

---

HOUSE BILL 1058

---

State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Horn and Sheldon; by request of Liquor Control Board

Read first time 01/10/95. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to the repeal of liquor vendors' appeals as  
2 authorized by RCW 41.06.150; amending RCW 41.06.070; and declaring an  
3 emergency.

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

5            **Sec. 1.** RCW 41.06.070 and 1994 c 264 s 13 are each amended to read  
6 as follows:

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

8            (a) The members of the legislature or to any employee of, or  
9 position in, the legislative branch of the state government including  
10 members, officers, and employees of the legislative council,  
11 legislative budget committee, statute law committee, and any interim  
12 committee of the legislature;

13            (b) The justices of the supreme court, judges of the court of  
14 appeals, judges of the superior courts or of the inferior courts, or to  
15 any employee of, or position in the judicial branch of state  
16 government;

17            (c) Officers, academic personnel, and employees of technical  
18 colleges;

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

1 (e) Elective officers of the state;

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

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

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

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

12 (ii) If the members of the board, commission, or committee serve on  
13 a part-time basis and there is a statutory executive officer: The  
14 secretary of the board, commission, or committee; the chief executive  
15 officer of the board, commission, or committee; and the confidential  
16 secretary of the chief executive officer of the board, commission, or  
17 committee;

18 (iii) If the members of the board, commission, or committee serve  
19 on a full-time basis: The chief executive officer or administrative  
20 officer as designated by the board, commission, or committee; and a  
21 confidential secretary to the chair of the board, commission, or  
22 committee;

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

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

28 (j) Assistant attorneys general;

29 (k) Commissioned and enlisted personnel in the military service of  
30 the state;

31 (l) Inmate, student, part-time, or temporary employees, and part-  
32 time professional consultants, as defined by the Washington personnel  
33 resources board;

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

36 (n) Officers and employees of the Washington state fruit  
37 commission;

38 (o) Officers and employees of the Washington state apple  
39 advertising commission;

1 (p) Officers and employees of the Washington state dairy products  
2 commission;

3 (q) Officers and employees of the Washington tree fruit research  
4 commission;

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

6 (s) Officers and employees of any commission formed under chapter  
7 15.66 RCW;

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

10 (u) Officers and employees of agricultural commissions formed under  
11 chapter 15.65 RCW;

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

14 (~~w~~) (~~((Liquor vendors appointed by the Washington state liquor  
15 control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules  
16 adopted by the Washington personnel resources board pursuant to RCW  
17 41.06.150 regarding the basis for, and procedures to be followed for,  
18 the dismissal, suspension, or demotion of an employee, and appeals  
19 therefrom shall be fully applicable to liquor vendors except those part  
20 time agency vendors employed by the liquor control board when, in  
21 addition to the sale of liquor for the state, they sell goods, wares,  
22 merchandise, or services as a self-sustaining private retail business;~~  
23 (~~x~~)) Executive assistants for personnel administration and labor  
24 relations in all state agencies employing such executive assistants  
25 including but not limited to all departments, offices, commissions,  
26 committees, boards, or other bodies subject to the provisions of this  
27 chapter and this subsection shall prevail over any provision of law  
28 inconsistent herewith unless specific exception is made in such law;

29 (~~((y))~~) (x) In each agency with fifty or more employees: Deputy  
30 agency heads, assistant directors or division directors, and not more  
31 than three principal policy assistants who report directly to the  
32 agency head or deputy agency heads;

33 (~~((z))~~) (y) All employees of the marine employees' commission;

34 (~~((aa))~~) (z) Up to a total of five senior staff positions of the  
35 western library network under chapter 27.26 RCW responsible for  
36 formulating policy or for directing program management of a major  
37 administrative unit. This subsection (1)(z) shall expire on June 30,  
38 1997.

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

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

22 (b) Student, part-time, or temporary employees, and part-time  
23 professional consultants, as defined by the Washington personnel  
24 resources board, employed by institutions of higher education and  
25 related boards;

26 (c) The governing board of each institution, and related boards,  
27 may also exempt from this chapter classifications involving research  
28 activities, counseling of students, extension or continuing education  
29 activities, graphic arts or publications activities requiring  
30 prescribed academic preparation or special training as determined by  
31 the board: PROVIDED, That no nonacademic employee engaged in office,  
32 clerical, maintenance, or food and trade services may be exempted by  
33 the board under this provision;

34 (d) Printing craft employees in the department of printing at the  
35 University of Washington.

36 (3) In addition to the exemptions specifically provided by this  
37 chapter, the Washington personnel resources board may provide for  
38 further exemptions pursuant to the following procedures. The governor  
39 or other appropriate elected official may submit requests for exemption

1 to the Washington personnel resources board stating the reasons for  
2 requesting such exemptions. The Washington personnel resources board  
3 shall hold a public hearing, after proper notice, on requests submitted  
4 pursuant to this subsection. If the board determines that the position  
5 for which exemption is requested is one involving substantial  
6 responsibility for the formulation of basic agency or executive policy  
7 or one involving directing and controlling program operations of an  
8 agency or a major administrative division thereof, the Washington  
9 personnel resources board shall grant the request and such  
10 determination shall be final as to any decision made before July 1,  
11 1993. The total number of additional exemptions permitted under this  
12 subsection shall not exceed one percent of the number of employees in  
13 the classified service not including employees of institutions of  
14 higher education and related boards for those agencies not directly  
15 under the authority of any elected public official other than the  
16 governor, and shall not exceed a total of twenty-five for all agencies  
17 under the authority of elected public officials other than the  
18 governor. The Washington personnel resources board shall report to  
19 each regular session of the legislature during an odd-numbered year all  
20 exemptions granted under subsections (1) (w) and (x) (~~(and (y))~~) and  
21 (2) of this section, together with the reasons for such exemptions.

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

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

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

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

4       NEW SECTION.   **Sec. 2.**   This act is necessary for the immediate  
5 preservation of the public peace, health, or safety, or support of the  
6 state government and its existing public institutions, and shall take  
7 effect immediately.

--- END ---