
HOUSE BILL 2918

State of Washington

56th Legislature

2000 Regular Session

By Representatives McMorris, Radcliff, Mulliken, Mastin, Huff and G. Chandler

Read first time 01/24/2000. Referred to Committee on State Government.

1 AN ACT Relating to state civil service reform without permitting
2 collective bargaining over wages or wage-related matters; amending RCW
3 41.06.030, 41.06.070, 41.06.110, 41.06.150, 41.06.152, 41.06.160,
4 41.06.167, 41.06.170, 41.06.170, 41.06.186, 41.06.196, 41.06.270,
5 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490,
6 41.06.500, 41.64.090, 28B.12.060, 34.05.030, 34.12.020, 41.50.804,
7 43.06.425, 43.33A.100, 49.46.010, 13.40.320, 39.29.006, 47.46.040,
8 72.09.100, 49.74.030, 49.74.040, 72.10.030, and 82.01.070; reenacting
9 and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW;
10 creating new sections; repealing RCW 41.64.010, 41.64.020, 41.64.030,
11 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090,
12 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.910,
13 41.06.163, 41.06.165, 41.06.380, and 41.06.382; providing effective
14 dates; and declaring an emergency.

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

16 NEW SECTION. **Sec. 1.** The legislature finds that there is a
17 significant benefit in providing government services through a
18 competitive system in which both public and private entities
19 participate. The legislature also finds that updating the state civil

1 service system and improving the system's classification of jobs to
2 more clearly distinguish between management and nonmanagement personnel
3 are needed to bring the system into the twenty-first century.

4 **Sec. 2.** RCW 41.06.030 and 1993 c 281 s 20 are each amended to read
5 as follows:

6 A department of personnel(~~(, governed by the Washington personnel~~
7 ~~resources board and administered by a director of personnel,)) is~~
8 hereby established as a separate agency within the state government.

9 **Sec. 3.** RCW 41.06.070 and 1998 c 245 s 40 are each amended to read
10 as follows:

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

12 (a) The members of the legislature or to any employee of, or
13 position in, the legislative branch of the state government including
14 members, officers, and employees of the legislative council, joint
15 legislative audit and review committee, statute law committee, and any
16 interim committee of the legislature;

17 (b) The justices of the supreme court, judges of the court of
18 appeals, judges of the superior courts or of the inferior courts, or to
19 any employee of, or position in the judicial branch of state
20 government;

21 (c) Officers, academic personnel, and employees of technical
22 colleges;

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

24 (e) Elective officers of the state;

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

26 (g) In the departments of employment security and social and health
27 services, the director and the director's confidential secretary; in
28 all other departments, the executive head of which is an individual
29 appointed by the governor, the director, his or her confidential
30 secretary, and his or her statutory assistant directors;

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

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

35 (ii) If the members of the board, commission, or committee serve on
36 a part-time basis and there is a statutory executive officer: The
37 secretary of the board, commission, or committee; the chief executive

1 officer of the board, commission, or committee; and the confidential
2 secretary of the chief executive officer of the board, commission, or
3 committee;

4 (iii) If the members of the board, commission, or committee serve
5 on a full-time basis: The chief executive officer or administrative
6 officer as designated by the board, commission, or committee; and a
7 confidential secretary to the chair of the board, commission, or
8 committee;

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

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

14 (j) Assistant attorneys general;

15 (k) Commissioned and enlisted personnel in the military service of
16 the state;

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

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

22 (n) Officers and employees of the Washington state fruit
23 commission;

24 (o) Officers and employees of the Washington state apple
25 advertising commission;

26 (p) Officers and employees of the Washington state dairy products
27 commission;

28 (q) Officers and employees of the Washington tree fruit research
29 commission;

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

31 (s) Officers and employees of any commission formed under chapter
32 15.66 RCW;

33 ~~(t) ((Officers and employees of the state wheat commission formed
34 under chapter 15.63 RCW;~~

35 ~~(u))~~ Officers and employees of agricultural commissions formed
36 under chapter 15.65 RCW;

37 ~~((v))~~ (u) Officers and employees of the nonprofit corporation
38 formed under chapter 67.40 RCW;

1 (~~(w)~~) (v) Executive assistants for personnel administration and
2 labor relations in all state agencies employing such executive
3 assistants including but not limited to all departments, offices,
4 commissions, committees, boards, or other bodies subject to the
5 provisions of this chapter and this subsection shall prevail over any
6 provision of law inconsistent herewith unless specific exception is
7 made in such law;

8 (~~(x)~~) (w) In each agency with fifty or more employees: Deputy
9 agency heads, assistant directors or division directors, and not more
10 than three principal policy assistants who report directly to the
11 agency head or deputy agency heads;

12 (~~(y)~~) (x) All employees of the marine employees' commission;

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

17 (~~(aa)~~) (y) Staff employed by the department of community, trade,
18 and economic development to administer energy policy functions and
19 manage energy site evaluation council activities under RCW
20 43.21F.045(2)(m);

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

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

27 (a) Members of the governing board of each institution of higher
28 education and related boards, all presidents, vice-presidents, and
29 their confidential secretaries, administrative, and personal
30 assistants; deans, directors, and chairs; academic personnel; and
31 executive heads of major administrative or academic divisions employed
32 by institutions of higher education; principal assistants to executive
33 heads of major administrative or academic divisions; other managerial
34 or professional employees in an institution or related board having
35 substantial responsibility for directing or controlling program
36 operations and accountable for allocation of resources and program
37 results, or for the formulation of institutional policy, or for
38 carrying out personnel administration or labor relations functions,
39 legislative relations, public information, development, senior computer

1 systems and network programming, or internal audits and investigations;
2 and any employee of a community college district whose place of work is
3 one which is physically located outside the state of Washington and who
4 is employed pursuant to RCW 28B.50.092 and assigned to an educational
5 program operating outside of the state of Washington;

6 ~~(b) ((Student, part-time, or temporary employees, and part-time
7 professional consultants, as defined by the Washington personnel
8 resources board, employed by institutions of higher education and
9 related boards;~~

10 (e)) The governing board of each institution, and related boards,
11 may also exempt from this chapter classifications involving research
12 activities, counseling of students, extension or continuing education
13 activities, graphic arts or publications activities requiring
14 prescribed academic preparation or special training as determined by
15 the board: PROVIDED, That no nonacademic employee engaged in office,
16 clerical, maintenance, or food and trade services may be exempted by
17 the board under this provision;

18 ~~((d))~~ (c) Printing craft employees in the department of printing
19 at the University of Washington.

20 (3) In addition to the exemptions specifically provided by this
21 chapter, the ~~((Washington personnel resources board))~~ director of
22 personnel may provide for further exemptions pursuant to the following
23 procedures. The governor or other appropriate elected official may
24 submit requests for exemption to the ~~((Washington personnel resources~~
25 ~~board))~~ director of personnel stating the reasons for requesting such
26 exemptions. The ~~((Washington personnel resources board))~~ director of
27 personnel shall hold a public hearing, after proper notice, on requests
28 submitted pursuant to this subsection. If the ~~((board))~~ director of
29 personnel determines that the position for which exemption is requested
30 is one involving substantial responsibility for the formulation of
31 basic agency or executive policy or one involving directing and
32 controlling program operations of an agency or a major administrative
33 division thereof, the ~~((Washington personnel resources board))~~ director
34 of personnel shall grant the request and such determination shall be
35 final as to any decision made before July 1, 1993. The total number of
36 additional exemptions permitted under this subsection shall not exceed
37 one percent of the number of employees in the classified service not
38 including employees of institutions of higher education and related
39 boards for those agencies not directly under the authority of any

1 elected public official other than the governor, and shall not exceed
2 a total of twenty-five for all agencies under the authority of elected
3 public officials other than the governor.

4 The salary and fringe benefits of all positions presently or
5 hereafter exempted except for the chief executive officer of each
6 agency, full-time members of boards and commissions, administrative
7 assistants and confidential secretaries in the immediate office of an
8 elected state official, and the personnel listed in subsections (1)(j)
9 through ~~((v), (y), (z),)~~ (u) and (x) and (2) of this section, shall
10 be determined by the ~~((Washington personnel resources board))~~ director
11 of personnel. However, beginning with changes proposed for the 1997-99
12 fiscal biennium, changes to the classification plan affecting exempt
13 salaries must meet the same provisions for classified salary increases
14 resulting from adjustments to the classification plan as outlined in
15 RCW 41.06.152.

16 Any person holding a classified position subject to the provisions
17 of this chapter shall, when and if such position is subsequently
18 exempted from the application of this chapter, be afforded the
19 following rights: If such person previously held permanent status in
20 another classified position, such person shall have a right of
21 reversion to the highest class of position previously held, or to a
22 position of similar nature and salary.

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

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

30 **Sec. 4.** RCW 41.06.110 and 1993 c 281 s 25 are each amended to read
31 as follows:

32 (1) There is hereby created a Washington personnel resources board
33 composed of three members appointed by the governor, subject to
34 confirmation by the senate. The members of the personnel board serving
35 June 30, 1993, shall be the members of the Washington personnel
36 resources board, and they shall complete their terms as under the
37 personnel board. Each odd-numbered year thereafter the governor shall
38 appoint a member for a six-year term. Each member shall continue to

1 hold office after the expiration of the member's term until a successor
2 has been appointed. Persons so appointed shall have clearly
3 demonstrated an interest and belief in the merit principle, shall not
4 hold any other employment with the state, shall not have been an
5 officer of a political party for a period of one year immediately prior
6 to such appointment, and shall not be or become a candidate for
7 partisan elective public office during the term to which they are
8 appointed;

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

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

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

27 **Sec. 5.** RCW 41.06.150 and 1999 c 297 s 3 are each amended to read
28 as follows:

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

33 (1) The reduction, dismissal, suspension, or demotion of an
34 employee;

35 (2) Certification of names for vacancies, including departmental
36 promotions(~~(, with the number of names equal to six more names than~~
37 ~~there are vacancies to be filled, such names representing applicants~~
38 ~~rated highest on eligibility lists: PROVIDED, That when other~~

1 ~~applicants have scores equal to the lowest score among the names~~
2 ~~certified, their names shall also be certified));~~

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

5 (4) Appointments;

6 (5) Training and career development;

7 (6) Probationary periods of six to twelve months and rejections of
8 probationary employees, depending on the job requirements of the class,
9 except that entry level state park rangers shall serve a probationary
10 period of twelve months;

11 (7) Transfers;

12 (8) Sick leaves and vacations;

13 (9) Hours of work;

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

16 (11) Collective bargaining, including:

17 (a) Determination of appropriate bargaining units within any
18 agency(~~(:—PROVIDED, That))~~). In making such determination the
19 ((board)) director shall consider the duties, skills, and working
20 conditions of the employees, the history of collective bargaining by
21 the employees and their bargaining representatives, the extent of
22 organization among the employees, and the desires of the employees.
23 Employees who are members of the Washington management service may not
24 be included in a bargaining unit;

25 (~~(12)~~) (b) Certification and decertification of exclusive
26 bargaining representatives(~~(:—PROVIDED, That))~~) subject to the
27 following:

28 (i) After certification of an exclusive bargaining representative
29 and upon the representative's request, the director shall hold an
30 election among employees in a bargaining unit to determine by a
31 majority whether to require as a condition of employment membership in
32 the certified exclusive bargaining representative on or after the
33 thirtieth day following the beginning of employment or the date of such
34 election, whichever is the later, and the failure of an employee to
35 comply with such a condition of employment constitutes cause for
36 dismissal(~~(:—PROVIDED FURTHER, That))~~);

37 (ii) No more often than once in each twelve-month period after
38 expiration of twelve months following the date of the original election
39 in a bargaining unit and upon petition of thirty percent of the members

1 of a bargaining unit the director shall hold an election to determine
2 whether a majority wish to rescind such condition of employment(~~(+~~
3 ~~PROVIDED FURTHER, That~~));

4 (iii) For purposes of this ((elause)) subsection, membership in the
5 certified exclusive bargaining representative is satisfied by the
6 payment of monthly or other periodic dues and does not require payment
7 of initiation, reinstatement, or any other fees or fines and includes
8 full and complete membership rights(~~(+~~ AND PROVIDED FURTHER, That in
9 order)); and

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

20 ~~((+13))~~ (c)(i) Agreements between agencies and certified exclusive
21 bargaining representatives providing for grievance procedures and
22 collective negotiations on all personnel matters over which the
23 appointing authority of the appropriate bargaining unit of such agency
24 may lawfully exercise discretion, except that collective negotiations
25 are not permitted over wages or wage-related matters, management
26 rights, or an agency's decision to purchase services by contract. A
27 provision of a collective bargaining agreement that conflicts with a
28 rule adopted under this chapter or a statute is invalid and
29 unenforceable.

30 (ii) For the purposes of this subsection, "management rights"
31 includes, in addition to all powers, duties, and rights established by
32 constitutional provision or statute, at least the following:

33 (A) The functions and programs of the agency, the use of
34 technology, and the structure of the organization;

35 (B) The agency's budget and the size of the agency work force,
36 including determining the financial basis for layoffs;

37 (C) The right to direct and supervise employees; and

38 (D) The right to take whatever actions are deemed necessary to
39 carry out the mission of the state and its agencies during emergencies;

1 (~~(14)~~) (d) Authorization for written agreements (~~(may)~~) to
2 contain provisions for payroll deductions of employee organization dues
3 upon authorization by the employee member and for the cancellation of
4 such payroll deduction by the filing of a proper prior notice by the
5 employee with the appointing authority and the employee organization(~~(+~~
6 ~~PROVIDED, That)~~);

7 (e) Nothing contained (~~(herein)~~) in this chapter permits or grants
8 to any employee the right to strike or refuse to perform his or her
9 official duties;

10 (~~(15)~~) (12) Adoption and revision of a comprehensive
11 classification plan for all positions in the classified service, based
12 on investigation and analysis of the duties and responsibilities of
13 each such position.

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

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

22 (i) The board may approve the implementation of salary increases
23 resulting from adjustments to the classification plan during the 1995-
24 97 fiscal biennium only if:

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

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

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

38 (ii) The board shall approve only those salary increases resulting
39 from adjustments to the classification plan if they are due to

1 documented recruitment and retention difficulties, salary compression
2 or inversion, increased duties and responsibilities, or inequities.
3 For these purposes, inequities are defined as similar work assigned to
4 different job classes with a salary disparity greater than 7.5 percent.

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

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

10 (~~(16)~~) (13) Allocation and reallocation of positions within the
11 classification plan;

12 (~~(17)~~) (14) Adoption and revision of a state salary schedule to
13 reflect the prevailing rates in Washington state private industries and
14 other governmental units but the rates in the salary schedules or plans
15 shall be increased if necessary to attain comparable worth under an
16 implementation plan under RCW 41.06.155 and that, for institutions of
17 higher education and related boards, shall be competitive for positions
18 of a similar nature in the state or the locality in which an
19 institution of higher education or related board is located, such
20 adoption and revision subject to approval by the director of financial
21 management in accordance with the provisions of chapter 43.88 RCW;

22 (~~(18)~~) (15) Increment increases within the series of steps for
23 each pay grade based on length of service for all employees whose
24 standards of performance are such as to permit them to retain job
25 status in the classified service;

26 (~~(19)~~) (16) Optional lump sum relocation compensation approved by
27 the agency director, whenever it is reasonably necessary that a person
28 make a domiciliary move in accepting a transfer or other employment
29 with the state. An agency must provide lump sum compensation within
30 existing resources. If the person receiving the relocation payment
31 terminates or causes termination with the state, for reasons other than
32 layoff, disability separation, or other good cause as determined by an
33 agency director, within one year of the date of the employment, the
34 state is entitled to reimbursement of the lump sum compensation from
35 the person;

36 (~~(20)~~) (17) 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~~) director, the veteran's service in
3 the military not to exceed five years. For the purposes of this
4 section, "veteran" means any person who has one or more years of active
5 military service in any branch of the armed forces of the United States
6 or who has less than one year's service and is discharged with a
7 disability incurred in the line of duty or is discharged at the
8 convenience of the government and who, upon termination of such service
9 has received an honorable discharge, a discharge for physical reasons
10 with an honorable record, or a release from active military service
11 with evidence of service other than that for which an undesirable, bad
12 conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER,
13 That the surviving spouse of a veteran is entitled to the benefits of
14 this section regardless of the veteran's length of active military
15 service: PROVIDED FURTHER, That for the purposes of this section
16 "veteran" does not include any person who has voluntarily retired with
17 twenty or more years of active military service and whose military
18 retirement pay is in excess of five hundred dollars per month;

19 (~~(21)~~) (18) 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~~) director may not
23 authorize such delegation to any position lower than the head of a
24 major subdivision of the agency;

25 (~~(22)~~) (19) 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 (~~(23)~~) (20) 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~~) director shall consult with the human rights
34 commission in the development of rules pertaining to affirmative
35 action. The department of personnel shall transmit a report annually
36 to the human rights commission which states the progress each state
37 agency has made in meeting affirmative action goals and timetables.

1 **Sec. 6.** RCW 41.06.152 and 1999 c 309 s 914 are each amended to
2 read as follows:

3 (1) The board shall adopt only those job classification revisions,
4 class studies, and salary adjustments under RCW 41.06.150(~~((+15+))~~) (12)
5 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(~~((+15+))~~) (12)(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) When the board develops its priority list in the 1999-2001
6 biennium, for increases proposed for funding in the 2001-2003 biennium,
7 the board shall give top priority to proposed increases to address
8 documented recruitment and retention increases, and shall give lowest
9 priority to proposed increases to recognize increased duties and
10 responsibilities. When the board submits its prioritized list for the
11 2001-2003 biennium, the board shall also provide: A comparison of any
12 differences between the salary increases recommended by the department
13 of personnel staff and those adopted by the board; a review of any
14 salary compression, inversion, or inequities that would result from
15 implementing a recommended increase; and a complete description of the
16 information relied upon by the board in adopting its proposals and
17 priorities.

18 (4) This section does not apply to the higher education hospital
19 special pay plan or to any adjustments to the classification plan under
20 RCW 41.06.150(~~((+15))~~) (12) that are due to emergent conditions.
21 Emergent conditions are defined as emergency conditions requiring the
22 establishment of positions necessary for the preservation of the public
23 health, safety, or general welfare.

24 **Sec. 7.** RCW 41.06.160 and 1993 c 281 s 29 are each amended to read
25 as follows:

26 (1) In preparing classification and salary schedules as set forth
27 in RCW 41.06.150 (~~((as now or hereafter amended))~~), the department of
28 personnel shall give full consideration to prevailing rates in other
29 public employment and in private employment in this state. (~~For this~~
30 ~~purpose)) The department shall (~~undertake comprehensive salary and~~
31 ~~fringe benefit surveys, with such surveys to be conducted in the year~~
32 ~~prior to the convening of every other one hundred five day regular~~
33 ~~session of the state legislature. In the year prior to the convening~~
34 ~~of each one hundred five day regular session during which a~~
35 ~~comprehensive salary and fringe benefit survey is not conducted, the~~
36 ~~department shall plan and conduct a trend salary and fringe benefit~~
37 ~~survey. This survey shall measure average salary and fringe benefit~~
38 ~~movement for broad occupational groups which has occurred since the~~~~

1 ~~last comprehensive salary and fringe benefit survey was conducted. The~~
2 ~~results of each comprehensive and trend salary and fringe benefit~~
3 ~~survey)) use an appropriate mix of data gathered from surveys conducted~~
4 ~~by the department and from surveys conducted by other entities to~~
5 ~~determine the prevailing rates. The prevailing rate results shall be~~
6 ~~((completed and)) forwarded by September ((30)) 30th of each even-~~
7 ~~numbered year with a recommended state salary schedule to the governor~~
8 ~~and director of financial management for their use in preparing budgets~~
9 ~~to be submitted to the succeeding legislature. ((A copy of the data~~
10 ~~and supporting documentation shall be furnished by the department of~~
11 ~~personnel)) The information shall also be forwarded to the standing~~
12 ~~committees for appropriations of the senate and house of~~
13 ~~representatives.~~

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

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

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

29 ~~(3) A list of class codes and titles indicating recommended monthly~~
30 ~~salary ranges for all state classes under the control of the department~~
31 ~~of personnel with those salary ranges which do not substantially~~
32 ~~conform to the prevailing rates developed from the salary and fringe~~
33 ~~benefit survey distinctly marked and an explanation of the reason for~~
34 ~~the deviation included;~~

35 ~~(4) A supplemental salary schedule which indicates the additional~~
36 ~~salary to be paid state employees for hazardous duties or other~~
37 ~~considerations requiring extra compensation under specific~~
38 ~~circumstances. Additional compensation for these circumstances shall~~
39 ~~not be included in the basic salary schedule but shall be maintained as~~

1 a separate pay schedule for purposes of full disclosure and visibility;
2 and

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

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

17 (2) Salary and fringe benefit survey information collected from
18 private employers which identifies a specific employer with the salary
19 and fringe benefit rates which that employer pays to its employees
20 shall not be subject to public disclosure under chapter 42.17 RCW.

21 ((The first comprehensive salary and fringe benefit survey required
22 by this section shall be completed and forwarded to the governor and
23 the director of financial management by September 30, 1986. The first
24 trend salary and fringe benefit survey required by this section shall
25 be completed and forwarded to the governor and the director of
26 financial management by September 30, 1988.))

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

29 The department of personnel shall undertake comprehensive
30 compensation surveys for officers and entry-level officer candidates of
31 the Washington state patrol, with such surveys to be conducted in the
32 year prior to the convening of every other one hundred five day regular
33 session of the state legislature. ((In the year prior to the convening
34 of each one hundred five day regular session during which a
35 comprehensive compensation survey is not conducted, the department
36 shall conduct a trend compensation survey. This survey shall measure
37 average compensation movement which has occurred since the last
38 comprehensive compensation survey was conducted. The results of each

1 comprehensive and trend survey shall be completed and forwarded by
2 September 30th, after review and preparation of recommendations by the
3 chief of the Washington state patrol, to the governor and director of
4 financial management for their use in preparing budgets to be submitted
5 to the succeeding legislature. A copy of the data and supporting
6 documentation shall be furnished by the department of personnel to the
7 legislative transportation committee and the standing committees for
8 appropriations of the senate and house of representatives. The office
9 of financial management shall analyze the survey results and conduct
10 investigations which may be necessary to arbitrate differences between
11 interested parties regarding the accuracy of collected survey data and
12 the use of such data for salary adjustment.

13 Surveys conducted by the department of personnel for the Washington
14 state patrol shall be undertaken in a manner consistent with
15 statistically accurate sampling techniques, including comparisons of
16 medians, base ranges, and weighted averages of salaries. The surveys
17 shall compare competitive labor markets of law enforcement officers.
18 This service performed by the department of personnel shall be on a
19 reimbursable basis in accordance with the provisions of RCW 41.06.080.

20 A comprehensive compensation survey plan and the recommendations of
21 the chief of the Washington state patrol shall be submitted jointly by
22 the department of personnel and the Washington state patrol to the
23 director of financial management, the legislative transportation
24 committee, the committee on ways and means of the senate, and the
25 committee on appropriations of the house of representatives six months
26 before the beginning of each periodic survey.))

27 NEW SECTION. **Sec. 9.** (1) This chapter does not prohibit any
28 agency, as defined in RCW 41.06.020, or institution of higher
29 education, as defined in RCW 28B.10.016, or related board, from
30 purchasing services by contract with individuals, nonprofit
31 organizations, businesses, or other entities.

32 (2)(a) An agency or institution of higher education that intends to
33 purchase services by contract must notify an exclusive bargaining
34 representative who represents any employee whose employment status will
35 be directly affected by the contract. The exclusive bargaining
36 representative shall have the right to offer alternatives to the
37 proposed contract and such alternatives must be considered by the

1 agency or institution of higher education in making the final decision
2 to contract for services.

3 (b) This subsection (2)(b) does not apply to the purchase of
4 services or to any contracting for services that was authorized by law
5 before the effective date of this section.

6 **Sec. 10.** RCW 41.06.170 and 1993 c 281 s 31 are each amended to
7 read as follows:

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

16 (2) Any employee who is reduced, dismissed, suspended, or demoted,
17 after completing his or her probationary period of service as provided
18 by the rules of the (~~board~~) director, or any employee who is
19 adversely affected by a violation of the state civil service law,
20 chapter 41.06 RCW, or rules adopted under it, shall have the right to
21 appeal (~~to the personnel appeals board created by RCW 41.64.010~~) not
22 later than thirty days after the effective date of such action to the
23 personnel appeals board. The employee shall be furnished with
24 specified charges in writing when a reduction, dismissal, suspension,
25 or demotion action is taken. Such appeal shall be in writing.

26 (3) Any employee whose position has been exempted after July 1,
27 1993, shall have the right to appeal (~~to the personnel appeals board~~
28 ~~created by RCW 41.64.010~~) not later than thirty days after the
29 effective date of such action to the personnel appeals board.

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

35 **Sec. 11.** RCW 41.06.170 and 2000 c . . . s 10 (section 10 of this
36 act) are each amended to read as follows:

1 (1) The director, in the adoption of rules governing suspensions
2 for cause, shall not authorize an appointing authority to suspend an
3 employee for more than fifteen calendar days as a single penalty or
4 more than thirty calendar days in any one calendar year as an
5 accumulation of several penalties. The director shall require that the
6 appointing authority give written notice to the employee not later than
7 one day after the suspension takes effect, stating the reasons for and
8 the duration thereof.

9 (2) Any employee who is reduced, dismissed, suspended, or demoted,
10 after completing his or her probationary period of service as provided
11 by the rules of the director, or any employee who is adversely affected
12 by a violation of the state civil service law, chapter 41.06 RCW, or
13 rules adopted under it, shall have the right to appeal, either
14 individually or through the employee's authorized representative, not
15 later than thirty days after the effective date of such action to the
16 Washington personnel ((appeals)) resources board. The employee shall
17 be furnished with specified charges in writing when a reduction,
18 dismissal, suspension, or demotion action is taken. Such appeal shall
19 be in writing. The board shall furnish the agency concerned with a
20 copy of the appeal in advance of the hearing. The board or hearings
21 officer will process an appeal, or a review of a hearings officer's
22 recommended decision, if any, as quickly as is feasible to provide
23 prompt resolution of the appeal.

24 (3) Any employee whose position has been exempted after July 1,
25 1993, shall have the right to appeal, either individually or through
26 the employee's authorized representative, not later than thirty days
27 after the effective date of such action to the Washington personnel
28 ((appeals)) resources board.

29 (4) An employee incumbent in a position at the time of its
30 allocation or reallocation, or the agency utilizing the position, may
31 appeal the allocation or reallocation to the Washington personnel
32 ((appeals)) resources board. Notice of such appeal must be filed in
33 writing within thirty days of the action from which appeal is taken.

34 (5) The board may consolidate two or more appeals when the cases
35 present issues appropriate for joint resolution.

36 (6) A decision of the Washington personnel resources board under
37 subsection (3) or (4) of this section is final and not subject to
38 appeal.

1 NEW SECTION. **Sec. 12.** (1) The board may appoint, following
2 consultation with employee organizations and employing agencies, one or
3 more hearings officers to conduct hearings and make recommended
4 decisions in accordance with rules adopted by the board. The hearings
5 officer shall conduct hearings in the same manner and shall have the
6 same authority as provided in hearings by the board. The recommended
7 decision must be forthwith served upon the parties and transmitted to
8 the board.

9 (2)(a) Within thirty days of service of the recommended decision of
10 a hearings officer, any party adversely affected may request the board
11 to review the recommended decision. The request for review must
12 include a statement of the issues to which the party takes exception.
13 The board's review is limited to the stated issues and the requesting
14 party is deemed to have waived all objections or irregularities not
15 specifically stated in the request. The requesting party must provide
16 written argument in support of the exceptions and may, at the
17 discretion of the board, provide oral argument. The board's decision
18 is subject to section 14 of this act.

19 (b) If a request for review of a hearings officer's decision is not
20 filed as required by this section, the recommended decision of the
21 hearings officer shall be adopted by the board as the board's decision.

22 NEW SECTION. **Sec. 13.** (1) Hearings on appeals under this chapter
23 shall be open to the public, except for cases in which the board
24 determines there is substantial reason for not having an open hearing
25 or in cases where the employee so requests, and shall be informal with
26 technical rules of evidence not applying to the proceedings except the
27 rules of privilege recognized by law. Both the employee and his or her
28 employing agency shall be notified reasonably in advance of the hearing
29 and may select representatives of their choosing, present and
30 cross-examine witnesses, and give evidence before the board.

31 (2) Members of the board or the executive secretary may, and shall
32 at the request of either party, issue subpoenas and subpoenas duces
33 tecum. All testimony shall be on oath administered by a member of the
34 board. The board shall certify to the superior court the facts of any
35 refusals to obey a subpoena, take the oath, or testify. The court
36 shall summarily hear the evidence on the refusal and, if the evidence
37 warrants, punish the refusal in the same manner and to the same extent

1 as for contempt committed before, or in connection with the proceedings
2 of, the court.

3 (3) The board shall prepare an official record of the hearing,
4 including all testimony, recorded manually or by mechanical device, and
5 exhibits, but the board may not be required to transcribe the record
6 unless requested by the employee, who shall be furnished with a
7 complete transcript upon payment of a reasonable charge. However,
8 payment of the cost of a transcript used on appeal shall await
9 determination of the appeal and shall be made by the employing agency
10 if the employee prevails.

11 NEW SECTION. **Sec. 14.** (1) Within sixty days after the conclusion
12 of an appeal hearing under this chapter, the board shall make and fully
13 record in its permanent records the following: (a) Findings of fact;
14 (b) conclusions of law when the construction of a rule, regulation, or
15 statute is in question; (c) reasons for the action taken; and (d) the
16 board's order based thereon. The order is final and not appealable to
17 court, except as provided in section 15 of this act.

18 (2) The board shall simultaneously send a copy of the findings,
19 conclusions, and order by certified mail to the employing agency and to
20 the employee or the employee's designated representative.

21 NEW SECTION. **Sec. 15.** (1) Within thirty days after the mailing of
22 a recorded order under section 13 of this act, the employee may appeal
23 a decision and order of the board made under RCW 41.06.170(2) to the
24 superior court of Thurston county on one or more of the grounds that
25 the order was:

26 (a) Founded on or contained an error of law, which shall
27 specifically include error in construction or application of any
28 pertinent rules or regulations;

29 (b) Contrary to a preponderance of the evidence as disclosed by the
30 entire record with respect to any specified finding or findings of
31 fact;

32 (c) Materially affected by unlawful procedure;

33 (d) Based on violation of any constitutional provision; or

34 (e) Arbitrary or capricious.

35 (2) The grounds for appeal shall be stated in a written notice of
36 appeal filed with the court, with copies thereof served on the director

1 of personnel or a member of his or her staff or a member of the board
2 and on the employing agency, all within the time stated.

3 (3) Within thirty days after service of a notice of appeal, or
4 within such further time as the court may allow, the board shall
5 transmit to the court a certified transcript, with exhibits, of the
6 hearing; but by stipulation between the employing agency and the
7 employee the transcript may be shortened, and either party unreasonably
8 refusing to stipulate to such limitation may be ordered by the court to
9 pay the additional cost involved. The court may require or permit
10 subsequent corrections or additions to the transcript.

11 NEW SECTION. **Sec. 16.** (1) The court shall review the hearing
12 without a jury on the basis of the transcript and exhibits, except that
13 in case of alleged irregularities in procedure before the board not
14 shown by the transcript the court may order testimony to be given
15 thereon. The court shall upon request by either party hear oral
16 argument and receive written briefs.

17 (2) The court may affirm the order of the board, remand the matter
18 for further proceedings before the board, or reverse or modify the
19 order if it finds that the objection thereto is well taken on any of
20 the grounds stated. Appellate review of the order of the superior
21 court may be sought as in other civil cases.

22 **Sec. 17.** RCW 41.06.186 and 1993 c 281 s 32 are each amended to
23 read as follows:

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

27 **Sec. 18.** RCW 41.06.196 and 1993 c 281 s 33 are each amended to
28 read as follows:

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

34 **Sec. 19.** RCW 41.06.270 and 1979 c 151 s 61 are each amended to
35 read as follows:

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

6 **Sec. 20.** RCW 41.06.350 and 1993 c 281 s 36 are each amended to
7 read as follows:

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

13 **Sec. 21.** RCW 41.06.400 and 1980 c 118 s 4 are each amended to read
14 as follows:

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

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

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

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

28 (c) Promote interagency sharing of resources for training and
29 career development;

30 (d) Monitor and review the impact of training and career
31 development programs to ensure that the responsibilities of the state
32 to provide equal employment opportunities are diligently carried out.
33 (~~The director shall report to the board the impact of training and~~
34 ~~career development programs on the fulfillment of such~~
35 ~~responsibilities.~~)

36 (3) At an agency's request, the director may provide training and
37 career development programs for an agency's internal use which may be

1 conducted more efficiently and economically by the department of
2 personnel.

3 **Sec. 22.** RCW 41.06.410 and 1980 c 118 s 5 are each amended to read
4 as follows:

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

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

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

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

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

17 **Sec. 23.** RCW 41.06.450 and 1993 c 281 s 37 are each amended to
18 read as follows:

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

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

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

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

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

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

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

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

5 **Sec. 24.** RCW 41.06.475 and 1993 c 281 s 38 are each amended to
6 read as follows:

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

12 **Sec. 25.** RCW 41.06.490 and 1990 c 204 s 3 are each amended to read
13 as follows:

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

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

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

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

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

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

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

36 (g) Coordinate participation of applicable employee assistance
37 programs, as appropriate.

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

5 **Sec. 26.** RCW 41.06.500 and 1996 c 319 s 4 are each amended to read
6 as follows:

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

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

24 (a) Development of a simplified classification system that
25 facilitates movement of managers between agencies and promotes upward
26 mobility;

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

32 (c) Establishment of a performance appraisal system that emphasizes
33 individual accountability for program results and efficient management
34 of resources; effective planning, organization, and communication
35 skills; valuing and managing workplace diversity; development of
36 leadership and interpersonal abilities; and employee development;

37 (d) Strengthening management training and career development
38 programs that build critical management knowledge, skills, and

1 abilities; focusing on managing and valuing workplace diversity;
2 empowering employees by enabling them to share in workplace decision
3 making and to be innovative, willing to take risks, and able to accept
4 and deal with change; promoting a workplace where the overall focus is
5 on the recipient of the government services and how these services can
6 be improved; and enhancing mobility and career advancement
7 opportunities;

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

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

16 (g) Facilitating decentralized and regional administration.

17 **Sec. 27.** RCW 41.64.090 and 1993 c 281 s 41 are each amended to
18 read as follows:

19 (1) The board shall have jurisdiction to decide appeals filed on or
20 after July 1, 1981, and before July 1, 2001, of employees under the
21 jurisdiction of the Washington personnel resources board pursuant to
22 RCW 41.06.170(~~(, as now or hereafter amended)~~)).

23 (2) The board shall have jurisdiction to decide appeals filed on or
24 after July 1, 1993, and before July 1, 2001, of employees of
25 institutions of higher education and related boards under the
26 jurisdiction of the Washington personnel resources board pursuant to
27 RCW 41.06.170. An appeal under this subsection by an employee of an
28 institution of higher education or a related board shall be held in the
29 county in which the institution is located or the county in which the
30 person was employed when the appeal was filed.

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

33 The higher education coordinating board shall adopt rules as may be
34 necessary or appropriate for effecting the provisions of this chapter,
35 and not in conflict with this chapter, in accordance with the
36 provisions of chapter 34.05 RCW, the state higher education
37 administrative procedure act. Such rules shall include provisions

1 designed to make employment under the work-study program reasonably
2 available, to the extent of available funds, to all eligible students
3 in eligible post-secondary institutions in need thereof. The rules
4 shall include:

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

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

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

12 (b) Has been accepted for enrollment as at least a half-time
13 student at the eligible institution or, in the case of a student
14 already enrolled in and attending the eligible institution, is in good
15 standing and in at least half-time attendance there either as an
16 undergraduate, graduate or professional student; and

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

18 (3) Placing priority on providing:

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

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

25 (c) Off-campus community service placements;

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

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

30 (b) That all positions established which are comparable shall be
31 identified to a job classification under the (~~Washington personnel~~
32 ~~resources board's~~) director of personnel's classification plan and
33 shall receive equal compensation;

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

36 (d) That work study positions shall only be established at entry
37 level positions of the classified service unless the overall scope and
38 responsibilities of the position indicate a higher level; and

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

5 **Sec. 29.** RCW 34.05.030 and 1994 c 39 s 1 are each amended to read
6 as follows:

7 (1) This chapter shall not apply to:

8 (a) The state militia, or

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

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

13 (2) The provisions of RCW 34.05.410 through 34.05.598 shall not
14 apply:

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

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

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

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

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

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

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

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

1 **Sec. 30.** RCW 34.12.020 and 1995 c 331 s 1 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

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

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

12 (4) "State agency" means any state board, commission, department,
13 or officer authorized by law to make rules or to conduct adjudicative
14 proceedings, except those in the legislative or judicial branches, the
15 growth management hearings boards, the utilities and transportation
16 commission, the pollution control hearings board, the shorelines
17 hearings board, the forest practices appeals board, the environmental
18 hearings office, the board of industrial insurance appeals, the
19 Washington personnel resources board, the public employment relations
20 commission, (~~the personnel appeals board,~~) and the board of tax
21 appeals.

22 **Sec. 31.** RCW 41.04.340 and 1998 c 254 s 1 and 1998 c 116 s 2 are
23 each reenacted and amended to read as follows:

24 (1) An attendance incentive program is established for all eligible
25 employees. As used in this section the term "eligible employee" means
26 any employee of the state, other than eligible employees of the
27 community and technical colleges and the state board for community and
28 technical colleges identified in RCW 28B.50.553, and teaching and
29 research faculty at the state and regional universities and The
30 Evergreen State College, entitled to accumulate sick leave and for whom
31 accurate sick leave records have been maintained. No employee may
32 receive compensation under this section for any portion of sick leave
33 accumulated at a rate in excess of one day per month. The state and
34 regional universities and The Evergreen State College shall maintain
35 complete and accurate sick leave records for all teaching and research
36 faculty.

37 (2) In January of the year following any year in which a minimum of
38 sixty days of sick leave is accrued, and each January thereafter, any

1 eligible employee may receive remuneration for unused sick leave
2 accumulated in the previous year at a rate equal to one day's monetary
3 compensation of the employee for each four full days of accrued sick
4 leave in excess of sixty days. Sick leave for which compensation has
5 been received shall be deducted from accrued sick leave at the rate of
6 four days for every one day's monetary compensation.

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

12 (4) Remuneration or benefits received under this section shall not
13 be included for the purpose of computing a retirement allowance under
14 any public retirement system in this state.

15 (5) Except as provided in subsections (7) through (9) of this
16 section for employees not covered by chapter 41.06 RCW, this section
17 shall be administered, and rules shall be adopted to carry out its
18 purposes, by the (~~Washington personnel resources board~~) director of
19 personnel for persons subject to chapter 41.06 RCW: PROVIDED, That
20 determination of classes of eligible employees shall be subject to
21 approval by the office of financial management.

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

25 (7) In lieu of remuneration for unused sick leave at retirement as
26 provided in subsection (3) of this section, an agency head or designee
27 may with equivalent funds, provide eligible employees with a benefit
28 plan that provides for reimbursement for medical expenses. This plan
29 shall be implemented only after consultation with affected groups of
30 employees. For eligible employees covered by chapter 41.06 RCW,
31 procedures for the implementation of these plans shall be adopted by
32 the (~~Washington personnel resources board~~) director of personnel.
33 For eligible employees exempt from chapter 41.06 RCW, and classified
34 employees who have opted out of coverage of chapter 41.06 RCW as
35 provided in RCW 41.56.201, implementation procedures shall be adopted
36 by an agency head having jurisdiction over the employees.

37 (8) Implementing procedures adopted by the (~~Washington personnel~~
38 ~~resources board~~) director of personnel or agency heads shall require
39 that each medical expense plan authorized by subsection (7) of this

1 section apply to all eligible employees in any one of the following
2 groups: (a) Employees in an agency; (b) employees in a major
3 organizational subdivision of an agency; (c) employees at a major
4 operating location of an agency; (d) exempt employees under the
5 jurisdiction of an elected or appointed Washington state executive; (e)
6 employees of the Washington state senate; (f) employees of the
7 Washington state house of representatives; (g) classified employees in
8 a bargaining unit established by the Washington personnel resources
9 board; or (h) other group of employees defined by an agency head that
10 is not designed to provide an individual-employee choice regarding
11 participation in a medical expense plan. However, medical expense
12 plans for eligible employees in any of the groups under (a) through (h)
13 of this subsection who are covered by a collective bargaining agreement
14 shall be implemented only by written agreement with the bargaining
15 unit's exclusive representative and a separate medical expense plan may
16 be provided for unrepresented employees.

17 (9) Medical expense plans authorized by subsection (7) of this
18 section must require as a condition of participation in the plan that
19 employees in the group affected by the plan sign an agreement with the
20 employer. The agreement must include a provision to hold the employer
21 harmless should the United States government find that the employer or
22 the employee is in debt to the United States as a result of the
23 employee not paying income taxes due on the equivalent funds placed
24 into the plan, or as a result of the employer not withholding or
25 deducting a tax, assessment, or other payment on the funds as required
26 by federal law. The agreement must also include a provision that
27 requires an eligible employee to forfeit remuneration under subsection
28 (3) of this section if the employee belongs to a group that has been
29 designated to participate in the medical expense plan permitted under
30 this section and the employee refuses to execute the required
31 agreement.

32 **Sec. 32.** RCW 41.50.804 and 1993 c 281 s 40 are each amended to
33 read as follows:

34 Nothing contained in this chapter shall be construed to alter any
35 existing collective bargaining agreement until any such agreement has
36 expired or until any such bargaining unit has been modified by action
37 of the (~~Washington personnel resources board~~) director of personnel
38 as provided by law.

1 **Sec. 33.** RCW 43.06.425 and 1993 c 281 s 48 are each amended to
2 read as follows:

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

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

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

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

17 (4) Participants in the executive fellows program who were not
18 public employees prior to accepting a position in the program receive
19 sick and vacation leave allowances commensurate with other state
20 employees.

21 **Sec. 34.** RCW 43.33A.100 and 1993 c 281 s 50 are each amended to
22 read as follows:

23 The state investment board shall maintain appropriate offices and
24 employ such personnel as may be necessary to perform its duties.
25 Employment by the investment board shall include but not be limited to
26 an executive director, investment officers, and a confidential
27 secretary, which positions are exempt from classified service under
28 chapter 41.06 RCW. Employment of the executive director by the board
29 shall be for a term of three years, and such employment shall be
30 subject to confirmation of the state finance committee: PROVIDED, That
31 nothing shall prevent the board from dismissing the director for cause
32 before the expiration of the term nor shall anything prohibit the
33 board, with the confirmation of the state finance committee, from
34 employing the same individual as director in succeeding terms.
35 Compensation levels for the investment officers employed by the
36 investment board shall be established by the (~~Washington personnel~~
37 ~~resources board~~) director of personnel.

1 As of July 1, 1981, all employees classified under chapter 41.06
2 RCW and engaged in duties assumed by the state investment board on July
3 1, 1981, are assigned to the state investment board. The transfer
4 shall not diminish any rights granted these employees under chapter
5 41.06 RCW nor exempt the employees from any action which may occur
6 thereafter in accordance with chapter 41.06 RCW.

7 All existing contracts and obligations pertaining to the functions
8 transferred to the state investment board in (~~this 1980 act~~) chapter
9 3, Laws of 1981 shall remain in full force and effect, and shall be
10 performed by the board. None of the transfers directed by (~~this 1980~~
11 ~~act~~) chapter 3, Laws of 1981 shall affect the validity of any act
12 performed by a state entity or by any official or employee thereof
13 prior to July 1, 1981.

14 **Sec. 35.** RCW 49.46.010 and 1997 c 203 s 3 are each amended to read
15 as follows:

16 As used in this chapter:

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

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

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

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

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

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

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

4 (c) Any individual employed in a bona fide executive,
5 administrative, or professional capacity or in the capacity of outside
6 salesman as those terms are defined and delimited by rules of the
7 director. However, those terms shall be defined and delimited by the
8 ~~((Washington personnel resources board pursuant to))~~ director of
9 personnel under chapter 41.06 RCW for employees employed under the
10 director of personnel's jurisdiction;

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

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

29 (f) Any newspaper vendor or carrier;

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

32 (h) Any individual engaged in forest protection and fire prevention
33 activities;

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

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

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

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

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

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

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

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

23 **Sec. 36.** RCW 13.40.320 and 1997 c 338 s 38 are each amended to
24 read as follows:

25 (1) The department of social and health services shall establish
26 and operate a medium security juvenile offender basic training camp
27 program. The department shall site a juvenile offender basic training
28 camp facility in the most cost-effective facility possible and shall
29 review the possibility of using an existing abandoned and/or available
30 state, federally, or military-owned site or facility.

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

37 (3) The juvenile offender basic training camp shall accommodate at
38 least seventy offenders. The beds shall count as additions to, and not

1 be used as replacements for, existing bed capacity at existing
2 department of social and health services juvenile facilities.

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

15 The department shall adopt rules for the safe and effective
16 operation of the juvenile offender basic training camp program,
17 standards for an offender's successful program completion, and rules
18 for the continued after-care supervision of offenders who have
19 successfully completed the program.

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

24 (6) If the court determines that the offender is eligible for the
25 juvenile offender basic training camp option, the court may recommend
26 that the department place the offender in the program. The department
27 shall evaluate the offender and may place the offender in the program.
28 The evaluation shall include, at a minimum, a risk assessment developed
29 by the department and designed to determine the offender's suitability
30 for the program. No juvenile who is assessed as a high risk offender
31 or suffers from any mental or physical problems that could endanger his
32 or her health or drastically affect his or her performance in the
33 program shall be admitted to or retained in the juvenile offender basic
34 training camp program.

35 (7) All juvenile offenders eligible for the juvenile offender basic
36 training camp sentencing option shall spend one hundred twenty days of
37 their disposition in a juvenile offender basic training camp. If the
38 juvenile offender's activities while in the juvenile offender basic
39 training camp are so disruptive to the juvenile offender basic training

1 camp program, as determined by the secretary according to rules adopted
2 by the department, as to result in the removal of the juvenile offender
3 from the juvenile offender basic training camp program, or if the
4 offender cannot complete the juvenile offender basic training camp
5 program due to medical problems, the secretary shall require that the
6 offender be committed to a juvenile institution to serve the entire
7 remainder of his or her disposition, less the amount of time already
8 served in the juvenile offender basic training camp program.

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

21 (9) The department shall also develop and maintain a data base to
22 measure recidivism rates specific to this incarceration program. The
23 data base shall maintain data on all juvenile offenders who complete
24 the juvenile offender basic training camp program for a period of two
25 years after they have completed the program. The data base shall also
26 maintain data on the criminal activity, educational progress, and
27 employment activities of all juvenile offenders who participated in the
28 program.

29 **Sec. 37.** RCW 39.29.006 and 1998 c 101 s 2 are each amended to read
30 as follows:

31 As used in this chapter:

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

36 (2) "Client services" means services provided directly to agency
37 clients including, but not limited to, medical and dental services,

1 employment and training programs, residential care, and subsidized
2 housing.

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

11 (4) "Consultant" means an independent individual or firm
12 contracting with an agency to perform a service or render an opinion or
13 recommendation according to the consultant's methods and without being
14 subject to the control of the agency except as to the result of the
15 work. The agency monitors progress under the contract and authorizes
16 payment.

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

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

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

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

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

31 (8) "Personal service contract" means an agreement, or any
32 amendment thereto, with a consultant for the rendering of personal
33 services to the state which is consistent with ((RCW 41.06.380))
34 section 9 of this act.

35 (9) "Purchased services" means services provided by a vendor to
36 accomplish routine, continuing and necessary functions. This term
37 includes, but is not limited to, services acquired under RCW 43.19.190
38 or 43.105.041 for equipment maintenance and repair; operation of a
39 physical plant; security; computer hardware and software maintenance;

1 data entry; key punch services; and computer time-sharing, contract
2 programming, and analysis.

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

8 **Sec. 38.** RCW 47.46.040 and 1995 2nd sp.s. c 19 s 3 are each
9 amended to read as follows:

10 (1) All projects designed, constructed, and operated under this
11 authority must comply with all applicable rules and statutes in
12 existence at the time the agreement is executed, including but not
13 limited to the following provisions: Chapter 39.12 RCW, this title,
14 (~~RCW 41.06.380~~) section 9 of this act, chapter 47.64 RCW, RCW
15 49.60.180, and 49 C.F.R. Part 21.

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

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

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

29 (4) The department may exercise any power possessed by it to
30 facilitate the development, construction, financing operation, and
31 maintenance of transportation projects under this chapter. Agreements
32 for maintenance services entered into under this section shall provide
33 for full reimbursement for services rendered by the department or other
34 state agencies. Agreements for police services for projects, involving
35 state highway routes, developed under agreements shall be entered into
36 with the Washington state patrol. The agreement for police services
37 shall provide that the state patrol will be reimbursed for costs on a
38 comparable basis with the costs incurred for comparable service on

1 other state highway routes. The department may provide services for
2 which it is reimbursed, including but not limited to preliminary
3 planning, environmental certification, and preliminary design of the
4 demonstration projects.

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

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

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

1 market value. The agreement may also provide the private entity the
2 right of first refusal to undertake projects utilizing airspace owned
3 by the state in the vicinity of the public-private project.

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

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

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

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

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

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

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

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

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

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

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

34 **Sec. 39.** RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each
35 amended to read as follows:

36 It is the intent of the legislature to vest in the department the
37 power to provide for a comprehensive inmate work program and to remove
38 statutory and other restrictions which have limited work programs in

1 the past. For purposes of establishing such a comprehensive program,
2 the legislature recommends that the department consider adopting any or
3 all, or any variation of, the following classes of work programs:

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

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

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

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

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

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

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

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

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

30 Subject to approval of the correctional industries board,
31 provisions of ~~((RCW 41.06.380 prohibiting contracting out work
32 performed by classified employees))~~ section 9(2)(a) of this act shall
33 not apply to contracts with Washington state businesses entered into by
34 the department of corrections through class II industries.

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

38 (a) Whenever possible, to provide basic work training and
39 experience so that the inmate will be able to qualify for better work

1 both within correctional industries and the free community. It is not
2 intended that an inmate's work within this class of industries should
3 be his or her final and total work experience as an inmate.

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

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

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

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

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

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

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

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

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

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

38 Employment shall be in a community service program operated by the
39 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. 40.** RCW 49.74.030 and 1993 c 281 s 58 are each amended to
5 read as follows:

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

17 **Sec. 41.** RCW 49.74.040 and 1985 c 365 s 11 are each amended to
18 read as follows:

19 If no agreement can be reached under RCW 49.74.030, the commission
20 may refer the matter to the administrative law judge for hearing
21 pursuant to RCW 49.60.250. If the administrative law judge finds that
22 the state agency, institution of higher education, or state patrol has
23 not made a good faith effort to correct the noncompliance, the
24 administrative law judge shall order the state agency, institution of
25 higher education, or state patrol to comply with this chapter. The
26 administrative law judge may order any action that may be necessary to
27 achieve compliance, provided such action is not inconsistent with the
28 rules adopted under RCW (~~((28B.16.100(20))~~) 41.06.150(~~((+21))~~) (19) and
29 43.43.340(5), whichever is appropriate.

30 An order by the administrative law judge may be appealed to
31 superior court.

32 **Sec. 42.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read
33 as follows:

34 (1) Notwithstanding any other provisions of law, the secretary may
35 enter into contracts with health care practitioners, health care
36 facilities, and other entities or agents as may be necessary to provide

1 basic medical care to inmates. (~~The contracts shall not cause the~~
2 ~~termination of classified employees of the department rendering the~~
3 ~~services at the time the contract is executed.~~)

4 (2) In contracting for services, the secretary is authorized to
5 provide for indemnification of health care practitioners who cannot
6 obtain professional liability insurance through reasonable effort, from
7 liability on any action, claim, or proceeding instituted against them
8 arising out of the good faith performance or failure of performance of
9 services on behalf of the department. The contracts may provide that
10 for the purposes of chapter 4.92 RCW only, those health care
11 practitioners with whom the department has contracted shall be
12 considered state employees.

13 **Sec. 43.** RCW 82.01.070 and 1997 c 156 s 1 are each amended to read
14 as follows:

15 The director shall have charge and general supervision of the
16 department of revenue. The director shall appoint an assistant
17 director for administration, hereinafter in chapter 26, Laws of 1967
18 ex. sess. referred to as the assistant director, and subject to the
19 provisions of chapter 41.06 RCW may appoint and employ such clerical,
20 technical and other personnel as may be necessary to carry out the
21 powers and duties of the department. The director may also enter into
22 personal service contracts with (~~out of state~~) individuals or
23 business entities for the performance of auditing services (~~outside~~
24 ~~the state of Washington when normal efforts to recruit classified~~
25 ~~employees are unsuccessful~~). The director may agree to pay to the
26 department's employees or contractors who reside out of state such
27 amounts in addition to their ordinary rate of compensation as are
28 necessary to defray the extra costs of facilities, living, and other
29 costs reasonably related to the out-of-state services, subject to
30 legislative appropriation for those purposes. The special allowances
31 shall be in such amounts or at such rates as are approved by the office
32 of financial management. This section does not apply to audit
33 functions performed in states contiguous to the state of Washington.

34 NEW SECTION. **Sec. 44.** (1) All powers, duties, and functions of
35 the personnel appeals board pertaining to appeals filed under RCW
36 41.06.170 on or after the effective date of this section are
37 transferred to the Washington personnel resources board. All appeals

1 filed under RCW 41.06.170 before the effective date of this section
2 shall be resolved by the personnel appeals board in accordance with the
3 authorities, rules, and procedures that were in effect at the time of
4 the appeal.

5 (2) All reports, documents, surveys, books, records, files, papers,
6 or written material in the possession of the department of personnel
7 pertaining to the powers, functions, and duties transferred in
8 subsection (1) of this section shall be delivered to the custody of the
9 Washington personnel resources board. All cabinets, furniture, office
10 equipment, motor vehicles, and other tangible property employed by the
11 personnel appeals board in carrying out the powers, functions, and
12 duties transferred in subsection (1) of this section shall be made
13 available to the Washington personnel resources board. All funds,
14 credits, or other assets held in connection with the powers, functions,
15 and duties transferred in subsection (1) of this section shall be
16 assigned to the Washington personnel resources board.

17 (3) Any appropriations made to the personnel appeals board for
18 carrying out the powers, functions, and duties transferred in
19 subsection (1) of this section shall, on the effective date of this
20 section, be transferred and credited to the Washington personnel
21 resources board.

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

28 (5) After the effective date of this section, the director of
29 personnel and the executive secretary of the personnel appeals board
30 shall meet and agree upon a schedule for the transfer of personnel
31 appeals board employees and property to the Washington personnel
32 resources board. Whenever a question arises as to the transfer of any
33 personnel, funds, books, documents, records, papers, files, equipment,
34 or other tangible property used or held in the exercise of the powers
35 and the performance of the duties and functions transferred, the
36 director of financial management shall make a determination as to the
37 proper allocation and certify the same to the state agencies concerned.

38 (6) The transfer of the powers, duties, functions, and personnel of
39 the personnel appeals board under this section does not affect the

1 validity of any act performed before the effective date of this
2 section. All existing contracts and obligations of the personnel
3 appeals board shall remain in full force and shall be performed by the
4 personnel appeals board.

5 NEW SECTION. **Sec. 45.** (1) The personnel appeals board is hereby
6 abolished and its powers, duties, and functions are hereby transferred
7 to the Washington personnel resources board. All references to the
8 executive secretary of the personnel appeals board or the personnel
9 appeals board in the Revised Code of Washington shall be construed to
10 mean the director of personnel or the Washington personnel resources
11 board, respectively.

12 (2)(a) All reports, documents, surveys, books, records, files,
13 papers, or written material in the possession of the personnel appeals
14 board shall be delivered to the custody of the Washington personnel
15 resources board. All cabinets, furniture, office equipment, motor
16 vehicles, and other tangible property employed by the personnel appeals
17 board shall be made available to the department of personnel. All
18 funds, credits, or other assets held by the personnel appeals board
19 shall be assigned to the department of personnel.

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

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

29 (3) All employees of the personnel appeals board are transferred to
30 the jurisdiction of the department of personnel. All employees
31 classified under this chapter, the state civil service law, are
32 assigned to the department of personnel to perform their usual duties
33 upon the same terms as formerly, without any loss of rights, subject to
34 any action that may be appropriate thereafter in accordance with the
35 laws and rules governing state civil service.

36 (4) All rules and all pending business before the personnel appeals
37 board shall be continued and acted upon by the Washington personnel
38 resources board. All existing contracts and obligations shall remain

1 in full force and shall be performed by the Washington personnel
2 resources board.

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

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

12 NEW SECTION. **Sec. 46.** Sections 9 and 12 through 16 of this act
13 are each added to chapter 41.06 RCW.

14 NEW SECTION. **Sec. 47.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 41.64.010 (Personnel appeals board--Created--Membership--
17 Definitions) and 1981 c 311 s 1;

18 (2) RCW 41.64.020 (Removal of members--Hearing) and 1981 c 311 s 3;

19 (3) RCW 41.64.030 (Compensation of members--Travel expenses--
20 Disclosure of financial affairs) and 1984 c 287 s 73, 1984 c 34 s 4, &
21 1981 c 311 s 4;

22 (4) RCW 41.64.040 (Election of chairperson--Biennial meetings) and
23 1981 c 311 s 5;

24 (5) RCW 41.64.050 (Executive secretary--Appointment of assistants)
25 and 1981 c 311 s 6;

26 (6) RCW 41.64.060 (Location of principal office--Hearings--
27 Procedure) and 1981 c 311 s 7;

28 (7) RCW 41.64.070 (Journal of official actions) and 1981 c 311 s 8;

29 (8) RCW 41.64.080 (Employee appeals--Hearings examiners) and 1981
30 c 311 s 9;

31 (9) RCW 41.64.090 (Employee appeals--Jurisdiction) and 1999 c . . .
32 s 27 (section 27 of this act), 1993 c 281 s 41, & 1981 c 311 s 10;

33 (10) RCW 41.64.100 (Employee appeals--Hearing--Decision to be
34 rendered within ninety days, exceptions) and 1997 c 386 s 43 & 1981 c
35 311 s 11;

36 (11) RCW 41.64.110 (Employee appeals--Hearing--Procedure--Official
37 record) and 1985 c 461 s 7 & 1981 c 311 s 12;

1 (12) RCW 41.64.120 (Employee appeals--Findings of fact, conclusions
2 of law, order--Notice to employee and employing agency) and 1981 c 311
3 s 13;

4 (13) RCW 41.64.130 (Employee appeals--Review by superior court--
5 Grounds--Notice, service--Certified transcript) and 1981 c 311 s 14;

6 (14) RCW 41.64.140 (Employee appeals--Review by superior court--
7 Procedure--Appellate review) and 1988 c 202 s 42 & 1981 c 311 s 15; and

8 (15) RCW 41.64.910 (Severability--1981 c 311) and 1981 c 311 s 24.

9 NEW SECTION. **Sec. 48.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 41.06.163 (Comprehensive salary and fringe benefit survey
12 plan required--Contents) and 1993 c 281 s 30, 1987 c 185 s 9, 1986 c
13 158 s 6, 1979 c 151 s 59, & 1977 ex.s. c 152 s 3;

14 (2) RCW 41.06.165 (Salary surveys--Criteria) and 1977 ex.s. c 152
15 s 4;

16 (3) RCW 41.06.380 (Purchasing services by contract not prohibited--
17 Limitations) and 1979 ex.s. c 46 s 2; and

18 (4) RCW 41.06.382 (Purchasing services by contract not prohibited--
19 Limitations) and 1979 ex.s. c 46 s 1.

20 NEW SECTION. **Sec. 49.** Provisions of a collective bargaining
21 agreement adopted under chapter 41.06 RCW that are in effect on the
22 effective date of section 9 of this act and that conflict with section
23 5 or 9 of this act shall continue in effect until contract expiration,
24 unless a superseding agreement resolving the conflict is executed by
25 the parties before expiration; after expiration, any new agreement
26 executed between the parties must be consistent with sections 5 and 9
27 of this act.

28 NEW SECTION. **Sec. 50.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 51.** (1) Sections 3, 5, 6, 9, 10, 17 through 28,
33 31 through 43, and 48 of this act are necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and take effect
2 July 1, 2000.

3 (2) Sections 4, 11 through 16, and 44 of this act take effect July
4 1, 2001.

5 (3) Sections 29, 30, 45, and 47 of this act take effect July 1,
6 2002.

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