
SENATE BILL 6198

State of Washington

68th Legislature

2024 Regular Session

By Senators Holy, Conway, Van De Wege, Fortunato, Kuderer, Mullet, Nobles, and Valdez; by request of LEOFF Plan 2 Retirement Board

Read first time 01/12/24. Referred to Committee on State Government & Elections.

1 AN ACT Relating to employees of the law enforcement officers' and
2 firefighters' plan 2 retirement board; and amending RCW 41.06.070 and
3 41.26.717.

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

5 **Sec. 1.** RCW 41.06.070 and 2023 c 148 s 3 are each amended to
6 read as follows:

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

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

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

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

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

20 (e) Elective officers of the state;

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

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

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

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

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

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

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

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

26 (j) Assistant attorneys general;

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

29 (l) Inmate, student, and temporary employees, and part-time
30 professional consultants, as defined by the director;

31 (m) Officers and employees of the Washington state fruit
32 commission;

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

34 (o) Officers and employees of the Washington state dairy products
35 commission;

36 (p) Officers and employees of the Washington tree fruit research
37 commission;

38 (q) Officers and employees of the Washington state beef
39 commission;

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

1 (s) Officers and employees of any commission formed under chapter
2 15.66 RCW;

3 (t) Officers and employees of agricultural commissions formed
4 under chapter 15.65 RCW;

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

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

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

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

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

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

24 (aa) Officers and employees of the consolidated technology
25 services agency created in RCW 43.105.006 that perform the following
26 functions or duties: Systems integration; data center engineering and
27 management; network systems engineering and management; information
28 technology contracting; information technology customer relations
29 management; and network and systems security;

30 (bb) The executive director of the Washington statewide reentry
31 council;

32 (cc) Employees of the law enforcement officers' and firefighters'
33 plan 2 retirement board.

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

37 (a) Members of the governing board of each institution of higher
38 education and related boards, all presidents, vice presidents, and
39 their confidential secretaries, administrative, and personal
40 assistants; deans, directors, and chairs; academic personnel; and

1 executive heads of major administrative or academic divisions
2 employed by institutions of higher education; principal assistants to
3 executive heads of major administrative or academic divisions; other
4 managerial or professional employees in an institution or related
5 board having substantial responsibility for directing or controlling
6 program operations and accountable for allocation of resources and
7 program results, or for the formulation of institutional policy, or
8 for carrying out personnel administration or labor relations
9 functions, legislative relations, public information, development,
10 senior computer systems and network programming, or internal audits
11 and investigations; and any employee of a community college district
12 whose place of work is one which is physically located outside the
13 state of Washington and who is employed pursuant to RCW 28B.50.092
14 and assigned to an educational program operating outside of the state
15 of Washington;

16 (b) The governing board of each institution, and related boards,
17 may also exempt from this chapter classifications involving research
18 activities, counseling of students, extension or continuing education
19 activities, graphic arts or publications activities requiring
20 prescribed academic preparation or special training as determined by
21 the board: PROVIDED, That no nonacademic employee engaged in office,
22 clerical, maintenance, or food and trade services may be exempted by
23 the board under this provision;

24 (c) Printing craft employees in the department of printing at the
25 University of Washington.

26 (3) In addition to the exemptions specifically provided by this
27 chapter, the director may provide for further exemptions pursuant to
28 the following procedures. The governor or other appropriate elected
29 official may submit requests for exemption to the office of financial
30 management stating the reasons for requesting such exemptions. The
31 director shall hold a public hearing, after proper notice, on
32 requests submitted pursuant to this subsection. If the director
33 determines that the position for which exemption is requested is one
34 involving substantial responsibility for the formulation of basic
35 agency or executive policy or one involving directing and controlling
36 program operations of an agency or a major administrative division
37 thereof, or is a senior expert in enterprise information technology
38 infrastructure, engineering, or systems, the director shall grant the
39 request. The total number of additional exemptions permitted under
40 this subsection shall not exceed one percent of the number of

1 employees in the classified service not including employees of
2 institutions of higher education and related boards for those
3 agencies not directly under the authority of any elected public
4 official other than the governor, and shall not exceed a total of
5 twenty-five for all agencies under the authority of elected public
6 officials other than the governor.

7 (4) The salary and fringe benefits of all positions presently or
8 hereafter exempted except for the chief executive officer of each
9 agency, full-time members of boards and commissions, administrative
10 assistants and confidential secretaries in the immediate office of an
11 elected state official, and the personnel listed in subsections
12 (1)(j) through (t) and (2) of this section, shall be determined by
13 the director. Changes to the classification plan affecting exempt
14 salaries must meet the same provisions for classified salary
15 increases resulting from adjustments to the classification plan as
16 outlined in RCW 41.06.152.

17 (5)(a) Any person holding a classified position subject to the
18 provisions of this chapter shall, when and if such position is
19 subsequently exempted from the application of this chapter, be
20 afforded the following rights: If such person previously held
21 permanent status in another classified position, such person shall
22 have a right of reversion to the highest class of position previously
23 held, or to a position of similar nature and salary.

24 (b) Any classified employee having civil service status in a
25 classified position who accepts an appointment in an exempt position
26 shall have the right of reversion to the highest class of position
27 previously held, or to a position of similar nature and salary.

28 (c) A person occupying an exempt position who is terminated from
29 the position for gross misconduct or malfeasance does not have the
30 right of reversion to a classified position as provided for in this
31 section.

32 (6)(a) Notwithstanding the provisions of subsection (5) of this
33 section, a person cannot exercise the right of reversion to a
34 classified position if the employee has been given written notice
35 that they are the subject of an active workplace investigation in
36 which the allegations being investigated, if founded, could result in
37 a finding of gross misconduct or malfeasance. The right of reversion
38 is suspended during the pendency of the investigation. For the
39 purposes of this subsection, written notice includes notice sent by
40 email to the employee's work email address.

1 (b) The office of financial management must adopt rules
2 implementing this section.

3 **Sec. 2.** RCW 41.26.717 and 2018 c 272 s 2 are each amended to
4 read as follows:

5 The law enforcement officers' and firefighters' plan 2 retirement
6 board established in section 4, chapter 2, Laws of 2003 has the
7 following duties and powers in addition to any other duties or powers
8 authorized or required by law. The board:

9 (1) Shall hire an executive director, and shall fix the salary of
10 the executive director subject to periodic review by the board and
11 ~~((in consultation with))~~ shall provide notice to the director of the
12 office of financial management and ~~((shall provide notice to))~~ the
13 chairs of the house of representatives and senate fiscal committees
14 of changes;

15 (2) Shall employ other staff as necessary to implement the
16 purposes of chapter 2, Laws of 2003. ~~((Staff must be state employees~~
17 ~~under Title 41 RCW))~~ The board shall set staff salaries subject to
18 periodic review by the board and shall provide notice to the director
19 of the office of financial management and the chairs of the house of
20 representatives and senate fiscal committees of changes;

21 (3) Shall adopt an annual budget as provided in section 5,
22 chapter 2, Laws of 2003. Expenses of the board are paid from the
23 expense fund created in RCW 41.26.732;

24 (4) May make, execute, and deliver contracts, conveyances, and
25 other instruments necessary to exercise and discharge its powers and
26 duties;

27 (5) May contract for all or part of the services necessary for
28 the management and operation of the board with other state or
29 nonstate entities authorized to do business in the state; and

30 (6) May contract with actuaries, auditors, and other consultants
31 as necessary to carry out its responsibilities.

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