
SENATE BILL 6519

State of Washington

53rd Legislature

1994 Regular Session

By Senators McDonald, Moyer, Prince, Schow, Morton, Erwin, Hochstatter, Winsley, McCaslin, Oke, Newhouse, Bluechel, Sellar, Roach, Deccio, Anderson, Nelson, Amondson and West

Read first time 01/26/94. Referred to Committee on Ways & Means.

1 AN ACT Relating to salary increases for employees of the common
2 school system and community and technical colleges; amending 1993 sp.s.
3 c 24 s 602 (uncodified); amending 1993 sp.s. c 24 s 915 (uncodified);
4 reenacting and amending RCW 41.06.150; adding a new section to 1993
5 sp.s. c 24; creating a new section; making appropriations; and
6 declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature acknowledges its paramount
9 duty under Article IX, section 1 of the state Constitution to amply
10 provide for the education of the state's children. The legislature
11 understands the reason for this constitutional priority; money invested
12 in education reaps a return to the state in productive and enlightened
13 citizens.

14 The legislature finds that in approving Initiative 601 the people
15 of the state of Washington demanded fiscal accountability and increased
16 efficiency from their state government. However, the legislature also
17 finds that increased efficiency does not mean unnecessary reductions in
18 funding for public schools nor unnecessary freezes on salary increases
19 for educators.

1 The legislature also finds that the job of teaching has become
2 increasingly difficult in recent years due to the increasing needs of
3 students. In the face of these challenges, the teaching profession has
4 kept the state's test scores above the national average.

5 The legislature also finds that the new performance-based education
6 system aims to free teachers from state mandates and allow greater
7 flexibility in the classroom. The new educational system will require
8 even greater professional skills.

9 The legislature finds, however, that our state's educators are not
10 receiving the compensation that reflects their professional skills.
11 Salaries in Washington, as compared to the other states, have fallen
12 from eighth in 1983 to seventeenth in 1993.

13 The legislature therefore concludes that efficiencies necessary to
14 implement the spirit of Initiative 601 should be made in areas other
15 than critical education programs. These efficiencies should be made in
16 nonessential areas for the express purpose of making funds available
17 for a salary increase for educators to maintain a quality education
18 system for Washington state.

19 NEW SECTION. **Sec. 2.** A new section is added to 1993 sp.s. c 24 to
20 read as follows:

21 The sum of \$72,303,000, or as much thereof as may be necessary, is
22 appropriated from the general fund to the superintendent of public
23 instruction for allocation to school districts for the biennium ending
24 June 30, 1995, to provide an average salary increase of three percent
25 for all state-supported certificated instructional staff, state-
26 supported certificated administrative staff, and state-supported
27 classified staff, effective September 1, 1994. For the 1994-95 school
28 year, the superintendent of public instruction shall modify the state-
29 wide salary allocation schedule in section 503, chapter 24, Laws of
30 1993 sp. sess. (uncodified) and LEAP Document 12B to reflect the
31 average three percent salary increase.

32 The appropriation in this section shall be allocated by the
33 superintendent of public instruction according to the number of staff
34 formula units generated in the following programs: General
35 apportionment, pupil transportation, handicapped education, educational
36 service districts, institutional education, the highly capable program,
37 transitional bilingual program, and the learning assistance program.

1 It is the intent of the legislature that this appropriation shall
2 be funded by savings achieved in state general fund expenditures for
3 the 1993-1995 fiscal biennium. To achieve the savings necessary to
4 fund this appropriation, the office of financial management shall
5 immediately make across-the-board reductions in state general fund
6 allotments to all state agencies and institutions for furnishings,
7 equipment, software, travel, goods and services, and other support
8 costs.

9 **Sec. 3.** RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s
10 27 are each reenacted and amended to read as follows:

11 The board shall adopt rules, consistent with the purposes and
12 provisions of this chapter, as now or hereafter amended, and with the
13 best standards of personnel administration, regarding the basis and
14 procedures to be followed for:

15 (1) The reduction, dismissal, suspension, or demotion of an
16 employee;

17 (2) Certification of names for vacancies, including departmental
18 promotions, with the number of names equal to six more names than there
19 are vacancies to be filled, such names representing applicants rated
20 highest on eligibility lists: PROVIDED, That when other applicants
21 have scores equal to the lowest score among the names certified, their
22 names shall also be certified;

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

25 (4) Appointments;

26 (5) Training and career development;

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

31 (7) Transfers;

32 (8) Sick leaves and vacations;

33 (9) Hours of work;

34 (10) Layoffs when necessary and subsequent reemployment, both
35 according to seniority;

36 (11) Determination of appropriate bargaining units within any
37 agency: PROVIDED, That in making such determination the board shall
38 consider the duties, skills, and working conditions of the employees,

1 the history of collective bargaining by the employees and their
2 bargaining representatives, the extent of organization among the
3 employees, and the desires of the employees;

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

33 (13) Agreements between agencies and certified exclusive bargaining
34 representatives providing for grievance procedures and collective
35 negotiations on all personnel matters over which the appointing
36 authority of the appropriate bargaining unit of such agency may
37 lawfully exercise discretion;

38 (14) Written agreements may contain provisions for payroll
39 deductions of employee organization dues upon authorization by the

1 employee member and for the cancellation of such payroll deduction by
2 the filing of a proper prior notice by the employee with the appointing
3 authority and the employee organization: PROVIDED, That nothing
4 contained herein permits or grants to any employee the right to strike
5 or refuse to perform his or her official duties;

6 (15) Adoption and revision of a comprehensive classification plan
7 for all positions in the classified service, based on investigation and
8 analysis of the duties and responsibilities of each such position.
9 However, beginning July 1, 1993, through June 30, 1995, the board shall
10 not adopt job classification revisions or class studies unless
11 implementation of the proposed revision or study will result in net
12 cost savings, increased efficiencies, or improved management of
13 personnel or services, and the proposed revision or study has been
14 approved by the director of financial management in accordance with
15 chapter 43.88 RCW;

16 (16) Allocation and reallocation of positions within the
17 classification plan;

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

28 (18) Increment increases within the series of steps for each pay
29 grade based on length of service for all employees whose standards of
30 performance are such as to permit them to retain job status in the
31 classified service. However, beginning July 1, 1993, through June 30,
32 1995, increment increases shall not be provided to any classified or
33 exempt employees under the jurisdiction of the board whose monthly
34 salary on or after July 1, 1993, exceeds three thousand seven hundred
35 fifty dollars, except for increases authorized under sections 2 and
36 4(6), chapter . . ., Laws of 1994 (uncodified) (sections 2 and 4(6) of
37 this act);

38 (19) Providing for veteran's preference as required by existing
39 statutes, with recognition of preference in regard to layoffs and

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

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

27 (21) Assuring persons who are or have been employed in classified
28 positions under chapter 28B.16 RCW before July 1, 1993, will be
29 eligible for employment, reemployment, transfer, and promotion in
30 respect to classified positions covered by this chapter;

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

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

1 NEW SECTION. **Sec. 4.** 1993 sp.s. c 24 s 602 (uncodified) is
2 amended to read as follows:

3 **FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

4	General Fund*State Appropriation	\$	((676,763,000))
5			<u>680,463,000</u>
6	General Fund*Federal Appropriation	\$	11,403,000
7	Industrial Insurance Premium Refund		
8	Account Appropriation	\$	12,000
9	Employment and Training Trust		
10	Fund Appropriation	\$	35,120,000
11	TOTAL APPROPRIATION	\$	((723,298,000))
12			<u>726,998,000</u>

13 The appropriations in this section are subject to the following
14 conditions and limitations:

15 (1) \$2,883,000 of the general fund*state appropriation is provided
16 solely for 500 supplemental FTE enrollment slots to implement section
17 17, chapter 315, Laws of 1991 (timber-dependent communities).

18 (2) \$35,120,000 of the employment and training trust fund
19 appropriation is provided solely for training and related support
20 services specified in Engrossed Substitute House Bill No. 1988
21 (employment and training). Of this amount:

22 (a) \$27,630,000 shall provide enrollment opportunity for 3,500 full
23 time equivalent students in fiscal year 1994 and 5,000 full time
24 equivalent students in fiscal year 1995. The state board for community
25 and technical colleges shall allocate the enrollments, with a minimum
26 of 225 each year to Grays Harbor College;

27 (b) \$3,245,000 shall provide child care for the children of the
28 student enrollments funded in (a) of this subsection;

29 (c) \$500,000 shall provide transportation funding for the student
30 enrollments funded in (a) of this subsection;

31 (d) \$3,745,000 shall provide financial aid for the student
32 enrollments funded in (a) of this subsection.

33 If Engrossed Substitute House Bill No. 1988 is not enacted by June
34 30, 1993, this appropriation shall lapse.

35 (3) \$3,425,000 of the general fund*state appropriation is provided
36 solely for assessment of student outcomes.

37 (4) \$1,412,000 of the general fund*state appropriation is provided
38 solely to recruit and retain minorities.

1 (5) For purposes of RCW 28B.15.515(2), there is no upper enrollment
2 variance limit and college districts may enroll students above the
3 general fund state level.

4 (6)(a) The appropriations in this section shall not be used for
5 salary increases including increments, but may be used for increments
6 required to be paid under chapter 41.06 RCW except as restricted under
7 section 913 of this act and except as follows:

8 (i) \$1,750,000 of the general fund--state appropriation is provided
9 solely for incremental salary increases for faculty; and

10 (ii) \$1,950,000 of the general fund--state appropriation is
11 provided solely for incremental salary increases for classified
12 employees.

13 (b) It is the intent of the legislature that the increases under
14 (a)(i) and (ii) of this subsection shall be funded by savings achieved
15 in state general fund expenditures for the 1993-1995 fiscal biennium.
16 To achieve the savings necessary to fund this appropriation, the office
17 of financial management shall immediately make across-the-board
18 reductions in state general fund allotments to all state agencies and
19 institutions for furnishings, equipment, software, travel, goods and
20 services, and other support costs.

21 (7) \$150,000 of the general fund state appropriation is provided
22 solely for the two-plus-two program at Olympic College.

23 (8) \$3,364,000 of the general fund state appropriation is provided
24 solely for instructional equipment for technical colleges.

25 NEW SECTION. Sec. 5. 1993 sp.s. c 24 s 915 (uncodified) is
26 amended to read as follows:

27 (1) Beginning July 1, 1993, and until June 30, 1995, no state
28 agency may grant a salary increase to any employee who is exempt from
29 chapter 41.06 RCW and whose monthly salary on or after July 1, 1993,
30 exceeds \$3,750, except exempt employees whose salaries are determined
31 by an elected state official or the judicial branch and increases
32 permitted under sections 2 and 4(6), chapter . . . , Laws of 1994
33 (uncodified) (sections 2 and 4(6) of this act).

34 (2) Beginning July 1, 1993, and until June 30, 1995, no institution
35 of higher education may provide, from appropriations in this act, a
36 salary increase to any employee who is exempt from chapter 41.06 RCW
37 and whose monthly salary on or after July 1, 1993, exceeds \$3,750,

1 except increases permitted under sections 2 and 4(6), chapter . . . ,
2 Laws of 1994 (uncodified) (sections 2 and 4(6) of this act).

3 (3) It is the intent of the legislature to freeze salaries for all
4 employees whose annual salary is greater than \$45,000. In order to
5 maintain equity and fairness across all employee groups, the
6 legislature encourages state-wide elected officials and the judicial
7 branch not to grant salary increases to employees who earn more than
8 \$45,000 a year.

9 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and shall take
12 effect immediately.

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