
SENATE BILL 5979

State of Washington

64th Legislature

2015 Regular Session

By Senator Braun

Read first time 02/13/15. Referred to Committee on Ways & Means.

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 must be calculated as a
15 percentage increase in the state average wage under RCW 50.04.355,
16 and provided as a monthly flat dollar increase to the salaries or
17 wages of all persons covered by the collective bargaining agreement
18 provision.

19 (3) The provisions of this section do not limit positions from
20 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 must be calculated as a
9 percentage increase in the state average wage under RCW 50.04.355,
10 and provided as a monthly flat dollar increase to the salaries or
11 wages of all persons covered by the collective bargaining agreement
12 provision.

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

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

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

22 (2) General salary or wage increases must be calculated as a
23 percentage increase in the state average wage under RCW 50.04.355,
24 and provided as a monthly flat dollar increase to the salaries or
25 wages of all persons covered by the collective bargaining agreement
26 provision.

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

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

33 (1) Beginning July 1, 2015, any general salary or wage increase
34 provisions included in a collective bargaining agreement for higher
35 education institution and state agency employees under RCW 41.56.021,
36 41.56.022, and 41.56.024 must comply with subsection (2) of this
37 section.

1 (2) General salary or wage increases must be calculated as a
2 percentage increase in the state average wage under RCW 50.04.355,
3 and provided as a monthly flat dollar increase to the salaries or
4 wages of all persons covered by the collective bargaining agreement
5 provision.

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

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

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

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

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

23 (c) Officers, academic personnel, and employees of technical
24 colleges;

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

26 (e) Elective officers of the state;

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

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

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

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

37 (ii) If the members of the board, commission, or committee serve
38 on a part-time basis and there is a statutory executive officer: The
39 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
10 ex officio: The chief executive officer; and the confidential
11 secretary 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
16 of 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) Officers and employees of the Washington state fruit
21 commission;

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

23 (o) Officers and employees of the Washington state dairy products
24 commission;

25 (p) Officers and employees of the Washington tree fruit research
26 commission;

27 (q) Officers and employees of the Washington state beef
28 commission;

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

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

32 (t) Officers and employees of agricultural commissions formed
33 under chapter 15.65 RCW;

34 (u) Executive assistants for personnel administration and labor
35 relations in all state agencies employing such executive assistants
36 including but not limited to all departments, offices, commissions,
37 committees, boards, or other bodies subject to the provisions of this
38 chapter and this subsection shall prevail over any provision of law
39 inconsistent herewith unless specific exception is made in such law;

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

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

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

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

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

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

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

23 (a) Members of the governing board of each institution of higher
24 education and related boards, all presidents, vice presidents, and
25 their confidential secretaries, administrative, and personal
26 assistants; deans, directors, and chairs; academic personnel; and
27 executive heads of major administrative or academic divisions
28 employed by institutions of higher education; principal assistants to
29 executive heads of major administrative or academic divisions; other
30 managerial or professional employees in an institution or related
31 board having substantial responsibility for directing or controlling
32 program operations and accountable for allocation of resources and
33 program results, or for the formulation of institutional policy, or
34 for carrying out personnel administration or labor relations
35 functions, legislative relations, public information, development,
36 senior computer systems and network programming, or internal audits
37 and investigations; and any employee of a community college district
38 whose place of work is one which is physically located outside the
39 state of Washington and who is employed pursuant to RCW 28B.50.092

1 and assigned to an educational program operating outside of the state
2 of Washington;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 General salary or wage increases must be calculated as a
26 percentage increase in the state average wage calculated pursuant to
27 RCW 50.04.355, and provided as a monthly flat dollar increase to the
28 salaries or wages of all persons covered by the general salary or
29 wage increase and whose salaries or wages are established pursuant to
30 this section.

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

36 NEW SECTION. Sec. 6. This act is necessary for the immediate
37 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect July 1, 2015.

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