
HOUSE BILL 2292

State of Washington 61st Legislature 2009 Regular Session

By Representatives Blake and Chandler

Read first time 02/25/09. Referred to Committee on Ways & Means.

1 AN ACT Relating to exempting the agricultural commodity commissions
2 from certain administrative cost reductions; amending RCW 41.06.070;
3 adding a new section to chapter 5, Laws of 2009; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to 2009 c 5 to read
7 as follows:

8 This act does not apply to the agricultural commodity commissions.

9 **Sec. 2.** RCW 41.06.070 and 2009 c 5 s 1 are each amended to read as
10 follows:

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

12 (a) The members of the legislature or to any employee of, or
13 position in, the legislative branch of the state government including
14 members, officers, and employees of the legislative council, joint
15 legislative audit and review committee, statute law committee, and any
16 interim committee of the legislature;

17 (b) The justices of the supreme court, judges of the court of

1 appeals, judges of the superior courts or of the inferior courts, or to
2 any employee of, or position in the judicial branch of state
3 government;

4 (c) Officers, academic personnel, and employees of technical
5 colleges;

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

7 (e) Elective officers of the state;

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

9 (g) In the departments of employment security and social and health
10 services, the director and the director's confidential secretary; in
11 all other departments, the executive head of which is an individual
12 appointed by the governor, the director, his or her confidential
13 secretary, and his or her statutory assistant directors;

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

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

18 (ii) If the members of the board, commission, or committee serve on
19 a part-time basis and there is a statutory executive officer: The
20 secretary of the board, commission, or committee; the chief executive
21 officer of the board, commission, or committee; and the confidential
22 secretary of the chief executive officer of the board, commission, or
23 committee;

24 (iii) If the members of the board, commission, or committee serve
25 on a full-time basis: The chief executive officer or administrative
26 officer as designated by the board, commission, or committee; and a
27 confidential secretary to the chair of the board, commission, or
28 committee;

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

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

34 (j) Assistant attorneys general;

35 (k) Commissioned and enlisted personnel in the military service of
36 the state;

37 (l) Inmate, student, part-time, or temporary employees, and part-

1 time professional consultants, as defined by the Washington personnel
2 resources board;

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

5 (n) Officers and employees of the Washington state fruit
6 commission;

7 (o) Officers and employees of the Washington apple commission;

8 (p) Officers and employees of the Washington state dairy products
9 commission;

10 (q) Officers and employees of the Washington tree fruit research
11 commission;

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

13 (s) Officers and employees of any commission formed under chapter
14 15.66 RCW;

15 (t) Officers and employees of agricultural commissions formed under
16 chapter 15.65 RCW;

17 (u) Officers and employees of the nonprofit corporation formed
18 under chapter 67.40 RCW;

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

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

29 (x) All employees of the marine employees' commission;

30 (y) Staff employed by the department of community, trade, and
31 economic development to administer energy policy functions and manage
32 energy site evaluation council activities under RCW 43.21F.045(2)(m);

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

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

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

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

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

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

1 directing and controlling program operations of an agency or a major
2 administrative division thereof, the director of personnel shall grant
3 the request and such determination shall be final as to any decision
4 made before July 1, 1993. The total number of additional exemptions
5 permitted under this subsection shall not exceed one percent of the
6 number of employees in the classified service not including employees
7 of institutions of higher education and related boards for those
8 agencies not directly under the authority of any elected public
9 official other than the governor, and shall not exceed a total of
10 twenty-five for all agencies under the authority of elected public
11 officials other than the governor.

12 The salary and fringe benefits of all positions presently or
13 hereafter exempted except for the chief executive officer of each
14 agency, full-time members of boards and commissions, administrative
15 assistants and confidential secretaries in the immediate office of an
16 elected state official, and the personnel listed in subsections (1)(j)
17 through (u) and (x) and (2) of this section, shall be determined by the
18 director of personnel. Changes to the classification plan affecting
19 exempt salaries must meet the same provisions for classified salary
20 increases resulting from adjustments to the classification plan as
21 outlined in RCW 41.06.152.

22 Except for subsection (1)(n) through (t) of this section, for the
23 twelve months following February 18, 2009, a salary or wage increase
24 shall not be granted to any position exempt from classification under
25 this chapter.

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

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

37 A person occupying an exempt position who is terminated from the

1 position for gross misconduct or malfeasance does not have the right of
2 reversion to a classified position as provided for in this section.

3 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately.

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