06 RCW, the state civil service law, shall be transferred as
19 appropriate or as otherwise provided in the procedures adopted by the
20 (~~Washington personnel resources board~~) director of personnel pursuant
21 to RCW 41.06.150;

22 (2) All documents and papers, equipment, or other tangible property
23 in the possession of the terminated state agency shall be delivered to
24 the custody of the agency assuming the responsibilities of the
25 terminated agency or if such responsibilities have been eliminated,
26 documents and papers shall be delivered to the state archivist and
27 equipment or other tangible property to the department of general
28 administration;

29 (3) All funds held by, or other moneys due to, the terminated state
30 agency shall revert to the fund from which they were appropriated, or
31 if that fund is abolished to the general fund;

32 (4) Notwithstanding the provisions of RCW 34.05.020, all rules made
33 by a terminated state agency shall be repealed, without further action
34 by the state agency, at the end of the period provided in this section,
35 unless assumed and reaffirmed by the agency assuming the related legal
36 responsibilities of the terminated state agency;

37 (5) All contractual rights and duties of a state agency shall be
38 assigned or delegated to the agency assuming the responsibilities of

1 the terminated state agency, or if there is none to such agency as the
2 governor shall direct.

3 **Sec. 230.** RCW 49.46.010 and 1993 c 281 s 56 are each amended to
4 read as follows:

5 As used in this chapter:

6 (1) "Director" means the director of labor and industries;

7 (2) "Wage" means compensation due to an employee by reason of
8 employment, payable in legal tender of the United States or checks on
9 banks convertible into cash on demand at full face value, subject to
10 such deductions, charges, or allowances as may be permitted by rules of
11 the director;

12 (3) "Employ" includes to permit to work;

13 (4) "Employer" includes any individual, partnership, association,
14 corporation, business trust, or any person or group of persons acting
15 directly or indirectly in the interest of an employer in relation to an
16 employee;

17 (5) "Employee" includes any individual employed by an employer but
18 shall not include:

19 (a) Any individual (i) employed as a hand harvest laborer and paid
20 on a piece rate basis in an operation which has been, and is generally
21 and customarily recognized as having been, paid on a piece rate basis
22 in the region of employment; (ii) who commutes daily from his or her
23 permanent residence to the farm on which he or she is employed; and
24 (iii) who has been employed in agriculture less than thirteen weeks
25 during the preceding calendar year;

26 (b) Any individual employed in casual labor in or about a private
27 home, unless performed in the course of the employer's trade, business,
28 or profession;

29 (c) Any individual employed in a bona fide executive,
30 administrative, or professional capacity or in the capacity of outside
31 salesman as those terms are defined and delimited by rules of the
32 director. However, those terms shall be defined and delimited by the
33 (~~Washington personnel resources board~~) director of personnel pursuant
34 to chapter 41.06 RCW for employees employed under the director of
35 personnel's jurisdiction;

36 (d) Any individual engaged in the activities of an educational,
37 charitable, religious, state or local governmental body or agency, or
38 nonprofit organization where the employer-employee relationship does

1 not in fact exist or where the services are rendered to such
2 organizations gratuitously. If the individual receives reimbursement
3 in lieu of compensation for normally incurred out-of-pocket expenses or
4 receives a nominal amount of compensation per unit of voluntary service
5 rendered, an employer-employee relationship is deemed not to exist for
6 the purpose of this section or for purposes of membership or
7 qualification in any state, local government or publicly supported
8 retirement system other than that provided under chapter 41.24 RCW;

9 (e) Any individual employed full time by any state or local
10 governmental body or agency who provides voluntary services but only
11 with regard to the provision of the voluntary services. The voluntary
12 services and any compensation therefor shall not affect or add to
13 qualification, entitlement or benefit rights under any state, local
14 government, or publicly supported retirement system other than that
15 provided under chapter 41.24 RCW;

16 (f) Any newspaper vendor or carrier;

17 (g) Any carrier subject to regulation by Part 1 of the Interstate
18 Commerce Act;

19 (h) Any individual engaged in forest protection and fire prevention
20 activities;

21 (i) Any individual employed by any charitable institution charged
22 with child care responsibilities engaged primarily in the development
23 of character or citizenship or promoting health or physical fitness or
24 providing or sponsoring recreational opportunities or facilities for
25 young people or members of the armed forces of the United States;

26 (j) Any individual whose duties require that he or she reside or
27 sleep at the place of his or her employment or who otherwise spends a
28 substantial portion of his or her work time subject to call, and not
29 engaged in the performance of active duties;

30 (k) Any resident, inmate, or patient of a state, county, or
31 municipal correctional, detention, treatment or rehabilitative
32 institution;

33 (l) Any individual who holds a public elective or appointive office
34 of the state, any county, city, town, municipal corporation or quasi
35 municipal corporation, political subdivision, or any instrumentality
36 thereof, or any employee of the state legislature;

37 (m) All vessel operating crews of the Washington state ferries
38 operated by the department of transportation;

1 (n) Any individual employed as a seaman on a vessel other than an
2 American vessel.

3 (6) "Occupation" means any occupation, service, trade, business,
4 industry, or branch or group of industries or employment or class of
5 employment in which employees are gainfully employed.

6 NEW SECTION. **Sec. 231.** A new section is added to chapter 41.06
7 RCW to read as follows:

8 The personnel appeals board is hereby abolished and its powers,
9 duties, and functions are hereby transferred to the Washington
10 personnel resources board. All references to the director or personnel
11 appeals board in the Revised Code of Washington shall be construed to
12 mean the director or Washington personnel resources board.

13 NEW SECTION. **Sec. 232.** All reports, documents, surveys, books,
14 records, files, papers, or written material in the possession of the
15 personnel appeals board shall be delivered to the custody of the
16 Washington personnel resources board. All cabinets, furniture, office
17 equipment, motor vehicles, and other tangible property employed by the
18 personnel appeals board shall be made available to the Washington
19 personnel resources board. All funds, credits, or other assets held by
20 the personnel appeals board shall be assigned to the Washington
21 personnel resources board.

22 Any appropriations made to the personnel appeals board shall, on
23 the effective date of this section, be transferred and credited to the
24 Washington personnel resources board.

25 Whenever any question arises as to the transfer of any personnel,
26 funds, books, documents, records, papers, files, equipment, or other
27 tangible property used or held in the exercise of the powers and the
28 performance of the duties and functions transferred, the director of
29 financial management shall make a determination as to the proper
30 allocation and certify the same to the state agencies concerned.

31 NEW SECTION. **Sec. 233.** All employees of the personnel appeals
32 board are transferred to the jurisdiction of the Washington personnel
33 resources board. All employees classified under chapter 41.06 RCW, the
34 state civil service law, are assigned to the Washington personnel
35 resources board to perform their usual duties upon the same terms as
36 formerly, without any loss of rights, subject to any action that may be

1 appropriate thereafter in accordance with the laws and rules governing
2 state civil service.

3 NEW SECTION. **Sec. 234.** All rules and all pending business before
4 the personnel appeals board shall be continued and acted upon by the
5 Washington personnel resources board. All existing contracts and
6 obligations shall remain in full force and shall be performed by the
7 Washington personnel resources board.

8 NEW SECTION. **Sec. 235.** The transfer of the powers, duties,
9 functions, and personnel of the personnel appeals board shall not
10 affect the validity of any act performed prior to the effective date of
11 this section.

12 NEW SECTION. **Sec. 236.** If apportionments of budgeted funds are
13 required because of the transfers directed by sections 232 through 235
14 of this act, the director of financial management shall certify the
15 apportionments to the agencies affected, the state auditor, and the
16 state treasurer. Each of these shall make the appropriate transfer and
17 adjustments in funds and appropriation accounts and equipment records
18 in accordance with the certification.

19 **PART III**

20 **COLLECTIVE BARGAINING REFORM**

21 NEW SECTION. **Sec. 301.** NEGOTIATION AND RATIFICATION OF COLLECTIVE
22 BARGAINING AGREEMENTS. (1) For the purpose of negotiating collective
23 bargaining agreements under this chapter, the employer shall be
24 represented by the governor or governor's designee. For institutions
25 of higher education, the governing body of the institution of higher
26 education shall select management representatives who shall participate
27 in the negotiations.

28 (2)(a) If an exclusive bargaining representative represents more
29 than one bargaining unit, the exclusive bargaining representative shall
30 negotiate one master collective bargaining agreement on behalf of all
31 the employees in bargaining units that the exclusive bargaining
32 representative represents. For those exclusive bargaining
33 representatives who represent fewer than a total of five hundred
34 employees each, negotiation shall be by a coalition of exclusive

1 bargaining representatives that collectively represents at least five
2 hundred employees and that includes one or more exclusive bargaining
3 representatives that independently represent fewer than five hundred
4 employees. The coalition shall bargain for a master collective
5 bargaining agreement covering all of the employees represented by the
6 coalition. Supplemental bargaining of agency-specific issues for
7 inclusion in or as an addendum to the master collective bargaining
8 agreement by the governor's designee and the exclusive bargaining
9 representative is authorized, subject to the parties' agreement
10 regarding the issues and procedures for supplemental bargaining. This
11 section does not prohibit cooperation and coordination of bargaining
12 between two or more exclusive bargaining representatives.

13 (b) This subsection (2) does not apply to exclusive bargaining
14 representatives who represent employees of institutions of higher
15 education.

16 (3) Collective bargaining negotiations under this chapter shall
17 commence no later than October 1, 1994, for collective bargaining
18 agreements that are to become effective no earlier than July 1, 1995.
19 For subsequent agreements, negotiations shall commence and contracts
20 become effective as the parties agree.

21 (4) The governor shall submit a request for funds necessary to
22 implement the compensation and fringe benefit provisions in the master
23 collective bargaining agreement or for legislation necessary to
24 implement the agreement within ten days of the date on which the
25 exclusive bargaining representative ratifies the agreement or, if the
26 legislature is not in session, within ten days after the legislature
27 next convenes. The legislature shall approve or reject the submission
28 of the request for funds or legislation, or both, as a whole. If the
29 legislature rejects or fails to act on the submission, either party may
30 reopen all or part of the agreement or the exclusive bargaining
31 representative may exercise its rights as provided in section 306 of
32 this act.

33 (5) After the expiration date of a collective bargaining agreement
34 negotiated under this chapter, all of the terms and conditions
35 specified in the collective bargaining agreement remain in effect until
36 the effective date of a subsequently negotiated agreement, not to
37 exceed one year from the expiration date stated in the agreement.
38 Thereafter, the employer may unilaterally implement according to law.

1 NEW SECTION. **Sec. 302.** SCOPE OF BARGAINING. (1) Except as

2 otherwise provided in this chapter, the matters subject to bargaining
3 include wages, hours, and other terms and conditions of employment, and
4 the negotiation of any question arising under a collective bargaining
5 agreement.

6 (2) The employer is not required to bargain over matters pertaining
7 to:

8 (a) Inherent managerial policy such as the functions and programs
9 of the employer, the employer's budget, the use of technology, and the
10 organizational structure of the employer;

11 (b) Any retirement system or retirement benefit;

12 (c) Health care benefits or other employee insurance benefits,
13 except as required in subsection (3) of this section; or

14 (d) Rules of the director of personnel or the Washington personnel
15 resources board adopted under RCW 41.06.150 (2), (3), (4) only with
16 respect to initial employment appointments, and the names of
17 appointees, (11), (15), or (17) except as required in subsection (3) of
18 this section.

19 (3) Matters subject to bargaining shall include the number of names
20 to be certified for vacancies, promotional preferences, and the dollar
21 amount expended on behalf of each employee for health care benefits.
22 However, negotiations regarding promotional preferences shall be
23 conducted between the employer and one coalition of all the exclusive
24 bargaining representatives subject to this chapter and any provision
25 agreed to by the employer and the coalition shall be included in all
26 master collective bargaining agreements negotiated by the parties.

27 (4) The employer and the exclusive bargaining representative shall
28 not agree to any proposal that would prevent the implementation of
29 approved affirmative action plans or that would be inconsistent with
30 the comparable worth agreement that provided the basis for the salary
31 changes implemented beginning with the 1983-1985 biennium to achieve
32 comparable worth.

33 (5) Except as otherwise provided in this chapter, if a conflict
34 exists between an executive order, administrative rule, or agency
35 policy relating to wages, hours, and terms and conditions of employment
36 and a collective bargaining agreement negotiated under this chapter,
37 the collective bargaining agreement shall prevail. A provision of a
38 collective bargaining agreement that conflicts with the terms of a
39 statute is invalid and unenforceable.

1 NEW SECTION. **Sec. 303.** CONTENTS OF COLLECTIVE BARGAINING
2 AGREEMENTS. (1) The employer and the exclusive bargaining
3 representative who are the parties to a collective bargaining agreement
4 shall reduce the agreement to writing and both shall execute it.

5 (2) A collective bargaining agreement shall contain provisions
6 that:

7 (a) Provide for a grievance procedure that culminates with final
8 and binding arbitration of all disputes arising over the interpretation
9 or application of the collective bargaining agreement and that is valid
10 and enforceable under its terms when entered into in accordance with
11 this chapter; and

12 (b) Require processing of disciplinary actions or terminations of
13 employment of employees covered by the collective bargaining agreement
14 entirely under the procedures of the collective bargaining agreement.
15 Any employee, when fully reinstated, shall be guaranteed all employee
16 rights and benefits, including back pay, sick leave, vacation accrual,
17 retirement and federal old age, survivors, and disability insurance act
18 credits, but without back pay for any period of suspension.

19 (3) If a collective bargaining agreement between an employer and an
20 exclusive bargaining representative is concluded after the termination
21 date of the previous collective bargaining agreement between the
22 employer and an employee organization representing the same or
23 substantially the same employees, the effective date of the collective
24 bargaining agreement may be the day after the termination of the
25 previous collective bargaining agreement, and all benefits included in
26 the new collective bargaining agreement, including wage or salary
27 increases, may accrue beginning with that effective date.

28 NEW SECTION. **Sec. 304.** RIGHTS OF EMPLOYEES. Employees shall have
29 the right to self-organization, to form, join, or assist employee
30 organizations, to bargain collectively through representatives of their
31 own choosing, and, except as may be limited by this chapter, to engage
32 in other lawful concerted activities for the purpose of collective
33 bargaining or other mutual aid or protection free from interference,
34 restraint, or coercion, and shall also have the right to refrain from
35 any or all such activities except to the extent that employees may be
36 required to pay a fee to an exclusive bargaining representative under
37 a union security provision authorized by this chapter.

1 NEW SECTION. **Sec. 305.** BARGAINING UNITS. (1) A bargaining unit
2 of employees covered by this chapter existing on the effective date of
3 this section shall be considered an appropriate unit, unless the unit
4 does not meet the requirements of (a) and (b) of this subsection. The
5 commission, after hearing upon reasonable notice to all interested
6 parties, shall decide in each application for certification as an
7 exclusive bargaining representative, the unit appropriate for
8 certification. In determining the new units or modifications of
9 existing units, the commission shall consider: The duties, skills, and
10 working conditions of the employees; the history of collective
11 bargaining; the extent of organization among the employees; the desires
12 of the employees; and the avoidance of excessive fragmentation.
13 However, a unit is not appropriate if it includes:

14 (a) Both supervisors and nonsupervisory employees. A unit that
15 includes only supervisors may be considered appropriate if a majority
16 of the supervisory employees indicates by vote that they desire to be
17 included in such a unit; or

18 (b) More than one institution of higher education. For the
19 purposes of this section, any branch or regional campus of an
20 institution of higher education is part of that institution of higher
21 education.

22 (2) The exclusive bargaining representatives certified to represent
23 the bargaining units existing on the effective date of this section
24 shall continue as the exclusive bargaining representative without the
25 necessity of an election.

26 (3) If a single employee organization is the exclusive bargaining
27 representative for two or more units, upon petition by the employee
28 organization, the units may be consolidated into a single larger unit
29 if the commission considers the larger unit to be appropriate. If
30 consolidation is appropriate, the commission shall certify the employee
31 organization as the exclusive bargaining representative of the new
32 unit.

33 NEW SECTION. **Sec. 306.** REPRESENTATION. (1) The commission shall
34 determine all questions pertaining to representation and shall
35 administer all elections and be responsible for the processing and
36 adjudication of all disputes that arise as a consequence of elections.
37 The commission shall adopt rules that provide for at least the
38 following:

- 1 (a) Secret balloting;
- 2 (b) Consulting with employee organizations;
- 3 (c) Access to lists of employees, job classification, work
- 4 locations, and home mailing addresses;
- 5 (d) Absentee voting;
- 6 (e) Procedures for the greatest possible participation in voting;
- 7 (f) Campaigning on the employer's property during working hours;
- 8 and
- 9 (g) Election observers.

10 (2)(a) If an employee organization has been certified as the
11 exclusive bargaining representative of the employees of a bargaining
12 unit, the employee organization may act for and negotiate master
13 collective bargaining agreements that will include within the coverage
14 of the agreement all employees in the bargaining unit as provided in
15 section 301(2) of this act. However, if a master collective bargaining
16 agreement is in effect for the exclusive bargaining representative, it
17 shall apply to the bargaining unit for which the certification has been
18 issued. Nothing in this section requires the parties to engage in new
19 negotiations during the term of that agreement.

20 (b) This subsection (2) does not apply to exclusive bargaining
21 representatives who represent employees of institutions of higher
22 education.

23 (3) The certified exclusive bargaining representative shall be
24 responsible for representing the interests of all the employees in the
25 bargaining unit. This section shall not be construed to limit an
26 exclusive representative's right to exercise its discretion to refuse
27 to process grievances of employees that are unmeritorious.

28 (4) No question concerning representation may be raised if:

29 (a) Fewer than twelve months have elapsed since the last
30 certification or election; or

31 (b) A valid collective bargaining agreement exists covering the
32 unit, except for that period of no more than one hundred twenty
33 calendar days nor less than ninety calendar days before the expiration
34 of the contract.

35 NEW SECTION. **Sec. 307.** RIGHT TO STRIKE. (1) Employees covered by
36 this chapter who are eligible for collective bargaining may strike only
37 as provided in this section, subject to the employer's right to seek an
38 injunction under subsection (3) of this section. The right to strike

1 must be exercised by an exclusive bargaining representative as a whole,
2 as evidenced by an affirmative vote authorizing a strike, and may not
3 be exercised by the membership of a single bargaining unit, unless the
4 exclusive bargaining representative represents only a single bargaining
5 unit. The right to strike may be exercised under the conditions of
6 either (a) or (b) of this subsection as follows:

7 (a)(i) The master collective bargaining agreement between their
8 exclusive bargaining representative and the employer has expired, or,
9 if there is no agreement between their exclusive bargaining
10 representative and the employer, an impasse has occurred;

11 (ii) At least a majority of the members of the exclusive bargaining
12 representative votes by secret ballot affirmatively to authorize a
13 strike; and

14 (iii) The exclusive bargaining representative and the employer have
15 participated, in good faith, in mediation for a reasonable time; or

16 (b)(i) At least a majority of the members of the exclusive
17 bargaining representative votes by secret ballot affirmatively to
18 authorize a strike; and

19 (ii) The legislature rejects or fails to act on the submission of
20 a request for funding a collective bargaining agreement as provided in
21 section 301(4) of this act.

22 (2) In addition to the other requirements of subsection (1) of this
23 section, the exclusive bargaining representative shall give ten days'
24 written notice of its intent to strike to the commission and the
25 employer.

26 (3) If it can be shown that a strike has begun to or will likely
27 threaten the health, safety, or welfare of the public, the employer may
28 apply to the superior court in Thurston county for an order enjoining
29 some or all of the employees from striking. If some or all employees
30 are enjoined from striking under this subsection, the impasse or
31 dispute shall be submitted for final and binding arbitration as
32 provided in section 308 of this act.

33 (4) Nothing in this section precludes enjoining an unlawful strike.

34 NEW SECTION. **Sec. 308.** INTEREST ARBITRATION. (1) If a strike is
35 enjoined under section 307(3) of this act, final and binding
36 arbitration of the dispute as provided in this section shall be
37 substituted for the right to strike.

1 (2) The issues for determination by the interest arbitrator shall
2 be limited to the issues at impasse in the mediation proceedings.

3 (3) The parties may voluntarily agree to select an arbitrator, or
4 if agreement is not reached within seven days of the date the strike
5 was enjoined, the commission shall submit seven arbitrators' names to
6 the parties. Each party shall alternately strike three names from the
7 list, the order of striking to be determined by lot. The remaining
8 arbitrator shall be appointed as the arbitrator. Each party shall
9 share equally in paying the fees and expenses of the arbitrator.

10 (4) Within seven days following the designation of the arbitrator,
11 each party shall file with the arbitrator and the commission and serve
12 on the opposite party, the complete written proposals it intends to
13 submit to interest arbitration.

14 (5) The arbitrator, in consultation with the parties, shall
15 promptly establish a date, time, and place for hearing and shall
16 provide reasonable notice thereof to the parties to the dispute. A
17 hearing, which shall be informal, shall be held, and each party shall
18 have the opportunity to present evidence and make argument. Any oral
19 testimony or documentary evidence or other data deemed relevant by the
20 arbitrator may be received in evidence. The arbitrator may administer
21 oaths, require the attendance of witnesses, and require the production
22 of books, papers, contracts, agreements, and documents deemed to be
23 material to a just determination of the issues in dispute. If any
24 person refuses to obey a subpoena issued by the arbitrator or refuses
25 to be sworn or to make an affirmation to testify, or any witness,
26 party, or attorney for a party is guilty of any contempt while in
27 attendance at any hearing held under this section, the arbitrator or
28 any party may invoke the jurisdiction of the superior court of Thurston
29 county, or of any county in which the labor dispute exists, and the
30 court shall have jurisdiction to issue an appropriate order. Any
31 failure to obey such an order may be punished by the court as a
32 contempt. The hearing conducted by the arbitrator shall be concluded
33 within twenty-five days following the designation of the arbitrator
34 unless the parties agree to a longer period. Negotiations may continue
35 throughout the impasse procedures.

36 (6) The arbitrator shall, within twenty days following the
37 conclusion of the hearing, make written findings of fact and a written
38 determination of the issues in dispute, based on the evidence
39 presented. The parties shall submit a final offer on each separate

1 issue remaining at impasse to the arbitrator and the other party. On
2 each separate issue, the arbitrator shall determine that either the
3 final offer of the employer or the final offer of the employee
4 representative shall be incorporated into the final collective
5 bargaining agreement. The arbitrator shall not amend the offer of
6 either party on any issue. A copy of the interest arbitration award
7 shall be served on the commission and on each of the parties to the
8 dispute. Except as otherwise provided in subsection (8) of this
9 section, the determination shall be final and binding upon both
10 parties.

11 (7) In making the determination, the arbitrator shall take into
12 consideration the following factors:

13 (a) The constitutional and statutory authority of the employer;

14 (b) Stipulations of the parties;

15 (c) A comparison of the wages, hours, and conditions of employment
16 of the employees involved in the proceedings with the wages, hours, and
17 conditions of employment of other employees performing similar services
18 and with other employees generally;

19 (d) The average consumer prices for goods and services, commonly
20 known as the cost of living;

21 (e) Changes in any of the circumstances in this subsection (7)
22 during the pendency of such proceedings; and

23 (f) Such other factors, not confined to (a) through (e) of this
24 subsection, that are normally or traditionally taken into consideration
25 in the determination of wages, hours, and conditions of employment.

26 (8) Those portions of an arbitrator's award made under subsection
27 (6) of this section that require appropriation of funds or legislative
28 action shall be submitted to the legislature for approval or rejection.
29 If the legislature rejects or fails to act on the submission, the
30 dispute shall be resubmitted for arbitration as provided in this
31 section.

32 (9) In the performance of his or her duties under this chapter, the
33 arbitrator exercises a state function and is, for the purposes of this
34 chapter, a state agency. Chapter 34.05 RCW does not apply to
35 proceedings before an interest arbitrator.

36 (10) Except as ordered through proceedings before an interest
37 arbitrator, existing wages, hours, and other terms and conditions of
38 employment shall not be changed by action of either party without the

1 consent of the other, but a party may so consent without prejudice to
2 its rights or position under this section.

3 (11) If a party to negotiations subject to this chapter refuses to
4 submit to the procedures set forth in this section, the other party or
5 the commission, on its own motion, may invoke the jurisdiction of the
6 superior court of Thurston county, or of any county in which the labor
7 dispute exists, and the court shall have jurisdiction to issue an
8 appropriate order. A failure to obey such order may be punished by the
9 court as a contempt thereof.

10 NEW SECTION. **Sec. 309.** UNION SECURITY. (1) A collective
11 bargaining agreement may contain a union security provision requiring
12 as a condition of employment the payment, no later than the thirtieth
13 day following the beginning of employment or the effective date of this
14 section, whichever is later, of an agency shop fee to the employee
15 organization that is the exclusive bargaining representative for the
16 bargaining unit in which the employee is employed. The amount of the
17 fee shall be equal to the amount required to become a member in good
18 standing of the employee organization. Each employee organization
19 shall establish a procedure by which any employee so requesting may pay
20 a representation fee no greater than the part of the membership fee
21 that represents a pro rata share of expenditures for purposes germane
22 to the collective bargaining process, to contract administration, or to
23 pursuing matters affecting wages, hours, and other conditions of
24 employment.

25 (2) An employee who is covered by a union security provision and
26 who asserts a right of nonassociation based on bona fide religious
27 tenets or teachings of a church or religious body of which the employee
28 is a member, shall, as a condition of employment, make payments to the
29 employee organization, for purposes within the program of the employee
30 organization as designated by the employee that would be in harmony
31 with his or her individual conscience. The amount of the payments
32 shall be equal to the periodic dues and fees uniformly required as a
33 condition of acquiring or retaining membership in the employee
34 organization minus any included monthly premiums for insurance programs
35 sponsored by the employee organization. The employee shall not be a
36 member of the employee organization but is entitled to all the
37 representation rights of a member of the employee organization.

1 (3) Upon filing with the employer the written authorization of a
2 bargaining unit employee under this chapter, the employee organization
3 that is the exclusive bargaining representative of the bargaining unit
4 shall have the exclusive right to have deducted from the salary of the
5 employee an amount equal to the fees and dues uniformly required as a
6 condition of acquiring or retaining membership in the employee
7 organization. The fees and dues shall be deducted each pay period from
8 the pay of all employees who have given authorization for the deduction
9 and shall be transmitted by the employer as provided for by agreement
10 between the employer and the employee organization.

11 (4) Employee organizations that before the effective date of this
12 section were entitled to the benefits of this section shall continue to
13 be entitled to these rights.

14 NEW SECTION. **Sec. 310.** UNFAIR LABOR PRACTICES ENUMERATED. (1) It
15 is an unfair labor practice for an employer to:

16 (a) Interfere with, restrain, or coerce employees in the exercise
17 of their rights guaranteed by this chapter;

18 (b) Control, dominate, or interfere with an exclusive bargaining
19 representative;

20 (c) Discriminate against an employee who has filed an unfair labor
21 practice charge; or

22 (d) Refuse to engage in good faith collective bargaining.

23 (2) It is an unfair labor practice for an employee organization to:

24 (a) Interfere with, restrain, or coerce:

25 (i) Employees in the exercise of the rights guaranteed in this
26 chapter. However, this subsection (2)(a)(i) shall not impair the right
27 of an employee organization to prescribe its own rules with respect to
28 the acquisition or retention of membership in the employee
29 organization; or

30 (ii) An employer in the selection of its representatives for the
31 purposes of collective bargaining or the adjustment of grievances;

32 (b) Induce the employer to commit an unfair labor practice;

33 (c) Discriminate against an employee who has filed an unfair labor
34 practice charge; or

35 (d) Refuse to engage in good faith collective bargaining.

36 NEW SECTION. **Sec. 311.** UNFAIR LABOR PRACTICE PROCEDURES. (1) The
37 commission shall prevent any unfair labor practice and issue

1 appropriate remedial orders. A complaint shall not be processed for
2 any unfair labor practice occurring more than six months before the
3 filing of the complaint with the commission. The commission's
4 authority shall not be affected or impaired by any means of adjustment,
5 mediation, or conciliation in labor disputes that have been or may
6 hereafter be established by law.

7 (2) If a complaint is filed concerning any unfair labor practice,
8 the commission may issue and cause to be served a notice of hearing
9 before the commission at a place fixed in the complaint, to be held not
10 less than seven days after the serving of the complaint. Any such
11 complaint may be amended by the commission any time before the issuance
12 of an order based on the complaint. The person so complained of may
13 file an answer to the original or amended complaint and to appear in
14 person or otherwise to give testimony at the place and time set in the
15 complaint. In the discretion of the commission, any other person may
16 be allowed to intervene in the proceedings and to present testimony.
17 In any such proceeding the commission shall not be bound by technical
18 rules of evidence prevailing in the courts of law or equity.

19 (3) For the purpose of all hearings and investigations, that, in
20 the opinion of the commission, are necessary and proper for the
21 exercise of the powers vested in it by this section, the commission
22 shall at all reasonable times have access to, for the purposes of
23 examination, and the right to examine, copy, or photograph any
24 evidence, including payrolls or lists of employees, of any person being
25 investigated or proceeded against that relates to any matter under
26 investigation or in question. The commission may issue subpoenas
27 requiring the attendance and testimony of witnesses and the production
28 of any evidence that relates to any matter under investigation or in
29 question before the commission. The commission, or any agent or agency
30 designated by the commission for such purposes, may administer oaths
31 and affirmations, examine witnesses, and receive evidence.

32 (4) The commission, or any party to the commission proceedings,
33 thirty days after the commission has entered its findings of fact, may
34 petition the superior court of Thurston county or the superior court
35 within the county where the unfair labor practice in question occurred
36 or where any person charged with the unfair labor practice resides or
37 transacts business, or if such court be on vacation or in recess, then
38 to the superior court of any county adjoining the county where the
39 unfair labor practice in question occurred or where any person charged

1 with the unfair labor practice resides or transacts business, for the
2 enforcement of the order and for appropriate temporary relief or
3 restraining order, and shall certify and file in the court a transcript
4 of the entire record in the proceeding, including the pleadings and
5 testimony upon which the order was made and the findings and order of
6 the commission. Upon filing the record, the court shall cause notice
7 of the record to be served upon such person, and thereupon shall have
8 jurisdiction of the proceeding and of the question determined in the
9 record, and may grant such temporary relief or restraining order as it
10 deems just and proper, and make and enter upon the pleadings,
11 testimony, and proceedings set forth in the transcript a decree
12 enforcing, modifying, and enforcing as so modified, or setting aside in
13 whole or in part the order of the commission.

14 NEW SECTION. **Sec. 312.** ENFORCEMENT OF COLLECTIVE BARGAINING
15 AGREEMENTS. (1) For the purposes of implementing arbitration under
16 grievance procedures required by section 303 of this act, the parties
17 to a collective bargaining agreement may agree on one or more permanent
18 umpires to serve as arbitrator, or may agree on any impartial person to
19 serve as arbitrator, or may agree to select arbitrators from any source
20 available to them, including federal and private agencies, in addition
21 to the staff and list of arbitrators maintained by the commission. If
22 the parties cannot agree to the selection of an arbitrator, the
23 commission shall supply a list of names in accordance with the
24 procedures established by the commission.

25 (2) An arbitrator may require any person to attend as a witness and
26 to bring with him or her any book, record, document, or other evidence.
27 The fees for such attendance shall be paid by the party requesting
28 issuance of the subpoena and shall be the same as the fees of witnesses
29 in the superior court. Arbitrators may administer oaths. Subpoenas
30 shall issue and be signed by the arbitrator or the director and shall
31 be served in the same manner as subpoenas to testify before a court of
32 record in this state. If any person so summoned to testify refuses or
33 neglects to obey such subpoena, upon petition authorized by the
34 arbitrator or director, the superior court may compel the attendance of
35 the person before the arbitrator or punish the person for contempt in
36 the same manner provided for the attendance of witnesses or the
37 punishment of them in the courts of this state.

1 (3) The arbitrator shall appoint a time and place for the hearing
2 and notify the parties thereof, and may adjourn the hearing from time
3 to time as may be necessary, and, on application of either party and
4 for good cause, may postpone the hearing to a time not extending beyond
5 the date fixed by the collective bargaining agreement for making the
6 award. The arbitration award shall be in writing and signed by the
7 arbitrator. The arbitrator shall, promptly upon its rendition, serve
8 a true copy of the award on each of the parties or their attorneys.

9 (4) If a party to a collective bargaining agreement negotiated
10 under this chapter refuses to submit a grievance for arbitration, the
11 other party to the collective bargaining agreement may invoke the
12 jurisdiction of the superior court of Thurston county or of any county
13 in which the labor dispute exists and such court shall have
14 jurisdiction to issue an order compelling arbitration. Disputes
15 concerning compliance with grievance procedures shall be reserved for
16 determination by the arbitrator. Arbitration shall be ordered if the
17 grievance states a claim that on its face is covered by the collective
18 bargaining agreement. Doubts as to the coverage of the arbitration
19 clause shall be resolved in favor of arbitration.

20 (5) If a party to a collective bargaining agreement negotiated
21 under this chapter refuses to comply with the award of an arbitrator
22 determining a grievance arising under the collective bargaining
23 agreement, the other party to the collective bargaining agreement may
24 invoke the jurisdiction of the superior court of Thurston county or of
25 any county in which the labor dispute exists and such court shall have
26 jurisdiction to issue an order enforcing the arbitration award.

27 NEW SECTION. **Sec. 313.** STATE EMPLOYMENT RELATIONS COMMISSION.

28 (1) There is created the state employment relations commission to
29 administer this chapter. The commission shall consist of three members
30 who shall be appointed by the governor, subject to confirmation by the
31 senate. One of the initial members shall be appointed for a term of
32 two years, one for a term of three years, and one for a term of four
33 years. Their successors shall be appointed for terms of four years
34 each, except that any person chosen to fill a vacancy shall be
35 appointed only for the unexpired term of the member whom he or she
36 succeeds. Commission members shall be eligible for reappointment. The
37 governor shall designate one member to serve as chair of the
38 commission. Persons so appointed shall not hold any other employment

1 with the state, shall not have been an officer of a political party for
2 a period of one year immediately before the appointment, and shall not
3 be or become a candidate for partisan elective public office during the
4 term to which they are appointed. Any member of the commission may be
5 removed by the governor, upon notice and hearing, for neglect of duty
6 or malfeasance in office, but for no other cause. Commission members
7 shall not be eligible for state retirement under chapter 41.40 RCW by
8 virtue of their service on the commission.

9 (2) In making member appointments initially, and subsequently
10 thereafter, the governor shall appoint persons knowledgeable in the
11 area of labor and employment relations. One member shall have a
12 background of expertise from a management perspective, one member shall
13 have a background of expertise from a labor perspective, and one member
14 shall be a neutral public member.

15 (3) A vacancy in the commission does not impair the right of the
16 remaining members to exercise all of the powers of the commission, and
17 two members of the commission shall, at all times, constitute a quorum
18 of the commission.

19 (4) At the close of each fiscal year, the commission shall make a
20 written report to the legislature and to the governor stating the cases
21 it has heard, the decisions it has rendered, the names, salaries, and
22 duties of all employees and officers in the employ or under the
23 supervision of the commission, and an account of all moneys it has
24 disbursed.

25 NEW SECTION. **Sec. 314.** COMMISSION COMPENSATION. Each member of
26 the commission shall be compensated in accordance with RCW 43.03.250.
27 Members of the commission shall also be reimbursed for travel expenses
28 incurred in the discharge of their official duties on the same basis as
29 is provided in RCW 43.03.050 and 43.03.060. The payment of all of the
30 expenses of the commission, including travel expenses incurred by the
31 members or employees of the commission under its orders, is subject to
32 the provisions of RCW 43.03.050 and 43.03.060.

33 NEW SECTION. **Sec. 315.** COMMISSION DUTIES. (1) The commission
34 shall, in order to prevent or minimize interruptions growing out of
35 labor disputes, assist employers and employees to settle such disputes
36 through mediation.

1 (2) The commission shall appoint a director whose annual salary
2 shall be determined under the provisions of RCW 43.03.028. The
3 director shall perform such duties and have such powers as the
4 commission prescribes in order to implement and enforce this chapter.
5 In addition to the performance of administrative duties, the commission
6 may delegate to the director authority with respect to, but not limited
7 to, representation proceedings, unfair labor practice proceedings,
8 mediation of labor disputes, arbitration of disputes concerning the
9 interpretation or application of a collective bargaining agreement, and
10 arbitration of disputes concerning the terms of a collective bargaining
11 agreement. Such delegation shall not eliminate a party's right of
12 appeal to the commission. The director, with such assistance as may be
13 provided by the attorney general and such additional legal assistance
14 consistent with chapter 43.10 RCW, may on behalf of the commission, if
15 necessary to carry out or enforce any action or decision of the
16 commission, petition any court of competent jurisdiction for an order
17 requiring compliance with the action or decision.

18 (3) The commission shall employ such employees as it may from time
19 to time find necessary for the proper performance of its duties,
20 consistent with this chapter.

21 (4) The commission, through the director, may provide its services
22 in any state employee labor dispute upon the request of one or more of
23 the parties to the dispute.

24 NEW SECTION. **Sec. 316.** COMMISSION AUTHORITY. The commission may
25 adopt rules as necessary to carry out the provisions of this chapter,
26 consistent with the best standards of labor management relations.

27 NEW SECTION. **Sec. 317.** DEFINITIONS. Unless the context clearly
28 requires otherwise, the definitions in this section apply throughout
29 this chapter.

30 (1) "Agency" means any agency as defined in RCW 41.06.020 and
31 covered by chapter 41.06 RCW.

32 (2) "Arbitration" means the procedure whereby parties involved in
33 an impasse submit their differences to a third party for a final and
34 binding determination.

35 (3) "Collective bargaining" means the performance of the mutual
36 obligation of the representatives of the employer and the exclusive
37 bargaining representative to meet at reasonable times and to bargain in

1 good faith in an effort to reach agreement with respect to the subjects
2 of bargaining specified under section 302 of this act. The obligation
3 to bargain does not compel either party to agree to a proposal or to
4 make a concession, except as otherwise provided in this chapter.

5 (4) "Commission" means the state employment relations commission.

6 (5) "Confidential employee" means an employee who, in the regular
7 course of his or her duties, assists in a confidential capacity persons
8 who formulate, determine, and effectuate management policies with
9 regard to labor relations or who, in the regular course of his or her
10 duties, has authorized access to information relating to the
11 effectuation or review of the employer's collective bargaining
12 policies, or who assists or aids a manager.

13 (6) "Director" means the director of the state employment relations
14 commission.

15 (7) "Employee" means any employee, including employees whose work
16 has ceased in connection with the pursuit of lawful activities
17 protected by this chapter, covered by chapter 41.06 RCW, except:

18 (a) Employees covered for collective bargaining by chapter 41.56
19 RCW;

20 (b) Confidential employees;

21 (c) Members of the Washington management service;

22 (d) Internal auditors in any agency; or

23 (e) Any employee of the commission, the office of financial
24 management, the department of personnel, or the attorney general's
25 office.

26 (8) "Employee organization" means any organization, union, or
27 association in which employees participate and that exists for the
28 purpose, in whole or in part, of collective bargaining with employers.

29 (9) "Employer" means the state of Washington.

30 (10) "Exclusive bargaining representative" means any employee
31 organization that has been certified under this chapter as the
32 representative of the employees in an appropriate bargaining unit.

33 (11) "Institutions of higher education" means the University of
34 Washington, Washington State University, Central Washington University,
35 Eastern Washington University, Western Washington University, The
36 Evergreen State College, and the various state community colleges.

37 (12) "Labor dispute" means any controversy concerning terms,
38 tenure, or conditions of employment, or concerning the association or
39 representation of persons in negotiating, fixing, maintaining,

1 changing, or seeking to arrange terms or conditions of employment with
2 respect to the subjects of bargaining provided in this chapter,
3 regardless of whether the disputants stand in the proximate relation of
4 employer and employee.

5 (13) "Manager" means "manager" as defined in RCW 41.06.022.

6 (14) "Strike" means any action by employees or employee
7 organizations, acting in concert, wherein any or all of the employees
8 withhold or otherwise fail or refuse to perform fully their normal
9 duties or services as employees.

10 (15) "Supervisor" means any employee whose principal work is
11 substantially different from that of his or her subordinates and who
12 has authority, in the interest of the employer, to hire, transfer,
13 suspend, lay off, recall, promote, discharge, direct, reward, or
14 discipline employees, or to adjust employee grievances, or effectively
15 to recommend such action, if the exercise of the authority is not
16 merely routine or clerical in nature but requires the consistent
17 exercise of independent judgment.

18 (16) "Unfair labor practice" means any unfair labor practice listed
19 in section 310 of this act.

20 NEW SECTION. **Sec. 318.** All powers, duties, and functions of the
21 department of personnel pertaining to collective bargaining are
22 transferred to the state employment relations commission except that
23 arbitration of grievances filed under a collective bargaining agreement
24 existing before the effective date of this section and not yet finally
25 determined by the effective date of this section, shall be transferred
26 to the Washington personnel resources board.

27 NEW SECTION. **Sec. 319.** All reports, documents, surveys, books,
28 records, files, papers, or written material in the possession of the
29 department of personnel pertaining to the powers, functions, and duties
30 transferred in section 318 of this act shall be delivered to the
31 custody of the state employment relations commission. All cabinets,
32 furniture, office equipment, motor vehicles, and other tangible
33 property employed by the department of personnel in carrying out the
34 powers, functions, and duties transferred in section 318 of this act
35 shall be made available to the state employment relations commission.
36 All funds, credits, or other assets held in connection with the powers,

1 functions, and duties transferred in section 318 of this act shall be
2 assigned to the state employment relations commission.

3 Any appropriations made to the department of personnel for carrying
4 out the powers, functions, and duties transferred in section 318 of
5 this act shall, on the effective date of this section, be transferred
6 and credited to the state employment relations commission.

7 Whenever any question arises as to the transfer of any personnel,
8 funds, books, documents, records, papers, files, equipment, or other
9 tangible property used or held in the exercise of the powers and the
10 performance of the duties and functions transferred, the director of
11 financial management shall make a determination as to the proper
12 allocation and certify the same to the state agencies concerned.

13 NEW SECTION. **Sec. 320.** All employees of the department of
14 personnel engaged in performing the powers, functions, and duties
15 transferred in section 318 of this act are transferred to the
16 jurisdiction of the state employment relations commission. All
17 employees classified under chapter 41.06 RCW, the state civil service
18 law, are assigned to the state employment relations commission without
19 any loss of rights, subject to any action that may be appropriate
20 thereafter in accordance with the laws and rules governing state civil
21 service.

22 NEW SECTION. **Sec. 321.** All business pending before the department
23 of personnel pertaining to the powers, functions, and duties
24 transferred in section 318 of this act shall be continued and acted
25 upon by the state employment relations commission. All existing
26 contracts and obligations of the department of personnel shall remain
27 in full force and shall be performed by the state employment relations
28 commission.

29 NEW SECTION. **Sec. 322.** The transfer of the powers, duties,
30 functions, and personnel of the department of personnel shall not
31 affect the validity of any act performed before the effective date of
32 this section.

33 NEW SECTION. **Sec. 323.** If apportionments of budgeted funds are
34 required because of the transfers directed by sections 318 through 322
35 of this act, the director of financial management shall certify the

1 apportionments to the agencies affected, the state auditor, and the
2 state treasurer. Each of these shall make the appropriate transfer and
3 adjustments in funds and appropriation accounts and equipment records
4 in accordance with the certification.

5 **PART IV**
6 **MISCELLANEOUS**

7 NEW SECTION. **Sec. 401.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 41.06.140 and 1961 c 1 s 14;

10 (2) RCW 41.06.163 and 1993 c 281 s 30, 1987 c 185 s 9, 1986 c 158
11 s 6, 1979 c 151 s 59, & 1977 ex.s. c 152 s 3;

12 (3) RCW 41.06.165 and 1977 ex.s. c 152 s 4;

13 (4) RCW 41.06.340 and 1993 c 281 s 35 & 1969 ex.s. c 215 s 13;

14 (5) RCW 41.06.380 and 1979 ex.s. c 46 s 2;

15 (6) RCW 41.06.382 and 1979 ex.s. c 46 s 1;

16 (7) RCW 41.50.804 and 1993 c 281 s 40 & 1975-'76 2nd ex.s. c 105 s
17 17;

18 (8) RCW 41.64.010 and 1981 c 311 s 1;

19 (9) RCW 41.64.020 and 1981 c 311 s 3;

20 (10) RCW 41.64.030 and 1984 c 287 c 73, 1984 c 34 s 4, & 1981 c 311
21 s 4;

22 (11) RCW 41.64.040 and 1981 c 311 s 5;

23 (12) RCW 41.64.050 and 1981 c 311 s 6;

24 (13) RCW 41.64.060 and 1981 c 311 s 7;

25 (14) RCW 41.64.070 and 1981 c 311 s 8;

26 (15) RCW 41.64.080 and 1981 c 311 s 9;

27 (16) RCW 41.64.090 and 1993 c 281 s 41 & 1981 c 311 s 10;

28 (17) RCW 41.64.100 and 1981 c 311 s 11;

29 (18) RCW 41.64.110 and 1985 c 461 s 7 & 1981 c 311 s 12;

30 (19) RCW 41.64.120 and 1981 c 311 s 13;

31 (20) RCW 41.64.130 and 1981 c 311 s 14;

32 (21) RCW 41.64.140 and 1988 c 202 s 42 & 1981 c 311 s 15; and

33 (22) RCW 41.64.910 and 1981 c 311 s 24.

34 NEW SECTION. **Sec. 402.** SECTION CAPTIONS. Part and section
35 captions used in this act constitute no part of the law.

1 NEW SECTION. **Sec. 403.** Sections 301 through 317 and 406 of this
2 act shall constitute a new chapter in Title 41 RCW.

3 NEW SECTION. **Sec. 404.** The governor shall take such action as is
4 necessary, including appointment of the members of the state employment
5 relations commission, to ensure that sections 301 through 317 of this
6 act are implemented on their effective date.

7 NEW SECTION. **Sec. 405.** Until July 1, 1995, the state employment
8 relations commission shall contract with the department of personnel
9 for labor relations staffing necessary to carry out its functions.

10 NEW SECTION. **Sec. 406.** Any collective bargaining agreement
11 entered into before the effective date of sections 301 through 317 of
12 this act covering employees affected by sections 301 through 317 of
13 this act that expires after the effective date of sections 301 through
14 317 of this act shall, unless a superseding agreement complying with
15 this chapter is negotiated by the parties, remain in full force during
16 its duration, but shall not be renewed or extended.

17 NEW SECTION. **Sec. 407.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 408.** Sections 101, 102, 201 through 236, 301
22 through 317 and 401 through 407 of this act shall take effect July 1,
23 1994.

24 NEW SECTION. **Sec. 409.** Sections 318 through 323 of this act shall
25 take effect July 1, 1995.

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