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## Children & Family Services Committee

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### BILL ANALYSIS HB 2902

**Title:** An act relating to contracting with entities that provide services for the WorkFirst program that are normally provided by civil servants.

**Brief Description:** Authorizing the department of social and health services to contract with private or public vendors for the WorkFirst program.

**Sponsors:** Representatives Cooke, Ballasiotes, Carrell, McDonald, B. Thomas, Boldt, Mitchell and Lambert.

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**Meeting Date:** January 27, 1998.

**Bill Analysis Prepared by:** Doug Ruth (786-7134).

**Background:** As a result of several Supreme Court opinions in the 1970's, state agencies are prohibited from contracting out— for services. Contracting out is the practice of using private entities to do the work civil servants normally perform. The Supreme Court held in 1978 that agencies have no authority to enter into contracts for services that have regularly and historically been provided, and could continue to be provided, by civil service employees.— This ruling was based on the Supreme Court's interpretation of the Civil Service Act, 41.06 RCW.

In response to this interpretation, the legislature enacted RCW 41.06.380 in 1979. That section permitted contracting out— if the services to be provided were supplied to the state by the private sector prior to 1979, and if civil service employees would not be terminated or eliminated as a result of the contract.

In the 1997 session, the legislature created the Workfirst program. As part of that program, public assistance recipients receive work training and work search assistance. Much of this assistance is provide through contracts with service providers. In deciding with whom to contract, the department is constrained by the prohibition on contracting out— for services.

**Summary of Bill:** An exception to the general prohibition on contracting out is created for the WorkFirst program. The department is given the authority to contract out with private service providers for services required by the WorkFirst program.

***Appropriation:*** None.

***Fiscal Note:*** None requested.

***Effective Date:*** Ninety days after adjournment of session in which bill is passed.

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