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**SUBSTITUTE SENATE BILL 5979**

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**State of Washington                      64th Legislature                      2015 Regular Session**

**By Senate Ways & Means (originally sponsored by Senator Braun)**

READ FIRST TIME 02/27/15.

1            AN ACT Relating to providing salary increases in the form of flat  
2 dollar monthly increases calculated using the state average wage  
3 determined under RCW 50.04.355; reenacting and amending RCW  
4 41.06.070; adding a new section to chapter 28B.52 RCW; adding a new  
5 section to chapter 41.76 RCW; adding a new section to chapter 41.80  
6 RCW; adding a new section to chapter 41.56 RCW; providing an  
7 effective date; and declaring an emergency.

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

9            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 28B.52  
10 RCW to read as follows:

11            (1) Beginning July 1, 2015, any general salary or wage increase  
12 provisions included in a collective bargaining agreement under this  
13 chapter must comply with subsection (2) of this section.

14            (2) General salary or wage increases negotiated after July 1,  
15 2015, must be provided in the form of an identical dollar increase  
16 for all positions covered by a collective bargaining agreement. The  
17 agreement must also state the percentage addition that the general  
18 salary or wage increase would represent for an employee whose salary  
19 was equal to the state average wage under RCW 50.04.355.

20            (3) The provisions of this section do not limit positions from  
21 receiving increases to address recruitment or retention issues if

1 provided subject to the same conditions and standards used for  
2 classified employee adjustments under RCW 41.06.152.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.76  
4 RCW to read as follows:

5 (1) Beginning July 1, 2015, any general salary or wage increase  
6 provisions included in a collective bargaining agreement under this  
7 chapter must comply with subsection (2) of this section.

8 (2) General salary or wage increases negotiated after July 1,  
9 2015, must be provided in the form of an identical dollar increase  
10 for all positions covered by a collective bargaining agreement. The  
11 agreement must also state the percentage addition that the general  
12 salary or wage increase would represent for an employee whose salary  
13 was equal to the state average wage under RCW 50.04.355.

14 (3) The provisions of this section do not limit positions from  
15 receiving increases to address recruitment or retention issues if  
16 provided subject to the same conditions and standards used for  
17 classified employee adjustments under RCW 41.06.152.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.80  
19 RCW to read as follows:

20 (1) Beginning July 1, 2015, any general salary or wage increase  
21 provisions included in a collective bargaining agreement under this  
22 chapter must comply with subsection (2) of this section.

23 (2) General salary or wage increases negotiated after July 1,  
24 2015, must be provided in the form of an identical dollar increase  
25 for all positions covered by a collective bargaining agreement. The  
26 agreement must also state the percentage addition that the general  
27 salary or wage increase would represent for an employee whose salary  
28 was equal to the state average wage under RCW 50.04.355.

29 (3) The provisions of this section do not limit positions from  
30 receiving increases to address recruitment or retention issues if  
31 provided subject to the same conditions and standards used for  
32 classified employee adjustments under RCW 41.06.152.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.56  
34 RCW to read as follows:

35 (1) Beginning July 1, 2015, any general salary or wage increase  
36 provisions included in a collective bargaining agreement for higher  
37 education institution and state agency employees under RCW 41.56.021,

1 41.56.022, and 41.56.024 must comply with subsection (2) of this  
2 section.

3 (2) General salary or wage increases negotiated after July 1,  
4 2015, must be provided in the form of an identical dollar increase  
5 for all positions covered by a collective bargaining agreement. The  
6 agreement must also state the percentage addition that the general  
7 salary or wage increase would represent for an employee whose salary  
8 was equal to the state average wage under RCW 50.04.355.

9 (3) The provisions of this section do not limit positions from  
10 receiving increases to address recruitment or retention issues if  
11 provided subject to the same conditions and standards used for  
12 classified employee adjustments under RCW 41.06.152.

13 **Sec. 5.** RCW 41.06.070 and 2011 1st sp.s. c 43 s 1010, 2011 1st  
14 sp.s. c 39 s 4, and 2011 1st sp.s. c 16 s 22 are each reenacted and  
15 amended to read as follows:

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

17 (a) The members of the legislature or to any employee of, or  
18 position in, the legislative branch of the state government including  
19 members, officers, and employees of the legislative council, joint  
20 legislative audit and review committee, statute law committee, and  
21 any interim committee of the legislature;

22 (b) The justices of the supreme court, judges of the court of  
23 appeals, judges of the superior courts or of the inferior courts, or  
24 to any employee of, or position in the judicial branch of state  
25 government;

26 (c) Officers, academic personnel, and employees of technical  
27 colleges;

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

29 (e) Elective officers of the state;

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

31 (g) In the departments of employment security and social and  
32 health services, the director and the director's confidential  
33 secretary; in all other departments, the executive head of which is  
34 an individual appointed by the governor, the director, his or her  
35 confidential secretary, and his or her statutory assistant directors;

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

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

1 (ii) If the members of the board, commission, or committee serve  
2 on a part-time basis and there is a statutory executive officer: The  
3 secretary of the board, commission, or committee; the chief executive  
4 officer of the board, commission, or committee; and the confidential  
5 secretary of the chief executive officer of the board, commission, or  
6 committee;

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

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

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

17 (j) Assistant attorneys general;

18 (k) Commissioned and enlisted personnel in the military service  
19 of the state;

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

23 (m) Officers and employees of the Washington state fruit  
24 commission;

25 (n) Officers and employees of the Washington apple commission;

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

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

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

32 (r) Officers and employees of the Washington grain commission;

33 (s) Officers and employees of any commission formed under chapter  
34 15.66 RCW;

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

37 (u) Executive assistants for personnel administration and labor  
38 relations in all state agencies employing such executive assistants  
39 including but not limited to all departments, offices, commissions,  
40 committees, boards, or other bodies subject to the provisions of this

1 chapter and this subsection shall prevail over any provision of law  
2 inconsistent herewith unless specific exception is made in such law;

3 (v) In each agency with fifty or more employees: Deputy agency  
4 heads, assistant directors or division directors, and not more than  
5 three principal policy assistants who report directly to the agency  
6 head or deputy agency heads;

7 (w) Staff employed by the department of commerce to administer  
8 energy policy functions;

9 (x) The manager of the energy facility site evaluation council;

10 (y) A maximum of ten staff employed by the department of commerce  
11 to administer innovation and policy functions, including the three  
12 principal policy assistants exempted under (v) of this subsection;

13 (z) Staff employed by Washington State University to administer  
14 energy education, applied research, and technology transfer programs  
15 under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

16 (aa) Officers and employees of the consolidated technology  
17 services agency created in RCW 43.105.006 that perform the following  
18 functions or duties: Systems integration; data center engineering and  
19 management; network systems engineering and management; information  
20 technology contracting; information technology customer relations  
21 management; and network and systems security.

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

25 (a) Members of the governing board of each institution of higher  
26 education and related boards, all presidents, vice presidents, and  
27 their confidential secretaries, administrative, and personal  
28 assistants; deans, directors, and chairs; academic personnel; and  
29 executive heads of major administrative or academic divisions  
30 employed by institutions of higher education; principal assistants to  
31 executive heads of major administrative or academic divisions; other  
32 managerial or professional employees in an institution or related  
33 board having substantial responsibility for directing or controlling  
34 program operations and accountable for allocation of resources and  
35 program results, or for the formulation of institutional policy, or  
36 for carrying out personnel administration or labor relations  
37 functions, legislative relations, public information, development,  
38 senior computer systems and network programming, or internal audits  
39 and investigations; and any employee of a community college district  
40 whose place of work is one which is physically located outside the

1 state of Washington and who is employed pursuant to RCW 28B.50.092  
2 and assigned to an educational program operating outside of the state  
3 of Washington;

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

12 (c) Printing craft employees in the department of printing at the  
13 University of Washington.

14 (3) In addition to the exemptions specifically provided by this  
15 chapter, the director may provide for further exemptions pursuant to  
16 the following procedures. The governor or other appropriate elected  
17 official may submit requests for exemption to the office of financial  
18 management stating the reasons for requesting such exemptions. The  
19 director shall hold a public hearing, after proper notice, on  
20 requests submitted pursuant to this subsection. If the director  
21 determines that the position for which exemption is requested is one  
22 involving substantial responsibility for the formulation of basic  
23 agency or executive policy or one involving directing and controlling  
24 program operations of an agency or a major administrative division  
25 thereof, or is a senior expert in enterprise information technology  
26 infrastructure, engineering, or systems, the director shall grant the  
27 request. The total number of additional exemptions permitted under  
28 this subsection shall not exceed one percent of the number of  
29 employees in the classified service not including employees of  
30 institutions of higher education and related boards for those  
31 agencies not directly under the authority of any elected public  
32 official other than the governor, and shall not exceed a total of  
33 twenty-five for all agencies under the authority of elected public  
34 officials other than the governor.

35 The salary and fringe benefits of all positions presently or  
36 hereafter exempted except for the chief executive officer of each  
37 agency, full-time members of boards and commissions, administrative  
38 assistants and confidential secretaries in the immediate office of an  
39 elected state official, and the personnel listed in subsections  
40 (1)(j) through (t) and (2) of this section, shall be determined by

1 the director. Changes to the classification plan affecting exempt  
2 salaries must meet the same provisions for classified salary  
3 increases resulting from adjustments to the classification plan as  
4 outlined in RCW 41.06.152.

5 From July 1, 2011, through June 29, 2013, salaries for all  
6 positions exempt from classification under this chapter are subject  
7 to RCW 41.04.820.

8 From February 18, 2009, through June 30, 2013, a salary or wage  
9 increase shall not be granted to any position exempt from  
10 classification under this chapter, except that a salary or wage  
11 increase may be granted to employees pursuant to collective  
12 bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64,  
13 or 41.76 RCW, and except that increases may be granted for positions  
14 for which the employer has demonstrated difficulty retaining  
15 qualified employees if the following conditions are met:

- 16 (a) The salary increase can be paid within existing resources;  
17 (b) The salary increase will not adversely impact the provision  
18 of client services; and  
19 (c) For any state agency of the executive branch, not including  
20 institutions of higher education, the salary increase is approved by  
21 the director of the office of financial management.

22 Any agency granting a salary increase from February 15, 2010,  
23 through June 30, 2011, to a position exempt from classification under  
24 this chapter shall submit a report to the fiscal committees of the  
25 legislature no later than July 31, 2011, detailing the positions for  
26 which salary increases were granted, the size of the increases, and  
27 the reasons for giving the increases.

28 Any agency granting a salary increase from July 1, 2011, through  
29 June 30, 2013, to a position exempt from classification under this  
30 chapter shall submit a report to the fiscal committees of the  
31 legislature by July 31, 2012, and July 31, 2013, detailing the  
32 positions for which salary increases were granted during the  
33 preceding fiscal year, the size of the increases, and the reasons for  
34 giving the increases.

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

1 have a right of reversion to the highest class of position previously  
2 held, or to a position of similar nature and salary.

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

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

11 From February 15, 2010, until June 30, 2013, no monetary  
12 performance-based awards or incentives may be granted by the director  
13 or employers to employees covered by rules adopted under this  
14 section. This subsection does not prohibit the payment of awards  
15 provided for in chapter 41.60 RCW.

16 From July 1, 2011, until June 30, 2013, no performance-based  
17 awards or incentives may be granted by the director or employers to  
18 employees pursuant to a performance management confirmation granted  
19 by the department of personnel under WAC 357-37-055.

20 (4) Beginning July 1, 2015, any general salary or wage increases  
21 provided to any positions exempt from classification under this  
22 chapter, including general salary or wage increases granted to  
23 employees pursuant to collective bargaining agreements negotiated  
24 under chapter 28B.52, 41.56, 47.64, or 41.76 RCW that are made  
25 applicable to positions under this chapter, must comply with the  
26 provisions of this subsection.

27 General salary or wage increases must be provided in the form of  
28 an identical dollar increase for all positions covered by the general  
29 salary or wage increase and whose salaries or wages are established  
30 pursuant to this section. The director must also state the percentage  
31 addition that the general salary or wage increase would represent for  
32 an employee whose salary was equal to the state average wage under  
33 RCW 50.04.355.

34 The provisions of this subsection (4) do not limit exempt  
35 positions from receiving increases to address recruitment or  
36 retention issues if provided subject to the same conditions and  
37 standards used for classified employee adjustments under RCW  
38 41.06.152.

1        NEW SECTION.    **Sec. 6.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of  
3    the state government and its existing public institutions, and takes  
4    effect July 1, 2015.

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