
SUBSTITUTE HOUSE BILL 2851

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Sehlin, McMorris, Ballasiotes and Silver)

Read first time 02/02/96.

1 AN ACT Relating to collective bargaining agreements of department
2 of corrections; and amending RCW 41.06.150.

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

4 **Sec. 1.** RCW 41.06.150 and 1995 2nd sp.s. c 18 s 911 are each
5 amended to read as follows:

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

10 (1) The reduction, dismissal, suspension, or demotion of an
11 employee;

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

18 (3) Examinations for all positions in the competitive and
19 noncompetitive service;

1 (4) Appointments;

2 (5) Training and career development;

3 (6) Probationary periods of six to twelve months and rejections of

4 probationary employees, depending on the job requirements of the class,

5 except that entry level state park rangers shall serve a probationary

6 period of twelve months;

7 (7) Transfers;

8 (8) Sick leaves and vacations;

9 (9) Hours of work;

10 (10) Layoffs when necessary and subsequent reemployment, both

11 according to seniority;

12 (11) Collective bargaining, including:

13 (a) Determination of appropriate bargaining units within any

14 agency(~~(: PROVIDED, That in making such determination the board shall~~

15 ~~consider)) taking into consideration the duties, skills, and working~~

16 conditions of the employees, the history of collective bargaining by

17 the employees and their bargaining representatives, the extent of

18 organization among the employees, and the desires of the employees;

19 (~~(12))~~) (b) Certification and decertification of exclusive

20 bargaining representatives(~~(: PROVIDED, That))~~), subject to the

21 following:

22 (i) After certification of an exclusive bargaining representative

23 and upon the representative's request, the director shall hold an

24 election among employees in a bargaining unit to determine by a

25 majority whether to require as a condition of employment membership in

26 the certified exclusive bargaining representative on or after the

27 thirtieth day following the beginning of employment or the date of such

28 election, whichever is the later, and the failure of an employee to

29 comply with such a condition of employment constitutes cause for

30 dismissal(~~(: PROVIDED FURTHER, That))~~);

31 (ii) No more often than once in each twelve-month period after

32 expiration of twelve months following the date of the original election

33 in a bargaining unit and upon petition of thirty percent of the members

34 of a bargaining unit the director shall hold an election to determine

35 whether a majority wish to rescind ((such)) the condition of

36 employment(~~(: PROVIDED FURTHER, That))~~ authorized in (b)(i) of this

37 subsection;

38 (iii) For purposes of this ((clause)) subsection (11)(b),

39 membership in the certified exclusive bargaining representative is

1 satisfied by the payment of monthly or other periodic dues and does not
2 require payment of initiation, reinstatement, or any other fees or
3 fines and includes full and complete membership rights(~~(:—AND PROVIDED~~
4 ~~FURTHER, That in order)~~); and

5 (iv) To safeguard the right of nonassociation of public employees,
6 based on bona fide religious tenets or teachings of a church or
7 religious body of which such public employee is a member, such public
8 employee shall pay to the union, for purposes within the program of the
9 union as designated by such employee that would be in harmony with his
10 or her individual conscience, an amount of money equivalent to regular
11 union dues minus any included monthly premiums for union-sponsored
12 insurance programs, and such employee shall not be a member of the
13 union but is entitled to all the representation rights of a union
14 member;

15 ~~((13))~~ (c)(i) Agreements between agencies and certified exclusive
16 bargaining representatives providing for grievance procedures and
17 collective negotiations on all personnel matters over which the
18 appointing authority of the appropriate bargaining unit of such agency
19 may lawfully exercise discretion, except that an agreement entered
20 into, renewed, or extended on or after the effective date of this
21 section by the department of corrections may not include any provision
22 prohibiting or limiting the contracting or subcontracting of services
23 related to the construction or operation of a prison for which funds
24 are appropriated in a state capital budget for original planning or
25 construction that begins on or after the effective date of this section
26 or for which funds were appropriated in section 274, chapter 16, Laws
27 of 1995 2nd ex. sess.; and

28 ~~((14))~~ (ii) Written agreements may contain provisions for payroll
29 deductions of employee organization dues upon authorization by the
30 employee member and for the cancellation of such payroll deduction by
31 the filing of a proper prior notice by the employee with the appointing
32 authority and the employee organization(~~(:—PROVIDED, That)~~);

33 (d) Nothing contained ~~((herein))~~ in this subsection (11) permits
34 or grants to any employee the right to strike or refuse to perform his
35 or her official duties;

36 ~~((15))~~ (12) Adoption and revision of a comprehensive
37 classification plan for all positions in the classified service, based
38 on investigation and analysis of the duties and responsibilities of
39 each such position. The board shall not adopt job classification

1 revisions or class studies unless implementation of the proposed
2 revision or study will result in net cost savings, increased
3 efficiencies, or improved management of personnel or services, and the
4 proposed revision or study has been approved by the director of
5 financial management in accordance with chapter 43.88 RCW. Beginning
6 July 1, 1995, through June 30, 1997:

7 (a) The board may approve the implementation of salary increases
8 resulting from adjustments to the classification plan during the 1995-
9 97 fiscal biennium only if:

10 (i) The implementation will not result in additional net costs and
11 the proposed implementation has been approved by the director of
12 financial management in accordance with chapter 43.88 RCW;

13 (ii) The implementation will take effect on July 1, 1996, and the
14 total net cost of all such actions approved by the board for
15 implementation during the 1995-97 fiscal biennium does not exceed the
16 amounts specified by the legislature specifically for this purpose; or

17 (iii) The implementation is a result of emergent conditions.
18 Emergent conditions are defined as newly mandated programs for which
19 moneys are not appropriated, establishment of positions necessary for
20 the preservation of the public health, safety, or general welfare, and
21 related issues which do not exceed \$250,000 of the moneys identified in
22 section 718(2), chapter 18, Laws of 1995 2nd sp. sess.

23 (b) The board may approve the implementation of salary increases
24 resulting from adjustments to the classification plan for
25 implementation in the 1997-99 fiscal biennium only if the
26 implementation will not result in additional net costs or the
27 implementation has been approved by the legislature in the omnibus
28 appropriations act or other legislation.

29 (c) The board shall approve only those salary increases resulting
30 from adjustments to the classification plan if they are due to
31 documented recruitment and retention difficulties, salary compression
32 or inversion, increased duties and responsibilities, or inequities.
33 For these purposes, inequities are defined as similar work assigned to
34 different job classes with a salary disparity greater than 7.5 percent.

35 (d) Adjustments made to the higher education hospital special pay
36 plan are exempt from (a) through (c) of this subsection;

37 (~~(16)~~) (13) Allocation and reallocation of positions within the
38 classification plan;

1 (~~(17)~~) (14) Adoption and revision of a state salary schedule to
2 reflect the prevailing rates in Washington state private industries and
3 other governmental units but the rates in the salary schedules or plans
4 shall be increased if necessary to attain comparable worth under an
5 implementation plan under RCW 41.06.155 and that, for institutions of
6 higher education and related boards, shall be competitive for positions
7 of a similar nature in the state or the locality in which an
8 institution of higher education or related board is located, such
9 adoption and revision subject to approval by the director of financial
10 management in accordance with the provisions of chapter 43.88 RCW;

11 (~~(18)~~) (15) Increment increases within the series of steps for
12 each pay grade based on length of service for all employees whose
13 standards of performance are such as to permit them to retain job
14 status in the classified service;

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

37 (~~(20)~~) (17) Permitting agency heads to delegate the authority to
38 appoint, reduce, dismiss, suspend, or demote employees within their
39 agencies if such agency heads do not have specific statutory authority

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

4 (~~(21)~~) (18) Assuring persons who are or have been employed in
5 classified positions before July 1, 1993, will be eligible for
6 employment, reemployment, transfer, and promotion in respect to
7 classified positions covered by this chapter;

8 (~~(22)~~) (19) Affirmative action in appointment, promotion,
9 transfer, recruitment, training, and career development; development
10 and 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.

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