
HOUSE BILL 2638

State of Washington

55th Legislature

1998 Regular Session

By Representatives Alexander, Scott, Romero, Conway, Wolfe, O'Brien, Keiser, Costa, Morris, Dickerson, Cole and Gombosky; by request of Governor Locke

Read first time 01/16/98. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150,
2 41.06.150, 41.06.022, 41.06.110, 41.06.160, 41.06.167, 41.06.170,
3 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410,
4 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020,
5 41.04.340, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010,
6 41.06.340, 13.40.320, 39.29.006, 41.04.385, 47.46.040, 72.09.100,
7 41.06.079, 41.06.152, 41.06.152, 41.06.500, 41.06.500, 43.21I.010,
8 43.23.010, 49.74.030, 49.74.030, 49.74.040, and 49.74.040; reenacting
9 and amending RCW 41.06.070; adding new sections to chapter 41.06 RCW;
10 adding a new chapter to Title 41 RCW; creating new sections; repealing
11 RCW 41.06.163, 41.06.165, 28B.16.015, 41.06.140, 41.50.804, 41.06.520,
12 41.06.380, 41.06.382, 41.64.010, 41.64.020, 41.64.030, 41.64.040,
13 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100,
14 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; and
15 providing effective dates.

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

17 **PART I**

18 **TITLE**

1 ~~((Determination of appropriate bargaining units within any~~
2 ~~agency: PROVIDED, That in making such determination the board shall~~
3 ~~consider the duties, skills, and working conditions of the employees,~~
4 ~~the history of collective bargaining by the employees and their~~
5 ~~bargaining representatives, the extent of organization among the~~
6 ~~employees, and the desires of the employees;~~

7 ~~(12))~~ (a) Certification and decertification of exclusive
8 bargaining representatives: PROVIDED, That after certification of an
9 exclusive bargaining representative and upon the representative's
10 request, the director shall hold an election among employees in a
11 bargaining unit to determine by a majority whether to require as a
12 condition of employment membership in the certified exclusive
13 bargaining representative on or after the thirtieth day following the
14 beginning of employment or the date of such election, whichever is the
15 later, and the failure of an employee to comply with such a condition
16 of employment constitutes cause for dismissal: PROVIDED FURTHER, That
17 no more often than once in each twelve-month period after expiration of
18 twelve months following the date of the original election in a
19 bargaining unit and upon petition of thirty percent of the members of
20 a bargaining unit the director shall hold an election to determine
21 whether a majority wish to rescind such condition of employment:
22 PROVIDED FURTHER, That for purposes of this clause, membership in the
23 certified exclusive bargaining representative is satisfied by the
24 payment of monthly or other periodic dues and does not require payment
25 of initiation, reinstatement, or any other fees or fines and includes
26 full and complete membership rights: AND PROVIDED FURTHER, That in
27 order to safeguard the right of nonassociation of public employees,
28 based on bona fide religious tenets or teachings of a church or
29 religious body of which such public employee is a member, such public
30 employee shall pay to the union, for purposes within the program of the
31 union as designated by such employee that would be in harmony with his
32 or her individual conscience, an amount of money equivalent to regular
33 union dues minus any included monthly premiums for union-sponsored
34 insurance programs, and such employee shall not be a member of the
35 union but is entitled to all the representation rights of a union
36 member;

37 ~~((13))~~ (b) Agreements between agencies and certified exclusive
38 bargaining representatives providing for grievance procedures and
39 collective negotiations on all personnel matters over which the

1 appointing authority of the appropriate bargaining unit of such agency
2 may lawfully exercise discretion;

3 ~~((14))~~ (c) Written agreements may contain provisions for payroll
4 deductions of employee organization dues upon authorization by the
5 employee member and for the cancellation of such payroll deduction by
6 the filing of a proper prior notice by the employee with the appointing
7 authority and the employee organization: PROVIDED, That nothing
8 contained herein permits or grants to any employee the right to strike
9 or refuse to perform his or her official duties;

10 ~~((15))~~ (d) A collective bargaining agreement entered into under
11 this subsection before July 1, 2000, covering employees subject to
12 sections 301 through 314 of this act, that expires after July 1, 2000,
13 shall remain in full force during its duration, or until superseded by
14 a collective bargaining agreement entered into by the parties under
15 sections 301 through 314 of this act, however an agreement entered into
16 before July 1, 2000, may not be renewed or extended beyond July 1,
17 2001. This subsection (11) does not apply to collective bargaining
18 negotiations or collective bargaining agreements entered into under
19 sections 301 through 314 of this act;

20 (12) Adoption and revision of a comprehensive classification plan
21 for all positions in the classified service, based on investigation and
22 analysis of the duties and responsibilities of each such position.

23 (a) The board shall not adopt job classification revisions or class
24 studies unless implementation of the proposed revision or study will
25 result in net cost savings, increased efficiencies, or improved
26 management of personnel or services, and the proposed revision or study
27 has been approved by the director of financial management in accordance
28 with chapter 43.88 RCW.

29 (b) Beginning July 1, 1995, through June 30, 1997, in addition to
30 the requirements of (a) of this subsection:

31 (i) The board may approve the implementation of salary increases
32 resulting from adjustments to the classification plan during the 1995-
33 97 fiscal biennium only if:

34 (A) The implementation will not result in additional net costs and
35 the proposed implementation has been approved by the director of
36 financial management in accordance with chapter 43.88 RCW;

37 (B) The implementation will take effect on July 1, 1996, and the
38 total net cost of all such actions approved by the board for

1 implementation during the 1995-97 fiscal biennium does not exceed the
2 amounts specified by the legislature specifically for this purpose; or

3 (C) The implementation is a result of emergent conditions.
4 Emergent conditions are defined as emergency situations requiring the
5 establishment of positions necessary for the preservation of the public
6 health, safety, or general welfare, which do not exceed \$250,000 of the
7 moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp.
8 sess.

9 (ii) The board shall approve only those salary increases resulting
10 from adjustments to the classification plan if they are due to
11 documented recruitment and retention difficulties, salary compression
12 or inversion, increased duties and responsibilities, or inequities.
13 For these purposes, inequities are defined as similar work assigned to
14 different job classes with a salary disparity greater than 7.5 percent.

15 (iii) Adjustments made to the higher education hospital special pay
16 plan are exempt from (b)(i) (~~through~~) and (ii) of this subsection.

17 (c) Reclassifications, class studies, and salary adjustments to be
18 implemented during the 1997-99 and subsequent fiscal biennia are
19 governed by (a) of this subsection and RCW 41.06.152;

20 (~~(16)~~) (13) Allocation and reallocation of positions within the
21 classification plan;

22 (~~(17)~~) (14) Adoption and revision of a state salary schedule to
23 reflect the prevailing rates in Washington state private industries and
24 other governmental units but the rates in the salary schedules or plans
25 shall be increased if necessary to attain comparable worth under an
26 implementation plan under RCW 41.06.155 and that, for institutions of
27 higher education and related boards, shall be competitive for positions
28 of a similar nature in the state or the locality in which an
29 institution of higher education or related board is located, such
30 adoption and revision subject to approval by the director of financial
31 management in accordance with the provisions of chapter 43.88 RCW;

32 (~~(18)~~) (15) Increment increases within the series of steps for
33 each pay grade based on length of service for all employees whose
34 standards of performance are such as to permit them to retain job
35 status in the classified service;

36 (~~(19)~~) (16) Providing for veteran's preference as required by
37 existing statutes, with recognition of preference in regard to layoffs
38 and subsequent reemployment for veterans and their surviving spouses by
39 giving such eligible veterans and their surviving spouses additional

1 credit in computing their seniority by adding to their unbroken state
2 service, as defined by the board, the veteran's service in the military
3 not to exceed five years. For the purposes of this section, "veteran"
4 means any person who has one or more years of active military service
5 in any branch of the armed forces of the United States or who has less
6 than one year's service and is discharged with a disability incurred in
7 the line of duty or is discharged at the convenience of the government
8 and who, upon termination of such service has received an honorable
9 discharge, a discharge for physical reasons with an honorable record,
10 or a release from active military service with evidence of service
11 other than that for which an undesirable, bad conduct, or dishonorable
12 discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse
13 of a veteran is entitled to the benefits of this section regardless of
14 the veteran's length of active military service: PROVIDED FURTHER,
15 That for the purposes of this section "veteran" does not include any
16 person who has voluntarily retired with twenty or more years of active
17 military service and whose military retirement pay is in excess of five
18 hundred dollars per month;

19 ~~((+20))~~ (17) Permitting agency heads to delegate the authority to
20 appoint, reduce, dismiss, suspend, or demote employees within their
21 agencies if such agency heads do not have specific statutory authority
22 to so delegate: PROVIDED, That the board may not authorize such
23 delegation to any position lower than the head of a major subdivision
24 of the agency;

25 ~~((+21))~~ (18) Assuring persons who are or have been employed in
26 classified positions before July 1, 1993, will be eligible for
27 employment, reemployment, transfer, and promotion in respect to
28 classified positions covered by this chapter;

29 ~~((+22))~~ (19) Affirmative action in appointment, promotion,
30 transfer, recruitment, training, and career development; development
31 and implementation of affirmative action goals and timetables; and
32 monitoring of progress against those goals and timetables.

33 The board shall consult with the human rights commission in the
34 development of rules pertaining to affirmative action. The department
35 of personnel shall transmit a report annually to the human rights
36 commission which states the progress each state agency has made in
37 meeting affirmative action goals and timetables.

1 **Sec. 203.** RCW 41.06.150 and 1998 c . . . s 202 (section 202 of
2 this act) are each amended to read as follows:

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

7 (1) (~~The reduction, dismissal, suspension, or demotion of an~~
8 ~~employee;~~

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

15 (~~(3))~~) (2) Examinations for all positions in the competitive and
16 noncompetitive service;

17 (~~(4))~~) (3) Appointments;

18 (~~(5)~~) Training and career development;

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

23 ~~(7) Transfers;~~

24 ~~(8) Sick leaves and vacations;~~

25 ~~(9) Hours of work;~~

26 ~~(10) Layoffs when necessary and subsequent reemployment, both~~
27 ~~according to seniority;~~

28 ~~(11)(a) Certification and decertification of exclusive bargaining~~
29 ~~representatives: PROVIDED, That after certification of an exclusive~~
30 ~~bargaining representative and upon the representative's request, the~~
31 ~~director shall hold an election among employees in a bargaining unit to~~
32 ~~determine by a majority whether to require as a condition of employment~~
33 ~~membership in the certified exclusive bargaining representative on or~~
34 ~~after the thirtieth day following the beginning of employment or the~~
35 ~~date of such election, whichever is the later, and the failure of an~~
36 ~~employee to comply with such a condition of employment constitutes~~
37 ~~cause for dismissal: PROVIDED FURTHER, That no more often than once in~~
38 ~~each twelve month period after expiration of twelve months following~~
39 ~~the date of the original election in a bargaining unit and upon~~

1 petition of thirty percent of the members of a bargaining unit the
2 director shall hold an election to determine whether a majority wish to
3 rescind such condition of employment:— PROVIDED FURTHER, That for
4 purposes of this clause, membership in the certified exclusive
5 bargaining representative is satisfied by the payment of monthly or
6 other periodic dues and does not require payment of initiation,
7 reinstatement, or any other fees or fines and includes full and
8 complete membership rights:— AND PROVIDED FURTHER, That in order to
9 safeguard the right of nonassociation of public employees, based on
10 bona fide religious tenets or teachings of a church or religious body
11 of which such public employee is a member, such public employee shall
12 pay to the union, for purposes within the program of the union as
13 designated by such employee that would be in harmony with his or her
14 individual conscience, an amount of money equivalent to regular union
15 dues minus any included monthly premiums for union sponsored insurance
16 programs, and such employee shall not be a member of the union but is
17 entitled to all the representation rights of a union member;

18 (b) Agreements between agencies and certified exclusive bargaining
19 representatives providing for grievance procedures and collective
20 negotiations on all personnel matters over which the appointing
21 authority of the appropriate bargaining unit of such agency may
22 lawfully exercise discretion;

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

30 (d) A collective bargaining agreement entered into under this
31 subsection before July 1, 2000, covering employees subject to sections
32 301 through 314 of this act, that expires after July 1, 2000, shall
33 remain in full force during its duration, or until superseded by a
34 collective bargaining agreement entered into by the parties under
35 sections 301 through 314 of this act, however an agreement entered into
36 before July 1, 2000, may not be renewed or extended beyond July 1,
37 2001. This subsection (11) does not apply to collective bargaining
38 negotiations or collective bargaining agreements entered into under
39 sections 301 through 314 of this act;

1 ~~(12))~~ (4) Adoption and revision of a comprehensive classification
2 plan, in accordance with rules adopted by the board under section 205
3 of this act, for all positions in the classified service, based on
4 investigation and analysis of the duties and responsibilities of each
5 such position and allocation and reallocation of positions within the
6 classification plan.

7 (a) The (~~board~~) director shall not adopt job classification
8 revisions or class studies unless implementation of the proposed
9 revision or study will result in net cost savings, increased
10 efficiencies, or improved management of personnel or services, and the
11 proposed revision or study has been approved by the director of
12 financial management in accordance with chapter 43.88 RCW.

13 (b) Beginning July 1, 1995, through June 30, 1997, in addition to
14 the requirements of (a) of this subsection:

15 (i) The board may approve the implementation of salary increases
16 resulting from adjustments to the classification plan during the 1995-
17 97 fiscal biennium only if:

18 (A) The implementation will not result in additional net costs and
19 the proposed implementation has been approved by the director of
20 financial management in accordance with chapter 43.88 RCW;

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

25 (C) The implementation is a result of emergent conditions.
26 Emergent conditions are defined as emergency situations requiring the
27 establishment of positions necessary for the preservation of the public
28 health, safety, or general welfare, which do not exceed \$250,000 of the
29 moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp.
30 sess.

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

37 (iii) Adjustments made to the higher education hospital special pay
38 plan are exempt from (b)(i) and (ii) of this subsection.

1 (c) Reclassifications, class studies, and salary adjustments to be
2 implemented during the 1997-99 and subsequent fiscal biennia are
3 governed by (a) of this subsection and RCW 41.06.152;

4 ~~((13) Allocation and reallocation of positions within the
5 classification plan;~~

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

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

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

1 ~~military service and whose military retirement pay is in excess of five~~
2 ~~hundred dollars per month;~~

3 ~~((17))~~ (5) Permitting agency heads to delegate the authority to
4 appoint, reduce, dismiss, suspend, or demote employees within their
5 agencies if such agency heads do not have specific statutory authority
6 to so delegate: PROVIDED, That the ~~((board))~~ director may not
7 authorize such delegation to any position lower than the head of a
8 major subdivision of the agency;

9 ~~((18))~~ (6) Assuring persons who are or have been employed in
10 classified positions before July 1, 1993, will be eligible for
11 employment, reemployment, transfer, and promotion in respect to
12 classified positions covered by this chapter;

13 ~~((19))~~ (7) Affirmative action in appointment, promotion,
14 transfer, recruitment, training, and career development; development
15 and implementation of affirmative action goals and timetables; and
16 monitoring of progress against those goals and timetables.

17 The ~~((board))~~ director shall consult with the human rights
18 commission in the development of rules pertaining to affirmative
19 action. The department of personnel shall transmit a report annually
20 to the human rights commission which states the progress each state
21 agency has made in meeting affirmative action goals and timetables.

22 Rules adopted under this section by the director shall provide for
23 local administration and management by the institutions of higher
24 education and related boards, subject to periodic audit and review by
25 the director.

26 NEW SECTION. Sec. 204. A new section is added to chapter 41.06
27 RCW to read as follows:

28 The director shall adopt rules, consistent with the purposes and
29 provisions of this chapter and with the best standards of personnel
30 administration, regarding the basis and procedures to be followed for:

31 (1) The reduction, dismissal, suspension, or demotion of an
32 employee;

33 (2) Training and career development;

34 (3) Probationary periods of six to twelve months and rejections of
35 probationary employees, depending on the job requirements of the class,
36 except that entry level state park rangers shall serve a probationary
37 period of twelve months;

38 (4) Transfers;

1 (5) Promotional preferences;

2 (6) Sick leaves and vacations;

3 (7) Hours of work;

4 (8) Layoffs when necessary and subsequent reemployment, except for
5 the financial basis for layoffs;

6 (9) The number of names to be certified for vacancies;

7 (10) Adoption and revision of a state salary schedule to reflect
8 the prevailing rates in Washington state private industries and other
9 governmental units. The rates in the salary schedules or plans shall
10 be increased if necessary to attain comparable worth under an
11 implementation plan under RCW 41.06.155 and, for institutions of higher
12 education and related boards, shall be competitive for positions of a
13 similar nature in the state or the locality in which an institution of
14 higher education or related board is located. Such adoption and
15 revision is subject to approval by the director of financial management
16 in accordance with chapter 43.88 RCW;

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

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

1 retired with twenty or more years of active military service and whose
2 military retirement pay is in excess of five hundred dollars per month.

3 Rules adopted under this section by the director shall provide for
4 local administration and management by the institutions of higher
5 education and related boards, subject to periodic audit and review by
6 the director.

7 Rules adopted by the director under this section may be superseded
8 by the provisions of a collective bargaining agreement negotiated under
9 sections 301 through 314 of this act. The supersession of such rules
10 shall only affect employees in the respective collective bargaining
11 units.

12 NEW SECTION. **Sec. 205.** A new section is added to chapter 41.06
13 RCW to read as follows:

14 (1) The board shall conduct a comprehensive review of all rules in
15 effect on the effective date of this section governing the
16 classification, allocation, and reallocation of positions within the
17 classified service. In conducting this review, the board shall consult
18 with state agencies, institutions of higher education, employee
19 organizations, and members of the general public. The department shall
20 assist the board in the conduct of this review, which shall be
21 completed by the board no later than July 1, 2000.

22 (2) By March 15, 2001, the board shall adopt new rules governing
23 the classification, allocation, and reallocation of positions in the
24 classified service. In adopting such rules, the board shall adhere to
25 the following goals:

26 (a) To improve the effectiveness and efficiency of the delivery of
27 services to the citizens of the state through the use of current
28 personnel management processes and to promote a workplace where the
29 overall focus is on the recipient of governmental services;

30 (b) To develop a simplified classification system that will
31 substantially reduce the number of job classifications in the
32 classified service and facilitate the most effective use of the state
33 personnel resources;

34 (c) To develop a classification system to permit state agencies to
35 respond flexibly to changing technologies, economic and social
36 conditions, and the needs of its citizens;

37 (d) To value workplace diversity;

1 (e) To facilitate the reorganization and decentralization of
2 governmental services; and

3 (f) To enhance mobility and career advancement opportunities.

4 (3) Rules adopted by the board under subsection (2) of this section
5 shall permit an appointing authority and an employee organization
6 representing classified employees of the appointing authority for
7 collective bargaining purposes to make a joint request for the
8 initiation of a classification study.

9 NEW SECTION. **Sec. 206.** A new section is added to chapter 41.06
10 RCW to read as follows:

11 In accordance with rules adopted by the board under section 205 of
12 this act, the director shall, by January 1, 2002, begin to implement a
13 new classification system for positions in the classified service. Any
14 employee who believes that the director has incorrectly applied the
15 rules of the board in determining a job classification for a job held
16 by that employee may appeal the director's decision to the board by
17 filing a notice in writing within thirty days of the action from which
18 the appeal is taken. Decisions of the board concerning such appeals
19 are final.

20 **Sec. 207.** RCW 41.06.022 and 1993 c 281 s 8 are each amended to
21 read as follows:

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

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

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

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

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

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

1 No employee who is a member of the Washington management service
2 may be included in a collective bargaining unit established under
3 sections 301 through 314 of this act.

4 NEW SECTION. Sec. 208. A new section is added to chapter 41.06
5 RCW to read as follows:

6 (1) A department, agency, or institution of higher education may
7 purchase services provided by employees in classified service under
8 this chapter by contracting with individuals, nonprofit organizations,
9 businesses, or other entities.

10 (2) Any provision contrary to or in conflict with this section in
11 any collective bargaining agreement in effect on the effective date of
12 this section is not effective beyond the expiration date of the
13 agreement.

14 (3) This section does not apply to the purchase of services or to
15 any contracting for services that was authorized by law prior to the
16 effective date of this section.

17 (4) Any department, agency, or institution of higher education that
18 intends to purchase services under this act shall notify any exclusive
19 bargaining representative who represents any employee whose employment
20 status will be directly affected by such a contract. The exclusive
21 bargaining representative shall have the right to offer alternatives to
22 the proposed contract and such alternatives shall be considered by the
23 department, agency, or institution of higher education in making the
24 final decision to contract out services.

25 **Sec. 209.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and
26 1996 c 186 s 109 are each reenacted and amended to read as follows:

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

28 (a) The members of the legislature or to any employee of, or
29 position in, the legislative branch of the state government including
30 members, officers, and employees of the legislative council, joint
31 legislative audit and review committee, statute law committee, and any
32 interim committee of the legislature;

33 (b) The justices of the supreme court, judges of the court of
34 appeals, judges of the superior courts or of the inferior courts, or to
35 any employee of, or position in the judicial branch of state
36 government;

1 (c) Officers, academic personnel, and employees of technical
2 colleges;

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

4 (e) Elective officers of the state;

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

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

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

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

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

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

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

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

31 (j) Assistant attorneys general;

32 (k) Commissioned and enlisted personnel in the military service of
33 the state;

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

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

1 (n) Officers and employees of the Washington state fruit
2 commission;

3 (o) Officers and employees of the Washington state apple
4 advertising commission;

5 (p) Officers and employees of the Washington state dairy products
6 commission;

7 (q) Officers and employees of the Washington tree fruit research
8 commission;

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

10 (s) Officers and employees of any commission formed under chapter
11 15.66 RCW;

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

14 (u) Officers and employees of agricultural commissions formed under
15 chapter 15.65 RCW;

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

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

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

28 (y) All employees of the marine employees' commission;

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

33 ~~(aa))~~ Staff employed by the department of community, trade, and
34 economic development to administer energy policy functions and manage
35 energy site evaluation council activities under RCW 43.21F.045(2)(m);

36 (~~(bb))~~) (aa) Staff employed by Washington State University to
37 administer energy education, applied research, and technology transfer
38 programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

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

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

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

24 The salary and fringe benefits of all positions presently or
25 hereafter exempted except for the chief executive officer of each
26 agency, full-time members of boards and commissions, administrative
27 assistants and confidential secretaries in the immediate office of an
28 elected state official, and the personnel listed in subsections (1)(j)
29 through (v)(~~z~~) and (y)(~~z~~) and (2) of this section, shall be
30 determined by the (~~Washington personnel resources board~~) director of
31 personnel. However, beginning with changes proposed for the 1997-99
32 fiscal biennium, changes to the classification plan affecting exempt
33 salaries must meet the same provisions for classified salary increases
34 resulting from adjustments to the classification plan as outlined in
35 RCW 41.06.152.

36 Any person holding a classified position subject to the provisions
37 of this chapter shall, when and if such position is subsequently
38 exempted from the application of this chapter, be afforded the
39 following rights: If such person previously held permanent status in

1 another classified position, such person shall have a right of
2 reversion to the highest class of position previously held, or to a
3 position of similar nature and salary.

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

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

11 **Sec. 210.** RCW 41.06.110 and 1993 c 281 s 25 are each amended to
12 read as follows:

13 (1) There is hereby created a Washington personnel resources board
14 composed of three members appointed by the governor, subject to
15 confirmation by the senate. The members of the personnel board serving
16 June 30, 1993, shall be the members of the Washington personnel
17 resources board, and they shall complete their terms as under the
18 personnel board. Each odd-numbered year thereafter the governor shall
19 appoint a member for a six-year term. Each member shall continue to
20 hold office after the expiration of the member's term until a successor
21 has been appointed. Persons so appointed shall have clearly
22 demonstrated an interest and belief in the merit principle, shall not
23 hold any other employment with the state, shall not have been an
24 officer of a political party for a period of one year immediately prior
25 to such appointment, and shall not be or become a candidate for
26 partisan elective public office during the term to which they are
27 appointed;

28 (2) Each member of the board shall be compensated in accordance
29 with RCW 43.03.250. The members of the board may receive any number of
30 daily payments for official meetings of the board actually attended.
31 Members of the board shall also be reimbursed for travel expenses
32 incurred in the discharge of their official duties in accordance with
33 RCW 43.03.050 and 43.03.060.

34 (3) At its first meeting following the appointment of all of its
35 members, and annually thereafter, the board shall elect a chair and
36 vice-chair from among its members to serve one year. The presence of
37 at least two members of the board shall constitute a quorum to transact
38 business. A written public record shall be kept by the board of all

1 actions of the board. The director of personnel shall serve as
2 secretary.

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

8 **Sec. 211.** RCW 41.06.160 and 1993 c 281 s 29 are each amended to
9 read as follows:

10 In preparing classification and salary schedules as set forth in
11 RCW 41.06.150 (~~((as now or hereafter amended))~~) the department of
12 personnel shall give full consideration to prevailing rates in other
13 public employment and in private employment in this state. For this
14 purpose the department shall undertake comprehensive salary and fringe
15 benefit surveys(~~(, with such surveys to be conducted in the year prior~~
16 ~~to the convening of every other one hundred five day regular session of~~
17 ~~the state legislature. In the year prior to the convening of each one~~
18 ~~hundred five day regular session during which a comprehensive salary~~
19 ~~and fringe benefit survey is not conducted, the department shall plan~~
20 ~~and conduct a trend salary and fringe benefit survey. This survey~~
21 ~~shall measure average salary and fringe benefit movement for broad~~
22 ~~occupational groups which has occurred since the last comprehensive~~
23 ~~salary and fringe benefit survey was conducted. The results of each~~
24 ~~comprehensive and trend salary and fringe benefit survey shall be~~
25 ~~completed and forwarded by September 30 with a recommended state salary~~
26 ~~schedule to the governor and director of financial management for their~~
27 ~~use in preparing budgets to be submitted to the succeeding legislature.~~
28 ~~A copy of the data and supporting documentation shall be furnished by~~
29 ~~the department of personnel to the standing committees for~~
30 ~~appropriations of the senate and house of representatives.~~

31 In the case of comprehensive salary and fringe benefit surveys, the
32 department shall furnish the following supplementary data in support of
33 its recommended salary schedule:

34 (1) A total dollar figure which reflects the recommended increase
35 or decrease in state salaries as a direct result of the specific salary
36 and fringe benefit survey that has been conducted and which is
37 categorized to indicate what portion of the increase or decrease is

1 represented by salary survey data and what portion is represented by
2 fringe benefit survey data;

3 (2) An additional total dollar figure which reflects the impact of
4 recommended increases or decreases to state salaries based on other
5 factors rather than directly on prevailing rate data obtained through
6 the survey process and which is categorized to indicate the sources of
7 the requests for deviation from prevailing rates and the reasons for
8 the changes;

9 (3) A list of class codes and titles indicating recommended monthly
10 salary ranges for all state classes under the control of the department
11 of personnel with those salary ranges which do not substantially
12 conform to the prevailing rates developed from the salary and fringe
13 benefit survey distinctly marked and an explanation of the reason for
14 the deviation included;

15 (4) A supplemental salary schedule which indicates the additional
16 salary to be paid state employees for hazardous duties or other
17 considerations requiring extra compensation under specific
18 circumstances. Additional compensation for these circumstances shall
19 not be included in the basic salary schedule but shall be maintained as
20 a separate pay schedule for purposes of full disclosure and visibility;
21 and

22 (5) A supplemental salary schedule which indicates those cases
23 where the board determines that prevailing rates do not provide similar
24 salaries for positions that require or impose similar responsibilities,
25 judgment, knowledge, skills, and working conditions. This
26 supplementary salary schedule shall contain proposed salary adjustments
27 necessary to eliminate any such dissimilarities in compensation.
28 Additional compensation needed to eliminate such salary dissimilarities
29 shall not be included in the basic salary schedule but shall be
30 maintained as a separate salary schedule for purposes of full
31 disclosure and visibility.

32 It is the intention of the legislature that requests for funds to
33 support recommendations for salary deviations from the prevailing rate
34 survey data shall be kept to a minimum, and that the requests be fully
35 documented when forwarded by the department of personnel)).

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

1 (~~The first comprehensive salary and fringe benefit survey required~~
2 ~~by this section shall be completed and forwarded to the governor and~~
3 ~~the director of financial management by September 30, 1986. The first~~
4 ~~trend salary and fringe benefit survey required by this section shall~~
5 ~~be completed and forwarded to the governor and the director of~~
6 ~~financial management by September 30, 1988.))~~

7 **Sec. 212.** RCW 41.06.167 and 1991 c 196 s 1 are each amended to
8 read as follows:

9 The department of personnel shall undertake comprehensive
10 compensation surveys for officers and entry-level officer candidates of
11 the Washington state patrol, with such surveys to be conducted in the
12 year prior to the convening of every other one hundred five day regular
13 session of the state legislature. (~~In the year prior to the convening~~
14 ~~of each one hundred five day regular session during which a~~
15 ~~comprehensive compensation survey is not conducted, the department~~
16 ~~shall conduct a trend compensation survey. This survey shall measure~~
17 ~~average compensation movement which has occurred since the last~~
18 ~~comprehensive compensation survey was conducted. The results of each~~
19 ~~comprehensive and trend survey shall be completed and forwarded by~~
20 ~~September 30th, after review and preparation of recommendations by the~~
21 ~~chief of the Washington state patrol, to the governor and director of~~
22 ~~financial management for their use in preparing budgets to be submitted~~
23 ~~to the succeeding legislature. A copy of the data and supporting~~
24 ~~documentation shall be furnished by the department of personnel to the~~
25 ~~legislative transportation committee and the standing committees for~~
26 ~~appropriations of the senate and house of representatives. The office~~
27 ~~of financial management shall analyze the survey results and conduct~~
28 ~~investigations which may be necessary to arbitrate differences between~~
29 ~~interested parties regarding the accuracy of collected survey data and~~
30 ~~the use of such data for salary adjustment.~~

31 Surveys conducted by the department of personnel for the Washington
32 state patrol shall be undertaken in a manner consistent with
33 statistically accurate sampling techniques, including comparisons of
34 medians, base ranges, and weighted averages of salaries. The surveys
35 shall compare competitive labor markets of law enforcement officers.
36 This service performed by the department of personnel shall be on a
37 reimbursable basis in accordance with the provisions of RCW 41.06.080.

1 ~~A comprehensive compensation survey plan and the recommendations of~~
2 ~~the chief of the Washington state patrol shall be submitted jointly by~~
3 ~~the department of personnel and the Washington state patrol to the~~
4 ~~director of financial management, the legislative transportation~~
5 ~~committee, the committee on ways and means of the senate, and the~~
6 ~~committee on appropriations of the house of representatives six months~~
7 ~~before the beginning of each periodic survey.))~~ Salary and fringe
8 benefit survey information collected from private employers which
9 identifies a specific employer with the salary and fringe benefit rates
10 which that employer pays to its employees shall not be subject to
11 public disclosure under chapter 42.17 RCW.

12 **Sec. 213.** RCW 41.06.170 and 1993 c 281 s 31 are each amended to
13 read as follows:

14 (1) The ~~((board or))~~ director, in the adoption of rules governing
15 suspensions for cause, shall not authorize an appointing authority to
16 suspend an employee for more than fifteen calendar days as a single
17 penalty or more than thirty calendar days in any one calendar year as
18 an accumulation of several penalties. The ~~((board or))~~ director shall
19 require that the appointing authority give written notice to the
20 employee not later than one day after the suspension takes effect,
21 stating the reasons for and the duration thereof.

22 (2) Any employee who is reduced, dismissed, suspended, or demoted,
23 after completing his or her probationary period of service as provided
24 by the rules of the ~~((board))~~ director, or any employee who is
25 adversely affected by a violation of the state civil service law,
26 chapter 41.06 RCW, or rules adopted under it, shall have the right to
27 appeal ~~((to the personnel appeals board created by RCW 41.64.010)),~~
28 either individually or through his or her authorized representative,
29 not later than thirty days after the effective date of such action to
30 the personnel appeals board through June 30, 2001, and to the
31 Washington personnel resources board after June 30, 2001. The employee
32 shall be furnished with specified charges in writing when a reduction,
33 dismissal, suspension, or demotion action is taken. Such appeal shall
34 be in writing. Decisions of the Washington personnel resources board
35 on appeals filed after June 30, 2001, shall be final.

36 (3) Any employee whose position has been exempted after July 1,
37 1993, shall have the right to appeal ~~((to the personnel appeals board~~
38 ~~created by RCW 41.64.010)),~~ either individually or through his or her

1 authorized representative, not later than thirty days after the
2 effective date of such action to the personnel appeals board through
3 June 30, 2002, and to the Washington personnel resources board after
4 June 30, 2002.

5 (4) An employee incumbent in a position at the time of its
6 allocation or reallocation, or the agency utilizing the position, may
7 appeal the allocation or reallocation to the personnel appeals board
8 ~~((created by RCW 41.64.010))~~ through December 31, 2001, and to the
9 Washington personnel resources board after December 31, 2001. Notice
10 of such appeal must be filed in writing within thirty days of the
11 action from which appeal is taken.

12 (5) Subsections (1) and (2) of this section do not apply to any
13 employee who is subject to the provisions of a collective bargaining
14 agreement negotiated under sections 301 through 314 of this act.

15 NEW SECTION. Sec. 214. The transfer of the powers, duties, and
16 functions of the personnel appeals board to the personnel resources
17 board under section 234 of this act and the transfer of jurisdiction
18 for appeals filed under section 213, chapter . . . , Laws of 1998
19 (section 213 of this act) after June 30, 2001, shall not affect the
20 right of an appellant to have an appeal filed on or before June 30,
21 2001, resolved by the personnel appeals board in accordance with the
22 authorities, rules, and procedures that were established under chapter
23 41.64 RCW as it existed before the effective date of this section.

24 **Sec. 215.** RCW 41.06.186 and 1993 c 281 s 32 are each amended to
25 read as follows:

26 The ~~((Washington personnel resources board))~~ director shall adopt
27 rules designed to terminate the state employment of any employee whose
28 performance is so inadequate as to warrant termination.

29 **Sec. 216.** RCW 41.06.196 and 1993 c 281 s 33 are each amended to
30 read as follows:

31 The ~~((Washington personnel resources board))~~ director shall adopt
32 rules designed to remove from supervisory positions those supervisors
33 who in violation of the rules adopted under RCW 41.06.186 have
34 tolerated the continued employment of employees under their supervision
35 whose performance has warranted termination from state employment.

1 **Sec. 217.** RCW 41.06.270 and 1979 c 151 s 61 are each amended to
2 read as follows:

3 A disbursing officer shall not pay any employee holding a position
4 covered by this chapter unless the employment is in accordance with
5 this chapter or the rules, regulations and orders issued hereunder.
6 The (~~board and the~~) directors of personnel and financial management
7 shall jointly establish procedures for the certification of payrolls.

8 **Sec. 218.** RCW 41.06.350 and 1993 c 281 s 36 are each amended to
9 read as follows:

10 The (~~Washington personnel resources board~~) director is authorized
11 to receive federal funds now available or hereafter made available for
12 the assistance and improvement of public personnel administration,
13 which may be expended in addition to the department of personnel
14 service fund established by RCW 41.06.280.

15 **Sec. 219.** RCW 41.06.400 and 1980 c 118 s 4 are each amended to
16 read as follows:

17 (1) In addition to other powers and duties specified in this
18 chapter, the (~~board~~) director shall, by rule, prescribe the purpose
19 and minimum standards for training and career development programs and,
20 in so doing, regularly consult with and consider the needs of
21 individual agencies and employees.

22 (2) In addition to other powers and duties specified in this
23 chapter, the director shall:

24 (a) Provide for the evaluation of training and career development
25 programs and plans of agencies (~~based on minimum standards established~~
26 ~~by the board~~). The director shall report the results of such
27 evaluations to the agency which is the subject of the evaluation;

28 (b) Provide training and career development programs which may be
29 conducted more efficiently and economically on an interagency basis;

30 (c) Promote interagency sharing of resources for training and
31 career development;

32 (d) Monitor and review the impact of training and career
33 development programs to ensure that the responsibilities of the state
34 to provide equal employment opportunities are diligently carried out.

35 (~~The director shall report to the board the impact of training and~~
36 ~~career development programs on the fulfillment of such~~
37 ~~responsibilities.~~)

1 (3) At an agency's request, the director may provide training and
2 career development programs for an agency's internal use which may be
3 conducted more efficiently and economically by the department of
4 personnel.

5 **Sec. 220.** RCW 41.06.410 and 1980 c 118 s 5 are each amended to
6 read as follows:

7 Each agency subject to the provisions of this chapter shall:

8 (1) Prepare an employee training and career development plan which
9 shall at least meet minimum standards established by the ((board))
10 director. A copy of such plan shall be submitted to the director for
11 purposes of administering the provisions of RCW 41.06.400(2);

12 (2) Provide for training and career development for its employees
13 in accordance with the agency plan;

14 (3) Report on its training and career development program
15 operations and costs to the director in accordance with reporting
16 procedures adopted by the ((board)) director;

17 (4) Budget for training and career development in accordance with
18 procedures of the office of financial management.

19 **Sec. 221.** RCW 41.06.450 and 1993 c 281 s 37 are each amended to
20 read as follows:

21 (1) ((By January 1, 1983, the Washington personnel resources
22 board)) The director shall adopt rules applicable to each agency to
23 ensure that information relating to employee misconduct or alleged
24 misconduct is destroyed or maintained as follows:

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

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

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

34 (2) Notwithstanding subsection (1) of this section, an agency may
35 retain information relating to employee misconduct or alleged
36 misconduct if:

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

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

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

7 **Sec. 222.** RCW 41.06.475 and 1993 c 281 s 38 are each amended to
8 read as follows:

9 The ((Washington personnel resources board)) director shall adopt
10 rules, in cooperation with the secretary of social and health services,
11 for the background investigation of persons being considered for state
12 employment in positions directly responsible for the supervision, care,
13 or treatment of children or developmentally disabled persons.

14 **Sec. 223.** RCW 41.06.490 and 1990 c 204 s 3 are each amended to
15 read as follows:

16 (1) In addition to the rules adopted under RCW 41.06.150, the
17 ((board)) director shall adopt rules establishing a state employee
18 return-to-work program. The program shall, at a minimum:

19 (a) Direct each agency to adopt a return-to-work policy. The
20 program shall allow each agency program to take into consideration the
21 special nature of employment in the agency;

22 (b) Provide for eligibility in the return-to-work program, for a
23 minimum of two years from the date the temporary disability commenced,
24 for any permanent employee who is receiving compensation under RCW
25 51.32.090 and who is, by reason of his or her temporary disability,
26 unable to return to his or her previous work, but who is physically
27 capable of carrying out work of a lighter or modified nature;

28 (c) Allow opportunity for return-to-work state-wide when
29 appropriate job classifications are not available in the agency that is
30 the appointing authority at the time of injury;

31 (d) Require each agency to name an agency representative
32 responsible for coordinating the return-to-work program of the agency;

33 (e) Provide that applicants receiving appointments for classified
34 service receive an explanation of the return-to-work policy;

35 (f) Require training of supervisors on implementation of the
36 return-to-work policy, including but not limited to assessment of the
37 appropriateness of the return-to-work job for the employee; and

1 (g) Coordinate participation of applicable employee assistance
2 programs, as appropriate.

3 (2) The agency full-time equivalents necessary to implement the
4 return-to-work program established under this section shall be used
5 only for the purposes of the return-to-work program and the net
6 increase in full-time equivalents shall be temporary.

7 **Sec. 224.** RCW 28B.12.060 and 1994 c 130 s 6 are each amended to
8 read as follows:

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

18 (1) Providing work under the state work-study program that will not
19 result in the displacement of employed workers or impair existing
20 contracts for services;

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

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

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

30 (c) Is not pursuing a degree in theology;

31 (3) Placing priority on providing:

32 (a) Work opportunities for students who are residents of the state
33 of Washington as defined in RCW 28B.15.012 and 28B.15.013 except
34 resident students defined in RCW 28B.15.012(2)(e);

35 (b) Job placements in fields related to each student's academic or
36 vocational pursuits, with an emphasis on off-campus job placements
37 whenever appropriate; and

38 (c) Off-campus community service placements;

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

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

5 (b) That all positions established which are comparable shall be
6 identified to a job classification under the (~~Washington personnel~~
7 ~~resources board's~~) director of personnel's classification plan and
8 shall 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 unless the overall scope and
13 responsibilities of the position indicate a higher level; and

14 (5) Provisions to encourage job placements in occupations that meet
15 Washington's economic development goals, especially those in
16 international trade and international relations. The board shall
17 permit appropriate job placements in other states and other countries.

18 **Sec. 225.** RCW 34.05.030 and 1994 c 39 s 1 are each amended to read
19 as follows:

20 (1) This chapter shall not apply to:

21 (a) The state militia, or

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

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

26 (2) The provisions of RCW 34.05.410 through 34.05.598 shall not
27 apply:

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

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

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

37 (d) To actions of the Washington personnel resources board(~~(7)~~) or
38 the director of personnel(~~(7, or the personnel appeals board)~~); or

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

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

6 (4) The rule-making provisions of this chapter do not apply to
7 reimbursement unit values, fee schedules, arithmetic conversion
8 factors, and similar arithmetic factors used to determine payment rates
9 that apply to goods and services purchased under contract for clients
10 eligible under chapter 74.09 RCW.

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

14 **Sec. 226.** RCW 34.12.020 and 1995 c 331 s 1 are each amended to
15 read as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout this chapter.

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

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

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

25 (4) "State agency" means any state board, commission, department,
26 or officer authorized by law to make rules or to conduct adjudicative
27 proceedings, except those in the legislative or judicial branches, the
28 growth management hearings boards, the utilities and transportation
29 commission, the pollution control hearings board, the shorelines
30 hearings board, the forest practices appeals board, the environmental
31 hearings office, the board of industrial insurance appeals, the
32 Washington personnel resources board, the public employment relations
33 commission, (~~the personnel appeals board,~~) and the board of tax
34 appeals.

35 **Sec. 227.** RCW 41.04.340 and 1997 c 232 s 2 are each amended to
36 read as follows:

1 (1) An attendance incentive program is established for all eligible
2 employees. As used in this section the term "eligible employee" means
3 any employee of the state, other than eligible employees of the
4 community and technical colleges and the state board for community and
5 technical colleges identified in RCW 28B.50.553, and teaching and
6 research faculty at the state and regional universities and The
7 Evergreen State College, entitled to accumulate sick leave and for whom
8 accurate sick leave records have been maintained. No employee may
9 receive compensation under this section for any portion of sick leave
10 accumulated at a rate in excess of one day per month. The state and
11 regional universities and The Evergreen State College shall maintain
12 complete and accurate sick leave records for all teaching and research
13 faculty.

14 (2) In January of the year following any year in which a minimum of
15 sixty days of sick leave is accrued, and each January thereafter, any
16 eligible employee may receive remuneration for unused sick leave
17 accumulated in the previous year at a rate equal to one day's monetary
18 compensation of the employee for each four full days of accrued sick
19 leave in excess of sixty days. Sick leave for which compensation has
20 been received shall be deducted from accrued sick leave at the rate of
21 four days for every one day's monetary compensation.

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

27 (4) Pursuant to this subsection, in lieu of cash remuneration the
28 state may, with equivalent funds, provide eligible employees with a
29 benefit plan providing for reimbursement of medical expenses. The
30 committee for deferred compensation shall develop any benefit plan
31 established under this subsection, but may offer and administer the
32 plan only if (a) each eligible employee has the option of whether to
33 receive cash remuneration or to have his or her employer transfer
34 equivalent funds to the plan; and (b) the committee has received an
35 opinion from the United States internal revenue service stating that
36 participating employees, prior to the time of receiving reimbursement
37 for expenses, will incur no United States income tax liability on the
38 amount of the equivalent funds transferred to the plan.

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

4 (6) With the exception of subsection (4) of this section, this
5 section shall be administered, and rules shall be adopted to carry out
6 its purposes, by the (~~Washington personnel resources board~~) director
7 of personnel for persons subject to chapter 41.06 RCW: PROVIDED, That
8 determination of classes of eligible employees shall be subject to
9 approval by the office of financial management.

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

13 **Sec. 228.** RCW 41.50.804 and 1993 c 281 s 40 are each amended to
14 read as follows:

15 Nothing contained in this chapter shall be construed to alter any
16 existing collective bargaining agreement until any such agreement has
17 expired or until any such bargaining unit has been modified by action
18 of the (~~Washington personnel resources board~~) public employment
19 relations commission as provided by law.

20 **Sec. 229.** RCW 43.06.425 and 1993 c 281 s 48 are each amended to
21 read as follows:

22 The (~~Washington personnel resources board~~) director of personnel
23 shall adopt rules to provide that:

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

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

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

36 (4) Participants in the executive fellows program who were not
37 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. 230.** RCW 43.33A.100 and 1993 c 281 s 50 are each amended to
4 read as follows:

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

20 As of July 1, 1981, all employees classified under chapter 41.06
21 RCW and engaged in duties assumed by the state investment board on July
22 1, 1981, are assigned to the state investment board. The transfer
23 shall not diminish any rights granted these employees under chapter
24 41.06 RCW nor exempt the employees from any action which may occur
25 thereafter in accordance with chapter 41.06 RCW.

26 All existing contracts and obligations pertaining to the functions
27 transferred to the state investment board in (~~this 1980 act~~) chapter
28 3, Laws of 1981 shall remain in full force and effect, and shall be
29 performed by the board. None of the transfers directed by (~~this 1980~~
30 ~~act~~) chapter 3, Laws of 1981 shall affect the validity of any act
31 performed by a state entity or by any official or employee thereof
32 prior to July 1, 1981.

33 **Sec. 231.** RCW 43.131.090 and 1993 c 281 s 54 are each amended to
34 read as follows:

35 Unless the legislature specifies a shorter period of time, a
36 terminated state agency shall continue in existence until June 30th of
37 the next succeeding year for the purpose of concluding its affairs:

1 PROVIDED, That the powers and authority of the state agency shall not
2 be reduced or otherwise limited during this period. Unless otherwise
3 provided:

4 (1) All employees of terminated state agencies classified under
5 chapter 41.06 RCW, the state civil service law, shall be transferred as
6 appropriate or as otherwise provided in the procedures adopted by the
7 (~~Washington personnel resources board~~) director of personnel pursuant
8 to RCW 41.06.150;

9 (2) All documents and papers, equipment, or other tangible property
10 in the possession of the terminated state agency shall be delivered to
11 the custody of the agency assuming the responsibilities of the
12 terminated agency or if such responsibilities have been eliminated,
13 documents and papers shall be delivered to the state archivist and
14 equipment or other tangible property to the department of general
15 administration;

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

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

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

28 **Sec. 232.** RCW 49.46.010 and 1997 c 203 s 3 are each amended to
29 read as follows:

30 As used in this chapter:

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

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

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

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

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

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

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

17 (c) Any individual employed in a bona fide executive,
18 administrative, or professional capacity or in the capacity of outside
19 salesman as those terms are defined and delimited by rules of the
20 director. However, those terms shall be defined and delimited by the
21 (~~Washington personnel resources board~~) director of personnel pursuant
22 to chapter 41.06 RCW for employees employed under the director of
23 personnel's jurisdiction;

24 (d) Any individual engaged in the activities of an educational,
25 charitable, religious, state or local governmental body or agency, or
26 nonprofit organization where the employer-employee relationship does
27 not in fact exist or where the services are rendered to such
28 organizations gratuitously. If the individual receives reimbursement
29 in lieu of compensation for normally incurred out-of-pocket expenses or
30 receives a nominal amount of compensation per unit of voluntary service
31 rendered, an employer-employee relationship is deemed not to exist for
32 the purpose of this section or for purposes of membership or
33 qualification in any state, local government or publicly supported
34 retirement system other than that provided under chapter 41.24 RCW;

35 (e) Any individual employed full time by any state or local
36 governmental body or agency who provides voluntary services but only
37 with regard to the provision of the voluntary services. The voluntary
38 services and any compensation therefor shall not affect or add to
39 qualification, entitlement or benefit rights under any state, local

1 government, or publicly supported retirement system other than that
2 provided under chapter 41.24 RCW;

3 (f) Any newspaper vendor or carrier;

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

6 (h) Any individual engaged in forest protection and fire prevention
7 activities;

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

13 (j) Any individual whose duties require that he or she reside or
14 sleep at the place of his or her employment or who otherwise spends a
15 substantial portion of his or her work time subject to call, and not
16 engaged in the performance of active duties;

17 (k) Any resident, inmate, or patient of a state, county, or
18 municipal correctional, detention, treatment or rehabilitative
19 institution;

20 (l) Any individual who holds a public elective or appointive office
21 of the state, any county, city, town, municipal corporation or quasi
22 municipal corporation, political subdivision, or any instrumentality
23 thereof, or any employee of the state legislature;

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

26 (n) Any individual employed as a seaman on a vessel other than an
27 American vessel;

28 (6) "Occupation" means any occupation, service, trade, business,
29 industry, or branch or group of industries or employment or class of
30 employment in which employees are gainfully employed;

31 (7) "Retail or service establishment" means an establishment
32 seventy-five percent of whose annual dollar volume of sales of goods or
33 services, or both, is not for resale and is recognized as retail sales
34 or services in the particular industry.

35 **Sec. 233.** RCW 41.06.340 and 1993 c 281 s 35 are each amended to
36 read as follows:

37 (1) With respect to collective bargaining as authorized by sections
38 301 through 314 of this act, the public employment relations commission

1 created by chapter 41.58 RCW shall have authority to adopt rules, on
2 and after the effective date of this section, relating to determination
3 of appropriate bargaining units within any agency. In making such
4 determination the commission shall consider the duties, skills, and
5 working conditions of the employees, the history of collective
6 bargaining by the employees and their bargaining representatives, the
7 extent of organization among the employees, and the desires of the
8 employees.

9 (2) Each and every provision of RCW 41.56.140 through 41.56.190
10 shall be applicable to this chapter as it relates to state civil
11 service employees (~~and the Washington personnel resources board, or~~
12 ~~its designee, whose final decision shall be appealable to the~~
13 ~~Washington personnel resources board, which is granted all powers and~~
14 ~~authority granted to the department of labor and industries by RCW~~
15 ~~41.56.140 through 41.56.190)).~~

16 (3) A collective bargaining agreement entered into under this
17 section before July 1, 2000, covering employees subject to sections 301
18 through 314 of this act that expires after July 1, 2000, shall remain
19 in full force during its duration, or until superseded by a collective
20 bargaining agreement entered into by the parties under sections 301
21 through 314 of this act. However, an agreement entered into before
22 July 1, 2000, may not be renewed or extended beyond July 1, 2001, or
23 until superseded by a collective bargaining agreement entered into
24 under sections 301 through 314 of this act, whichever is later.

25 NEW SECTION. Sec. 234. A new section is added to chapter 41.06
26 RCW to read as follows:

27 (1) The personnel appeals board is hereby abolished and its powers,
28 duties, and functions are hereby transferred to the Washington
29 personnel resources board. All references to the executive secretary
30 or the personnel appeals board in the Revised Code of Washington shall
31 be construed to mean the director of the department of personnel or the
32 Washington personnel resources board.

33 (2)(a) All reports, documents, surveys, books, records, files,
34 papers, or written material in the possession of the personnel appeals
35 board shall be delivered to the custody of the department of personnel.
36 All cabinets, furniture, office equipment, motor vehicles, and other
37 tangible property employed by the personnel appeals board shall be made
38 available to the department of personnel. All funds, credits, or other

1 assets held by the personnel appeals board shall be assigned to the
2 department of personnel.

3 (b) Any appropriations made to the personnel appeals board shall,
4 on the effective date of this section, be transferred and credited to
5 the department of personnel.

6 (c) If any question arises as to the transfer of any personnel,
7 funds, books, documents, records, papers, files, equipment, or other
8 tangible property used or held in the exercise of the powers and the
9 performance of the duties and functions transferred, the director of
10 financial management shall make a determination as to the proper
11 allocation and certify the same to the state agencies concerned.

12 (3) All employees of the personnel appeals board are transferred to
13 the jurisdiction of the department of personnel. All employees
14 classified under chapter 41.06 RCW, the state civil service law, are
15 assigned to the department of personnel to perform their usual duties
16 upon the same terms as formerly, without any loss of rights, subject to
17 any action that may be appropriate thereafter in accordance with the
18 laws and rules governing state civil service.

19 (4) All rules and all pending business before the personnel appeals
20 board shall be continued and acted upon by the Washington personnel
21 resources board. All existing contracts and obligations shall remain
22 in full force and shall be performed by the department of personnel.

23 (5) The transfer of the powers, duties, functions, and personnel of
24 the personnel appeals board shall not affect the validity of any act
25 performed before the effective date of this section.

26 (6) If apportionments of budgeted funds are required because of the
27 transfers directed by this section, the director of financial
28 management shall certify the apportionments to the agencies affected,
29 the state auditor, and the state treasurer. Each of these shall make
30 the appropriate transfer and adjustments in funds and appropriation
31 accounts and equipment records in accordance with the certification.

32 **Sec. 235.** RCW 13.40.320 and 1997 c 338 s 38 are each amended to
33 read as follows:

34 (1) The department of social and health services shall establish
35 and operate a medium security juvenile offender basic training camp
36 program. The department shall site a juvenile offender basic training
37 camp facility in the most cost-effective facility possible and shall

1 review the possibility of using an existing abandoned and/or available
2 state, federally, or military-owned site or facility.

3 (2) The department may contract under this chapter with private
4 companies, the national guard, or other federal, state, or local
5 agencies to operate the juvenile offender basic training camp(~~(7~~
6 ~~notwithstanding the provisions of RCW 41.06.380)~~). Requests for
7 proposals from possible contractors shall not call for payment on a per
8 diem basis.

9 (3) The juvenile offender basic training camp shall accommodate at
10 least seventy offenders. The beds shall count as additions to, and not
11 be used as replacements for, existing bed capacity at existing
12 department of social and health services juvenile facilities.

13 (4) The juvenile offender basic training camp shall be a structured
14 and regimented model lasting one hundred twenty days emphasizing the
15 building up of an offender's self-esteem, confidence, and discipline.
16 The juvenile offender basic training camp program shall provide
17 participants with basic education, prevocational training, work-based
18 learning, live work, work ethic skills, conflict resolution counseling,
19 substance abuse intervention, anger management counseling, and
20 structured intensive physical training. The juvenile offender basic
21 training camp program shall have a curriculum training and work
22 schedule that incorporates a balanced assignment of these or other
23 rehabilitation and training components for no less than sixteen hours
24 per day, six days a week.

25 The department shall adopt rules for the safe and effective
26 operation of the juvenile offender basic training camp program,
27 standards for an offender's successful program completion, and rules
28 for the continued after-care supervision of offenders who have
29 successfully completed the program.

30 (5) Offenders eligible for the juvenile offender basic training
31 camp option shall be those with a disposition of not more than sixty-
32 five weeks. Violent and sex offenders shall not be eligible for the
33 juvenile offender basic training camp program.

34 (6) If the court determines that the offender is eligible for the
35 juvenile offender basic training camp option, the court may recommend
36 that the department place the offender in the program. The department
37 shall evaluate the offender and may place the offender in the program.
38 The evaluation shall include, at a minimum, a risk assessment developed
39 by the department and designed to determine the offender's suitability

1 for the program. No juvenile who is assessed as a high risk offender
2 or suffers from any mental or physical problems that could endanger his
3 or her health or drastically affect his or her performance in the
4 program shall be admitted to or retained in the juvenile offender basic
5 training camp program.

6 (7) All juvenile offenders eligible for the juvenile offender basic
7 training camp sentencing option shall spend one hundred twenty days of
8 their disposition in a juvenile offender basic training camp. If the
9 juvenile offender's activities while in the juvenile offender basic
10 training camp are so disruptive to the juvenile offender basic training
11 camp program, as determined by the secretary according to rules adopted
12 by the department, as to result in the removal of the juvenile offender
13 from the juvenile offender basic training camp program, or if the
14 offender cannot complete the juvenile offender basic training camp
15 program due to medical problems, the secretary shall require that the
16 offender be committed to a juvenile institution to serve the entire
17 remainder of his or her disposition, less the amount of time already
18 served in the juvenile offender basic training camp program.

19 (8) All offenders who successfully graduate from the one hundred
20 twenty day juvenile offender basic training camp program shall spend
21 the remainder of their disposition on parole in a division of juvenile
22 rehabilitation intensive aftercare program in the local community. The
23 program shall provide for the needs of the offender based on his or her
24 progress in the aftercare program as indicated by ongoing assessment of
25 those needs and progress. The intensive aftercare program shall
26 monitor postprogram juvenile offenders and assist them to successfully
27 reintegrate into the community. In addition, the program shall develop
28 a process for closely monitoring and assessing public safety risks.
29 The intensive aftercare program shall be designed and funded by the
30 department of social and health services.

31 (9) The department shall also develop and maintain a data base to
32 measure recidivism rates specific to this incarceration program. The
33 data base shall maintain data on all juvenile offenders who complete
34 the juvenile offender basic training camp program for a period of two
35 years after they have completed the program. The data base shall also
36 maintain data on the criminal activity, educational progress, and
37 employment activities of all juvenile offenders who participated in the
38 program.

1 **Sec. 236.** RCW 39.29.006 and 1993 c 433 s 2 are each amended to
2 read as follows:

3 As used in this chapter:

4 (1) "Agency" means any state office or activity of the executive
5 and judicial branches of state government, including state agencies,
6 departments, offices, divisions, boards, commissions, and educational,
7 correctional, and other types of institutions.

8 (2) "Client services" means services provided directly to agency
9 clients including, but not limited to, medical and dental services,
10 employment and training programs, residential care, and subsidized
11 housing.

12 (3) "Competitive solicitation" means a documented formal process
13 providing an equal and open opportunity to qualified parties and
14 culminating in a selection based on criteria which may include such
15 factors as the consultant's fees or costs, ability, capacity,
16 experience, reputation, responsiveness to time limitations,
17 responsiveness to solicitation requirements, quality of previous
18 performance, and compliance with statutes and rules relating to
19 contracts or services.

20 (4) "Consultant" means an independent individual or firm
21 contracting with an agency to perform a service or render an opinion or
22 recommendation according to the consultant's methods and without being
23 subject to the control of the agency except as to the result of the
24 work. The agency monitors progress under the contract and authorizes
25 payment.

26 (5) "Emergency" means a set of unforeseen circumstances beyond the
27 control of the agency that either:

28 (a) Present a real, immediate threat to the proper performance of
29 essential functions; or

30 (b) May result in material loss or damage to property, bodily
31 injury, or loss of life if immediate action is not taken.

32 (6) "Evidence of competition" means documentation demonstrating
33 that the agency has solicited responses from multiple firms in
34 selecting a consultant.

35 (7) "Personal service" means professional or technical expertise
36 provided by a consultant to accomplish a specific study, project, task,
37 or other work statement. This term does not include purchased services
38 as defined under subsection (9) of this section. This term does
39 include client services.

1 (8) "Personal service contract" means an agreement, or any
2 amendment thereto, with a consultant for the rendering of personal
3 services to the state which is consistent with ((RCW 41.06.380))
4 section 208 of this act.

5 (9) "Purchased services" means services provided by a vendor to
6 accomplish routine, continuing and necessary functions. This term
7 includes, but is not limited to, services acquired under RCW 43.19.190
8 or 43.105.041 for equipment maintenance and repair; operation of a
9 physical plant; security; computer hardware and software maintenance;
10 data entry; key punch services; and computer time-sharing, contract
11 programming, and analysis.

12 (10) "Sole source" means a consultant providing professional or
13 technical expertise of such a unique nature that the consultant is
14 clearly and justifiably the only practicable source to provide the
15 service. The justification shall be based on either the uniqueness of
16 the service or sole availability at the location required.

17 (11) "Subcontract" means a contract assigning some of the work of
18 a contract to a third party.

19 **Sec. 237.** RCW 41.04.385 and 1993 c 194 s 5 are each amended to
20 read as follows:

21 The legislature finds that (1) demographic, economic, and social
22 trends underlie a critical and increasing demand for child care in the
23 state of Washington; (2) working parents and their children benefit
24 when the employees' child care needs have been resolved; (3) the state
25 of Washington should serve as a model employer by creating a supportive
26 atmosphere, to the extent feasible, in which its employees may meet
27 their child care needs; and (4) the state of Washington should
28 encourage the development of partnerships between state agencies, state
29 employees, state employee labor organizations, and private employers to
30 expand the availability of affordable quality child care. The
31 legislature finds further that resolving employee child care concerns
32 not only benefits the employees and their children, but may benefit the
33 employer by reducing absenteeism, increasing employee productivity,
34 improving morale, and enhancing the employer's position in recruiting
35 and retaining employees. Therefore, the legislature declares that it
36 is the policy of the state of Washington to assist state employees by
37 creating a supportive atmosphere in which they may meet their child
38 care needs. Policies and procedures for state agencies to address

1 employee child care needs will be the responsibility of the director of
2 personnel in consultation with the child care coordinating committee,
3 as provided in RCW 74.13.090, and state employee representatives ((as
4 ~~provided under RCW 41.06.140~~)).

5 **Sec. 238.** RCW 47.46.040 and 1995 2nd sp.s. c 19 s 3 are each
6 amended to read as follows:

7 (1) All projects designed, constructed, and operated under this
8 authority must comply with all applicable rules and statutes in
9 existence at the time the agreement is executed, including but not
10 limited to the following provisions: Chapter 39.12 RCW, this title,
11 ((~~RCW 41.06.380~~)) section 208 of this act, chapter 47.64 RCW, RCW
12 49.60.180, and 49 C.F.R. Part 21.

13 (2) The secretary or a designee shall consult with legal,
14 financial, and other experts within and outside state government in the
15 negotiation and development of the agreements.

16 (3) Agreements shall provide for private ownership of the projects
17 during the construction period. After completion and final acceptance
18 of each project or discrete segment thereof, the agreement shall
19 provide for state ownership of the transportation systems and
20 facilities and lease to the private entity unless the state elects to
21 provide for ownership of the facility by the private entity during the
22 term of the agreement.

23 The state shall lease each of the demonstration projects, or
24 applicable project segments, to the private entities for operating
25 purposes for up to fifty years.

26 (4) The department may exercise any power possessed by it to
27 facilitate the development, construction, financing operation, and
28 maintenance of transportation projects under this chapter. Agreements
29 for maintenance services entered into under this section shall provide
30 for full reimbursement for services rendered by the department or other
31 state agencies. Agreements for police services for projects, involving
32 state highway routes, developed under agreements shall be entered into
33 with the Washington state patrol. The agreement for police services
34 shall provide that the state patrol will be reimbursed for costs on a
35 comparable basis with the costs incurred for comparable service on
36 other state highway routes. The department may provide services for
37 which it is reimbursed, including but not limited to preliminary

1 planning, environmental certification, and preliminary design of the
2 demonstration projects.

3 (5) The plans and specifications for each project constructed under
4 this section shall comply with the department's standards for state
5 projects. A facility constructed by and leased to a private entity is
6 deemed to be a part of the state highway system for purposes of
7 identification, maintenance, and enforcement of traffic laws and for
8 the purposes of applicable sections of this title. Upon reversion of
9 the facility to the state, the project must meet all applicable state
10 standards. Agreements shall address responsibility for reconstruction
11 or renovations that are required in order for a facility to meet all
12 applicable state standards upon reversion of the facility to the state.

13 (6) For the purpose of facilitating these projects and to assist
14 the private entity in the financing, development, construction, and
15 operation of the transportation systems and facilities, the agreements
16 may include provisions for the department to exercise its authority,
17 including the lease of facilities, rights of way, and airspace,
18 exercise of the power of eminent domain, granting of development rights
19 and opportunities, granting of necessary easements and rights of
20 access, issuance of permits and other authorizations, protection from
21 competition, remedies in the event of default of either of the parties,
22 granting of contractual and real property rights, liability during
23 construction and the term of the lease, authority to negotiate
24 acquisition of rights of way in excess of appraised value, and any
25 other provision deemed necessary by the secretary.

26 (7) The agreements entered into under this section may include
27 provisions authorizing the state to grant necessary easements and lease
28 to a private entity existing rights of way or rights of way
29 subsequently acquired with public or private financing. The agreements
30 may also include provisions to lease to the entity airspace above or
31 below the right of way associated or to be associated with the private
32 entity's transportation facility. In consideration for the reversion
33 rights in these privately constructed facilities, the department may
34 negotiate a charge for the lease of airspace rights during the term of
35 the agreement for a period not to exceed fifty years. If, after the
36 expiration of this period, the department continues to lease these
37 airspace rights to the private entity, it shall do so only at fair
38 market value. The agreement may also provide the private entity the

1 right of first refusal to undertake projects utilizing airspace owned
2 by the state in the vicinity of the public-private project.

3 (8) Agreements under this section may include any contractual
4 provision that is necessary to protect the project revenues required to
5 repay the costs incurred to study, plan, design, finance, acquire,
6 build, install, operate, enforce laws, and maintain toll highways,
7 bridges, and tunnels and which will not unreasonably inhibit or
8 prohibit the development of additional public transportation systems
9 and facilities. Agreements under this section must secure and maintain
10 liability insurance coverage in amounts appropriate to protect the
11 project's viability and may address state indemnification of the
12 private entity for design and construction liability where the state
13 has approved relevant design and construction plans.

14 (9) Agreements shall include a process that provides for public
15 involvement in decision making with respect to the development of the
16 projects.

17 (10)(a) In carrying out the public involvement process required in
18 subsection (9) of this section, the private entity shall proactively
19 seek public participation through a process appropriate to the
20 characteristics of the project that assesses and demonstrates public
21 support among: Users of the project, residents of communities in the
22 vicinity of the project, and residents of communities impacted by the
23 project.

24 (b) The private entity shall conduct a comprehensive public
25 involvement process that provides, periodically throughout the
26 development and implementation of the project, users and residents of
27 communities in the affected project area an opportunity to comment upon
28 key issues regarding the project including, but not limited to: (i)
29 Alternative sizes and scopes; (ii) design; (iii) environmental
30 assessment; (iv) right of way and access plans; (v) traffic impacts;
31 (vi) tolling or user fee strategies and tolling or user fee ranges;
32 (vii) project cost; (viii) construction impacts; (ix) facility
33 operation; and (x) any other salient characteristics.

34 (c) If the affected project area has not been defined, the private
35 entity shall define the affected project area by conducting, at a
36 minimum: (i) A comparison of the estimated percentage of residents of
37 communities in the vicinity of the project and in other communities
38 impacted by the project who could be subject to tolls or user fees and
39 the estimated percentage of other users and transient traffic that

1 could be subject to tolls or user fees; (ii) an analysis of the
2 anticipated traffic diversion patterns; (iii) an analysis of the
3 potential economic impact resulting from proposed toll rates or user
4 fee rates imposed on residents, commercial traffic, and commercial
5 entities in communities in the vicinity of and impacted by the project;
6 (iv) an analysis of the economic impact of tolls or user fees on the
7 price of goods and services generally; and (v) an analysis of the
8 relationship of the project to state transportation needs and benefits.

9 The agreement may require an advisory vote by users of and
10 residents in the affected project area.

11 (d) In seeking public participation, the private entity shall
12 establish a local involvement committee or committees comprised of
13 residents of the affected project area, individuals who represent
14 cities and counties in the affected project area, organizations formed
15 to support or oppose the project, if such organizations exist, and
16 users of the project. The private entity shall, at a minimum,
17 establish a committee as required under the specifications of RCW
18 47.46.030(~~(+5)~~) (6)(b) (ii) and (iii) and appointments to such
19 committee shall be made no later than thirty days after the project
20 area is defined.

21 (e) Local involvement committees shall act in an advisory capacity
22 to the department and the private entity on all issues related to the
23 development and implementation of the public involvement process
24 established under this section.

25 (f) The department and the private entity shall provide the
26 legislative transportation committee and local involvement committees
27 with progress reports on the status of the public involvement process
28 including the results of an advisory vote, if any occurs.

29 (11) Nothing in this chapter limits the right of the secretary and
30 his or her agents to render such advice and to make such
31 recommendations as they deem to be in the best interests of the state
32 and the public.

33 **Sec. 239.** RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each
34 amended to read as follows:

35 It is the intent of the legislature to vest in the department the
36 power to provide for a comprehensive inmate work program and to remove
37 statutory and other restrictions which have limited work programs in
38 the past. For purposes of establishing such a comprehensive program,

1 the legislature recommends that the department consider adopting any or
2 all, or any variation of, the following classes of work programs:

3 (1) CLASS I: FREE VENTURE INDUSTRIES. The employer model
4 industries in this class shall be operated and managed in total or in
5 part by any profit or nonprofit organization pursuant to an agreement
6 between the organization and the department. The organization shall
7 produce goods or services for sale to both the public and private
8 sector.

9 The customer model industries in this class shall be operated and
10 managed by the department to provide Washington state manufacturers or
11 businesses with products or services currently produced or provided by
12 out-of-state or foreign suppliers. The correctional industries board
13 of directors shall review these proposed industries before the
14 department contracts to provide such products or services. The review
15 shall include an analysis of the potential impact of the proposed
16 products and services on the Washington state business community and
17 labor market.

18 The department of corrections shall supply appropriate security and
19 custody services without charge to the participating firms.

20 Inmates who work in free venture industries shall do so at their
21 own choice. They shall be paid a wage comparable to the wage paid for
22 work of a similar nature in the locality in which the industry is
23 located, as determined by the director of correctional industries. If
24 the director cannot reasonably determine the comparable wage, then the
25 pay shall not be less than the federal minimum wage.

26 An inmate who is employed in the class I program of correctional
27 industries shall not be eligible for unemployment compensation benefits
28 pursuant to any of the provisions of Title 50 RCW until released on
29 parole or discharged.

30 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class
31 shall be state-owned and operated enterprises designed to reduce the
32 costs for goods and services for tax-supported agencies and for
33 nonprofit organizations. The industries selected for development
34 within this class shall, as much as possible, match the available pool
35 of inmate work skills and aptitudes with the work opportunities in the
36 free community. The industries shall be closely patterned after
37 private sector industries but with the objective of reducing public
38 support costs rather than making a profit. The products and services
39 of this industry, including purchased products and services necessary

1 for a complete product line, may be sold to public agencies, to
2 nonprofit organizations, and to private contractors when the goods
3 purchased will be ultimately used by a public agency or a nonprofit
4 organization. Clothing manufactured by an industry in this class may
5 be donated to nonprofit organizations that provide clothing free of
6 charge to low-income persons. Correctional industries products and
7 services shall be reviewed by the correctional industries board of
8 directors before offering such products and services for sale to
9 private contractors. The board of directors shall conduct a yearly
10 marketing review of the products and services offered under this
11 subsection. Such review shall include an analysis of the potential
12 impact of the proposed products and services on the Washington state
13 business community. To avoid waste or spoilage and consequent loss to
14 the state, when there is no public sector market for such goods,
15 byproducts and surpluses of timber, agricultural, and animal husbandry
16 enterprises may be sold to private persons, at private sale. Surplus
17 byproducts and surpluses of timber, agricultural and animal husbandry
18 enterprises that cannot be sold to public agencies or to private
19 persons may be donated to nonprofit organizations. All sales of
20 surplus products shall be carried out in accordance with rules
21 prescribed by the secretary.

22 Security and custody services shall be provided without charge by
23 the department of corrections.

24 Inmates working in this class of industries shall do so at their
25 own choice and shall be paid for their work on a gratuity scale which
26 shall not exceed the wage paid for work of a similar nature in the
27 locality in which the industry is located and which is approved by the
28 director of correctional industries.

29 Subject to approval of the correctional industries board,
30 provisions of ((~~RCW 41.06.380~~)) section 208 of this act prohibiting
31 contracting out work performed by classified employees shall not apply
32 to contracts with Washington state businesses entered into by the
33 department of corrections through class II industries.

34 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in
35 this class shall be operated by the department of corrections. They
36 shall be designed and managed to accomplish the following objectives:

37 (a) Whenever possible, to provide basic work training and
38 experience so that the inmate will be able to qualify for better work
39 both within correctional industries and the free community. It is not

1 intended that an inmate's work within this class of industries should
2 be his or her final and total work experience as an inmate.

3 (b) Whenever possible, to provide forty hours of work or work
4 training per week.

5 (c) Whenever possible, to offset tax and other public support
6 costs.

7 Supervising, management, and custody staff shall be employees of
8 the department.

9 All able and eligible inmates who are assigned work and who are not
10 working in other classes of industries shall work in this class.

11 Except for inmates who work in work training programs, inmates in
12 this class shall be paid for their work in accordance with an inmate
13 gratuity scale. The scale shall be adopted by the secretary of
14 corrections.

15 (4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class
16 shall be operated by the department of corrections. They shall be
17 designed and managed to provide services in the inmate's resident
18 community at a reduced cost. The services shall be provided to public
19 agencies, to persons who are poor or infirm, or to nonprofit
20 organizations.

21 Inmates in this program shall reside in facilities owned by,
22 contracted for, or licensed by the department of corrections. A unit
23 of local government shall provide work supervision services without
24 charge to the state and shall pay the inmate's wage.

25 The department of corrections shall reimburse participating units
26 of local government for liability and workers compensation insurance
27 costs.

28 Inmates who work in this class of industries shall do so at their
29 own choice and shall receive a gratuity which shall not exceed the wage
30 paid for work of a similar nature in the locality in which the industry
31 is located.

32 (5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class
33 shall be subject to supervision by the department of corrections. The
34 purpose of this class of industries is to enable an inmate, placed on
35 community supervision, to work off all or part of a community service
36 order as ordered by the sentencing court.

37 Employment shall be in a community service program operated by the
38 state, local units of government, or a nonprofit agency.

1 To the extent that funds are specifically made available for such
2 purposes, the department of corrections shall reimburse nonprofit
3 agencies for workers compensation insurance costs.

4 **Sec. 240.** RCW 41.06.079 and 1993 c 281 s 23 are each amended to
5 read as follows:

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

27 **Sec. 241.** RCW 41.06.152 and 1996 c 319 s 1 are each amended to
28 read as follows:

29 (1) The board shall adopt only those job classification revisions,
30 class studies, and salary adjustments under RCW 41.06.150((+15+)) (12)
31 that:

32 (a) Are due to documented recruitment and retention difficulties,
33 salary compression or inversion, increased duties and responsibilities,
34 or inequities. For these purposes, inequities are defined as similar
35 work assigned to different job classes with a salary disparity greater
36 than 7.5 percent; and

1 (b) Are such that the office of financial management has reviewed
2 the agency's fiscal impact statement and has concurred that the agency
3 can absorb the biennialized cost of the reclassification, class study,
4 or salary adjustment within the agency's current authorized level of
5 funding for the current fiscal biennium and subsequent fiscal biennia.

6 (2) In addition to reclassifications, class studies, and salary
7 adjustments under subsection (1)(b) of this section, the board may
8 approve other reclassifications, class studies, and salary adjustments
9 that meet the requirements of subsection (1)(a) of this section and
10 have been approved under the procedures established under this
11 subsection.

12 Before the department of personnel's biennial budget request is due
13 to the office of financial management, the board shall prioritize
14 requests for reclassifications, class studies, and salary adjustments
15 for the next fiscal biennium. The board shall prioritize according to
16 such criteria as are developed by the board consistent with RCW
17 41.06.150(~~((+15+))~~) (12)(a).

18 The board shall submit the prioritized list to the governor's
19 office and the fiscal committees of the house of representatives and
20 senate at the same time the department of personnel's biennial budget
21 request is submitted. The office of financial management shall review
22 the biennial cost of each proposed salary adjustment on the board's
23 prioritized list.

24 In the biennial appropriations acts, the legislature may establish
25 a level of funding, from the state general fund and other accounts, to
26 be applied by the board to the prioritized list. Upon enactment of the
27 appropriations act, the board may approve reclassifications, class
28 studies, and salary adjustments only to the extent that the total cost
29 does not exceed the level of funding established in the appropriations
30 acts and the board's actions are consistent with the priorities
31 established in the list. The legislature may also specify or otherwise
32 limit in the appropriations act the implementation dates for actions
33 approved by the board under this section.

34 (3) This section does not apply to the higher education hospital
35 special pay plan or to any adjustments to the classification plan under
36 RCW 41.06.150(~~((+15+))~~) (12) that are due to emergent conditions.
37 Emergent conditions are defined as emergency conditions requiring the
38 establishment of positions necessary for the preservation of the public
39 health, safety, or general welfare.

1 **Sec. 242.** RCW 41.06.152 and 1998 c . . . s 241 (section 241 of
2 this act) are each amended to read as follows:

3 (1) The director shall adopt only those job classification
4 revisions, class studies, and salary adjustments under RCW
5 41.06.150(~~((12))~~) (4) that:

6 (a) Are due to documented recruitment and retention difficulties,
7 salary compression or inversion, increased duties and responsibilities,
8 or inequities. For these purposes, inequities are defined as similar
9 work assigned to different job classes with a salary disparity greater
10 than 7.5 percent; and

11 (b) Are such that the office of financial management has reviewed
12 the agency's fiscal impact statement and has concurred that the agency
13 can absorb the biennialized cost of the reclassification, class study,
14 or salary adjustment within the agency's current authorized level of
15 funding for the current fiscal biennium and subsequent fiscal biennia.

16 (2) In addition to reclassifications, class studies, and salary
17 adjustments under subsection (1)(b) of this section, the board may
18 approve other reclassifications, class studies, and salary adjustments
19 that meet the requirements of subsection (1)(a) of this section and
20 have been approved under the procedures established under this
21 subsection.

22 Before the department of personnel's biennial budget request is due
23 to the office of financial management, the board shall prioritize
24 requests for reclassifications, class studies, and salary adjustments
25 for the next fiscal biennium. The board shall prioritize according to
26 such criteria as are developed by the board consistent with RCW
27 41.06.150(~~((12))~~) (4)(a).

28 The board shall submit the prioritized list to the governor's
29 office and the fiscal committees of the house of representatives and
30 senate at the same time the department of personnel's biennial budget
31 request is submitted. The office of financial management shall review
32 the biennial cost of each proposed salary adjustment on the board's
33 prioritized list.

34 In the biennial appropriations acts, the legislature may establish
35 a level of funding, from the state general fund and other accounts, to
36 be applied by the board to the prioritized list. Upon enactment of the
37 appropriations act, the board may approve reclassifications, class
38 studies, and salary adjustments only to the extent that the total cost
39 does not exceed the level of funding established in the appropriations

1 acts and the board's actions are consistent with the priorities
2 established in the list. The legislature may also specify or otherwise
3 limit in the appropriations act the implementation dates for actions
4 approved by the board under this section.

5 (3) This section does not apply to the higher education hospital
6 special pay plan or to any adjustments to the classification plan under
7 RCW 41.06.150(~~(+12+)~~) (4) that are due to emergent conditions.
8 Emergent conditions are defined as emergency conditions requiring the
9 establishment of positions necessary for the preservation of the public
10 health, safety, or general welfare.

11 **Sec. 243.** RCW 41.06.500 and 1996 c 319 s 4 are each amended to
12 read as follows:

13 (1) Except as provided in RCW 41.06.070, notwithstanding any other
14 provisions of this chapter, the director is authorized to adopt, after
15 consultation with state agencies and employee organizations, rules for
16 managers as defined in RCW 41.06.022. These rules shall not apply to
17 managers employed by institutions of higher education or related boards
18 or whose positions are exempt. The rules shall govern recruitment,
19 appointment, classification and allocation of positions, examination,
20 training and career development, hours of work, probation,
21 certification, compensation, transfer, affirmative action, promotion,
22 layoff, reemployment, performance appraisals, discipline, and any and
23 all other personnel practices for managers. These rules shall be
24 separate from rules adopted by the board for other employees, and to
25 the extent that the rules adopted apply only to managers shall take
26 precedence over rules adopted by the board, and are not subject to
27 review by the board.

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

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

33 (b) Creation of a compensation system consistent with the policy
34 set forth in RCW 41.06.150(~~(+17+)~~) (14). The system shall provide
35 flexibility in setting and changing salaries, and shall require review
36 and approval by the director in the case of any salary changes greater
37 than five percent proposed for any group of employees;

1 (c) Establishment of a performance appraisal system that emphasizes
2 individual accountability for program results and efficient management
3 of resources; effective planning, organization, and communication
4 skills; valuing and managing workplace diversity; development of
5 leadership and interpersonal abilities; and employee development;

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

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

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

23 (g) Facilitating decentralized and regional administration.

24 **Sec. 244.** RCW 41.06.500 and 1998 c . . . s 243 (section 243 of
25 this act) are each amended to read as follows:

26 (1) Except as provided in RCW 41.06.070, notwithstanding any other
27 provisions of this chapter, the director is authorized to adopt, after
28 consultation with state agencies and employee organizations, rules for
29 managers as defined in RCW 41.06.022. These rules shall not apply to
30 managers employed by institutions of higher education or related boards
31 or whose positions are exempt. The rules shall govern recruitment,
32 appointment, classification and allocation of positions, examination,
33 training and career development, hours of work, probation,
34 certification, compensation, transfer, affirmative action, promotion,
35 layoff, reemployment, performance appraisals, discipline, and any and
36 all other personnel practices for managers. These rules shall be
37 separate from rules adopted by the board for other employees, and to
38 the extent that the rules adopted apply only to managers shall take

1 precedence over rules adopted by the board, and are not subject to
2 review by the board.

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

5 (a) Development of a simplified classification system that
6 facilitates movement of managers between agencies and promotes upward
7 mobility;

8 (b) Creation of a compensation system (~~consistent with the policy~~
9 ~~set forth in RCW 41.06.150(14). The system shall provide~~) that
10 provides flexibility in setting and changing salaries, and shall
11 require review and approval by the director in the case of any salary
12 changes greater than five percent proposed for any group of employees;

13 (c) Establishment of a performance appraisal system that emphasizes
14 individual accountability for program results and efficient management
15 of resources; effective planning, organization, and communication
16 skills; valuing and managing workplace diversity; development of
17 leadership and interpersonal abilities; and employee development;

18 (d) Strengthening management training and career development
19 programs that build critical management knowledge, skills, and
20 abilities; focusing on managing and valuing workplace diversity;
21 empowering employees by enabling them to share in workplace decision
22 making and to be innovative, willing to take risks, and able to accept
23 and deal with change; promoting a workplace where the overall focus is
24 on the recipient of the government services and how these services can
25 be improved; and enhancing mobility and career advancement
26 opportunities;

27 (e) Permitting flexible recruitment and hiring procedures that
28 enable agencies to compete effectively with other employers, both
29 public and private, for managers with appropriate skills and training;
30 allowing consideration of all qualified candidates for positions as
31 managers; and achieving affirmative action goals and diversity in the
32 workplace;

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

35 (g) Facilitating decentralized and regional administration.

36 **Sec. 245.** RCW 43.21I.010 and 1992 c 73 s 4 are each amended to
37 read as follows:

1 (1) There is hereby created an agency of state government to be
2 known as the office of marine safety. The office shall be vested with
3 all powers and duties transferred to it and such other powers and
4 duties as may be authorized by law. The main administrative office of
5 the office shall be located in the city of Olympia. The administrator
6 may establish administrative facilities in other locations, if deemed
7 necessary for the efficient operation of the office, and if consistent
8 with the principles set forth in subsection (2) of this section.

9 (2) The office of marine safety shall be organized consistent with
10 the goals of providing state government with a focus in marine
11 transportation and serving the people of this state. The legislature
12 recognizes that the administrator needs sufficient organizational
13 flexibility to carry out the office's various duties. To the extent
14 practical, the administrator shall consider the following
15 organizational principles:

16 (a) Clear lines of authority which avoid functional duplication
17 within and between subelements of the office;

18 (b) A clear and simplified organizational design promoting
19 accessibility, responsiveness, and accountability to the legislature,
20 the consumer, and the general public; and

21 (c) Maximum span of control without jeopardizing adequate
22 supervision.

23 (3) The office shall provide leadership and coordination in
24 identifying and resolving threats to the safety of marine
25 transportation and the impact of marine transportation on the
26 environment:

27 (a) Working with other state agencies and local governments to
28 strengthen the state and local governmental partnership in providing
29 public protection;

30 (b) Providing expert advice to the executive and legislative
31 branches of state government;

32 (c) Providing active and fair enforcement of rules;

33 (d) Working with other federal, state, and local agencies and
34 facilitating their involvement in planning and implementing marine
35 safety measures;

36 (e) Providing information to the public; and

37 (f) Carrying out such other related actions as may be appropriate
38 to this purpose.

1 (4) In accordance with the administrative procedure act, chapter
2 34.05 RCW, the office shall ensure an opportunity for consultation,
3 review, and comment before the adoption of standards, guidelines, and
4 rules.

5 (5) Consistent with the principles set forth in subsection (2) of
6 this section, the administrator may create such administrative
7 divisions, offices, bureaus, and programs within the office as the
8 administrator deems necessary. The administrator shall have complete
9 charge of and supervisory powers over the office, except where the
10 administrator's authority is specifically limited by law.

11 (6) The administrator shall appoint such personnel as are necessary
12 to carry out the duties of the office. In addition to exemptions set
13 forth in RCW 41.06.070(~~(+28)~~) (3), the administrator, the
14 administrator's confidential secretary, and up to four professional
15 staff members shall be exempt from the provisions of chapter 41.06 RCW.
16 All other employees of the office shall be subject to the provisions of
17 chapter 41.06 RCW.

18 **Sec. 246.** RCW 43.23.010 and 1990 c 37 s 1 are each amended to read
19 as follows:

20 In order to obtain maximum efficiency and effectiveness within the
21 department of agriculture, the director may create such administrative
22 divisions within the department as he or she deems necessary. The
23 director shall appoint a deputy director as well as such assistant
24 directors as shall be needed to administer the several divisions within
25 the department. The director shall appoint no more than eight
26 assistant directors. The officers appointed under this section are
27 exempt from the provisions of the state civil service law as provided
28 in RCW 41.06.070(~~(+7)~~) (1)(g), and shall be paid salaries to be fixed
29 by the governor in accordance with the procedure established by law for
30 the fixing of salaries for officers exempt from the operation of the
31 state civil service law. The director shall also appoint and deputize
32 a state veterinarian who shall be an experienced veterinarian properly
33 licensed to practice veterinary medicine in this state.

34 The director of agriculture shall have charge and general
35 supervision of the department and may assign supervisory and
36 administrative duties other than those specified in RCW 43.23.070 to
37 the division which in his or her judgment can most efficiently carry on
38 those functions.

1 **Sec. 247.** RCW 49.74.030 and 1993 c 281 s 58 are each amended to
2 read as follows:

3 The commission in conjunction with the department of personnel or
4 the state patrol, whichever is appropriate, shall attempt to resolve
5 the noncompliance through conciliation. If an agreement is reached for
6 the elimination of noncompliance, the agreement shall be reduced to
7 writing and an order shall be issued by the commission setting forth
8 the terms of the agreement. The noncomplying state agency, institution
9 of higher education, or state patrol shall make a good faith effort to
10 conciliate and make a full commitment to correct the noncompliance with
11 any action that may be necessary to achieve compliance, provided such
12 action is not inconsistent with the rules adopted under RCW
13 41.06.150(~~((21))~~) (18) and 43.43.340(5), whichever is appropriate.

14 **Sec. 248.** RCW 49.74.030 and 1998 c . . . s 247 (section 247 of
15 this act) are each amended to read as follows:

16 The commission in conjunction with the department of personnel or
17 the state patrol, whichever is appropriate, shall attempt to resolve
18 the noncompliance through conciliation. If an agreement is reached for
19 the elimination of noncompliance, the agreement shall be reduced to
20 writing and an order shall be issued by the commission setting forth
21 the terms of the agreement. The noncomplying state agency, institution
22 of higher education, or state patrol shall make a good faith effort to
23 conciliate and make a full commitment to correct the noncompliance with
24 any action that may be necessary to achieve compliance, provided such
25 action is not inconsistent with the rules adopted under RCW
26 41.06.150(~~((18))~~) (6) and 43.43.340(5), whichever is appropriate.

27 **Sec. 249.** RCW 49.74.040 and 1985 c 365 s 11 are each amended to
28 read as follows:

29 If no agreement can be reached under RCW 49.74.030, the commission
30 may refer the matter to the administrative law judge for hearing
31 pursuant to RCW 49.60.250. If the administrative law judge finds that
32 the state agency, institution of higher education, or state patrol has
33 not made a good faith effort to correct the noncompliance, the
34 administrative law judge shall order the state agency, institution of
35 higher education, or state patrol to comply with this chapter. The
36 administrative law judge may order any action that may be necessary to
37 achieve compliance, provided such action is not inconsistent with the

1 rules adopted under RCW (~~(28B.16.100(20))~~) 41.06.150(~~((21))~~) (18) and
2 43.43.340(5), whichever is appropriate.

3 An order by the administrative law judge may be appealed to
4 superior court.

5 **Sec. 250.** RCW 49.74.040 and 1998 c . . . s 249 (section 249 of
6 this act) are each amended to read as follows:

7 If no agreement can be reached under RCW 49.74.030, the commission
8 may refer the matter to the administrative law judge for hearing
9 pursuant to RCW 49.60.250. If the administrative law judge finds that
10 the state agency, institution of higher education, or state patrol has
11 not made a good faith effort to correct the noncompliance, the
12 administrative law judge shall order the state agency, institution of
13 higher education, or state patrol to comply with this chapter. The
14 administrative law judge may order any action that may be necessary to
15 achieve compliance, provided such action is not inconsistent with the
16 rules adopted under RCW 41.06.150(~~((18))~~) (6) and 43.43.340(5),
17 whichever is appropriate.

18 An order by the administrative law judge may be appealed to
19 superior court.

20 **PART III**

21 **COLLECTIVE BARGAINING REFORM**

22 NEW SECTION. **Sec. 301.** APPLICATION OF CHAPTER. (1) Collective
23 bargaining negotiations under this chapter shall commence no later than
24 October 1, 2000, for collective bargaining agreements that are to
25 become effective no earlier than July 1, 2001. For subsequent
26 agreements, negotiations may commence and contracts become effective as
27 the parties agree subject to legislative ratification as outlined in
28 this chapter.

29 (2) Any collective bargaining agreement entered into before July 1,
30 1997, covering employees affected by sections 301 through 314 of this
31 act, that expires after July 1, 2000, shall, unless a superseding
32 agreement complying with sections 301 through 314 of this act is
33 negotiated by the parties, remain in full force during its duration,
34 but the agreement may not be renewed or extended beyond July 1, 2001,
35 or until superseded by a collective bargaining agreement entered into
36 under sections 301 through 314 of this act, whichever is later.

1 NEW SECTION. Sec. 302. NEGOTIATION AND RATIFICATION OF COLLECTIVE
2 BARGAINING AGREEMENTS. (1) For the purpose of negotiating collective
3 bargaining agreements under this chapter, the employer shall be
4 represented by the governor or governor's designee, except as provided
5 for institutions of higher education in subsection (4) of this section.

6 (2)(a) If an exclusive bargaining representative represents more
7 than one bargaining unit, the exclusive bargaining representative shall
8 negotiate one master collective bargaining agreement on behalf of all
9 the employees in bargaining units that the exclusive bargaining
10 representative represents. For those exclusive bargaining
11 representatives who represent fewer than a total of five hundred
12 employees each, negotiation shall be by a coalition of exclusive
13 bargaining representatives that together represent at least five
14 hundred employees. The coalition shall bargain for a master collective
15 bargaining agreement covering all of the employees represented by the
16 coalition. The governor's designee and the exclusive bargaining
17 representative or representatives are authorized to enter into
18 supplemental bargaining of agency-specific issues for inclusion in or
19 as an addendum to the master collective bargaining agreement, subject
20 to the parties' agreement regarding the issues and procedures for
21 supplemental bargaining. This section does not prohibit cooperation
22 and coordination of bargaining between two or more exclusive bargaining
23 representatives.

24 (b) This subsection (2) does not apply to exclusive bargaining
25 representatives who represent employees of institutions of higher
26 education.

27 (c) If five hundred or more employees of an independent state
28 elected official listed in RCW 43.01.010 are organized in a bargaining
29 unit or bargaining units under section 308 of this act, the official
30 shall be consulted by the governor or the governor's designee before
31 any agreement is reached under (a) of this subsection concerning
32 supplemental bargaining of agency specific issues affecting the
33 employees in such bargaining unit.

34 (3) The governor shall submit a request for funds necessary to
35 implement the compensation and fringe benefit provisions in the master
36 collective bargaining agreement or for legislation necessary to
37 implement the agreement within ten days of the date on which the
38 exclusive bargaining representative or representatives ratify the
39 agreement or, if the legislature is not in session, within ten days

1 after the legislature next convenes. Requests for funds necessary to
2 implement the provisions of bargaining agreements negotiated by
3 institutions of higher education according to subsection (4) of this
4 section shall not be submitted to the legislature by the governor
5 unless such requests:

6 (a) Have been submitted to the director of the office of financial
7 management prior to September 1 of the year they are negotiated; and

8 (b) Have been certified by the director of the office of financial
9 management as being feasible financially for the state.

10 The legislature shall approve or reject the submission of the
11 request for funds as a whole. If the legislature rejects or fails to
12 act on the submission, either party may reopen all or part of the
13 agreement or the exclusive bargaining representative may seek to
14 implement the procedures provided for in section 310 of this act.

15 (4) For the purpose of negotiating agreements for institutions of
16 higher education, the employer shall be the respective governing board
17 of each of the universities, colleges, or community colleges or a
18 designee chosen by the board to negotiate on its behalf. A governing
19 board may elect to have its negotiations conducted by the governor or
20 governor's designee under the procedures provided for general
21 government agencies in subsections (1), (2), and (3) of this section.
22 Prior to entering into negotiations under this chapter, the
23 institutions of higher education or their designees shall consult with
24 the director of the office of financial management regarding financial
25 and budgetary issues that are likely to arise in the impending
26 negotiations. If appropriations are necessary to implement the
27 compensation and fringe benefit provisions of the bargaining agreements
28 reached between institutions of higher education and exclusive
29 bargaining representatives agreed to under the provisions of this
30 chapter, the governor shall submit a request for such funds to the
31 legislature according to the provisions of subsection (3) of this
32 section.

33 (5) If, after the compensation and fringe benefit provisions of an
34 agreement are approved by the legislature, a significant revenue
35 shortfall occurs resulting in reduced appropriations, both parties
36 shall immediately enter into collective bargaining for a mutually
37 agreed upon modification of the agreement.

38 (6) After the expiration date of a collective bargaining agreement
39 negotiated under this chapter, all of the terms and conditions

1 specified in the collective bargaining agreement remain in effect until
2 the effective date of a subsequently negotiated agreement, not to
3 exceed one year from the expiration date stated in the agreement.
4 Thereafter, the employer may unilaterally implement according to law.

5 NEW SECTION. **Sec. 303.** SCOPE OF BARGAINING. (1) Except as
6 otherwise provided in this chapter, the matters subject to bargaining
7 include wages, hours, and other terms and conditions of employment, and
8 the negotiation of any question arising under a collective bargaining
9 agreement.

10 (2) The employer is not required to bargain over matters pertaining
11 to:

12 (a) Health care benefits or other employee insurance benefits,
13 except as required in subsection (3) of this section;

14 (b) Any retirement system or retirement benefit; or

15 (c) Rules of the director of personnel or the Washington personnel
16 resources board adopted under section 203, chapter . . . , Laws of 1998
17 (section 203 of this act).

18 (3) Matters subject to bargaining include the number of names to be
19 certified for vacancies, promotional preferences, and the dollar amount
20 expended on behalf of each employee for health care benefits. However,
21 except as provided otherwise in this subsection for institutions of
22 higher education, negotiations regarding the number of names to be
23 certified for vacancies, promotional preferences, and the dollar amount
24 expended on behalf of each employee for health care benefits shall be
25 conducted between the employer and one coalition of all the exclusive
26 bargaining representatives subject to this chapter. Any such provision
27 agreed to by the employer and the coalition shall be included in all
28 master collective bargaining agreements negotiated by the parties. For
29 institutions of higher education, promotional preferences and the
30 number of names to be certified for vacancies shall be bargained under
31 the provisions of section 302(4) of this act.

32 (4) The employer and the exclusive bargaining representative shall
33 not agree to any proposal that would prevent the implementation of
34 approved affirmative action plans or that would be inconsistent with
35 the comparable worth agreement that provided the basis for the salary
36 changes implemented beginning with the 1983-1985 biennium to achieve
37 comparable worth.

1 (5) The employer and the exclusive bargaining representative shall
2 not bargain over matters pertaining to management rights established in
3 section 305 of this act.

4 (6) Except as otherwise provided in this chapter, if a conflict
5 exists between an executive order, administrative rule, or agency
6 policy relating to wages, hours, and terms and conditions of employment
7 and a collective bargaining agreement negotiated under this chapter,
8 the collective bargaining agreement shall prevail. A provision of a
9 collective bargaining agreement that conflicts with the terms of a
10 statute is invalid and unenforceable.

11 NEW SECTION. **Sec. 304.** CONTENTS OF COLLECTIVE BARGAINING
12 AGREEMENTS. (1) The parties to a collective bargaining agreement shall
13 reduce the agreement to writing and both shall execute it.

14 (2) A collective bargaining agreement shall contain provisions
15 that:

16 (a) Provide for a grievance procedure that culminates with final
17 and binding arbitration of all disputes arising over the interpretation
18 or application of the collective bargaining agreement and that is valid
19 and enforceable under its terms when entered into in accordance with
20 this chapter; and

21 (b) Require processing of disciplinary actions or terminations of
22 employment of employees covered by the collective bargaining agreement
23 entirely under the procedures of the collective bargaining agreement.
24 Any employee, when fully reinstated, shall be guaranteed all employee
25 rights and benefits, including back pay, sick leave, vacation accrual,
26 and retirement and federal old age, survivors, and disability insurance
27 act credits, but without back pay for any period of suspension.

28 (3)(a) If a collective bargaining agreement between an employer
29 and an exclusive bargaining representative is concluded after the
30 termination date of the previous collective bargaining agreement
31 between the employer and an employee organization representing the same
32 bargaining units, the effective date of the collective bargaining
33 agreement may be the day after the termination of the previous
34 collective bargaining agreement, and all benefits included in the new
35 collective bargaining agreement, including wage or salary increases,
36 may accrue beginning with that effective date.

37 (b) If a collective bargaining agreement between an employer and an
38 exclusive bargaining representative is concluded after the termination

1 date of the previous collective bargaining agreement between the
2 employer and the exclusive bargaining representative representing
3 different bargaining units, the effective date of the collective
4 bargaining agreement may be the day after the termination date of
5 whichever previous collective bargaining agreement covering one or more
6 of the units terminated first, and all benefits included in the new
7 collective bargaining agreement, including wage or salary increases,
8 may accrue beginning with that effective date.

9 NEW SECTION. **Sec. 305.** MANAGEMENT RIGHTS. The employer shall not
10 bargain over rights of management which, in addition to all powers,
11 duties, and rights established by constitutional provision or statute,
12 shall include but not be limited to the following:

13 (1) The functions and programs of the employer, the use of
14 technology, and the structure of the organization;

15 (2) The employer's budget and the size of the agency work force,
16 including determining the financial basis for layoffs;

17 (3) The right to direct and supervise employees; and

18 (4) The right to take whatever actions are deemed necessary to
19 carry out the mission of the state and its agencies during emergencies.

20 NEW SECTION. **Sec. 306.** RIGHTS OF EMPLOYEES. Except as may be
21 specifically limited by this chapter, employees shall have the right to
22 self-organization, to form, join, or assist employee organizations, and
23 to bargain collectively through representatives of their own choosing
24 for the purpose of collective bargaining free from interference,
25 restraint, or coercion. Employees shall also have the right to refrain
26 from any or all such activities except to the extent that they may be
27 required to pay a fee to an exclusive bargaining representative under
28 a union security provision authorized by this chapter.

29 NEW SECTION. **Sec. 307.** RIGHT TO STRIKE NOT GRANTED. Nothing
30 contained in chapter . . . , Laws of 1998 (this act) permits or grants
31 to any employee the right to strike or refuse to perform his or her
32 official duties.

33 NEW SECTION. **Sec. 308.** BARGAINING UNITS. (1) A bargaining unit
34 of employees covered by this chapter existing on the effective date of
35 this section shall be considered an appropriate unit, unless the unit

1 does not meet the requirements of (a) and (b) of this subsection. The
2 commission, after hearing upon reasonable notice to all interested
3 parties, shall decide in each application for certification as an
4 exclusive bargaining representative, the unit appropriate for
5 certification. In determining the new units or modifications of
6 existing units, the commission shall consider: The duties, skills, and
7 working conditions of the employees; the history of collective
8 bargaining; the extent of organization among the employees; the desires
9 of the employees; and the avoidance of excessive fragmentation.
10 However, a unit is not appropriate if it includes:

11 (a) Both supervisors and nonsupervisory employees. A unit that
12 includes only supervisors may be considered appropriate if a majority
13 of the supervisory employees indicates by vote that they desire to be
14 included in such a unit; or

15 (b) More than one institution of higher education. For the
16 purposes of this section, any branch or regional campus of an
17 institution of higher education is part of that institution of higher
18 education.

19 (2) The exclusive bargaining representatives certified to represent
20 the bargaining units existing on the effective date of this section
21 shall continue as the exclusive bargaining representative without the
22 necessity of an election.

23 (3) If a single employee organization is the exclusive bargaining
24 representative for two or more units, upon petition by the employee
25 organization, the units may be consolidated into a single larger unit
26 if the commission considers the larger unit to be appropriate. If
27 consolidation is appropriate, the commission shall certify the employee
28 organization as the exclusive bargaining representative of the new
29 unit.

30 NEW SECTION. Sec. 309. REPRESENTATION. (1) The commission shall
31 determine all questions pertaining to representation and shall
32 administer all elections and be responsible for the processing and
33 adjudication of all disputes that arise as a consequence of elections.
34 The commission shall adopt rules that provide for at least the
35 following:

36 (a) Secret balloting;

37 (b) Consulting with employee organizations;

1 (c) Access to lists of employees, job classification, work
2 locations, and home mailing addresses;

3 (d) Absentee voting;

4 (e) Procedures for the greatest possible participation in voting;

5 (f) Campaigning on the employer's property during working hours;
6 and

7 (g) Election observers.

8 (2)(a) If an employee organization has been certified as the
9 exclusive bargaining representative of the employees of a bargaining
10 unit, the employee organization may act for and negotiate master
11 collective bargaining agreements that will include within the coverage
12 of the agreement all employees in the bargaining unit as provided in
13 section 302(2)(a) of this act. However, if a master collective
14 bargaining agreement is in effect for the exclusive bargaining
15 representative, it shall apply to the bargaining unit for which the
16 certification has been issued. Nothing in this section requires the
17 parties to engage in new negotiations during the term of that
18 agreement.

19 (b) This subsection (2) does not apply to exclusive bargaining
20 representatives who represent employees of institutions of higher
21 education.

22 (3) The certified exclusive bargaining representative shall be
23 responsible for representing the interests of all the employees in the
24 bargaining unit. This section shall not be construed to limit an
25 exclusive representative's right to exercise its discretion to refuse
26 to process grievances of employees that are unmeritorious.

27 (4) No question concerning representation may be raised if:

28 (a) Fewer than twelve months have elapsed since the last
29 certification or election; or

30 (b) A valid collective bargaining agreement exists covering the
31 unit, except for that period of no more than one hundred twenty
32 calendar days nor less than ninety calendar days before the expiration
33 of the contract.

34 NEW SECTION. **Sec. 310.** IMPASSE. Should the parties fail to reach
35 agreement in negotiating a collective bargaining agreement, either
36 party may request of the commission the assistance of an impartial
37 third party to mediate the negotiations.

1 If a collective bargaining agreement previously negotiated under
2 this chapter should expire while negotiations are underway, the terms
3 and conditions specified in the collective bargaining agreement shall
4 remain in effect for a period not to exceed one year from the
5 expiration date stated in the agreement. Thereafter, the employer may
6 unilaterally implement according to law.

7 If resolution is not reached through mediation by one hundred days
8 beyond the expiration date of a contract previously negotiated under
9 this chapter, or one hundred days from the initiation of mediated
10 negotiations if no such contract exists, an independent fact-finder
11 shall be appointed by the commission.

12 The fact-finder shall meet with the parties or their
13 representatives, or both, and make inquiries and investigations, hold
14 hearings, and take such other steps as may be appropriate. If the
15 dispute is not settled, the fact-finder shall make findings of fact and
16 recommend terms of settlement within thirty days.

17 Such recommendations, together with the findings of fact, shall be
18 submitted in writing to the parties and the commission privately before
19 they are made public. The commission, the fact-finder, the employer,
20 or the exclusive bargaining representative may make such findings and
21 recommendations public if the dispute is not settled within ten working
22 days after their receipt from the fact-finder.

23 Nothing in this section shall be construed to prohibit an employer
24 and an exclusive bargaining representative from agreeing to substitute,
25 at their own expense, their own procedure for resolving impasses in
26 collective bargaining for that provided in this section or from
27 agreeing to utilize for the purposes of this section any other
28 governmental or other agency or person in lieu of the commission.

29 Costs for mediator services shall be borne by the commission, and
30 costs for fact-finding shall be borne equally by the negotiating
31 parties.

32 NEW SECTION. **Sec. 311.** UNION SECURITY. (1) A collective
33 bargaining agreement may contain a union security provision requiring
34 as a condition of employment the payment, no later than the thirtieth
35 day following the beginning of employment or the effective date of this
36 section, whichever is later, of an agency shop fee to the employee
37 organization that is the exclusive bargaining representative for the
38 bargaining unit in which the employee is employed. The amount of the

1 fee shall be equal to the amount required to become a member in good
2 standing of the employee organization. Each employee organization
3 shall establish a procedure by which any employee so requesting may pay
4 a representation fee no greater than the part of the membership fee
5 that represents a pro rata share of expenditures for purposes germane
6 to the collective bargaining process, to contract administration, or to
7 pursuing matters affecting wages, hours, and other conditions of
8 employment.

9 (2) An employee who is covered by a union security provision and
10 who asserts a right of nonassociation based on bona fide religious
11 tenets, or teachings of a church or religious body of which the
12 employee is a member, shall, as a condition of employment, make
13 payments to the employee organization, for purposes within the program
14 of the employee organization as designated by the employee that would
15 be in harmony with his or her individual conscience. The amount of the
16 payments shall be equal to the periodic dues and fees uniformly
17 required as a condition of acquiring or retaining membership in the
18 employee organization minus any included monthly premiums for insurance
19 programs sponsored by the employee organization. The employee shall
20 not be a member of the employee organization but is entitled to all the
21 representation rights of a member of the employee organization.

22 (3) Upon filing with the employer the written authorization of a
23 bargaining unit employee under this chapter, the employee organization
24 that is the exclusive bargaining representative of the bargaining unit
25 shall have the exclusive right to have deducted from the salary of the
26 employee an amount equal to the fees and dues uniformly required as a
27 condition of acquiring or retaining membership in the employee
28 organization. The fees and dues shall be deducted each pay period from
29 the pay of all employees who have given authorization for the deduction
30 and shall be transmitted by the employer as provided for by agreement
31 between the employer and the employee organization.

32 (4) Employee organizations that before the effective date of this
33 section were entitled to the benefits of this section shall continue to
34 be entitled to these benefits.

35 NEW SECTION. **Sec. 312.** UNFAIR LABOR PRACTICES ENUMERATED. (1) It
36 is an unfair labor practice for an employer to:

37 (a) Interfere with, restrain, or coerce employees in the exercise
38 of their rights guaranteed by this chapter;

1 (b) Control, dominate, or interfere with an exclusive bargaining
2 representative;

3 (c) Discriminate against an employee who has filed an unfair labor
4 practice charge; or

5 (d) Refuse to engage in good faith collective bargaining.

6 (2) It is an unfair labor practice for an employee organization to:

7 (a) Interfere with, restrain, or coerce:

8 (i) Employees in the exercise of the rights guaranteed in this
9 chapter. However, this subsection (2)(a)(i) shall not impair the right
10 of an employee organization to prescribe its own rules with respect to
11 the acquisition or retention of membership in the employee
12 organization; or

13 (ii) An employer in the selection of its representatives for the
14 purposes of collective bargaining or the adjustment of grievances;

15 (b) Induce the employer to commit an unfair labor practice;

16 (c) Discriminate against an employee who has filed an unfair labor
17 practice charge; or

18 (d) Refuse to engage in good faith collective bargaining.

19 NEW SECTION. **Sec. 313.** UNFAIR LABOR PRACTICE PROCEDURES. (1)
20 The commission shall prevent any unfair labor practice and issue
21 appropriate remedial orders. A complaint shall not be processed for
22 any unfair labor practice occurring more than six months before the
23 filing of the complaint with the commission. The commission's
24 authority shall not be affected or impaired by any means of adjustment,
25 mediation, or conciliation in labor disputes that have been or may
26 hereafter be established by law.

27 (2) If a complaint is filed concerning any unfair labor practice,
28 the commission may issue and cause to be served a notice of hearing
29 before the commission at a place fixed in the complaint, to be held not
30 less than seven days after the serving of the complaint. Any such
31 complaint may be amended by the commission any time before the issuance
32 of an order based on the complaint. The person so complained of may
33 file an answer to the original or amended complaint and appear in
34 person or otherwise to give testimony at the place and time set in the
35 complaint. In the discretion of the commission, any other person may
36 be allowed to intervene in the proceedings and to present testimony.
37 In any such proceeding the commission shall not be bound by technical
38 rules of evidence prevailing in the courts of law or equity.

1 (3) For the purpose of all hearings and investigations, that, in
2 the opinion of the commission, are necessary and proper for the
3 exercise of the powers vested in it by this section, the commission
4 shall at all reasonable times have access to, for the purposes of
5 examination, and the right to examine, copy, or photograph any
6 evidence, including payrolls or lists of employees, of any person being
7 investigated or proceeded against that relates to any matter under
8 investigation or in question. The commission may issue subpoenas
9 requiring the attendance and testimony of witnesses and the production
10 of any evidence that relates to any matter under investigation or in
11 question before the commission. The commission, or any agent or agency
12 designated by the commission for such purposes, may administer oaths
13 and affirmations, examine witnesses, and receive evidence.

14 (4) The commission, or any party to the commission proceedings,
15 thirty days after the commission has entered its findings of fact, may
16 petition the superior court of Thurston county or the superior court
17 within the county where the unfair labor practice in question occurred
18 or where any person charged with the unfair labor practice resides or
19 transacts business, or if such court be on vacation or in recess, then
20 to the superior court of any county adjoining the county where the
21 unfair labor practice in question occurred or where any person charged
22 with the unfair labor practice resides or transacts business, for the
23 enforcement of the order and for appropriate temporary relief or
24 restraining order, and shall certify and file in the court a transcript
25 of the entire record in the proceeding, including the pleadings and
26 testimony upon which the order was made and the findings and order of
27 the commission. Upon filing the record, the court shall cause notice
28 of the record to be served upon such person, and thereupon shall have
29 jurisdiction of the proceeding and of the question determined in the
30 record, and may grant such temporary relief or restraining order as it
31 deems just and proper, and make and enter upon the pleadings,
32 testimony, and proceedings set forth in the transcript a decree
33 enforcing, modifying, and enforcing as so modified, or setting aside in
34 whole or in part the order of the commission.

35 NEW SECTION. **Sec. 314.** ENFORCEMENT OF COLLECTIVE BARGAINING
36 AGREEMENTS. (1) For the purposes of implementing arbitration under
37 grievance procedures required by section 304 of this act, the parties
38 to a collective bargaining agreement may agree on one or more permanent

1 umpires to serve as arbitrator, or may agree on any impartial person to
2 serve as arbitrator, or may agree to select arbitrators from any source
3 available to them, including federal and private agencies, in addition
4 to the staff and list of arbitrators maintained by the commission. If
5 the parties cannot agree to the selection of an arbitrator, the
6 commission shall supply a list of names in accordance with the
7 procedures established by the commission.

8 (2) An arbitrator may require any person to attend as a witness and
9 to bring with him or her any book, record, document, or other evidence.
10 The fees for such attendance shall be paid by the party requesting
11 issuance of the subpoena and shall be the same as the fees of witnesses
12 in the superior court. Arbitrators may administer oaths. Subpoenas
13 shall issue and be signed by the arbitrator and shall be served in the
14 same manner as subpoenas to testify before a court of record in this
15 state. If any person so summoned to testify refuses or neglects to
16 obey such subpoena, upon petition authorized by the arbitrator, the
17 superior court may compel the attendance of the person before the
18 arbitrator or punish the person for contempt in the same manner
19 provided for the attendance of witnesses or the punishment of them in
20 the courts of this state.

21 (3) The arbitrator shall appoint a time and place for the hearing
22 and notify the parties thereof, and may adjourn the hearing from time
23 to time as may be necessary, and, on application of either party and
24 for good cause, may postpone the hearing to a time not extending beyond
25 the date fixed by the collective bargaining agreement for making the
26 award. The arbitration award shall be in writing and signed by the
27 arbitrator. The arbitrator shall, promptly upon its rendition, serve
28 a true copy of the award on each of the parties or their attorneys of
29 record.

30 (4) If a party to a collective bargaining agreement negotiated
31 under this chapter refuses to submit a grievance for arbitration, the
32 other party to the collective bargaining agreement may invoke the
33 jurisdiction of the superior court of Thurston county or of any county
34 in which the labor dispute exists and such court shall have
35 jurisdiction to issue an order compelling arbitration. Disputes
36 concerning compliance with grievance procedures shall be reserved for
37 determination by the arbitrator. Arbitration shall be ordered if the
38 grievance states a claim that on its face is covered by the collective

1 bargaining agreement. Doubts as to the coverage of the arbitration
2 clause shall be resolved in favor of arbitration.

3 (5) If a party to a collective bargaining agreement negotiated
4 under this chapter refuses to comply with the award of an arbitrator
5 determining a grievance arising under the collective bargaining
6 agreement, the other party to the collective bargaining agreement may
7 invoke the jurisdiction of the superior court of Thurston county or of
8 any county in which the labor dispute exists and such court shall have
9 jurisdiction to issue an order enforcing the arbitration award.

10 NEW SECTION. **Sec. 315.** OPTION BY INSTITUTIONS OF HIGHER
11 EDUCATION. At any time after July 1, 1993, an institution of higher
12 education and the exclusive bargaining representative of a bargaining
13 unit of employees classified under chapter 41.06 RCW may exercise their
14 option to have their relationship and corresponding obligations
15 governed entirely by the provisions of chapter 41.56 RCW, by filing
16 notice of the parties' intent to be so governed, subject to the mutual
17 adoption of a collective bargaining agreement recognizing the notice of
18 intent. The parties shall provide the notice to the director and the
19 public employment relations commission. On the first day of the month
20 following the month during which the institution of higher education
21 and the exclusive bargaining representative provide notice to the
22 director and the commission that they have executed an initial
23 collective bargaining agreement recognizing the notice of intent, this
24 chapter shall cease to apply to all employees in the bargaining unit
25 covered by the agreement.

26 NEW SECTION. **Sec. 316.** All powers, duties, and functions of the
27 department of personnel pertaining to collective bargaining are
28 transferred to the public employment relations commission except
29 mediation of grievances and contracts, arbitration of grievances and
30 contracts, and unfair labor practices, filed under a collective
31 bargaining agreement existing before the effective date of this
32 section. Any mediation, arbitration, or unfair labor practice issue
33 filed between July 1, 2000, and July 1, 2001, under a collective
34 bargaining agreement existing before the effective date of this
35 section, shall be resolved by the Washington personnel resources board
36 in accordance with the authorities, rules, and procedures that were

1 established under RCW 41.06.150(11) as it existed before the effective
2 date of this section.

3 NEW SECTION. **Sec. 317.** All reports, documents, surveys, books,
4 records, files, papers, or written material in the possession of the
5 department of personnel pertaining to the powers, functions, and duties
6 transferred in section 316 of this act shall be delivered to the
7 custody of the public employment relations commission. All cabinets,
8 furniture, office equipment, motor vehicles, and other tangible
9 property employed by the department of personnel in carrying out the
10 powers, functions, and duties transferred in section 316 of this act
11 shall be made available to the public employment relations commission.
12 All other assets held in connection with the powers, functions, and
13 duties transferred in section 316 of this act shall be assigned to the
14 public employment relations commission.

15 Any appropriations made to the department of personnel for carrying
16 out the powers, functions, and duties transferred in section 316 of
17 this act shall be deleted at the time that such powers, functions, and
18 duties are transferred to the public employment relations commission.
19 All funding required to perform these transferred powers, functions,
20 and duties is to be provided by the public employment relations
21 commission once the transfers occur.

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

28 NEW SECTION. **Sec. 318.** After the effective date of this section,
29 the director of personnel and the executive director of the public
30 employment relations commission shall meet and agree upon a schedule
31 for the transfer of department of personnel labor relation employees
32 and property to the commission. Whenever a question arises as to the
33 transfer of any personnel, funds, books, documents, records, papers,
34 files, equipment, or other tangible property used or held in the
35 exercise of the powers and the performance of the duties and functions
36 transferred, the director of financial management shall make a

1 determination as to the proper allocation and certify the same to the
2 state agencies concerned.

3 NEW SECTION. **Sec. 319.** All business pending before the department
4 of personnel pertaining to the powers, functions, and duties
5 transferred in section 316 of this act shall be continued and acted
6 upon by the public employment relations commission. All existing
7 contracts and obligations of the department of personnel shall remain
8 in full force and shall be performed by the public employment relations
9 commission.

10 NEW SECTION. **Sec. 320.** The transfer of the powers, duties,
11 functions, and personnel of the department of personnel shall not
12 affect the validity of any act performed before the effective date of
13 this section.

14 NEW SECTION. **Sec. 321.** If apportionments of budgeted funds are
15 required because of the transfers directed by sections 317 through 320
16 of 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. 322.** DEFINITIONS. Unless the context clearly
22 requires otherwise, the definitions in this section apply throughout
23 this chapter.

24 (1) "Agency" means any agency as defined in RCW 41.06.020 and
25 covered by chapter 41.06 RCW.

26 (2) "Collective bargaining" means the performance of the mutual
27 obligation of the representatives of the employer and the exclusive
28 bargaining representative to meet at reasonable times and to bargain in
29 good faith in an effort to reach agreement with respect to the subjects
30 of bargaining specified under section 303 of this act. The obligation
31 to bargain does not compel either party to agree to a proposal or to
32 make a concession, except as otherwise provided in this chapter.

33 (3) "Commission" means the public employment relations commission.

34 (4) "Confidential employee" means an employee who, in the regular
35 course of his or her duties, assists in a confidential capacity persons

1 who formulate, determine, and effectuate management policies with
2 regard to labor relations or who, in the regular course of his or her
3 duties, has authorized access to information relating to the
4 effectuation or review of the employer's collective bargaining
5 policies, or who assists or aids a manager.

6 (5) "Director" means the director of the public employment
7 relations commission.

8 (6) "Employee" means any employee, including employees whose work
9 has ceased in connection with the pursuit of lawful activities
10 protected by this chapter, covered by chapter 41.06 RCW, except:

11 (a) Employees covered for collective bargaining by chapter 41.56
12 RCW;

13 (b) Confidential employees;

14 (c) Members of the Washington management service;

15 (d) Internal auditors in any agency; or

16 (e) Any employee of the commission, the office of financial
17 management, the department of personnel, or the attorney general's
18 office.

19 (7) "Employee organization" means any organization, union, or
20 association in which employees participate and that exists for the
21 purpose, in whole or in part, of collective bargaining with employers.

22 (8) "Employer" means the state of Washington.

23 (9) "Exclusive bargaining representative" means any employee
24 organization that has been certified under this chapter as the
25 representative of the employees in an appropriate bargaining unit.

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

30 (11) "Labor dispute" means any controversy concerning terms,
31 tenure, or conditions of employment, or concerning the association or
32 representation of persons in negotiating, fixing, maintaining,
33 changing, or seeking to arrange terms or conditions of employment with
34 respect to the subjects of bargaining provided in this chapter,
35 regardless of whether the disputants stand in the proximate relation of
36 employer and employee.

37 (12) "Manager" means "manager" as defined in RCW 41.06.022.

38 (13) "Supervisor" means an employee who has authority, in the
39 interest of the employer, to hire, transfer, suspend, lay off, recall,

1 promote, discharge, direct, reward, or discipline employees, or to
2 adjust employee grievances, or effectively to recommend such action, if
3 the exercise of the authority is not of a merely routine nature but
4 requires the consistent exercise of individual judgment. However, no
5 employee who is a member of the Washington management service may be
6 included in a collective bargaining unit established under this
7 section.

8 (14) "Unfair labor practice" means any unfair labor practice listed
9 in section 312 of this act.

10 **PART IV**
11 **MISCELLANEOUS**

12 NEW SECTION. **Sec. 401.** The following acts or parts of acts are
13 each repealed:

- 14 (1) RCW 41.06.163 and 1993 c 281 s 30, 1987 c 185 s 9, 1986 c 158
15 s 6, 1979 c 151 s 59, & 1977 ex.s. c 152 s 3;
16 (2) RCW 41.06.165 and 1977 ex.s. c 152 s 4; and
17 (3) RCW 28B.16.015 and 1993 c 379 s 310.

18 NEW SECTION. **Sec. 402.** The following acts or parts of acts, as
19 now existing or hereafter amended, are each repealed:

- 20 (1) RCW 41.06.140 and 1961 c 1 s 14;
21 (2) RCW 41.50.804 and 1998 c . . . s 228 (section 228 of this act),
22 1993 c 281 s 40, & 1975-'76 2nd ex.s. c 105 s 17; and
23 (3) RCW 41.06.520 and 1993 c 281 s 11.

24 NEW SECTION. **Sec. 403.** The following acts or parts of acts, as
25 now existing or hereafter amended, are each repealed:

- 26 (1) RCW 41.06.380 and 1979 ex.s. c 46 s 2; and
27 (2) RCW 41.06.382 and 1979 ex.s. c 46 s 1.

28 NEW SECTION. **Sec. 404.** The following acts or parts of acts, as
29 now existing or hereafter amended, are each repealed:

- 30 (1) RCW 41.64.010 and 1981 c 311 s 1;
31 (2) RCW 41.64.020 and 1981 c 311 s 3;
32 (3) RCW 41.64.030 and 1984 c 287 c 73, 1984 c 34 s 4, & 1981 c 311
33 s 4;
34 (4) RCW 41.64.040 and 1981 c 311 s 5;

- 1 (5) RCW 41.64.050 and 1981 c 311 s 6;
- 2 (6) RCW 41.64.060 and 1981 c 311 s 7;
- 3 (7) RCW 41.64.070 and 1981 c 311 s 8;
- 4 (8) RCW 41.64.080 and 1981 c 311 s 9;
- 5 (9) RCW 41.64.090 and 1993 c 281 s 41 & 1981 c 311 s 10;
- 6 (10) RCW 41.64.100 and 1997 c 386 s 43 & 1981 c 311 s 11;
- 7 (11) RCW 41.64.110 and 1985 c 461 s 7 & 1981 c 311 s 12;
- 8 (12) RCW 41.64.120 and 1981 c 311 s 13;
- 9 (13) RCW 41.64.130 and 1981 c 311 s 14;
- 10 (14) RCW 41.64.140 and 1988 c 202 s 42 & 1981 c 311 s 15; and
- 11 (15) RCW 41.64.910 and 1981 c 311 s 24.

12 NEW SECTION. **Sec. 405.** SECTION CAPTIONS. Part and section
13 captions used in this act do not constitute part of the law.

14 NEW SECTION. **Sec. 406.** Sections 301 through 322 of this act
15 constitute a new chapter in Title 41 RCW.

16 NEW SECTION. **Sec. 407.** The governor shall take such action as is
17 necessary to ensure that sections 301 through 314 of this act are
18 implemented on their effective dates.

19 NEW SECTION. **Sec. 408.** Until July 1, 2002, the public employment
20 relations commission is authorized to contract with the department of
21 personnel for labor relations staffing necessary to carry out its
22 functions.

23 NEW SECTION. **Sec. 409.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 410.** (1) Sections 203, 204, 213 through 223,
28 227, 229 through 232, 234, 242, 244, 248, 250, 301 through 307, 309
29 through 314, 316, 317, 319, 320, and 402 of this act take effect July
30 1, 2000.

31 (2) Section 224 of this act takes effect March 15, 2001.

32 (3) Sections 208, 235 through 239, and 403 of this act take effect
33 July 1, 2001.

1 (4) Sections 225, 226, and 404 of this act take effect July 1,
2 2002.

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