

2 ESHB 1509 - CONF REPT - H2680.3
3 By Conference Committee

4 ADOPTED 4/25/93

5 On page 26, after line 27 of 1509-S.E AAS 4/15/93, strike all of
6 section 306 and insert the following:

7 "**Sec. 306.** RCW 41.06.070 and 1993 c ... (Engrossed Substitute
8 House Bill No. 2054) s 21 are each amended to read as follows:

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

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

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

19 (c) Officers, academic personnel, and employees of technical
20 colleges;

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

22 (e) Elective officers of the state;

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

24 (g) In the departments of employment security, fisheries, social
25 and health services, the director and the director's confidential
26 secretary; in all other departments, the executive head of which is an
27 individual appointed by the governor, the director, his or her
28 confidential secretary, and his or her statutory assistant directors;

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

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

33 (ii) If the members of the board, commission, or committee serve on
34 a part-time basis and there is a statutory executive officer: The
35 secretary of the board, commission, or committee; the chief executive
36 officer of the board, commission, or committee; and the confidential

1 secretary of the chief executive officer of the board, commission, or
2 committee;

3 (iii) If the members of the board, commission, or committee serve
4 on a full-time basis: The chief executive officer or administrative
5 officer as designated by the board, commission, or committee; and a
6 confidential secretary to the chair of the board, commission, or
7 committee;

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

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

13 (j) Assistant attorneys general;

14 (k) Commissioned and enlisted personnel in the military service of
15 the state;

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

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

21 (n) Officers and employees of the Washington state fruit
22 commission;

23 (o) Officers and employees of the Washington state apple
24 advertising commission;

25 (p) Officers and employees of the Washington state dairy products
26 commission;

27 (q) Officers and employees of the Washington tree fruit research
28 commission;

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

30 (s) Officers and employees of any commission formed under chapter
31 15.66 RCW;

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

34 (u) Officers and employees of agricultural commissions formed under
35 chapter 15.65 RCW;

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

38 (w) Liquor vendors appointed by the Washington state liquor control
39 board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules adopted

1 by the Washington personnel resources board pursuant to RCW 41.06.150
2 regarding the basis for, and procedures to be followed for, the
3 dismissal, suspension, or demotion of an employee, and appeals
4 therefrom shall be fully applicable to liquor vendors except those part
5 time agency vendors employed by the liquor control board when, in
6 addition to the sale of liquor for the state, they sell goods, wares,
7 merchandise, or services as a self-sustaining private retail business;

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

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

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

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

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

26 (a) Members of the governing board of each institution of higher
27 education and related boards, all presidents, vice-presidents and their
28 confidential secretaries, administrative and personal assistants;
29 deans, directors, and chairs; academic personnel; and executive heads
30 of major administrative or academic divisions employed by institutions
31 of higher education; principal assistants to executive heads of major
32 administrative or academic divisions; other managerial or professional
33 employees in an institution or related board having substantial
34 responsibility for directing or controlling program operations and
35 accountable for allocation of resources and program results, or for the
36 formulation of institutional policy, or for carrying out personnel
37 administration or labor relations functions, legislative relations,
38 public information, development, senior computer systems and network
39 programming, or internal audits and investigations; and any employee of

1 a community college district whose place of work is one which is
2 physically located outside the state of Washington and who is employed
3 pursuant to RCW 28B.50.092 and assigned to an educational program
4 operating outside of the state of Washington;

5 (b) Student, part-time, or temporary employees, and part-time
6 professional consultants, as defined by the Washington personnel
7 resources board, employed by institutions of higher education and
8 related boards;

9 (c) The governing board of each institution, and related boards,
10 may also exempt from this chapter classifications involving research
11 activities, counseling of students, extension or continuing education
12 activities, graphic arts or publications activities requiring
13 prescribed academic preparation or special training(~~(, and principal~~
14 ~~assistants to executive heads of major administrative or academic~~
15 ~~divisions,)) as determined by the board: PROVIDED, That no nonacademic~~
16 employee engaged in office, clerical, maintenance, or food and trade
17 services may be exempted by the board under this provision;

18 (d) Printing craft employees in the department of printing at the
19 University of Washington;

20 (3) In addition to the exemptions specifically provided by this
21 chapter, the Washington personnel resources board may provide for
22 further exemptions pursuant to the following procedures. The governor
23 or other appropriate elected official may submit requests for exemption
24 to the Washington personnel resources board stating the reasons for
25 requesting such exemptions. The Washington personnel resources board
26 shall hold a public hearing, after proper notice, on requests submitted
27 pursuant to this subsection. If the board determines that the position
28 for which exemption is requested is one involving substantial
29 responsibility for the formulation of basic agency or executive policy
30 or one involving directing and controlling program operations of an
31 agency or a major administrative division thereof, the Washington
32 personnel resources board shall grant the request and such
33 determination shall be final as to any decision made before July 1,
34 1993. The total number of additional exemptions permitted under this
35 subsection shall not exceed one percent of the number of employees in
36 the classified service not including employees of institutions of
37 higher education and related boards for those agencies not directly
38 under the authority of any elected public official other than the
39 governor, and shall not exceed a total of twenty-five for all agencies

1 under the authority of elected public officials other than the
2 governor. The Washington personnel resources board shall report to
3 each regular session of the legislature during an odd-numbered year all
4 exemptions granted under subsections (1) (x) and (y) and (2) of this
5 section, together with the reasons for such exemptions.

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

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

20 Any classified employee having civil service status in a classified
21 position who accepts an appointment in an exempt position shall have
22 the right of reversion to the highest class of position previously
23 held, or to a position of similar nature and salary.

24 A person occupying an exempt position who is terminated from the
25 position for gross misconduct or malfeasance does not have the right of
26 reversion to a classified position as provided for in this section.

27 **Sec. 307.** RCW 28B.16.200 and 1979 c 151 s 18 are each amended to
28 read as follows:

29 (1) There is hereby created a fund within the state treasury,
30 designated as the "higher education personnel board service fund," to
31 be used by the board as a revolving fund for the payment of salaries,
32 wages, and operations required for the administration of the provisions
33 of this chapter, the budget for which shall be subject to review and
34 approval and appropriation by the legislature. Subject to the
35 requirements of subsection (2) of this section, an amount not to exceed
36 one-half of one percent of the salaries and wages for all positions in
37 the classified service shall be contributed from the operations
38 appropriations of each institution and the state board for community

1 and technical colleges ((education)) and credited to the higher
2 education personnel board service fund as such allotments are approved
3 pursuant to chapter 43.88 RCW. Subject to the above limitations, such
4 amount shall be charged against the allotments pro rata, at a rate to
5 be fixed by the director of financial management from time to time,
6 which will provide the board with funds to meet its anticipated
7 expenditures during the allotment period.

8 (2) If employees cease to be classified under this chapter pursuant
9 to an agreement authorized by section 304 of this act, each institution
10 of higher education and the state board for community and technical
11 colleges shall continue, for six months after the effective date of the
12 agreement, to make contributions to the higher education personnel
13 board service fund based on employee salaries and wages that includes
14 the employees under the agreement. At the expiration of the six-month
15 period, the director of financial management shall make across-the-
16 board reductions in allotments of the higher education personnel board
17 service fund for the remainder of the biennium so that the charge to
18 the institutions of higher education and state board based on the
19 salaries and wages of the remaining employees classified under this
20 chapter does not increase during the biennium, unless an increase is
21 authorized by the legislature. The director of financial management
22 shall report the amount and impact of any across-the-board reductions
23 made under this section to the appropriations committee of the house of
24 representatives and the ways and means committee of the senate, or
25 appropriate successor committees, within thirty days of making the
26 reductions.

27 (3) Moneys from the higher education personnel board service fund
28 shall be disbursed by the state treasurer by warrants on vouchers duly
29 authorized by the board.

30 NEW SECTION. Sec. 308. A new section is added to chapter 41.06
31 RCW to read as follows:

32 (1) There is hereby created a fund within the state treasury,
33 designated as the "higher education personnel service fund," to be used
34 by the board as a revolving fund for the payment of salaries, wages,
35 and operations required for the administration of institutions of
36 higher education and related boards, the budget for which shall be
37 subject to review and approval and appropriation by the legislature.
38 Subject to the requirements of subsection (2) of this section, an

1 amount not to exceed one-half of one percent of the salaries and wages
2 for all positions in the classified service shall be contributed from
3 the operations appropriations of each institution and the state board
4 for community and technical colleges and credited to the higher
5 education personnel service fund as such allotments are approved
6 pursuant to chapter 43.88 RCW. Subject to the above limitations, such
7 amount shall be charged against the allotments pro rata, at a rate to
8 be fixed by the director of financial management from time to time,
9 which will provide the board with funds to meet its anticipated
10 expenditures during the allotment period.

11 (2) If employees of institutions of higher education cease to be
12 classified under this chapter pursuant to an agreement authorized by
13 section 304 of this act, each institution of higher education and the
14 state board for community and technical colleges shall continue, for
15 six months after the effective date of the agreement, to make
16 contributions to the higher education personnel service fund based on
17 employee salaries and wages that includes the employees under the
18 agreement. At the expiration of the six-month period, the director of
19 financial management shall make across-the-board reductions in
20 allotments of the higher education personnel service fund for the
21 remainder of the biennium so that the charge to the institutions of
22 higher education and state board for community and technical colleges
23 based on the salaries and wages of the remaining employees of
24 institutions of higher education and related boards classified under
25 this chapter does not increase during the biennium, unless an increase
26 is authorized by the legislature. The director of financial management
27 shall report the amount and impact of any across-the-board reductions
28 made under this section to the appropriations committee of the house of
29 representatives and the ways and means committee of the senate, or
30 appropriate successor committees, within thirty days of making the
31 reductions.

32 (3) Moneys from the higher education personnel service fund shall
33 be disbursed by the state treasurer by warrants on vouchers duly
34 authorized by the board.

35 **Sec. 309.** RCW 41.06.280 and 1993 c ... (Engrossed Substitute House
36 Bill No. 2054) s 34 are each amended to read as follows:

37 There is hereby created a fund within the state treasury,
38 designated as the "department of personnel service fund," to be used by

1 the board as a revolving fund for the payment of salaries, wages, and
2 operations required for the administration of the provisions of this
3 chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60
4 RCW. An amount not to exceed one and one-half percent of the approved
5 allotments of salaries and wages for all positions in the classified
6 service in each of the agencies subject to this chapter, except the
7 institutions of higher education, shall be charged to the operations
8 appropriations of each agency and credited to the department of
9 personnel service fund as the allotments are approved pursuant to
10 chapter 43.88 RCW. Subject to the above limitations, the amount shall
11 be charged against the allotments pro rata, at a rate to be fixed by
12 the director from time to time which, together with income derived from
13 services rendered under RCW 41.06.080, will provide the department with
14 funds to meet its anticipated expenditures during the allotment period,
15 including the training requirements in RCW 41.06.--- and 41.06.---
16 (sections 9 and 12, chapter ... (Engrossed Substitute House Bill No.
17 2054), Laws of 1993).

18 The director of personnel shall fix the terms and charges for
19 services rendered by the department of personnel pursuant to RCW
20 41.06.080, which amounts shall be credited to the department of
21 personnel service fund and charged against the proper fund or
22 appropriation of the recipient of such services on a quarterly basis.
23 Payment for services so rendered under RCW 41.06.080 shall be made on
24 a quarterly basis to the state treasurer and deposited by him in the
25 department of personnel service fund.

26 Moneys from the department of personnel service fund shall be
27 disbursed by the state treasurer by warrants on vouchers duly
28 authorized by the board."

29 Renumber the remaining sections consecutively and correct any
30 internal references accordingly.

31 On page 28, after line 14 of 1509-S.E AAS 4/15/93, insert the
32 following:

33 "NEW SECTION. **Sec. 401.** Section 305 of this act shall take effect
34 if section 21 of Engrossed Substitute House Bill No. 2054 is not signed
35 into law by June 30, 1993.

