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## Government Operations & Elections Committee

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### HB 1460

**Brief Description:** Creating a process for administrative reassignment of public employees.

**Sponsors:** Representatives Manweller and Condotta.

#### Brief Summary of Bill

- Establishes standards for the administrative reassignment of any employee of the state, when necessary to ensure a full, thorough, and impartial investigation of a workplace complaint.
- Requires notification and reporting of the results of the investigation to the person empowered by law to operate the agency and responsible to the governor or to no other public officer, and to the Washington State Human Resources Director, when applicable.

**Hearing Date:** 2/19/13

**Staff:** Jasmine Vasavada (786-7301).

#### Background:

State civil service law governs the appointment, promotion, transfer, layoff, removal, discipline, and welfare of most state agency employees. Agency management is responsible for directing the work of agency personnel and the manner in which it will be completed. Agencies enact rules to further guide their disciplinary procedures, but certain rules pertaining to discipline, leave, and hours of work may be superseded by collective bargaining agreements.

State civil service law does not apply to all government employment. For example, this law does not apply to the legislative branch, the judiciary, academic personnel, state patrol officers, chief executive officers of each agency and certain other management staff, state elective officers, and members of state boards, commissions, and committees.

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Administrative reassignment to home is a management tool sometimes used to facilitate a full, thorough, and impartial investigation of a workplace incident. In 2011, Governor Gregoire directed state agencies to institute written protocols to guide the use of administrative reassignment, based on the following principles:

- Only an appointing authority may place an employee on home assignment.
- The appointing authority may place the employee on home assignment for up to 15 calendar days.
- When an appointing authority places an employee on home assignment, the authority shall notify the agency head in writing of the action and the reasons for the action.
- The appointing authority must also notify the agency Human Resources director and the Washington State Human Resources Director (HR Director).
- The agency head or designee may approve assignment to home beyond 15 calendar days, in 30-day increments.
- Before approving each extension, the agency head or designee shall receive an update of what transpired over the last 30 days and why additional time is necessary.
- If the extension is necessary due to an ongoing investigation, the agency head or designee shall communicate with the investigator and document progress of the investigation and estimated time of completion.
- The agency head or designee shall notify the HR Director of any approvals or extensions. A copy shall be submitted to the HR Director.
- Once the need for home assignment ends, agencies should document whether the employee returned to work and the date of any action.

### **Summary of Bill:**

Standards are established for a manager's placement of a government employee on administrative reassignment. An employee on administrative reassignment continues to earn the usual pay and accrue benefits throughout the duration of the administrative reassignment.

"Administrative reassignment" means an assignment to work at home pending an investigation of a workplace disruption. "Workplace disruption" means any disturbance, complaint, disagreement, or other personnel matter involving one or more employees that, at the discretion of the employee's manager, warrants the reassignment of the employee from the workplace to the employee's home pending an investigation of the disruption.

The standards apply to administrative reassignment of any employee of the state, whether or not covered by civil service law, including elected and appointed officials of the executive branch; full-time members of boards, commissions, or committees; Supreme Court Justices and judges of the court of appeals and superior courts, and members of the Legislature.

If a manager determines that an administrative reassignment is necessary to ensure a full, thorough, and impartial investigation of a workplace complaint, an employee may be placed on administrative reassignment for up to 15 calendar days. The initial reassignment may be extended in 30-day increments if it is determined that additional time is needed to complete the investigation.

When an employee is placed on administrative reassignment, the manager must notify the agency governing officer or officers and the agency Human Resources director in writing and state the reasons for the reassignment. "Governing officer" means the person, or combination of persons, such as a commission, empowered by law to operate the agency and responsible to the Governor or to no other public officer. If the governing officer is responsible to the Governor, the manager must also notify the Washington State Human Resources Director (HR Director).

Before an administrative reassignment can be extended, the officer responsible for approving the extension must receive an update on the investigation, the reason additional time is needed to complete the investigation, and an estimated time of completion. The governing officer or designee must notify the agency Human Resources director of any extensions. If the governing officer of the agency is responsible to the Governor, the Governor must approve the extension. The governing officer or designee must also notify the HR Director of any extension. If the governing officer of the agency is responsible to a statewide elected official, that official must approve the extension. In all other cases, the governing officer or officers of the agency must approve the extension.

When the administrative reassignment ends, the results of the investigation must be documented by the governing officer of the agency. The documentation must include whether the employee returned to work, and the date of any disciplinary action administered pursuant to the investigation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.