

ESHB 2049 - S COMM AMD

By Committee on Labor, Commerce & Consumer Protection

ADOPTED 04/15/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that information
4 technologies have substantially altered the roles and responsibilities
5 of employees in many state agencies since the creation of the
6 Washington management service. With the understanding that the current
7 economic crisis dictates finding every possible efficiency, the
8 legislature intends to review the state's senior management and exempt
9 services and understands that possible refinements in the service are
10 needed. A review, in consultation with the various stakeholders and in
11 light of current best practices, is warranted.

12 **Sec. 2.** RCW 41.06.133 and 2002 c 354 s 204 are each amended to
13 read as follows:

14 (1) The director shall adopt rules, consistent with the purposes
15 and provisions of this chapter and with the best standards of personnel
16 administration, regarding the basis and procedures to be followed for:

17 ~~((1))~~ (a) The reduction, dismissal, suspension, or demotion of an
18 employee;

19 ~~((2))~~ (b) Training and career development;

20 ~~((3))~~ (c) Probationary periods of six to twelve months and
21 rejections of probationary employees, depending on the job requirements
22 of the class, except that entry level state park rangers shall serve a
23 probationary period of twelve months;

24 ~~((4))~~ (d) Transfers;

25 ~~((5))~~ (e) Promotional preferences;

26 ~~((6))~~ (f) Sick leaves and vacations;

27 ~~((7))~~ (g) Hours of work;

28 ~~((8))~~ (h) Layoffs when necessary and subsequent reemployment,
29 except for the financial basis for layoffs;

1 ~~((+9))~~ (i) The number of names to be certified for vacancies;

2 ~~((+10))~~ (j) Adoption and revision of a state salary schedule to
3 reflect the prevailing rates in Washington state private industries and
4 other governmental units. The rates in the salary schedules or plans
5 shall be increased if necessary to attain comparable worth under an
6 implementation plan under RCW 41.06.155 and, for institutions of higher
7 education and related boards, shall be competitive for positions of a
8 similar nature in the state or the locality in which an institution of
9 higher education or related board is located. Such adoption and
10 revision is subject to approval by the director of financial management
11 in accordance with chapter 43.88 RCW;

12 ~~((+11))~~ (k) Increment increases within the series of steps for
13 each pay grade based on length of service for all employees whose
14 standards of performance are such as to permit them to retain job
15 status in the classified service;

16 ~~((+12))~~ (l) Optional lump sum relocation compensation approved by
17 the agency director, whenever it is reasonably necessary that a person
18 make a domiciliary move in accepting a transfer or other employment
19 with the state. An agency must provide lump sum compensation within
20 existing resources. If the person receiving the relocation payment
21 terminates or causes termination with the state, for reasons other than
22 layoff, disability separation, or other good cause as determined by an
23 agency director, within one year of the date of the employment, the
24 state is entitled to reimbursement of the lump sum compensation from
25 the person;

26 ~~((+13))~~ (m) Providing for veteran's preference as required by
27 existing statutes, with recognition of preference in regard to layoffs
28 and subsequent reemployment for veterans and their surviving spouses by
29 giving such eligible veterans and their surviving spouses additional
30 credit in computing their seniority by adding to their unbroken state
31 service, as defined by the director, the veteran's service in the
32 military not to exceed five years. For the purposes of this section,
33 "veteran" means any person who has one or more years of active military
34 service in any branch of the armed forces of the United States or who
35 has less than one year's service and is discharged with a disability
36 incurred in the line of duty or is discharged at the convenience of the
37 government and who, upon termination of such service, has received an
38 honorable discharge, a discharge for physical reasons with an honorable

1 record, or a release from active military service with evidence of
2 service other than that for which an undesirable, bad conduct, or
3 dishonorable discharge shall be given. However, the surviving spouse
4 of a veteran is entitled to the benefits of this section regardless of
5 the veteran's length of active military service. For the purposes of
6 this section, "veteran" does not include any person who has voluntarily
7 retired with twenty or more years of active military service and whose
8 military retirement pay is in excess of five hundred dollars per month.

9 (2) Rules adopted under this section by the director shall provide
10 for local administration and management by the institutions of higher
11 education and related boards, subject to periodic audit and review by
12 the director.

13 (3) Rules adopted by the director under this section may be
14 superseded by the provisions of a collective bargaining agreement
15 negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The
16 supersession of such rules shall only affect employees in the
17 respective collective bargaining units.

18 (4)(a) The director shall require that each state agency report
19 annually the following data:

20 (i) The number of classified, Washington management service, and
21 exempt employees in the agency and the change compared to the previous
22 report;

23 (ii) The number of bonuses and performance-based incentives awarded
24 to agency staff and the base wages of such employees; and

25 (iii) The cost of each bonus or incentive awarded.

26 (b) A report that compiles the data in (a) of this subsection for
27 all agencies will be provided annually to the governor and the
28 appropriate committees of the legislature and must be posted for the
29 public on the department of personnel's agency web site.

30 **Sec. 3.** RCW 41.06.170 and 2002 c 354 s 213 are each amended to
31 read as follows:

32 (1) The director, in the adoption of rules governing suspensions
33 for cause, shall not authorize an appointing authority to suspend an
34 employee for more than fifteen calendar days as a single penalty or
35 more than thirty calendar days in any one calendar year as an
36 accumulation of several penalties. The director shall require that the

1 appointing authority give written notice to the employee not later than
2 one day after the suspension takes effect, stating the reasons for and
3 the duration thereof.

4 (2) Any employee who is reduced, dismissed, suspended, or demoted,
5 after completing his or her probationary period of service as provided
6 by the rules of the director, or any employee who is adversely affected
7 by a violation of the state civil service law, chapter 41.06 RCW, or
8 rules adopted under it, shall have the right to appeal, either
9 individually or through his or her authorized representative, not later
10 than thirty days after the effective date of such action to the
11 personnel appeals board through June 30, 2005, and to the Washington
12 personnel resources board after June 30, 2005. The employee shall be
13 furnished with specified charges in writing when a reduction,
14 dismissal, suspension, or demotion action is taken. Such appeal shall
15 be in writing. Decisions of the Washington personnel resources board
16 on appeals filed after June 30, 2005, shall be final and not subject to
17 further appeal.

18 (3) Any employee whose position has been exempted after July 1,
19 1993, shall have the right to appeal, either individually or through
20 his or her authorized representative, not later than thirty days after
21 the effective date of such action to the personnel appeals board
22 through June 30, 2005, and to the Washington personnel resources board
23 after June 30, 2005. If the position being exempted is vacant, the
24 exclusive bargaining unit representative may act in lieu of an employee
25 for the purposes of appeal.

26 (4) An employee incumbent in a position at the time of its
27 allocation or reallocation, or the agency utilizing the position, may
28 appeal the allocation or reallocation to the personnel appeals board
29 through December 31, 2005, and to the Washington personnel resources
30 board after December 31, 2005. Notice of such appeal must be filed in
31 writing within thirty days of the action from which appeal is taken.

32 (5) Subsections (1) and (2) of this section do not apply to any
33 employee who is subject to the provisions of a collective bargaining
34 agreement negotiated under RCW 41.80.001 and 41.80.010 through
35 41.80.130."

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1 On page 1, line 1 of the title, after "employment;" strike the
2 remainder of the title and insert "amending RCW 41.06.133 and
3 41.06.170; and creating a new section."

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