

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2054

Chapter 281, Laws of 1993

53rd Legislature
1993 Regular Session

CIVIL SERVICE REFORM

EFFECTIVE DATE: 7/25/93 - Except Sections 1 through 66 & 68 through 71 which take effect on 7/1/93 & Section 67 which takes effect on 7/1/97

Passed by the House April 22, 1993
Yeas 94 Nays 3

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 21, 1993
Yeas 37 Nays 10

JOEL PRITCHARD
President of the Senate

Approved May 10, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2054** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 10, 1993 - 8:46 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2054

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Peery, Reams, Anderson, Heavey, R. Fisher, G. Cole, Ogden and Lemmon; by request of Governor Lowry)

Read first time 03/08/93.

1 AN ACT Relating to state government; amending RCW 28B.12.060,
2 34.05.030, 34.12.020, 41.04.340, 41.04.670, 41.06.030, 41.06.070,
3 41.06.076, 41.06.079, 41.06.093, 41.06.110, 41.06.130, 41.06.150,
4 41.06.155, 41.06.160, 41.06.163, 41.06.170, 41.06.186, 41.06.196,
5 41.06.280, 41.06.340, 41.06.350, 41.06.450, 41.06.475, 41.48.140,
6 41.50.804, 41.64.090, 42.16.010, 42.17.2401, 43.01.170, 43.03.028,
7 43.03.305, 43.06.410, 43.06.425, 43.06.430, 43.33A.100, 43.43.832,
8 43.60A.906, 43.105.052, 43.131.090, 48.03.060, 49.46.010, 49.74.020,
9 49.74.030, 50.13.060, 70.24.300, 70.87.120, 72.01.210, 72.02.045,
10 72.09.220, 72.19.050, 74.09.150, and 88.46.927; reenacting and amending
11 RCW 41.06.020; adding new sections to chapter 41.06 RCW; creating new
12 sections; recodifying RCW 28B.16.240; decodifying RCW 41.06.230,
13 41.06.240, 41.06.310, and 41.64.900; repealing RCW 28B.16.010,
14 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043,
15 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101,
16 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120,
17 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180,
18 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.255,
19 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920,
20 28B.16.930, and 41.06.430; providing effective dates; and declaring an
21 emergency.

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

2 NEW SECTION. **Sec. 1.** The higher education personnel board and the
3 state personnel board are abolished and their powers, duties, and
4 functions are transferred to the Washington personnel resources board.
5 All references to the director or the higher education personnel board
6 or the state personnel board in the Revised Code of Washington shall be
7 construed to mean the director of the Washington personnel resources
8 board or the Washington personnel resources board.

9 NEW SECTION. **Sec. 2.** All reports, documents, surveys, books,
10 records, files, papers, or written material in the possession of the
11 higher education personnel board and the state personnel board shall be
12 delivered to the custody of the Washington personnel resources board.
13 All cabinets, furniture, office equipment, motor vehicles, and other
14 tangible property employed by the higher education personnel board and
15 the state personnel board shall be made available to the Washington
16 personnel resources board. All funds, credits, or other assets held by
17 the higher education personnel board and the state personnel board
18 shall be assigned to the Washington personnel resources board.

19 Any appropriations made to the higher education personnel board and
20 the state personnel board shall, on the effective date of this section,
21 be transferred and credited to the Washington personnel resources
22 board.

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

29 NEW SECTION. **Sec. 3.** All employees of the higher education
30 personnel board and the state personnel board are transferred to the
31 jurisdiction of the Washington personnel resources board. All
32 employees classified under chapter 28B.16 RCW on June 30, 1993, or
33 chapter 41.06 RCW, the state civil service law, are assigned to the
34 Washington personnel resources board to perform their usual duties upon
35 the same terms as formerly, without any loss of rights, subject to any

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

3 NEW SECTION. **Sec. 4.** All rules of the higher education personnel
4 board and the state personnel board shall be continued until acted upon
5 by the Washington personnel resources board. All pending business
6 shall be continued until acted upon by the Washington personnel
7 resources board. All existing contracts and obligations shall remain
8 in full force and shall be performed by the Washington personnel
9 resources board.

10 NEW SECTION. **Sec. 5.** The transfer of the powers, duties,
11 functions, and personnel of the higher education personnel board and
12 the state personnel board shall not affect the validity of any act
13 performed prior to the effective date of this section.

14 NEW SECTION. **Sec. 6.** If apportionments of budgeted funds are
15 required because of the transfers directed by sections 2 through 5 of
16 this act, the director of financial management shall certify the
17 apportionments to the agencies affected, the state auditor, and the
18 state treasurer. Each of these shall make the appropriate transfer and
19 adjustments in funds and appropriation accounts and equipment records
20 in accordance with the certification.

21 NEW SECTION. **Sec. 7.** Nothing contained in sections 1 through 6 of
22 this act may be construed to alter any existing collective bargaining
23 unit or the provisions of any existing collective bargaining agreement
24 until the agreement has expired or until the bargaining unit has been
25 modified by action of the Washington personnel resources board as
26 provided by law.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 41.06 RCW
28 to read as follows:

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

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

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

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

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

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

10 NEW SECTION. **Sec. 9.** A new section is added to chapter 41.06 RCW
11 to read as follows:

12 (1) Except as provided in RCW 41.06.070, notwithstanding any other
13 provisions of this chapter, the director is authorized to adopt, after
14 consultation with state agencies and employee organizations, rules for
15 managers as defined in section 8 of this act. These rules shall not
16 apply to managers employed by institutions of higher education or
17 related boards or whose positions are exempt. The rules shall govern
18 recruitment, appointment, classification and allocation of positions,
19 examination, training and career development, hours of work, probation,
20 certification, compensation, transfer, affirmative action, promotion,
21 layoff, reemployment, performance appraisals, discipline, and any and
22 all other personnel practices for managers. These rules shall be
23 separate from rules adopted by the board for other employees, and to
24 the extent that the rules adopted apply only to managers shall take
25 precedence over rules adopted by the board, and are not subject to
26 review by the board.

27 (2) In establishing rules for managers, the director shall adhere
28 to the following goals:

29 (a) Development of a simplified classification system that
30 facilitates movement of managers between agencies and promotes upward
31 mobility;

32 (b) Creation of a compensation system consistent with the policy
33 set forth in RCW 41.06.150(17). The system shall provide flexibility
34 in setting and changing salaries;

35 (c) Establishment of a performance appraisal system that emphasizes
36 individual accountability for program results and efficient management
37 of resources; effective planning, organization, and communication

1 skills; valuing and managing workplace diversity; development of
2 leadership and interpersonal abilities; and employee development;

3 (d) Strengthening management training and career development
4 programs that build critical management knowledge, skills, and
5 abilities; focusing on managing and valuing workplace diversity;
6 empowering employees by enabling them to share in workplace decision
7 making and to be innovative, willing to take risks, and able to accept
8 and deal with change; promoting a workplace where the overall focus is
9 on the recipient of the government services and how these services can
10 be improved; and enhancing mobility and career advancement
11 opportunities;

12 (e) Permitting flexible recruitment and hiring procedures that
13 enable agencies to compete effectively with other employers, both
14 public and private, for managers with appropriate skills and training;
15 allowing consideration of all qualified candidates for positions as
16 managers; and achieving affirmative action goals and diversity in the
17 workplace;

18 (f) Providing that managers may only be reduced, dismissed,
19 suspended, or demoted for cause; and

20 (g) Facilitating decentralized and regional administration.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 41.06 RCW
22 to read as follows:

23 Each institution of higher education and each related board shall
24 designate an officer who shall perform duties as personnel officer.
25 The personnel officer at each institution or related board shall
26 direct, supervise, and manage administrative and technical personnel
27 activities for the classified service at the institution or related
28 board consistent with policies established by the institution or
29 related board and in accordance with the provisions of this chapter and
30 the rules adopted under this chapter. Institutions may undertake
31 jointly with one or more other institutions to appoint a person
32 qualified to perform the duties of personnel officer, provide staff and
33 financial support and may engage consultants to assist in the
34 performance of specific projects. The services of the department of
35 personnel may also be used by the institutions or related boards
36 pursuant to RCW 41.06.080.

1 The state board for community and technical colleges shall have
2 general supervision and control over activities undertaken by the
3 various community colleges pursuant to this section.

4 NEW SECTION. Sec. 11. A new section is added to chapter 41.06 RCW
5 to read as follows:

6 Rules adopted by the board shall provide for local administration
7 and management by the institutions of higher education and related
8 boards, subject to periodic audit and review by the board, of the
9 following:

- 10 (1) Appointment, promotion, and transfer of employees;
- 11 (2) Dismissal, suspension, or demotion of an employee;
- 12 (3) Examinations for all positions in the competitive and
13 noncompetitive service;
- 14 (4) Probationary periods of six to twelve months and rejection of
15 probationary employees;
- 16 (5) Sick leaves and vacations;
- 17 (6) Hours of work;
- 18 (7) Layoffs when necessary and subsequent reemployment;
- 19 (8) Allocation and reallocation of positions within the
20 classification plans;
- 21 (9) Training programs; and
- 22 (10) Maintenance of personnel records.

23 NEW SECTION. Sec. 12. A new section is added to chapter 41.06 RCW
24 to read as follows:

25 (1) The legislature recognizes that:
26 (a) The labor market and the state government work force are
27 diverse in terms of gender, race, ethnicity, age, and the presence of
28 disabilities.

29 (b) The state's personnel resource and management practices must be
30 responsive to the diverse nature of its work force composition.

31 (c) Managers in all agencies play a key role in the implementation
32 of all critical personnel policies.

33 It is therefore the policy of the state to create an organizational
34 culture in state government that respects and values individual
35 differences and encourages the productive potential of every employee.

36 (2) To implement this policy, the department shall:

1 (a) In consultation with agencies, employee organizations,
2 employees, institutions of higher education, and related boards, review
3 civil service rules and related policies to ensure that they support
4 the state's policy of valuing and managing diversity in the workplace;

5 (b) In consultation with agencies, employee organizations, and
6 employees, institutions of higher education, and related boards,
7 develop model policies, procedures, and technical information to be
8 made available to such entities for the support of workplace diversity
9 programs, including, but not limited to:

10 (i) Voluntary mentorship programs;

11 (ii) Alternative testing practices for persons of disability where
12 deemed appropriate;

13 (iii) Career counseling;

14 (iv) Training opportunities, including management and employee
15 awareness and skills training, English as a second language, and
16 individual tutoring;

17 (v) Recruitment strategies;

18 (vi) Management performance appraisal techniques that focus on
19 valuing and managing diversity in the workplace; and

20 (vii) Alternative work arrangements;

21 (c) In consultation with agencies, employee organizations, and
22 employees, institutions of higher education, and related boards,
23 develop training programs for all managers to enhance their ability to
24 implement diversity policies and to provide a thorough grounding in all
25 aspects of the state civil service law and merit system rules, and how
26 the proper implementation and application thereof can facilitate and
27 further the mission of the agency.

28 (3) The department shall coordinate implementation of this section
29 with the office of financial management and institutions of higher
30 education and related boards to reduce duplication of effort.

31 NEW SECTION. **Sec. 13.** A new section is added to chapter 41.06 RCW
32 to read as follows:

33 Meaningful and effective involvement of employees and their
34 representatives is essential to the efficient and effective delivery of
35 state government services. To accomplish this, agencies shall use
36 joint employee-management committees to collaborate on the desired
37 goals of streamlined organizational structures, continuous improvement
38 in all systems and processes, empowerment of line level employees to

1 solve workplace and system delivery problems, managers functioning as
2 coaches and facilitators, and employee training and development as an
3 investment in the future. If employees are represented by an exclusive
4 bargaining representative, the representative shall select the employee
5 committee members and also be on the committee. In addition, the
6 committees shall be used for improvement of the quality of work life
7 for state employees resulting in more productive and efficient service
8 delivery to the general public and customers of state government.
9 Nothing in this section supplants any collective bargaining process or
10 provision.

11 **Sec. 14.** RCW 28B.12.060 and 1987 c 330 s 202 are each amended to
12 read as follows:

13 The higher education coordinating board shall adopt rules (~~and~~
14 ~~regulations~~) as may be necessary or appropriate for effecting the
15 provisions of this chapter, and not in conflict with this chapter, in
16 accordance with the provisions of chapter 34.05 RCW, the state higher
17 education administrative procedure act. Such rules (~~and regulations~~)
18 shall include provisions designed to make employment under such work-
19 study program reasonably available, to the extent of available funds,
20 to all eligible students in eligible post-secondary institutions in
21 need thereof. Such rules (~~and regulations~~) shall include:

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

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

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

29 (b) Has been accepted for enrollment as at least a half-time
30 student at the eligible institution or, in the case of a student
31 already enrolled in and attending the eligible institution, is in good
32 standing and in at least half-time attendance there either as an
33 undergraduate, graduate or professional student; and

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

35 (3) Placing priority on the securing of work opportunities for
36 students who are residents of the state of Washington as defined in RCW
37 28B.15.011 through 28B.15.014.

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

3 (a) Shall only supplement and not supplant classified positions
4 under jurisdiction of chapter (~~(28B.16)~~) 41.06 RCW;

5 (b) That all positions established which are comparable shall be
6 identified to a job classification under the (~~higher education~~)
7 Washington personnel resources board's classification plan and shall
8 receive equal compensation;

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

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

13 **Sec. 15.** RCW 34.05.030 and 1989 c 175 s 2 are each amended to read
14 as follows:

15 (1) This chapter shall not apply to:

16 (a) The state militia, or

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

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

21 (2) The provisions of RCW 34.05.410 through 34.05.598 shall not
22 apply:

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

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

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

32 (d) To actions of the (~~state~~) Washington personnel resources
33 board, (~~the higher education personnel board,~~) the director of
34 personnel, or the personnel appeals board; or

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

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

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

7 **Sec. 16.** RCW 34.12.020 and 1989 c 175 s 33 are each amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

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

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

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

18 (4) "State agency" means any state board, commission, department,
19 or officer authorized by law to make rules or to conduct adjudicative
20 proceedings, except those in the legislative or judicial branches, the
21 pollution control hearings board, the shorelines hearings board, the
22 forest practices appeals board, the environmental hearings office, the
23 board of industrial insurance appeals, the (~~state personnel board, the~~
24 ~~higher education~~)) Washington personnel resources board, the public
25 employment relations commission, the personnel appeals board, and the
26 board of tax appeals.

27 **Sec. 17.** RCW 41.04.340 and 1991 c 249 s 1 are each amended to read
28 as follows:

29 (1) An attendance incentive program is established for all eligible
30 employees. As used in this section the term "eligible employee" means
31 any employee of the state, other than teaching and research faculty at
32 the state and regional universities and The Evergreen State College,
33 entitled to accumulate sick leave and for whom accurate sick leave
34 records have been maintained. No employee may receive compensation
35 under this section for any portion of sick leave accumulated at a rate
36 in excess of one day per month. The state and regional universities

1 and The Evergreen State College shall maintain complete and accurate
2 sick leave records for all teaching and research faculty.

3 (2) In January of the year following any year in which a minimum of
4 sixty days of sick leave is accrued, and each January thereafter, any
5 eligible employee may receive remuneration for unused sick leave
6 accumulated in the previous year at a rate equal to one day's monetary
7 compensation of the employee for each four full days of accrued sick
8 leave in excess of sixty days. Sick leave for which compensation has
9 been received shall be deducted from accrued sick leave at the rate of
10 four days for every one day's monetary compensation.

11 (3) At the time of separation from state service due to retirement
12 or death, an eligible employee or the employee's estate may elect to
13 receive remuneration at a rate equal to one day's current monetary
14 compensation of the employee for each four full days of accrued sick
15 leave.

16 (4) Pursuant to this subsection, in lieu of cash remuneration the
17 state may, with equivalent funds, provide eligible employees with a
18 benefit plan providing for reimbursement of medical expenses. The
19 committee for deferred compensation shall develop any benefit plan
20 established under this subsection, but may offer and administer the
21 plan only if (a) each eligible employee has the option of whether to
22 receive cash remuneration or to have his or her employer transfer
23 equivalent funds to the plan; and (b) the committee has received an
24 opinion from the United States internal revenue service stating that
25 participating employees, prior to the time of receiving reimbursement
26 for expenses, will incur no United States income tax liability on the
27 amount of the equivalent funds transferred to the plan.

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

31 (6) With the exception of subsection ~~((3))~~ (4) of this section,
32 this section shall be administered, and rules shall be ~~((promulgated))~~
33 adopted to carry out its purposes, by the ~~((state personnel board and~~
34 ~~the higher education))~~ Washington personnel resources board for persons
35 subject to chapter ~~((s))~~ 41.06 ~~((and 28B.16))~~ RCW ~~((, respectively, and~~
36 ~~by their respective personnel authorities for other eligible~~
37 ~~employees))~~: PROVIDED, That determination of classes of eligible
38 employees shall be subject to approval by the office of financial
39 management.

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

4 **Sec. 18.** RCW 41.04.670 and 1990 c 23 s 3 are each amended to read
5 as follows:

6 The (~~state personnel board, the higher education~~) Washington
7 personnel resources board(~~(7)~~) and other personnel authorities shall
8 each adopt rules applicable to employees under their respective
9 jurisdictions: (1) Establishing appropriate parameters for the program
10 which are consistent with the provisions of RCW 41.04.650 through
11 41.04.665; (2) providing for equivalent treatment of employees between
12 their respective jurisdictions and allowing transfers of leave in
13 accordance with RCW 41.04.665(5); (3) establishing procedures to ensure
14 that the program does not significantly increase the cost of providing
15 leave; and (4) providing for the administration of the program and
16 providing for maintenance and collection of sufficient information on
17 the program to allow a thorough legislative review.

18 **Sec. 19.** RCW 41.06.020 and 1985 c 461 s 1 and 1985 c 365 s 3 are
19 each reenacted and amended to read as follows:

20 Unless the context clearly indicates otherwise, the words used in
21 this chapter have the meaning given in this section.

22 (1) "Agency" means an office, department, board, commission, or
23 other separate unit or division, however designated, of the state
24 government and all personnel thereof; it includes any unit of state
25 government established by law, the executive officer or members of
26 which are either elected or appointed, upon which the statutes confer
27 powers and impose duties in connection with operations of either a
28 governmental or proprietary nature.

29 (2) "Board" means the (~~state~~) Washington personnel resources
30 board established under the provisions of RCW 41.06.110, except that
31 this definition does not apply to the words "board" or "boards" when
32 used in RCW 41.06.070.

33 (3) "Classified service" means all positions in the state service
34 subject to the provisions of this chapter.

35 (4) "Competitive service" means all positions in the classified
36 service for which a competitive examination is required as a condition
37 precedent to appointment.

1 (5) "Comparable worth" means the provision of similar salaries for
2 positions that require or impose similar responsibilities, judgments,
3 knowledge, skills, and working conditions.

4 (6) "Noncompetitive service" means all positions in the classified
5 service for which a competitive examination is not required.

6 (7) "Department" means an agency of government that has as its
7 governing officer a person, or combination of persons such as a
8 commission, board, or council, by law empowered to operate the agency
9 responsible either to (a) no other public officer or (b) the governor.

10 (8) "Career development" means the progressive development of
11 employee capabilities to facilitate productivity, job satisfaction, and
12 upward mobility through work assignments as well as education and
13 training that are both state-sponsored and are achieved by individual
14 employee efforts, all of which shall be consistent with the needs and
15 obligations of the state and its agencies.

16 (9) "Training" means activities designed to develop job-related
17 knowledge and skills of employees.

18 (10) "Director" means the director of personnel appointed under the
19 provisions of RCW 41.06.130.

20 (11) "Affirmative action" means a procedure by which racial
21 minorities, women, persons in the protected age category, persons with
22 disabilities, Vietnam-era veterans, and disabled veterans are provided
23 with increased employment opportunities. It shall not mean any sort of
24 quota system.

25 (12) "Institutions of higher education" means the University of
26 Washington, Washington State University, Central Washington University,
27 Eastern Washington University, Western Washington University, The
28 Evergreen State College, and the various state community colleges.

29 (13) "Related boards" means the state board for community and
30 technical colleges; and such other boards, councils, and commissions
31 related to higher education as may be established.

32 **Sec. 20.** RCW 41.06.030 and 1961 c 1 s 3 are each amended to read
33 as follows:

34 A department of personnel, governed by ((a state)) the Washington
35 personnel resources board and administered by a director of personnel,
36 is hereby established as a separate agency within the state government.

1 **Sec. 21.** RCW 41.06.070 and 1990 c 60 s 101 are each amended to
2 read as follows:

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

4 ((+1)) (a) The members of the legislature or to any employee of,
5 or position in, the legislative branch of the state government
6 including members, officers, and employees of the legislative council,
7 legislative budget committee, statute law committee, and any interim
8 committee of the legislature;

9 ((+2)) (b) The justices of the supreme court, judges of the court
10 of appeals, judges of the superior courts or of the inferior courts, or
11 to any employee of, or position in the judicial branch of state
12 government;

13 ((+3)) (c) Officers, academic personnel, and employees of ((state
14 institutions of higher education, the state board for community))
15 technical colleges ((education, and the higher education personnel
16 board));

17 ((+4)) (d) The officers of the Washington state patrol;

18 ((+5)) (e) Elective officers of the state;

19 ((+6)) (f) The chief executive officer of each agency;

20 ((+7)) (g) In the departments of employment security, fisheries,
21 social and health services, the director and ((his)) the director's
22 confidential secretary; in all other departments, the executive head of
23 which is an individual appointed by the governor, the director, his or
24 her confidential secretary, and his or her statutory assistant
25 directors;

26 ((+8)) (h) In the case of a multimember board, commission, or
27 committee, whether the members thereof are elected, appointed by the
28 governor or other authority, serve ex officio, or are otherwise chosen:

29 ((+a)) (i) All members of such boards, commissions, or committees;

30 ((+b)) (ii) If the members of the board, commission, or committee
31 serve on a part-time basis and there is a statutory executive officer:
32 ((+i)) The secretary of the board, commission, or committee; ((+ii))
33 the chief executive officer of the board, commission, or committee; and
34 ((+iii)) the confidential secretary of the chief executive officer of
35 the board, commission, or committee;

36 ((+c)) (iii) If the members of the board, commission, or committee
37 serve on a full-time basis: ((+i)) The chief executive officer or
38 administrative officer as designated by the board, commission, or

1 committee; and ~~((+ii))~~ a confidential secretary to the ~~((chairman))~~
2 chair of the board, commission, or committee;

3 ~~((+d))~~ (iv) If all members of the board, commission, or committee
4 serve ex officio: ~~((+i))~~ The chief executive officer; and ~~((+ii))~~
5 the confidential secretary of such chief executive officer;

6 ~~((+9))~~ (i) The confidential secretaries and administrative
7 assistants in the immediate offices of the elective officers of the
8 state;

9 ~~((+10))~~ (j) Assistant attorneys general;

10 ~~((+11))~~ (k) Commissioned and enlisted personnel in the military
11 service of the state;

12 ~~((+12))~~ (l) Inmate, student, part-time, or temporary employees,
13 and part-time professional consultants, as defined by the ~~((state~~
14 ~~personnel))~~ board ~~((or the board having jurisdiction))~~;

15 ~~((+13))~~ (m) The public printer or to any employees of or positions
16 in the state printing plant;

17 ~~((+14))~~ (n) Officers and employees of the Washington state fruit
18 commission;

19 ~~((+15))~~ (o) Officers and employees of the Washington state apple
20 advertising commission;

21 ~~((+16))~~ (p) Officers and employees of the Washington state dairy
22 products commission;

23 ~~((+17))~~ (q) Officers and employees of the Washington tree fruit
24 research commission;

25 ~~((+18))~~ (r) Officers and employees of the Washington state beef
26 commission;

27 ~~((+19))~~ (s) Officers and employees of any commission formed under
28 ~~((the provisions of chapter 191, Laws of 1955, and))~~ chapter 15.66 RCW;

29 ~~((+20))~~ (t) Officers and employees of the state wheat commission
30 formed under ~~((the provisions of chapter 87, Laws of 1961-))~~chapter
31 15.63 RCW~~((+))~~;

32 ~~((+21))~~ (u) Officers and employees of agricultural commissions
33 formed under ~~((the provisions of chapter 256, Laws of 1961-))~~chapter
34 15.65 RCW~~((+))~~;

35 ~~((+22))~~ (v) Officers and employees of the nonprofit corporation
36 formed under chapter 67.40 RCW;

37 ~~((+23))~~ (w) Liquor vendors appointed by the Washington state
38 liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER,
39 That rules ~~((and regulations))~~ adopted by the ~~((state))~~ Washington

1 personnel resources board pursuant to RCW 41.06.150 regarding the basis
2 for, and procedures to be followed for, the dismissal, suspension, or
3 demotion of an employee, and appeals therefrom shall be fully
4 applicable to liquor vendors except those part time agency vendors
5 employed by the liquor control board when, in addition to the sale of
6 liquor for the state, they sell goods, wares, merchandise, or services
7 as a self-sustaining private retail business;

8 ~~((+24+))~~ (x) Executive assistants for personnel administration and
9 labor relations in all state agencies employing such executive
10 assistants including but not limited to all departments, offices,
11 commissions, committees, boards, or other bodies subject to the
12 provisions of this chapter and this subsection shall prevail over any
13 provision of law inconsistent herewith unless specific exception is
14 made in such law;

15 ~~((+25+))~~ (y) In each agency with fifty or more employees: Deputy
16 agency heads, assistant directors or division directors, and not more
17 than three principal policy assistants who report directly to the
18 agency head or deputy agency heads;

19 ~~((+26+))~~ (z) All employees of the marine employees' commission;

20 ~~((+27+))~~ (aa) Up to a total of five senior staff positions of the
21 western library network under chapter 27.26 RCW responsible for
22 formulating policy or for directing program management of a major
23 administrative unit. This subsection shall expire on June 30, 1997;

24 ~~((+28+))~~ (2) The following classifications, positions, and
25 employees of institutions of higher education and related boards are
26 hereby exempted from coverage of this chapter:

27 (a) Members of the governing board of each institution of higher
28 education and related boards, all presidents, vice-presidents and their
29 confidential secretaries, administrative and personal assistants;
30 deans, directors, and chairs; academic personnel; and executive heads
31 of major administrative or academic divisions employed by institutions
32 of higher education; and any employee of a community college district
33 whose place of work is one which is physically located outside the
34 state of Washington and who is employed pursuant to RCW 28B.50.092 and
35 assigned to an educational program operating outside of the state of
36 Washington;

37 (b) Student, part-time, or temporary employees, and part-time
38 professional consultants, as defined by the Washington personnel

1 resources board, employed by institutions of higher education and
2 related boards;

3 (c) The governing board of each institution, and related boards,
4 may also exempt from this chapter classifications involving research
5 activities, counseling of students, extension or continuing education
6 activities, graphic arts or publications activities requiring
7 prescribed academic preparation or special training, and principal
8 assistants to executive heads of major administrative or academic
9 divisions, as determined by the board: PROVIDED, That no nonacademic
10 employee engaged in office, clerical, maintenance, or food and trade
11 services may be exempted by the board under this provision;

12 (d) Printing craft employees in the department of printing at the
13 University of Washington;

14 (3) In addition to the exemptions specifically provided by this
15 chapter, the ((state)) Washington personnel resources board may provide
16 for further exemptions pursuant to the following procedures. The
17 governor or other appropriate elected official may submit requests for
18 exemption to the Washington personnel resources board stating the
19 reasons for requesting such exemptions. The Washington personnel
20 resources board shall hold a public hearing, after proper notice, on
21 requests submitted pursuant to this subsection. If the board
22 determines that the position for which exemption is requested is one
23 involving substantial responsibility for the formulation of basic
24 agency or executive policy or one involving directing and controlling
25 program operations of an agency or a major administrative division
26 thereof, the Washington personnel resources board shall grant the
27 request and such determination shall be final as to any decision made
28 before July 1, 1993. The total number of additional exemptions
29 permitted under this subsection shall not exceed ((one hundred eighty-
30 seven)) one percent of the number of employees in the classified
31 service not including employees of institutions of higher education and
32 related boards for those agencies not directly under the authority of
33 any elected public official other than the governor, and shall not
34 exceed a total of twenty-five for all agencies under the authority of
35 elected public officials other than the governor. The ((state))
36 Washington personnel resources board shall report to each regular
37 session of the legislature during an odd-numbered year all exemptions
38 granted under subsections ((-24), (-25), and (-28)) (1) (x) and (y) and
39 (2) of this section, together with the reasons for such exemptions.

1 The salary and fringe benefits of all positions presently or
2 hereafter exempted except for the chief executive officer of each
3 agency, full-time members of boards and commissions, administrative
4 assistants and confidential secretaries in the immediate office of an
5 elected state official, and the personnel listed in subsection(~~s~~
6 ~~(10)~~) (1)(j) through (~~(22)~~) (v) of this section, shall be
7 determined by the (~~state~~) Washington personnel resources board.

8 Any person holding a classified position subject to the provisions
9 of this chapter shall, when and if such position is subsequently
10 exempted from the application of this chapter, be afforded the
11 following rights: If such person previously held permanent status in
12 another classified position, such person shall have a right of
13 reversion to the highest class of position previously held, or to a
14 position of similar nature and salary.

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

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

22 **Sec. 22.** RCW 41.06.076 and 1980 c 73 s 1 are each amended to read
23 as follows:

24 In addition to the exemptions set forth in RCW 41.06.070, the
25 provisions of this chapter shall not apply in the department of social
26 and health services to the secretary; the secretary's executive
27 assistant, if any; not to exceed six assistant secretaries, thirteen
28 division directors, six regional directors; one confidential secretary
29 for each of the above-named officers; not to exceed six bureau chiefs;
30 and all superintendents of institutions of which the average daily
31 population equals or exceeds one hundred residents: PROVIDED, That
32 each such confidential secretary must meet the minimum qualifications
33 for the class of secretary II as determined by the (~~state~~) Washington
34 personnel resources board.

35 **Sec. 23.** RCW 41.06.079 and 1985 c 178 s 1 are each amended to read
36 as follows:

1 In addition to the exemptions set forth in RCW 41.06.070, the
2 provisions of this chapter shall not apply in the department of
3 transportation to the secretary, a deputy secretary, an administrative
4 assistant to the secretary, if any, one assistant secretary for each
5 division designated pursuant to RCW 47.01.081, one confidential
6 secretary for each of the above-named officers, up to six
7 transportation district administrators and one confidential secretary
8 for each district administrator, up to six additional new
9 administrators or confidential secretaries designated by the secretary
10 of the department of transportation and approved by the ((state))
11 Washington personnel resources board pursuant to the provisions of RCW
12 ((41.06.070(26+)) 41.06.070(1)(z), the legislative liaison for the
13 department, the state construction engineer, the state aid engineer,
14 the personnel manager, the state project development engineer, the
15 state maintenance and operations engineer, one confidential secretary
16 for each of the last-named five positions, and a confidential secretary
17 for the public affairs administrator. The individuals appointed under
18 this section shall be exempt from the provisions of the state civil
19 service law, and shall be paid salaries to be fixed by the governor in
20 accordance with the procedure established by law for the fixing of
21 salaries for individuals exempt from the operation of the state civil
22 service law.

23 **Sec. 24.** RCW 41.06.093 and 1990 c 14 s 1 are each amended to read
24 as follows:

25 In addition to the exemptions set forth in RCW 41.06.070, the
26 provisions of this chapter shall not apply in the Washington state
27 patrol to confidential secretaries of agency bureau chiefs, or their
28 functional equivalent, and a confidential secretary for the chief of
29 staff: PROVIDED, That each confidential secretary must meet the
30 minimum qualifications for the class of secretary II as determined by
31 the ((state)) Washington personnel resources board.

32 **Sec. 25.** RCW 41.06.110 and 1984 c 287 s 69 are each amended to
33 read as follows:

34 (1) There is hereby created a ((state)) Washington personnel
35 resources board composed of three members appointed by the governor,
36 subject to confirmation by the senate. ((The first such board shall be
37 appointed within thirty days after December 8, 1960, for terms of two,

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

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

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

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

31 **Sec. 26.** RCW 41.06.130 and 1982 1st ex.s. c 53 s 3 are each
32 amended to read as follows:

33 The office of director of personnel is hereby established.

34 (1) ~~((Within ninety days after December 8, 1960, a director of~~
35 ~~personnel shall be appointed. The merit system director then serving~~
36 ~~under RCW 50.12.030, whose position is terminated by this chapter, may~~
37 ~~serve as director of personnel hereunder until a permanent director of~~
38 ~~personnel is appointed as herein provided, and may be appointed as~~

1 ~~director of personnel by the governor alone; or the governor may fill~~
2 ~~the position in the manner hereinafter provided for subsequent~~
3 ~~vacancies therein on the basis of competitive examination, in~~
4 ~~conformance with board rules for competitive examinations, for which~~
5 ~~examinations the merit system director is eligible.~~

6 ~~(2))~~ The director of personnel shall be appointed by the governor
7 ~~((from a list of three names submitted to him by the board with its~~
8 ~~recommendations. The names on such list shall be those of the three~~
9 ~~standing highest upon competitive examination conducted by a committee~~
10 ~~of three persons appointed by the board solely for that purpose~~
11 ~~whenever the position is vacant. Only persons with substantial~~
12 ~~experience in the field of personnel management are eligible to take~~
13 ~~such examination)).~~ The governor shall consult with, but shall not be
14 obligated by recommendations of the board. The director's appointment
15 shall be subject to confirmation by the senate.

16 ~~((3))~~ (2) The director of personnel ~~((is removable for cause by))~~
17 shall serve at the pleasure of the governor ~~((with the approval of a~~
18 ~~majority of the board or by a majority of the board)).~~

19 ~~((4))~~ (3) The director of personnel shall direct and supervise
20 all the department of personnel's administrative and technical
21 activities in accordance with the provisions of this chapter and the
22 rules ~~((and regulations approved and promulgated thereunder. He))~~
23 adopted under it. The director shall prepare for consideration by the
24 board proposed rules ~~((and regulations))~~ required by this chapter.
25 ~~((His))~~ The director's salary shall be fixed by the ~~((board))~~ governor.

26 ~~((5))~~ (4) The director of personnel may delegate to any agency
27 the authority to perform administrative and technical personnel
28 activities if the agency requests such authority and the director of
29 personnel is satisfied that the agency has the personnel management
30 capabilities to effectively perform the delegated activities. The
31 director of personnel shall prescribe standards and guidelines for the
32 performance of delegated activities. If the director of personnel
33 determines that an agency is not performing delegated activities within
34 the prescribed standards and guidelines, the director shall withdraw
35 the authority from the agency to perform such activities.

36 **Sec. 27.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to
37 read as follows:

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

5 (1) The reduction, dismissal, suspension, or demotion of an
6 employee;

7 (2) Certification of names for vacancies, including departmental
8 promotions, with the number of names equal to (~~four~~) six more names
9 than there are vacancies to be filled, such names representing
10 applicants rated highest on eligibility lists: PROVIDED, That when
11 other applicants have scores equal to the lowest score among the names
12 certified, their names shall also be certified;

13 (3) Examinations for all positions in the competitive and
14 noncompetitive service;

15 (4) Appointments;

16 (5) Training and career development;

17 (6) Probationary periods of six to twelve months and rejections
18 (~~therein~~) of probationary employees, depending on the job
19 requirements of the class, except that entry level state park rangers
20 shall serve a probationary period of twelve months;

21 (7) Transfers;

22 (8) Sick leaves and vacations;

23 (9) Hours of work;

24 (10) Layoffs when necessary and subsequent reemployment, both
25 according to seniority;

26 (11) Determination of appropriate bargaining units within any
27 agency: PROVIDED, That in making such determination the board shall
28 consider the duties, skills, and working conditions of the employees,
29 the history of collective bargaining by the employees and their
30 bargaining representatives, the extent of organization among the
31 employees, and the desires of the employees;

32 (12) Certification and decertification of exclusive bargaining
33 representatives: PROVIDED, That after certification of an exclusive
34 bargaining representative and upon the representative's request, the
35 director shall hold an election among employees in a bargaining unit to
36 determine by a majority whether to require as a condition of employment
37 membership in the certified exclusive bargaining representative on or
38 after the thirtieth day following the beginning of employment or the
39 date of such election, whichever is the later, and the failure of an

1 employee to comply with such a condition of employment constitutes
2 cause for dismissal: PROVIDED FURTHER, That no more often than once in
3 each twelve-month period after expiration of twelve months following
4 the date of the original election in a bargaining unit and upon
5 petition of thirty percent of the members of a bargaining unit the
6 director shall hold an election to determine whether a majority wish to
7 rescind such condition of employment: PROVIDED FURTHER, That for
8 purposes of this clause, membership in the certified exclusive
9 bargaining representative is satisfied by the payment of monthly or
10 other periodic dues and does not require payment of initiation,
11 reinstatement, or any other fees or fines and includes full and
12 complete membership rights: AND PROVIDED FURTHER, That in order to
13 safeguard the right of nonassociation of public employees, based on
14 bona fide religious tenets or teachings of a church or religious body
15 of which such public employee is a member, such public employee shall
16 pay to the union, for purposes within the program of the union as
17 designated by such employee that would be in harmony with his or her
18 individual conscience, an amount of money equivalent to regular union
19 dues minus any included monthly premiums for union-sponsored insurance
20 programs, and such employee shall not be a member of the union but is
21 entitled to all the representation rights of a union member;

22 (13) Agreements between agencies and certified exclusive bargaining
23 representatives providing for grievance procedures and collective
24 negotiations on all personnel matters over which the appointing
25 authority of the appropriate bargaining unit of such agency may
26 lawfully exercise discretion;

27 (14) Written agreements may contain provisions for payroll
28 deductions of employee organization dues upon authorization by the
29 employee member and for the cancellation of such payroll deduction by
30 the filing of a proper prior notice by the employee with the appointing
31 authority and the employee organization: PROVIDED, That nothing
32 contained herein permits or grants to any employee the right to strike
33 or refuse to perform his or her official duties;

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

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

1 (17) Adoption and revision of a state salary schedule to reflect
2 the prevailing rates in Washington state private industries and other
3 governmental units but the rates in the salary schedules or plans shall
4 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) Increment increases within the series of steps for each pay
12 grade based on length of service for all employees whose standards of
13 performance are such as to permit them to retain job status in the
14 classified service;

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

37 (20) Permitting agency heads to delegate the authority to appoint,
38 reduce, dismiss, suspend, or demote employees within their agencies if
39 such agency heads do not have specific statutory authority to so

1 delegate: PROVIDED, That the board may not authorize such delegation
2 to any position lower than the head of a major subdivision of the
3 agency;

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

8 (22) Affirmative action in appointment, promotion, transfer,
9 recruitment, training, and career development; development and
10 implementation of affirmative action goals and timetables; and
11 monitoring of progress against those goals and timetables.

12 The board shall consult with the human rights commission in the
13 development of rules pertaining to affirmative action. The department
14 of personnel shall transmit a report annually to the human rights
15 commission which states the progress each state agency has made in
16 meeting affirmative action goals and timetables.

17 **Sec. 28.** RCW 41.06.155 and 1983 1st ex.s. c 75 s 6 are each
18 amended to read as follows:

19 Salary changes necessary to achieve comparable worth shall be
20 implemented during the 1983-85 biennium under a schedule developed by
21 the department (~~in cooperation with the higher education personnel~~
22 ~~board~~). Increases in salaries and compensation solely for the purpose
23 of achieving comparable worth shall be made at least annually.
24 Comparable worth for the jobs of all employees under this chapter shall
25 be fully achieved not later than June 30, 1993.

26 **Sec. 29.** RCW 41.06.160 and 1985 c 94 s 2 are each amended to read
27 as follows:

28 In preparing classification and salary schedules as set forth in
29 RCW 41.06.150 as now or hereafter amended the department of personnel
30 shall give full consideration to prevailing rates in other public
31 employment and in private employment in this state. For this purpose
32 the department shall undertake comprehensive salary and fringe benefit
33 surveys (~~to be planned and conducted on a joint basis with the higher~~
34 ~~education personnel board~~), with such surveys to be conducted in the
35 year prior to the convening of every other one hundred five day regular
36 session of the state legislature. In the year prior to the convening
37 of each one hundred five day regular session during which a

1 comprehensive salary and fringe benefit survey is not conducted, the
2 department shall plan and conduct (~~on a joint basis with the higher~~
3 ~~education personnel board~~) a trend salary and fringe benefit survey.
4 This survey shall measure average salary and fringe benefit movement
5 for broad occupational groups which has occurred since the last
6 comprehensive salary and fringe benefit survey was conducted. The
7 results of each comprehensive and trend salary and fringe benefit
8 survey shall be completed and forwarded by September 30 with a
9 recommended state salary schedule to the governor and director of
10 financial management for their use in preparing budgets to be submitted
11 to the succeeding legislature. A copy of the data and supporting
12 documentation shall be furnished by the department of personnel to the
13 standing committees for appropriations of the senate and house of
14 representatives.

15 In the case of comprehensive salary and fringe benefit surveys, the
16 department shall furnish the following supplementary data in support of
17 its recommended salary schedule:

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

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

30 (3) A list of class codes and titles indicating recommended monthly
31 salary ranges for all state classes under the control of the department
32 of personnel with(~~+~~

33 ~~(a))~~ those salary ranges which do not substantially conform to the
34 prevailing rates developed from the salary and fringe benefit survey
35 distinctly marked and an explanation of the reason for the deviation
36 included; (~~and~~

37 ~~(b) Those department of personnel classes which are substantially~~
38 ~~the same as classes being used by the higher education personnel board~~

1 ~~clearly marked to show the commonality of the classes between the two~~
2 ~~jurisdictions;))~~

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

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

20 It is the intention of the legislature that requests for funds to
21 support recommendations for salary deviations from the prevailing rate
22 survey data shall be kept to a minimum, and that the requests be fully
23 documented when forwarded by the department of personnel. (~~Further,~~
24 ~~it is the intention of the legislature that the department of personnel~~
25 ~~and the higher education personnel board jointly determine job classes~~
26 ~~which are substantially common to both jurisdictions and that basic~~
27 ~~salaries for these job classes shall be equal based on salary and~~
28 ~~fringe benefit survey findings.))~~

29 Salary and fringe benefit survey information collected from private
30 employers which identifies a specific employer with the salary and
31 fringe benefit rates which that employer pays to its employees shall
32 not be subject to public disclosure under chapter 42.17 RCW.

33 The first comprehensive salary and fringe benefit survey required
34 by this section shall be completed and forwarded to the governor and
35 the director of financial management by September 30, 1986. The first
36 trend salary and fringe benefit survey required by this section shall
37 be completed and forwarded to the governor and the director of
38 financial management by September 30, 1988.

1 **Sec. 30.** RCW 41.06.163 and 1987 c 185 s 9 are each amended to read
2 as follows:

3 (1) In the conduct of salary and fringe benefit surveys under RCW
4 41.06.160 as now or hereafter amended, it is the intention of the
5 legislature that the surveys be undertaken in a manner consistent with
6 statistically accurate sampling techniques. For this purpose, a
7 comprehensive salary and fringe benefit survey plan shall be submitted
8 to the director of financial management, employee organizations, and
9 the standing committees for appropriations of the senate and house of
10 representatives six months before the beginning of each periodic survey
11 required before regular legislative sessions. This comprehensive plan
12 shall include but not be limited to the following:

13 (a) A complete explanation of the technical, statistical process to
14 be used in the salary and fringe benefit survey including the
15 percentage of accuracy expected from the planned statistical sample
16 chosen for the survey and a definition of the term "prevailing rates"
17 which is to be used in the planned survey;

18 (b) A comprehensive salary and fringe benefit survey model based on
19 scientific statistical principles which:

20 (i) Encompasses the interrelationships among the various elements
21 of the survey sample including sources of salary and fringe benefit
22 data by organization type, size, and regional location;

23 (ii) Is representative of private and public employment in this
24 state;

25 (iii) Ensures that, wherever practical, data from smaller, private
26 firms are included and proportionally weighted in the survey sample;
27 and

28 (iv) Indicates the methodology to be used in application of survey
29 data to job classes used by state government;

30 (c) A prediction of the increase or decrease in total funding
31 requirements expected to result from the pending salary and fringe
32 benefit survey based on consumer price index information and other
33 available trend data pertaining to Washington state salaries and fringe
34 benefits.

35 (2) Every comprehensive survey plan shall fully consider fringe
36 benefits as an element of compensation in addition to basic salary
37 data. ~~((The plans prepared under this section shall be developed
38 jointly by the department of personnel in conjunction with the higher
39 education personnel board established under chapter 28B.16 RCW. All~~

1 comprehensive salary and fringe benefit survey plans shall be submitted
2 on a joint signature basis by the department of personnel and the
3 higher education personnel board.))

4 (3) Interim or special surveys conducted under RCW 41.06.160 as now
5 or hereafter amended shall conform when possible to the statistical
6 techniques and principles developed for regular periodic surveys under
7 this section.

8 (4) The term "fringe benefits" as used in this section and in
9 conjunction with salary surveys shall include but not be limited to
10 compensation for:

11 (a) Leave time, including vacation, holiday, civil, and personal
12 leave;

13 (b) Employer retirement contributions;

14 (c) Health and insurance payments, including life, accident, and
15 health insurance, workers' compensation, and sick leave; and

16 (d) Stock options, bonuses, and purchase discounts where
17 appropriate.

18 **Sec. 31.** RCW 41.06.170 and 1981 c 311 s 19 are each amended to
19 read as follows:

20 (1) The board or director, in the ((~~promulgation~~)) adoption of
21 rules ((~~and regulations~~)) governing suspensions for cause, shall not
22 authorize an appointing authority to suspend an employee for more than
23 fifteen calendar days as a single penalty or more than thirty calendar
24 days in any one calendar year as an accumulation of several penalties.
25 The board or director shall require that the appointing authority give
26 written notice to the employee not later than one day after the
27 suspension takes effect, stating the reasons for and the duration
28 thereof. ((~~The authority shall file a copy of the notice with the~~
29 ~~director of personnel.~~))

30 (2) Any employee who is reduced, dismissed, suspended, or demoted,
31 after completing his or her probationary period of service as provided
32 by the rules ((~~and regulations~~)) of the board, or any employee who is
33 adversely affected by a violation of the state civil service law,
34 chapter 41.06 RCW((~~, as now or hereafter amended~~)), or rules
35 ((~~promulgated pursuant thereto~~)) adopted under it, shall have the right
36 to appeal to the personnel appeals board created by RCW 41.64.010 not
37 later than thirty days after the effective date of such action. The
38 employee shall be furnished with specified charges in writing when a

1 reduction, dismissal, suspension, or demotion action is taken. Such
2 appeal shall be in writing.

3 (3) Any employee whose position has been exempted after July 1,
4 1993, shall have the right to appeal to the personnel appeals board
5 created by RCW 41.64.010 not later than thirty days after the effective
6 date of such action.

7 (4) An employee incumbent in a position at the time of its
8 allocation or reallocation, or the agency utilizing the position, may
9 appeal the allocation or reallocation to the personnel appeals board
10 created by RCW 41.64.010. Notice of such appeal must be filed in
11 writing within thirty days of the action from which appeal is taken.

12 **Sec. 32.** RCW 41.06.186 and 1985 c 461 s 5 are each amended to read
13 as follows:

14 The Washington personnel resources board shall adopt rules designed
15 to terminate the state employment of any employee whose performance is
16 so inadequate as to warrant termination.

17 **Sec. 33.** RCW 41.06.196 and 1985 c 461 s 6 are each amended to read
18 as follows:

19 The Washington personnel resources board shall adopt rules designed
20 to remove from supervisory positions those supervisors who in violation
21 of the rules adopted under RCW 41.06.186 have tolerated the continued
22 employment of employees under their supervision whose performance has
23 warranted termination from state employment.

24 **Sec. 34.** RCW 41.06.280 and 1987 c 248 s 4 are each amended to read
25 as follows:

26 There is hereby created a fund within the state treasury,
27 designated as the "department of personnel service fund," to be used by
28 the board as a revolving fund for the payment of salaries, wages, and
29 operations required for the administration of the provisions of this
30 chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60
31 RCW. An amount not to exceed one and one-half percent of the approved
32 allotments of salaries and wages for all positions in the classified
33 service in each of the agencies subject to this chapter(~~(, except the~~
34 ~~institutions of higher learning,~~) shall be charged to the operations
35 appropriations of each agency and credited to the department of
36 personnel service fund as the allotments are approved pursuant to

1 chapter 43.88 RCW. Subject to the above limitations, the amount shall
2 be charged against the allotments pro rata, at a rate to be fixed by
3 the director from time to time which, together with income derived from
4 services rendered under RCW 41.06.080, will provide the department with
5 funds to meet its anticipated expenditures during the allotment period,
6 including the training requirements in sections 9 and 12 of this act.

7 The director of personnel shall fix the terms and charges for
8 services rendered by the department of personnel pursuant to RCW
9 41.06.080, which amounts shall be credited to the department of
10 personnel service fund and charged against the proper fund or
11 appropriation of the recipient of such services on a quarterly basis.
12 Payment for services so rendered under RCW 41.06.080 shall be made on
13 a quarterly basis to the state treasurer and deposited by him in the
14 department of personnel service fund.

15 Moneys from the department of personnel service fund shall be
16 disbursed by the state treasurer by warrants on vouchers duly
17 authorized by the board.

18 **Sec. 35.** RCW 41.06.340 and 1969 ex.s. c 215 s 13 are each amended
19 to read as follows:

20 Each and every provision of RCW 41.56.140 through 41.56.190 shall
21 be applicable to this chapter as it relates to state civil service
22 employees and the ((state)) Washington personnel resources board, or
23 its designee, whose final decision shall be appealable to the ((state))
24 Washington personnel resources board, which is granted all powers and
25 authority granted to the department of labor and industries by RCW
26 41.56.140 through 41.56.190.

27 **Sec. 36.** RCW 41.06.350 and 1969 ex.s. c 152 s 1 are each amended
28 to read as follows:

29 The ((state)) Washington personnel resources board is authorized to
30 receive federal funds now available or hereafter made available for the
31 assistance and improvement of public personnel administration, which
32 may be expended in addition to the department of personnel service fund
33 established by RCW 41.06.280.

34 **Sec. 37.** RCW 41.06.450 and 1982 c 208 s 10 are each amended to
35 read as follows:

1 (1) By January 1, 1983, the Washington personnel resources board
2 shall adopt rules applicable to each agency to ensure that information
3 relating to employee misconduct or alleged misconduct is destroyed or
4 maintained as follows:

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

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

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

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

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

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

20 (3) In adopting rules under this section, the Washington personnel
21 resources board shall consult with the public disclosure commission to
22 ensure that the public policy of the state, as expressed in chapter
23 42.17 RCW, is adequately protected.

24 **Sec. 38.** RCW 41.06.475 and 1986 c 269 s 2 are each amended to read
25 as follows:

26 The ((state)) Washington personnel resources board shall adopt
27 rules, in cooperation with the secretary of social and health services,
28 for the background investigation of persons being considered for state
29 employment in positions directly responsible for the supervision, care,
30 or treatment of children or developmentally disabled persons.

31 **Sec. 39.** RCW 41.48.140 and 1979 c 152 s 3 are each amended to read
32 as follows:

33 Nothing in RCW 41.48.120 or 41.48.130 shall affect the power of the
34 ((state)) Washington personnel resources board(~~(, the higher education~~
35 ~~personnel board,~~) or any other state personnel authority to establish
36 sick leave ((regulations)) rules except as may be required under RCW
37 41.48.120 or 41.48.130: PROVIDED, That each personnel board and

1 personnel authority shall establish the maximum number of working days
2 an employee under its jurisdiction may be absent on account of sickness
3 or accident disability without a medical certificate.

4 "Personnel authority" as used in this section, means a state
5 agency, board, committee, or similar body having general authority to
6 establish personnel (~~regulations~~) rules.

7 **Sec. 40.** RCW 41.50.804 and 1975-'76 2nd ex.s. c 105 s 17 are each
8 amended to read as follows:

9 Nothing contained in this chapter shall be construed to alter any
10 existing collective bargaining agreement until any such agreement has
11 expired or until any such bargaining unit has been modified by action
12 of the Washington personnel resources board as provided by law.

13 **Sec. 41.** RCW 41.64.090 and 1981 c 311 s 10 are each amended to
14 read as follows:

15 (1) The board shall have jurisdiction to decide appeals filed on or
16 after July 1, 1981, of employees under the jurisdiction of the
17 (~~state~~) Washington personnel resources board pursuant to RCW
18 41.06.170, as now or hereafter amended.

19 (2) The board shall have jurisdiction to decide appeals filed on or
20 after July 1, 1993, of employees of institutions of higher education
21 and related boards under the jurisdiction of the Washington personnel
22 resources board pursuant to RCW 41.06.170. An appeal under this
23 subsection by an employee of an institution of higher education or a
24 related board shall be held in the county in which the institution is
25 located or the county in which the person was employed when the appeal
26 was filed.

27 **Sec. 42.** RCW 42.16.010 and 1983 1st ex.s. c 28 s 1 are each
28 amended to read as follows:

29 (1) Except as provided otherwise in subsection (2) of this section,
30 all state officers and employees shall be paid for services rendered
31 from the first day of the month through the fifteenth day of the month
32 and for services rendered from the sixteenth day of the month through
33 the last calendar day of the month. Paydates for these two pay periods
34 shall be established by the director of financial management through
35 the administrative hearing process and the official paydates shall be
36 established six months prior to the beginning of each subsequent

1 calendar year. Under no circumstance shall the payday be established
2 more than ten days after the pay period in which the wages are earned
3 except when the designated payday falls on Sunday, in which case the
4 payday shall not be later than the following Monday. Payment shall be
5 deemed to have been made by the established paydates if: (a) The
6 salary warrant is available at the geographic work location at which
7 the warrant is normally available to the employee; or (b) the salary
8 has been electronically transferred into the employee's account at the
9 employee's designated financial institution; or (c) the salary warrants
10 are mailed at least two days before the established payday for those
11 employees engaged in work in remote or varying locations from the
12 geographic location at which the payroll is prepared, provided that the
13 employee has requested payment by mail.

14 The office of financial management shall develop the necessary
15 policies and operating procedures to assure that all remuneration for
16 services rendered including basic salary, shift differential, standby
17 pay, overtime, penalty pay, salary due based on contractual agreements,
18 and special pay provisions, as provided for by law, Washington
19 personnel resources board rules, agency policy or rule, or contract,
20 shall be available to the employee on the designated payday.
21 Overtime, penalty pay, and special pay provisions may be paid by the
22 next following payday if the postponement of payment is attributable
23 to: The employee's not making a timely or accurate report of the facts
24 which are the basis for the payment, or the employer's lack of
25 reasonable opportunity to verify the claim.

26 Compensable benefits payable because of separation from state
27 service shall be paid with the earnings for the final period worked
28 unless the employee separating has not provided the agency with the
29 proper notification of intent to terminate.

30 One-half of the employee's basic monthly salary shall be paid in
31 each pay period. Employees paid on an hourly basis or employees who
32 work less than a full pay period shall be paid for actual salary
33 earned.

34 (2) Subsection (1) of this section shall not apply in instances
35 where it would conflict with contractual rights or, with the approval
36 of the office of financial management, to short-term, intermittent,
37 noncareer state employees, to student employees of institutions of
38 higher education, and to liquor control agency managers who are paid a
39 percentage of monthly liquor sales.

1 **Sec. 43.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to
2 read as follows:

3 For the purposes of RCW 42.17.240, the term "executive state
4 officer" includes:

5 (1) The chief administrative law judge, the director of
6 agriculture, the administrator of the office of marine safety, the
7 administrator of the Washington basic health plan, the director of the
8 department of services for the blind, the director of the state system
9 of community and technical colleges, the director of community
10 development, the secretary of corrections, the director of ecology, the
11 commissioner of employment security, the chairman of the energy
12 facility site evaluation council, the director of the energy office,
13 the secretary of the state finance committee, the director of financial
14 management, the director of fisheries, the executive secretary of the
15 forest practices appeals board, the director of the gambling
16 commission, the director of general administration, the secretary of
17 health, the administrator of the Washington state health care
18 authority, the executive secretary of the health care facilities
19 authority, the executive secretary of the higher education facilities
20 authority, (~~the director of the higher education personnel board,~~)
21 the executive secretary of the horse racing commission, the executive
22 secretary of the human rights commission, the executive secretary of
23 the indeterminate sentence review board, the director of the department
24 of information services, the director of the interagency committee for
25 outdoor recreation, the executive director of the state investment
26 board, the director of labor and industries, the director of licensing,
27 the director of the lottery commission, the director of the office of
28 minority and women's business enterprises, the director of parks and
29 recreation, the director of personnel, the executive director of the
30 public disclosure commission, the director of retirement systems, the
31 director of revenue, the secretary of social and health services, the
32 chief of the Washington state patrol, the executive secretary of the
33 board of tax appeals, the director of trade and economic development,
34 the secretary of transportation, the secretary of the utilities and
35 transportation commission, the director of veterans affairs, the
36 director of wildlife, the president of each of the regional and state
37 universities and the president of The Evergreen State College, each
38 district and each campus president of each state community college;

39 (2) Each professional staff member of the office of the governor;

1 (3) Each professional staff member of the legislature; and

2 (4) Central Washington University board of trustees, board of
3 trustees of each community college, each member of the state board for
4 community and technical colleges (~~(education)~~), state convention and
5 trade center board of directors, committee for deferred compensation,
6 Eastern Washington University board of trustees, Washington economic
7 development finance authority, The Evergreen State College board of
8 trustees, forest practices appeals board, forest practices board,
9 gambling commission, Washington health care facilities authority,
10 higher education coordinating board, higher education facilities
11 authority, (~~(higher education personnel board,)~~) horse racing
12 commission, state housing finance commission, human rights commission,
13 indeterminate sentence review board, board of industrial insurance
14 appeals, information services board, interagency committee for outdoor
15 recreation, state investment board, liquor control board, lottery
16 commission, marine oversight board, oil and gas conservation committee,
17 Pacific Northwest electric power and conservation planning council,
18 parks and recreation commission, personnel appeals board, (~~(personnel~~
19 ~~board,)~~) board of pilotage (~~(commissioners)~~) commissioners, pollution
20 control hearings board, public disclosure commission, public pension
21 commission, shorelines hearing board, state employees' benefits board,
22 board of tax appeals, transportation commission, University of
23 Washington board of regents, utilities and transportation commission,
24 Washington state maritime commission, Washington personnel resources
25 board, Washington public power supply system executive board,
26 Washington State University board of regents, Western Washington
27 University board of trustees, and wildlife commission.

28 **Sec. 44.** RCW 43.01.170 and 1992 c 234 s 11 are each amended to
29 read as follows:

30 In order to ensure that the state derives the expected benefits
31 from the early retirement provisions of chapter 234, Laws of 1992, no
32 state agency may hire persons who retire from state service under the
33 provisions of chapter 234, Laws of 1992 as temporary or project
34 employees, as defined by the (~~(state)~~) Washington personnel resources
35 board for employees covered under chapter 41.06 RCW (~~(and by the higher~~
36 ~~education personnel board for employees covered under chapter 28B.16~~
37 ~~RCW)~~). Exceptions to this section may be granted by written approval
38 from the director of the office of financial management if the director

1 finds that the temporary or project employment of a retiree is
2 necessary to protect the public safety, protect against the loss of
3 federal certification or loss of critical federal funds, or carry out
4 functions so essential to the agency that even temporary suspension or
5 delay of services would have a significant negative impact on the
6 public. At the end of each three-month period in which exceptions are
7 approved, the director shall forward a copy of any approvals, together
8 with justification for the exceptions, to the fiscal committees of the
9 legislature. Each forwarded approval shall include the name of the
10 temporary or project employee, the agency and division or department
11 requesting the employment, duration and cost of the proposed
12 employment, and specific functions and duties to be carried out during
13 the employment. This section shall expire June 30, 1995.

14 **Sec. 45.** RCW 43.03.028 and 1991 c 3 s 294 are each amended to read
15 as follows:

16 (1) There is hereby created a state committee on agency officials'
17 salaries to consist of seven members, or their designees, as follows:
18 The president of the University of Puget Sound; the chairperson of the
19 council of presidents of the state's four-year institutions of higher
20 education; the chairperson of the ((State)) Washington personnel
21 resources board; the president of the Association of Washington
22 Business; the president of the Pacific Northwest Personnel Managers'
23 Association; the president of the Washington State Bar Association; and
24 the president of the Washington State Labor Council. If any of the
25 titles or positions mentioned in this subsection are changed or
26 abolished, any person occupying an equivalent or like position shall be
27 qualified for appointment by the governor to membership upon the
28 committee.

29 (2) The committee shall study the duties and salaries of the
30 directors of the several departments and the members of the several
31 boards and commissions of state government, who are subject to
32 appointment by the governor or whose salaries are fixed by the
33 governor, and of the chief executive officers of the following agencies
34 of state government:

35 The arts commission; the human rights commission; the board of
36 accountancy; the board of pharmacy; the capitol historical association
37 and museum; the eastern Washington historical society; the Washington
38 state historical society; the interagency committee for outdoor

1 recreation; the criminal justice training commission; the department of
2 personnel; the state finance committee; the state library; the traffic
3 safety commission; the horse racing commission; the advisory council on
4 vocational education; the public disclosure commission; the state
5 conservation commission; the commission on Hispanic affairs; the
6 commission on Asian-American affairs; the state board for volunteer
7 fire fighters; the transportation improvement board; the public
8 ((employees)) employment relations commission; the forest practices
9 appeals board; and the energy facilities site evaluation council.

10 The committee shall report to the governor or the chairperson of
11 the appropriate salary fixing authority at least once in each fiscal
12 biennium on such date as the governor may designate, but not later than
13 seventy-five days prior to the convening of each regular session of the
14 legislature during an odd-numbered year, its recommendations for the
15 salaries to be fixed for each position.

16 (3) Committee members shall be reimbursed by the department of
17 personnel for travel expenses under RCW 43.03.050 and 43.03.060.

18 **Sec. 46.** RCW 43.03.305 and 1986 c 155 s 2 are each amended to read
19 as follows:

20 There is created a commission to be known as the Washington
21 citizens' commission on salaries for elected officials, to consist of
22 fifteen members appointed by the governor as provided in this section.

23 (1) Eight of the fifteen commission members shall be selected by
24 lot by the secretary of state from among those registered voters
25 eligible to vote at the general election held in November, 1986, and
26 thereafter from among those registered voters eligible to vote at the
27 time of the selection. One member shall be selected from each
28 congressional district. The secretary shall establish policies and
29 procedures for conducting the selection by lot. The policies and
30 procedures shall include, but not be limited to, those for notifying
31 persons selected and for providing a new selection from a congressional
32 district if a person selected from the district declines appointment to
33 the commission.

34 (2) The remaining seven of the fifteen commission members, all
35 residents of this state, shall be selected jointly by the speaker of
36 the house of representatives and the president of the senate. The
37 persons selected under this subsection shall have had experience in the
38 field of personnel management. Of these seven members, one shall be

1 selected from each of the following five sectors in this state:
2 Private institutions of higher education; business; professional
3 personnel management; legal profession; and organized labor. Of the
4 two remaining members, one shall be a person recommended to the speaker
5 and the president by the ((chairperson)) chair of the ((state))
6 Washington personnel resources board and one shall be a person
7 recommended by majority vote of the presidents of the state's four-year
8 institutions of higher education.

9 (3) The secretary of state shall forward the names of persons
10 selected under subsection (1) of this section and the speaker of the
11 house of representatives and president of the senate shall forward the
12 names of persons selected under subsection (2) of this section to the
13 governor who shall appoint these persons to the commission. Except as
14 provided in subsection (6) of this section, the names of persons
15 selected for appointment to the commission shall be forwarded to the
16 governor not later than February 15, 1987, and not later than the
17 fifteenth day of February every four years thereafter.

18 (4) Members shall hold office for terms of four years, and no
19 person may be appointed to more than two such terms. No member of the
20 commission may be removed by the governor during his or her term of
21 office unless for cause of incapacity, incompetence, neglect of duty,
22 or malfeasance in office or for a disqualifying change of residence.

23 (5) No state official, public employee, or lobbyist, or immediate
24 family member of the official, employee, or lobbyist, subject to the
25 registration requirements of chapter 42.17 RCW is eligible for
26 membership on the commission.

27 As used in this subsection the phrase "immediate family" means the
28 parents, spouse, siblings, children, or dependent relative of the
29 official, employee, or lobbyist whether or not living in the household
30 of the official, employee, or lobbyist.

31 (6) Upon a vacancy in any position on the commission, a successor
32 shall be selected and appointed to fill the unexpired term. The
33 selection and appointment shall be concluded within thirty days of the
34 date the position becomes vacant and shall be conducted in the same
35 manner as originally provided.

36 **Sec. 47.** RCW 43.06.410 and 1985 c 442 s 1 are each amended to read
37 as follows:

1 There is established within the office of the governor the
2 Washington state internship program to assist students and state
3 employees in gaining valuable experience and knowledge in various areas
4 of state government. In administering the program, the governor shall:

5 (1) Consult with the secretary of state, the director of personnel,
6 ~~((the director of the higher education personnel board,))~~ the
7 commissioner of the employment security department, and representatives
8 of labor;

9 (2) Encourage and assist agencies in developing intern positions;

10 (3) Develop and coordinate a selection process for placing
11 individuals in intern positions. This selection process shall give due
12 regard to the responsibilities of the state to provide equal employment
13 opportunities;

14 (4) Develop and coordinate a training component of the internship
15 program which balances the need for training and exposure to new ideas
16 with the intern's and agency's need for on-the-job work experience;

17 (5) Work with institutions of higher education in developing the
18 program, soliciting qualified applicants, and selecting participants;
19 and

20 (6) Develop guidelines for compensation of the participants.

21 **Sec. 48.** RCW 43.06.425 and 1985 c 442 s 4 are each amended to read
22 as follows:

23 The ~~((state))~~ Washington personnel resources board ~~((and the higher
24 education personnel board))~~ shall ~~((each))~~ adopt rules to provide that:

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

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

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

37 (4) Participants in the executive fellows program who were not
38 public employees prior to accepting a position in the program receive

1 sick and vacation leave allowances commensurate with other state
2 employees.

3 **Sec. 49.** RCW 43.06.430 and 1985 c 442 s 5 are each amended to read
4 as follows:

5 The ((state)) Washington personnel resources board shall adopt
6 rules to provide that persons successfully completing an internship
7 under the executive fellows program created under RCW 43.06.420 are
8 eligible for positions in the career executive program under RCW
9 41.06.430.

10 **Sec. 50.** RCW 43.33A.100 and 1981 c 219 s 3 are each amended to
11 read as follows:

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

27 As of July 1, 1981, all employees classified under chapter 41.06
28 RCW and engaged in duties assumed by the state investment board on July
29 1, 1981, are assigned to the state investment board. The transfer
30 shall not diminish any rights granted these employees under chapter
31 41.06 RCW nor exempt the employees from any action which may occur
32 thereafter in accordance with chapter 41.06 RCW.

33 All existing contracts and obligations pertaining to the functions
34 transferred to the state investment board in this 1980 act shall remain
35 in full force and effect, and shall be performed by the board. None of
36 the transfers directed by this 1980 act shall affect the validity of

1 any act performed by a state entity or by any official or employee
2 thereof prior to July 1, 1981.

3 **Sec. 51.** RCW 43.43.832 and 1990 c 3 s 1102 are each amended to
4 read as follows:

5 (1) The legislature finds that businesses and organizations
6 providing services to children, developmentally disabled persons, and
7 vulnerable adults need adequate information to determine which
8 employees or licensees to hire or engage. Therefore, the Washington
9 state patrol criminal identification system may disclose, upon the
10 request of a business or organization as defined in RCW 43.43.830, an
11 applicant's record for convictions of offenses against children or
12 other persons, convictions for crimes relating to financial
13 exploitation, but only if the victim was a vulnerable adult,
14 adjudications of child abuse in a civil action, the issuance of a
15 protection order against the respondent under chapter 74.34 RCW, and
16 disciplinary board final decisions and any subsequent criminal charges
17 associated with the conduct that is the subject of the disciplinary
18 board final decision. When necessary, applicants may be employed on a
19 conditional basis pending completion of such a background
20 investigation.

21 (2) The legislature also finds that the state board of education
22 may request of the Washington state patrol criminal identification
23 system information regarding a certificate applicant's record for
24 convictions under subsection (1) of this section.

25 (3) The legislature also finds that law enforcement agencies, the
26 office of the attorney general, prosecuting authorities, and the
27 department of social and health services may request this same
28 information to aid in the investigation and prosecution of child,
29 developmentally disabled person, and vulnerable adult abuse cases and
30 to protect children and adults from further incidents of abuse.

31 (4) The legislature further finds that the department of social and
32 health services, when considering persons for state positions directly
33 responsible for the care, supervision, or treatment of children,
34 developmentally disabled persons, or vulnerable adults or when
35 licensing or authorizing such persons or agencies pursuant to its
36 authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any
37 later-enacted statute which purpose is to license or regulate a
38 facility which handles vulnerable adults, must consider the information

1 listed in subsection (1) of this section. However, when necessary,
2 persons may be employed on a conditional basis pending completion of
3 the background investigation. The ((state)) Washington personnel
4 resources board shall adopt rules to accomplish the purposes of this
5 subsection as it applies to state employees.

6 **Sec. 52.** RCW 43.60A.906 and 1975-'76 2nd ex.s. c 115 s 16 are each
7 amended to read as follows:

8 Nothing contained in this chapter shall be construed to alter any
9 existing collective bargaining unit or the provisions of any existing
10 collective bargaining agreement until any such agreement has expired or
11 until any such bargaining unit has been modified by action of the
12 Washington personnel resources board as provided by law.

13 **Sec. 53.** RCW 43.105.052 and 1992 c 20 s 10 are each amended to
14 read as follows:

15 The department shall:

16 (1) Perform all duties and responsibilities the board delegates to
17 the department, including but not limited to:

18 (a) The review of agency acquisition plans and requests; and

19 (b) Implementation of state-wide and interagency policies,
20 standards, and guidelines;

21 (2) Make available information services to state agencies and local
22 governments on a full cost-recovery basis. These services may include,
23 but are not limited to:

24 (a) Telecommunications services for voice, data, and video;

25 (b) Mainframe computing services;

26 (c) Support for departmental and microcomputer evaluation,
27 installation, and use;

28 (d) Equipment acquisition assistance, including leasing, brokering,
29 and establishing master contracts;

30 (e) Facilities management services for information technology
31 equipment, equipment repair, and maintenance service;

32 (f) Negotiation with local cable companies and local governments to
33 provide for connection to local cable services to allow for access to
34 these public and educational channels in the state;

35 (g) Office automation services;

36 (h) System development services; and

37 (i) Training.

1 These services are for discretionary use by customers and customers
2 may elect other alternatives for service if those alternatives are more
3 cost-effective or provide better service. Agencies may be required to
4 use the backbone network portions of the telecommunications services
5 during an initial start-up period not to exceed three years;

6 (3) Establish rates and fees for services provided by the
7 department to assure that the services component of the department is
8 self-supporting. A billing rate plan shall be developed for a two-year
9 period to coincide with the budgeting process. The rate plan shall be
10 subject to review at least annually by the customer oversight
11 committees. The rate plan shall show the proposed rates by each cost
12 center and will show the components of the rate structure as mutually
13 determined by the department and the customer oversight committees.
14 The same rate structure will apply to all user agencies of each cost
15 center. The rate plan and any adjustments to rates shall be approved
16 by the office of financial management. The services component shall
17 not subsidize the operations of the planning component;

18 (4) With the advice of the information services board and agencies,
19 develop a state strategic information technology plan and performance
20 reports as required under RCW 43.105.160;

21 (5) Develop plans for the department's achievement of state-wide
22 goals and objectives set forth in the state strategic information
23 technology plan required under RCW 43.105.160. These plans shall
24 address such services as telecommunications, central and distributed
25 computing, local area networks, office automation, and end user
26 computing. The department shall seek the advice of customer oversight
27 committees and the board in the development of these plans;

28 (6) Under direction of the information services board and in
29 collaboration with the department of personnel, (~~the higher education~~
30 ~~personnel board,~~) and other agencies as may be appropriate, develop
31 training plans and coordinate training programs that are responsive to
32 the needs of agencies;

33 (7) Identify opportunities for the effective use of information
34 services and coordinate appropriate responses to those opportunities;

35 (8) Assess agencies' projects, acquisitions, plans, or overall
36 information processing performance as requested by the board, agencies,
37 the director of financial management, or the legislature. Agencies may
38 be required to reimburse the department for agency-requested reviews;

1 (9) Develop planning, budgeting, and expenditure reporting
2 requirements, in conjunction with the office of financial management,
3 for agencies to follow;

4 (10) Assist the office of financial management with budgetary and
5 policy review of agency plans for information services;

6 (11) Provide staff support from the planning component to the board
7 for:

8 (a) Meeting preparation, notices, and minutes;

9 (b) Promulgation of policies, standards, and guidelines adopted by
10 the board;

11 (c) Supervision of studies and reports requested by the board;

12 (d) Conducting reviews and assessments as directed by the board;

13 (12) Be the lead agency in coordinating video telecommunications
14 services for all state agencies and develop, pursuant to board
15 policies, standards and common specifications for leased and purchased
16 telecommunications equipment. The department shall not evaluate the
17 merits of school curriculum, higher education course offerings, or
18 other education and training programs proposed for transmission and/or
19 reception using video telecommunications resources. Nothing in this
20 section shall abrogate or abridge the legal responsibilities of
21 licensees of telecommunications facilities as licensed by the federal
22 communication commission on March 27, 1990; and

23 (13) Perform all other matters and things necessary to carry out
24 the purposes and provisions of this chapter.

25 **Sec. 54.** RCW 43.131.090 and 1983 1st ex.s. c 27 s 4 are each
26 amended to read as follows:

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

33 (1) All employees of terminated state agencies classified under
34 chapter 41.06 RCW, the state civil service law, shall be transferred as
35 appropriate or as otherwise provided in the procedures adopted by the
36 Washington personnel resources board pursuant to RCW 41.06.150;

37 (2) All documents and papers, equipment, or other tangible property
38 in the possession of the terminated state agency shall be delivered to

1 the custody of the agency assuming the responsibilities of the
2 terminated agency or if such responsibilities have been eliminated,
3 documents and papers shall be delivered to the state archivist and
4 equipment or other tangible property to the department of general
5 administration;

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

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

14 (5) All contractual rights and duties of a state agency shall be
15 assigned or delegated to the agency assuming the responsibilities of
16 the terminated state agency, or if there is none to such agency as the
17 governor shall direct.

18 **Sec. 55.** RCW 48.03.060 and 1981 c 339 s 2 are each amended to read
19 as follows:

20 (1) Examinations within this state of any insurer domiciled or
21 having its home offices in this state, other than a title insurer, made
22 by the commissioner or ((his)) the commissioner's examiners and
23 employees shall, except as to fees, mileage, and expense incurred as to
24 witnesses, be at the expense of the state.

25 (2) Every other examination, whatsoever, or any part of the
26 examination of any person domiciled or having its home offices in this
27 state requiring travel and services outside this state, shall be made
28 by the commissioner or by examiners designated by him and shall be at
29 the expense of the person examined; but a domestic insurer shall not be
30 liable for the compensation of examiners employed by the commissioner
31 for such services outside this state.

32 (3) The person examined and liable therefor shall reimburse the
33 state upon presentation of an itemized statement thereof, for the
34 actual travel expenses of the commissioner's examiners, their
35 reasonable living expense allowance, and their per diem compensation,
36 including salary and the employer's cost of employee benefits, at a
37 reasonable rate approved by the commissioner, incurred on account of
38 the examination. Per diem salary and expenses for employees examining

1 insurers domiciled outside the state of Washington shall be established
2 by the commissioner on the basis of the National Association of
3 Insurance Commissioner's recommended salary and expense schedule for
4 zone examiners, or the salary schedule established by the ((state))
5 Washington personnel resources board and the expense schedule
6 established by the office of financial management, whichever is higher.
7 Domestic title insurer shall pay the examination expense and costs to
8 the commissioner as itemized and billed by ((him)) the commissioner.

9 The commissioner or ((his)) the commissioner's examiners shall not
10 receive or accept any additional emolument on account of any
11 examination.

12 **Sec. 56.** RCW 49.46.010 and 1989 c 1 s 1 are each amended to read
13 as follows:

14 As used in this chapter:

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

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

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

22 (4) "Employer" includes any individual, partnership, association,
23 corporation, business trust, or any person or group of persons acting
24 directly or indirectly in the interest of an employer in relation to an
25 employee;

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

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

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

1 (c) Any individual employed in a bona fide executive,
2 administrative, or professional capacity or in the capacity of outside
3 salesman as those terms are defined and delimited by (~~regulations~~)
4 rules of the director. However, those terms shall be defined and
5 delimited by the (~~state~~) Washington personnel resources board
6 pursuant to chapter 41.06 RCW (~~and the higher education personnel~~
7 ~~board pursuant to chapter 28B.16 RCW for employees employed under their~~
8 ~~respective jurisdictions~~);

9 (d) Any individual engaged in the activities of an educational,
10 charitable, religious, state or local governmental body or agency, or
11 nonprofit organization where the employer-employee relationship does
12 not in fact exist or where the services are rendered to such
13 organizations gratuitously. If the individual receives reimbursement
14 in lieu of compensation for normally incurred out-of-pocket expenses or
15 receives a nominal amount of compensation per unit of voluntary service
16 rendered, an employer-employee relationship is deemed not to exist for
17 the purpose of this section or for purposes of membership or
18 qualification in any state, local government or publicly supported
19 retirement system other than that provided under chapter 41.24 RCW;

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

27 (f) Any newspaper vendor or carrier;

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

30 (h) Any individual engaged in forest protection and fire prevention
31 activities;

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

37 (j) Any individual whose duties require that he or she reside or
38 sleep at the place of his or her employment or who otherwise spends a

1 substantial portion of his or her work time subject to call, and not
2 engaged in the performance of active duties;

3 (k) Any resident, inmate, or patient of a state, county, or
4 municipal correctional, detention, treatment or rehabilitative
5 institution;

6 (l) Any individual who holds a public elective or appointive office
7 of the state, any county, city, town, municipal corporation or quasi
8 municipal corporation, political subdivision, or any instrumentality
9 thereof, or any employee of the state legislature;

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

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

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

17 **Sec. 57.** RCW 49.74.020 and 1985 c 365 s 9 are each amended to read
18 as follows:

19 If the commission reasonably believes that a state agency, an
20 institution of higher education, or the state patrol has failed to
21 comply with an affirmative action rule adopted under RCW
22 (~~28B.16.100~~) 41.06.150(~~(7)~~) or 43.43.340, the commission shall
23 notify the director of the state agency, president of the institution
24 of higher education, or chief of the Washington state patrol of the
25 noncompliance, as well as the director of personnel (~~or the director~~
26 ~~of the higher education personnel board, whichever is appropriate~~).
27 The commission shall give the director of the state agency, president
28 of the institution of higher education, or chief of the Washington
29 state patrol an opportunity to be heard on the failure to comply.

30 **Sec. 58.** RCW 49.74.030 and 1985 c 365 s 10 are each amended to
31 read as follows:

32 The commission in conjunction with the department of personnel(~~(7~~
33 ~~the higher education personnel board,~~) or the state patrol, whichever
34 is appropriate, shall attempt to resolve the noncompliance through
35 conciliation. If an agreement is reached for the elimination of
36 noncompliance, the agreement shall be reduced to writing and an order
37 shall be issued by the commission setting forth the terms of the

1 agreement. The noncomplying state agency, institution of higher
2 education, or state patrol shall make a good faith effort to conciliate
3 and make a full commitment to correct the noncompliance with any action
4 that may be necessary to achieve compliance, provided such action is
5 not inconsistent with the rules adopted under RCW (~~((28B.16.100(20),~~)
6 41.06.150(21)(~~(7)~~) and 43.43.340(5), whichever is appropriate.

7 **Sec. 59.** RCW 50.13.060 and 1981 c 177 s 1 are each amended to read
8 as follows:

9 (1) Governmental agencies, including law enforcement agencies,
10 prosecuting agencies, and the executive branch, whether state, local,
11 or federal shall have access to information or records deemed private
12 and confidential under this chapter if the information or records are
13 needed by the agency for official purposes and:

14 (a) The agency submits an application in writing to the employment
15 security department for the records or information containing a
16 statement of the official purposes for which the information or records
17 are needed and specific identification of the records or information
18 sought from the department; and

19 (b) The director, commissioner, chief executive, or other official
20 of the agency has verified the need for the specific information in
21 writing either on the application or on a separate document; and

22 (c) The agency requesting access has served a copy of the
23 application for records or information on the individual or employing
24 unit whose records or information are sought and has provided the
25 department with proof of service. Service shall be made in a manner
26 which conforms to the civil rules for superior court. The requesting
27 agency shall include with the copy of the application a statement to
28 the effect that the individual or employing unit may contact the public
29 records officer of the employment security department to state any
30 objections to the release of the records or information. The
31 employment security department shall not act upon the application of
32 the requesting agency until at least five days after service on the
33 concerned individual or employing unit. The employment security
34 department shall consider any objections raised by the concerned
35 individual or employing unit in deciding whether the requesting agency
36 needs the information or records for official purposes.

37 (2) The requirements of subsections (1) and (7) of this section
38 shall not apply to the state legislative branch. The state legislature

1 shall have access to information or records deemed private and
2 confidential under this chapter, if the legislature or a legislative
3 committee finds that the information or records are necessary and for
4 official purposes. If the employment security department does not make
5 information or records available as provided in this subsection, the
6 legislature may exercise its authority granted by chapter 44.16 RCW.

7 (3) In cases of emergency the governmental agency requesting access
8 shall not be required to formally comply with the provisions of
9 subsection (1) of this section at the time of the request if the
10 procedures required by subsection (1) of this section are complied with
11 by the requesting agency following the receipt of any records or
12 information deemed private and confidential under this chapter. An
13 emergency is defined as a situation in which irreparable harm or damage
14 could occur if records or information are not released immediately.

15 (4) The requirements of subsection (1)(c) of this section shall not
16 apply to governmental agencies where the procedures would frustrate the
17 investigation of possible violations of criminal laws.

18 (5) Governmental agencies shall have access to certain records or
19 information, limited to such items as names, addresses, social security
20 numbers, and general information about benefit entitlement or employer
21 information possessed by the department, for comparison purposes with
22 records or information possessed by the requesting agency to detect
23 improper or fraudulent claims, or to determine potential tax liability
24 or employer compliance with registration and licensing requirements.
25 In those cases the governmental agency shall not be required to comply
26 with subsection (1)(c) of this section, but the requirements of the
27 remainder of subsection (1) must be satisfied.

28 (6) Disclosure to governmental agencies of information or records
29 obtained by the employment security department from the federal
30 government shall be governed by any applicable federal law or any
31 agreement between the federal government and the employment security
32 department where so required by federal law. When federal law does not
33 apply to the records or information state law shall control.

34 (7) The disclosure of any records or information by a governmental
35 agency which has obtained the records or information under this section
36 is prohibited unless the disclosure is directly connected to the
37 official purpose for which the records or information were obtained.

38 (8) In conducting periodic salary or fringe benefit studies
39 pursuant to law, the department of personnel (~~and the higher education~~

1 ~~personnel board~~) shall have access to records of the employment
2 security department as may be required for such studies. For such
3 purposes, the requirements of subsection (1)(c) of this section need
4 not apply.

5 **Sec. 60.** RCW 70.24.300 and 1988 c 206 s 607 are each amended to
6 read as follows:

7 The ((state)) Washington personnel resources board((~~the higher~~
8 ~~education personnel board~~)) and each unit of local government shall
9 determine whether any employees under their jurisdiction have a
10 substantial likelihood of exposure in the course of their employment to
11 the human immunodeficiency virus. If so, the agency or unit of
12 government shall adopt rules requiring appropriate training and
13 education for the employees on the prevention, transmission, and
14 treatment of AIDS. The rules shall specifically provide for such
15 training and education for law enforcement, correctional, and health
16 care workers. The ((state)) Washington personnel resources board((~~the higher~~
17 ~~education personnel board~~)) and each unit of local
18 government shall work with the office on AIDS under RCW 70.24.250 to
19 develop the educational and training material necessary for employees.

20 **Sec. 61.** RCW 70.87.120 and 1983 c 123 s 13 are each amended to
21 read as follows:

22 (1) The department shall appoint and employ inspectors, as may be
23 necessary to carry out the provisions of this chapter, under the
24 provisions of the rules adopted by the ((state)) Washington personnel
25 resources board in accordance with chapter 41.06 RCW.

26 (2) The department shall cause all conveyances to be inspected and
27 tested at least once each year. Inspectors have the right during
28 reasonable hours to enter into and upon any building or premises in the
29 discharge of their official duties, for the purpose of making any
30 inspection or testing any conveyance contained thereon or therein.
31 Inspections and tests shall conform with the rules adopted by the
32 department. The department shall inspect all installations before it
33 issues any initial permit for operation. Permits shall not be issued
34 until the fees required by this chapter have been paid.

35 (3) If inspection shows a conveyance to be in an unsafe condition,
36 the department shall issue an inspection report in writing requiring
37 the repairs or alterations to be made to the conveyance that are

1 necessary to render it safe and may also suspend or revoke a permit
2 pursuant to RCW 70.87.125 or order the operation of a conveyance
3 discontinued pursuant to RCW 70.87.145.

4 (4) The department may investigate accidents and alleged or
5 apparent violations of this chapter.

6 **Sec. 62.** RCW 72.01.210 and 1981 c 136 s 69 are each amended to
7 read as follows:

8 The secretary of corrections shall appoint chaplains for the state
9 correctional institutions for convicted felons; and the secretary of
10 social and health services shall appoint chaplains for the correctional
11 institutions for juveniles found delinquent by the juvenile courts; and
12 the secretary of corrections and the secretary of social and health
13 services shall appoint one or more chaplains for other custodial,
14 correctional and mental institutions under their control. The
15 chaplains so appointed shall have the qualifications and shall be
16 compensated in an amount, as shall hereafter be recommended by the
17 department and approved by the ((state)) Washington personnel resources
18 board.

19 **Sec. 63.** RCW 72.02.045 and 1988 c 143 s 2 are each amended to read
20 as follows:

21 The superintendent of each institution has the powers, duties, and
22 responsibilities specified in this section.

23 (1) Subject to the rules of the department, the superintendent is
24 responsible for the supervision and management of the institution, the
25 grounds and buildings, the subordinate officers and employees, and the
26 prisoners committed, admitted, or transferred to the institution.

27 (2) Subject to the rules of the department and the director of the
28 division of prisons or his or her designee and the ((state)) Washington
29 personnel resources board, the superintendent shall appoint all
30 subordinate officers and employees.

31 (3) The superintendent shall be the custodian of all funds and
32 valuable personal property of convicted persons as may be in their
33 possession upon admission to the institution, or which may be sent or
34 brought in to such persons, or earned by them while in custody, or
35 which shall be forwarded to the superintendent on behalf of convicted
36 persons. All such funds shall be deposited in the personal account of
37 the convicted person and the superintendent shall have authority to

1 disburse moneys from such person's personal account for the personal
2 and incidental needs of the convicted person as may be deemed
3 reasonably necessary. When convicted persons are released from the
4 confines of the institution either on parole, transfer, or discharge,
5 all funds and valuable personal property in the possession of the
6 superintendent belonging to such convicted persons shall be delivered
7 to them. In no case shall the state of Washington, or any state
8 officer, including state elected officials, employees, or volunteers,
9 be liable for the loss of such personal property, except upon a showing
10 that the loss was occasioned by the intentional act, gross negligence,
11 or negligence of the officer, official, employee, or volunteer, and
12 that the actions or omissions occurred while the person was performing,
13 or in good faith purporting to perform, his or her official duties.
14 Recovery of damages for loss of personal property while in the custody
15 of the superintendent under this subsection shall be limited to the
16 lesser of the market value of the item lost at the time of the loss, or
17 the original purchase price of the item or, in the case of hand-made
18 goods, the materials used in fabricating the item.

19 (4) The superintendent, subject to the approval of the director of
20 the division of prisons and the secretary, shall make, amend, and
21 repeal rules for the administration, supervision, discipline, and
22 security of the institution.

23 (5) When in the superintendent's opinion an emergency exists, the
24 superintendent may promulgate temporary rules for the governance of the
25 institution, which shall remain in effect until terminated by the
26 director of the division of prisons or the secretary.

27 (6) The superintendent shall perform such other duties as may be
28 prescribed.

29 **Sec. 64.** RCW 72.09.220 and 1981 c 136 s 33 are each amended to
30 read as follows:

31 Nothing contained in sections 1 through 13 and 16 through 23 of
32 this act may be construed to downgrade any rights of any employee under
33 any existing collective bargaining unit or the provisions of any
34 existing collective bargaining agreement until the agreement has
35 expired or until the bargaining unit has been modified by action of the
36 Washington personnel resources board as provided by law.

1 **Sec. 65.** RCW 72.19.050 and 1979 c 141 s 226 are each amended to
2 read as follows:

3 The superintendent shall have the following powers, duties and
4 responsibilities:

5 (1) Subject to the rules (~~(and regulations)~~) of the department, the
6 superintendent shall have the supervision and management of the
7 institution, of the grounds and buildings, the subordinate officers and
8 employees, and of the juveniles received at such institution and the
9 custody of such persons until released or transferred as provided by
10 law.

11 (2) Subject to the rules (~~(and regulations)~~) of the department and
12 the (~~(state)~~) Washington personnel resources board, appoint all
13 subordinate officers and employees.

14 (3) The superintendent shall be the custodian of the personal
15 property of all juveniles in the institution and shall make rules (~~(and~~
16 ~~regulations)~~) governing the accounting and disposition of all moneys
17 received by such juveniles, not inconsistent with the law, and subject
18 to the approval of the secretary.

19 **Sec. 66.** RCW 74.09.150 and 1959 c 26 s 74.09.150 are each amended
20 to read as follows:

21 All personnel employed in the administration of the medical care
22 program shall be covered by the existing merit system under the
23 (~~(state)~~) Washington personnel resources board (~~(or its successor)~~).

24 **Sec. 67.** RCW 88.46.927 and 1991 c 200 s 436 are each amended to
25 read as follows:

26 Nothing contained in RCW 88.46.921 through 88.46.926 may be
27 construed to alter any existing collective bargaining unit or the
28 provisions of any existing collective bargaining agreement until the
29 agreement has expired or until the bargaining unit has been modified by
30 action of the Washington personnel resources board as provided by law.

31 NEW SECTION. **Sec. 68.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 28B.16.010 and 1969 ex.s. c 36 s 1;

34 (2) RCW 28B.16.020 and 1985 c 461 s 8, 1985 c 365 s 2, 1983 1st
35 ex.s. c 75 s 1, 1982 1st ex.s. c 53 s 14, 1977 ex.s. c 169 s 41, & 1969
36 ex.s. c 36 s 2;

- 1 (3) RCW 28B.16.030 and 1969 ex.s. c 36 s 3;
- 2 (4) RCW 28B.16.040 and 1990 c 60 s 201, 1982 1st ex.s. c 53 s 15,
3 1977 ex.s. c 94 s 1, & 1969 ex.s. c 36 s 4;
- 4 (5) RCW 28B.16.041 and 1985 c 442 s 9;
- 5 (6) RCW 28B.16.042 and 1985 c 266 s 1;
- 6 (7) RCW 28B.16.043 and 1991 c 238 s 107;
- 7 (8) RCW 28B.16.060 and 1984 c 287 s 63, 1981 c 338 s 19, 1975-'76
8 2nd ex.s. c 34 s 73, & 1969 ex.s. c 36 s 6;
- 9 (9) RCW 28B.16.070 and 1983 c 23 s 1 & 1969 ex.s. c 36 s 7;
- 10 (10) RCW 28B.16.080 and 1969 ex.s. c 36 s 8;
- 11 (11) RCW 28B.16.090 and 1969 ex.s. c 36 s 9;
- 12 (12) RCW 28B.16.100 and 1990 c 60 s 202;
- 13 (13) RCW 28B.16.101 and 1982 1st ex.s. c 53 s 19 & 1977 ex.s. c 152
14 s 9;
- 15 (14) RCW 28B.16.105 and 1985 c 461 s 10, 1982 1st ex.s. c 53 s 17,
16 & 1977 ex.s. c 152 s 13;
- 17 (15) RCW 28B.16.110 and 1985 c 94 s 1, 1980 c 11 s 3, 1979 c 151 s
18 16, 1977 ex.s. c 152 s 10, 1975 1st ex.s. c 122 s 2, & 1969 ex.s. c 36
19 s 11;
- 20 (16) RCW 28B.16.112 and 1987 c 185 s 3, 1986 c 158 s 4, 1979 c 151
21 s 17, & 1977 ex.s. c 152 s 11;
- 22 (17) RCW 28B.16.113 and 1977 ex.s. c 152 s 12;
- 23 (18) RCW 28B.16.116 and 1983 1st ex.s. c 75 s 3;
- 24 (19) RCW 28B.16.120 and 1969 ex.s. c 36 s 12;
- 25 (20) RCW 28B.16.130 and 1969 ex.s. c 36 s 13;
- 26 (21) RCW 28B.16.140 and 1969 ex.s. c 36 s 14;
- 27 (22) RCW 28B.16.150 and 1969 ex.s. c 36 s 15;
- 28 (23) RCW 28B.16.160 and 1988 c 202 s 27, 1971 c 81 s 72, & 1969
29 ex.s. c 36 s 16;
- 30 (24) RCW 28B.16.170 and 1969 ex.s. c 36 s 26;
- 31 (25) RCW 28B.16.180 and 1973 1st ex.s. c 46 s 3 & 1969 ex.s. c 36
32 s 17;
- 33 (26) RCW 28B.16.190 and 1969 ex.s. c 36 s 19;
- 34 (27) RCW 28B.16.200 and 1979 c 151 s 18 and 1969 ex.s. c 36 s 20;
- 35 (28) RCW 28B.16.210 and 1969 ex.s. c 36 s 29;
- 36 (29) RCW 28B.16.220 and 1969 ex.s. c 36 s 31;
- 37 (30) RCW 28B.16.230 and 1973 c 62 s 6 & 1969 ex.s. c 215 s 14;
- 38 (31) RCW 28B.16.255 and 1985 c 461 s 11;
- 39 (32) RCW 28B.16.265 and 1985 c 461 s 12;

- 1 (33) RCW 28B.16.275 and 1985 c 461 s 13;
2 (34) RCW 28B.16.300 and 1990 c 204 s 4;
3 (35) RCW 28B.16.900 and 1969 ex.s. c 36 s 18;
4 (36) RCW 28B.16.910 and 1969 ex.s. c 36 s 27;
5 (37) RCW 28B.16.920 and 1969 ex.s. c 36 s 30; and
6 (38) RCW 28B.16.930 and 1969 ex.s. c 36 s 28.

7 NEW SECTION. **Sec. 69.** RCW 41.06.430 and 1990 c 60 s 102 and 1980
8 c 118 s 7 are each repealed.

9 NEW SECTION. **Sec. 70.** RCW 28B.16.240 is recodified as a new
10 section in chapter 41.06 RCW.

11 NEW SECTION. **Sec. 71.** RCW 41.06.230, 41.06.240, 41.06.310, and
12 41.64.900 are each decodified.

13 NEW SECTION. **Sec. 72.** (1) The legislature recognizes that the
14 most vital asset of state government is the people who design, manage,
15 and implement its programs and deliver its services. The quality and
16 effectiveness of state service depends on many factors, including
17 adequate resources, personal dedication, proper training, skilled and
18 sensitive management, and the removal of artificial barriers to
19 personal and organizational success.

20 (2) The legislature further recognizes that due to increasing
21 demands on state government requiring new levels of efficiency and
22 effectiveness in service delivery, and the impact of the total system
23 of laws and rules governing recruitment, development, and management of
24 personnel resources in state government, it is imperative to
25 immediately and comprehensively examine all aspects of that system, and
26 make whatever changes are indicated forthwith.

27 (3) To that end, there is hereby created a study task force
28 composed of the following members: Three members of the house of
29 representatives appointed by the speaker of the house of
30 representatives, three members of the senate appointed by the president
31 of the senate, five members appointed by the governor, and one
32 representative from each employee organization that has at least five
33 hundred dues-paying members employed by the state of Washington. The
34 charge of the task force is to make a comprehensive recommendation to
35 the legislature no later than December 1, 1993, in the form of proposed
36 legislation, regarding the provision of personnel resources in state

1 government. The task force shall address at least the following
2 issues:

3 (a) Overall organization of the personnel resources apparatus in
4 state government:

5 (i) Consolidation or decentralization of all personnel services;
6 and

7 (ii) The appropriate role and degree of control of the governor,
8 the Washington personnel resources board, agency directors, and other
9 elected officials;

10 (b) Efficiency in management and service delivery:

11 (i) Identify the principal barriers to, and successes in, effective
12 recruitment, retention, development, and assignment of a quality work
13 force in state service;

14 (ii) Analyze the extent to which improvement in these areas is best
15 achieved by changes in civil service reform, or from management and
16 organizational initiatives of the governor, agency directors, employee
17 organizations, employees, and other elected officials; and

18 (iii) Develop principles regarding the purchase of services by
19 state government;

20 (c) Employee rights and participation:

21 (i) Identify areas and issues that are appropriately decided
22 cooperatively between classified employees and management through
23 collective bargaining or otherwise, and those areas that are inherently
24 management prerogatives and responsibilities;

25 (ii) Analyze the full range of collective bargaining or other
26 collaborative process issues, and identify those features that are the
27 most effective and equitable, including grievance procedures,
28 bargaining units, representation, union security, negotiations, and
29 unfair labor practices;

30 (iii) Analyze the duty of the state to provide job stability and
31 termination rights such as notice for exempt employees and develop a
32 policy of equitable protection for exempt employees; and

33 (d) Any other related issue that comes to light during the course
34 of the study may properly be examined. This list of issues is in no
35 way intended to limit the inquiry and exploration of the task force in
36 its pursuit of its principal charge.

37 (4) In developing its recommendation the task force shall draw upon
38 the following resources:

1 (a) Full and frequent consultation with particular interest groups,
2 including state employees and their organizations, managers, and
3 directors at all levels of state service, elected officials, and
4 academic and private sector personnel resource specialists;

5 (b) The experience of other states, particularly those who have
6 recently made significant changes in this area; and

7 (c) The experience of private sector organizations that are
8 recognized for innovative and effective accomplishment in this field.

9 (5) The task force shall meet at least monthly, and shall hold
10 meetings in different regions of the state. Staff services shall be
11 provided by legislative and governor's office staff.

12 (6) This section shall expire December 31, 1993.

13 NEW SECTION. **Sec. 73.** Section 67 of this act shall take effect
14 July 1, 1997.

15 NEW SECTION. **Sec. 74.** Sections 1 through 66 and 68 through 71 of
16 this act are necessary for the immediate preservation of the public
17 peace, health, or safety, or support of the state government and its
18 existing public institutions, and shall take effect July 1, 1993.

Passed the House April 22, 1993.

Passed the Senate April 21, 1993.

Approved by the Governor May 10, 1993.

Filed in Office of Secretary of State May 10, 1993.