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HOUSE BILL 2898

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State of Washington

53rd Legislature

1994 Regular Session

By Representative Anderson

Read first time 01/31/94. Referred to Committee on State Government.

1 AN ACT Relating to higher education exempt positions; reenacting  
2 and amending RCW 41.06.070; and declaring an emergency.

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

4 **Sec. 1.** RCW 41.06.070 and 1993 sp.s. c 2 s 15 and 1993 c 379 s 306  
5 are each reenacted and amended to read as follows:

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

7 (a) The members of the legislature or to any employee of, or  
8 position in, the legislative branch of the state government including  
9 members, officers, and employees of the legislative council,  
10 legislative budget committee, statute law committee, and any interim  
11 committee of the legislature;

12 (b) The justices of the supreme court, judges of the court of  
13 appeals, judges of the superior courts or of the inferior courts, or to  
14 any employee of, or position in the judicial branch of state  
15 government;

16 (c) Officers, academic personnel, and employees of technical  
17 colleges;

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

19 (e) Elective officers of the state;

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

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

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

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

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

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

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

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

27 (j) Assistant attorneys general;

28 (k) Commissioned and enlisted personnel in the military service of  
29 the state;

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

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

35 (n) Officers and employees of the Washington state fruit  
36 commission;

37 (o) Officers and employees of the Washington state apple  
38 advertising commission;

1 (p) Officers and employees of the Washington state dairy products  
2 commission;

3 (q) Officers and employees of the Washington tree fruit research  
4 commission;

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

6 (s) Officers and employees of any commission formed under chapter  
7 15.66 RCW;

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

10 (u) Officers and employees of agricultural commissions formed under  
11 chapter 15.65 RCW;

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

14 (w) Liquor vendors appointed by the Washington state liquor control  
15 board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules adopted  
16 by the Washington personnel resources board pursuant to RCW 41.06.150  
17 regarding the basis for, and procedures to be followed for, the  
18 dismissal, suspension, or demotion of an employee, and appeals  
19 therefrom shall be fully applicable to liquor vendors except those part  
20 time agency vendors employed by the liquor control board when, in  
21 addition to the sale of liquor for the state, they sell goods, wares,  
22 merchandise, or services as a self-sustaining private retail business;

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

29 (y) In each agency with fifty or more employees: Deputy agency  
30 heads, assistant directors or division directors, and not more than  
31 three principal policy assistants who report directly to the agency  
32 head or deputy agency heads;

33 (z) All employees of the marine employees' commission;

34 (aa) Up to a total of five senior staff positions of the western  
35 library network under chapter 27.26 RCW responsible for formulating  
36 policy or for directing program management of a major administrative  
37 unit. This subsection shall expire on June 30, 1997.

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

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

25 (b) Student, part-time, or temporary employees, and part-time  
26 professional consultants, as defined by the Washington personnel  
27 resources board, employed by institutions of higher education and  
28 related boards;

29 (c) The governing board of each institution, and related boards,  
30 may also exempt from this chapter classifications involving research  
31 activities, counseling of students, extension or continuing education  
32 activities, graphic arts or publications activities requiring  
33 prescribed academic preparation or special training as determined by  
34 the board: PROVIDED, That no nonacademic employee engaged in office,  
35 clerical, maintenance, or food and trade services may be exempted by  
36 the board under this provision;

37 (d) Printing craft employees in the department of printing at the  
38 University of Washington.

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

26 The salary and fringe benefits of all positions presently or  
27 hereafter exempted except for the chief executive officer of each  
28 agency, full-time members of boards and commissions, administrative  
29 assistants and confidential secretaries in the immediate office of an  
30 elected state official, and the personnel listed in subsections (1) (j)  
31 through (v) and (2) of this section, shall be determined by the  
32 Washington personnel resources board.

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

1 Any classified employee having civil service status in a classified  
2 position who accepts an appointment in an exempt position shall have  
3 the right of reversion to the highest class of position previously  
4 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 of  
7 reversion to a classified position as provided for in this section.

8 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of the  
10 state government and its existing public institutions, and shall take  
11 effect immediately.

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