

2 ESHB 2054 - S COMM AMD  
3 By Committee on Labor & Commerce

4 NOT ADOPTED 4/21/93

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The higher education personnel board and  
8 the state personnel board are hereby abolished and their powers,  
9 duties, and functions are hereby transferred to the Washington  
10 personnel resources board. All references to the director or the  
11 higher education personnel board or the state personnel board in the  
12 Revised Code of Washington shall be construed to mean the director or  
13 Washington personnel resources board.

14 NEW SECTION. **Sec. 2.** All reports, documents, surveys, books,  
15 records, files, papers, or written material in the possession of the  
16 higher education personnel board and the state personnel board shall be  
17 delivered to the custody of the Washington personnel resources board.  
18 All cabinets, furniture, office equipment, motor vehicles, and other  
19 tangible property employed by the higher education personnel board and  
20 the state personnel board shall be made available to the Washington  
21 personnel resources board. All funds, credits, or other assets held by  
22 the higher education personnel board and the state personnel board  
23 shall be assigned to the Washington personnel resources board.

24 Any appropriations made to the higher education personnel board and  
25 the state personnel board shall, on the effective date of this section,  
26 be transferred and credited to the Washington personnel resources  
27 board.

28 Whenever any question arises as to the transfer of any personnel,  
29 funds, books, documents, records, papers, files, equipment, or other  
30 tangible property used or held in the exercise of the powers and the  
31 performance of the duties and functions transferred, the director of  
32 financial management shall make a determination as to the proper  
33 allocation and certify the same to the state agencies concerned.

1        NEW SECTION.    **Sec. 3.**    All employees of the higher education  
2 personnel board and the state personnel board are transferred to the  
3 jurisdiction of the Washington personnel resources board.    All  
4 employees classified under chapter 41.06 RCW, the state civil service  
5 law, are assigned to the Washington personnel resources board to  
6 perform their usual duties upon the same terms as formerly, without any  
7 loss of rights, subject to any action that may be appropriate  
8 thereafter in accordance with the laws and rules governing state civil  
9 service.

10       NEW SECTION.    **Sec. 4.**    All rules and all pending business before  
11 the higher education personnel board and the state personnel board  
12 shall be continued and acted upon by the Washington personnel resources  
13 board.    All existing contracts and obligations shall remain in full  
14 force and shall be performed by the Washington personnel resources  
15 board.

16       NEW SECTION.    **Sec. 5.**    The transfer of the powers, duties,  
17 functions, and personnel of the higher education personnel board and  
18 the state personnel board shall not affect the validity of any act  
19 performed prior to the effective date of this section.

20       NEW SECTION.    **Sec. 6.**    If apportionments of budgeted funds are  
21 required because of the transfers directed by sections 2 through 5 of  
22 this act, the director of financial management shall certify the  
23 apportionments to the agencies affected, the state auditor, and the  
24 state treasurer.    Each of these shall make the appropriate transfer and  
25 adjustments in funds and appropriation accounts and equipment records  
26 in accordance with the certification.

27       NEW SECTION.    **Sec. 7.**    Nothing contained in sections 1 through 6 of  
28 this act may be construed to alter any existing collective bargaining  
29 unit or the provisions of any existing collective bargaining agreement  
30 until the agreement has expired or until the bargaining unit has been  
31 modified by action of the personnel board as provided by law.

32       NEW SECTION.    **Sec. 8.**    A new section is added to chapter 41.06 RCW  
33 to read as follows:

1 (1) The Washington management service is created. The purpose of  
2 the management service is to strive for excellence in the management of  
3 the state's resources, attract and retain qualified managers, and  
4 establish a management identity in state government unique to the  
5 responsibilities of management employees.

6 (2) Within the management service, the board shall adopt rules that  
7 provide for:

8 (a) Moving managers among agencies without changing job  
9 classifications; and

10 (b) Facilitating decentralized and regional administration.

11 (3) In establishing rules for the management service, the board  
12 shall adhere to the following goals:

13 (a) To develop a simplified classification system that facilitates  
14 movement of managers between agencies and promotes upward mobility;

15 (b) To establish a performance appraisal system that emphasizes  
16 individual accountability for program results and efficient management  
17 of resources; effective planning, organization, and communication  
18 skills; valuing and managing workplace diversity; development of  
19 leadership and interpersonal abilities; and employee development;

20 (c) To strengthen management training and career development  
21 programs that build critical management knowledge, skills, and  
22 abilities; focus on managing and valuing workplace diversity; empower  
23 employees by enabling them to share in workplace decision making and to  
24 be innovative, willing to take risks, and able to accept and deal with  
25 change; promote a workplace where the overall focus is on the recipient  
26 of the government services and how these services can be improved; and  
27 enhance mobility and career advancement opportunities;

28 (d) To permit flexible recruitment and hiring procedures that  
29 enable agencies to compete effectively with other employers, both  
30 public and private, for managers with appropriate skills and training;  
31 and achieve affirmative action goals and diversity in the workplace;  
32 and

33 (e) To provide that members of the classified management service  
34 may only be reduced, dismissed, suspended, or demoted for cause.

35 (4) For the purposes of this section, "managers" or "management  
36 employees" means employees who:

37 (a) Formulate policy or direct the work of an agency or subdivision  
38 thereof; or

1 (b) Are responsible to administer and carry out policies and  
2 programs of an agency or subdivision thereof; or

3 (c) Manage, administer, and control a local branch office of an  
4 agency or subdivision thereof, including the physical, financial, or  
5 personnel resources thereof; or

6 (d) Have substantial responsibility in personnel administration,  
7 legislative relations, public information, or the preparation and  
8 administration of budgets.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 41.06 RCW  
10 to read as follows:

11 (1) Unless the context clearly requires otherwise, as used in this  
12 section, "management position" means a position occupied by an employee  
13 other than an agency director, assistant director, or any employee  
14 occupying an exempt position under RCW 41.06.070(27) who:

15 (a) Formulates policy or directs the work of an agency or  
16 subdivision;

17 (b) Is responsible to administer policies and programs of an  
18 agency;

19 (c) Manages, administers, and controls a local branch office of an  
20 agency or subdivision, including the physical, financial, or personnel  
21 resources; or

22 (d) Has substantial responsibility in personnel administration,  
23 legislative relations, public information, or the preparation and  
24 administration of budgets.

25 (2) Notwithstanding any requirement that at least one in ten  
26 promotional registers be open to all persons, the Washington personnel  
27 resources board, for purposes of creating any register of employees to  
28 fill a management position shall:

29 (a) Require that any qualified person (i) currently employed by the  
30 state of Washington or (ii) any other qualified person to be eligible  
31 to seek inclusion on such register;

32 (b) Require that prior job performance be a consideration in  
33 selection to a management position; and

34 (c) Require that a hiring authority who selects a person other than  
35 a current employee of Washington state must submit written  
36 justification to the director for such decision. The director shall  
37 have five business days from the date of receipt of the written  
38 justification in which to disapprove the selection. Disapproval shall

1 be in writing and state the reasons. If the director does not  
2 disapprove the selection within the five-day time period authorized  
3 under this section, the selection shall be deemed approved.

4 NEW SECTION. Sec. 10. A new section is added to chapter 41.06 RCW  
5 to read as follows:

6 Each institution of higher education and each related board shall  
7 designate an officer who shall perform duties as personnel officer.  
8 The personnel officer at each institution or related board shall  
9 direct, supervise, and manage administrative and technical personnel  
10 activities for the classified service at the institution or related  
11 board consistent with policies established by the institution or  
12 related board and in accordance with the provisions of this chapter and  
13 the rules adopted under this chapter. Institutions may undertake  
14 jointly with one or more other institutions to appoint a person  
15 qualified to perform the duties of personnel officer, provide staff and  
16 financial support and may engage consultants to assist in the  
17 performance of specific projects. The services of the department of  
18 personnel may also be used by the institutions or related boards  
19 pursuant to RCW 41.06.080.

20 The state board for community and technical colleges shall have  
21 general supervision and control over activities undertaken by the  
22 various community colleges pursuant to this section.

23 NEW SECTION. Sec. 11. A new section is added to chapter 41.06 RCW  
24 to read as follows:

25 Rules adopted by the board shall provide for local administration  
26 and management by the institutions of higher education and related  
27 boards, subject to periodic audit and review by the board, of the  
28 following:

- 29 (1) Appointment, promotion, and transfer of employees;
- 30 (2) Dismissal, suspension, or demotion of an employee;
- 31 (3) Examinations for all positions in the competitive and  
32 noncompetitive service;
- 33 (4) Probationary periods of six to twelve months and rejections  
34 therein;
- 35 (5) Sick leaves and vacations;
- 36 (6) Hours of work;
- 37 (7) Layoffs when necessary and subsequent reemployment;

- 1 (8) Allocation and reallocation of positions within the
- 2 classification plans;
- 3 (9) Training programs; and
- 4 (10) Maintenance of personnel records.

5 NEW SECTION. **Sec. 12.** A new section is added to chapter 41.06 RCW  
6 to read as follows:

7 The board may authorize agency administration and management of the  
8 policies and practices created under this chapter. The board shall  
9 pursue a policy of flexibility in the administration of this chapter.

10 NEW SECTION. **Sec. 13.** A new section is added to chapter 41.06 RCW  
11 to read as follows:

12 (1) The legislature recognizes that:

13 (a) The labor market and the state government work force are  
14 diverse in terms of gender, race, ethnicity, age, and the presence of  
15 disabilities.

16 (b) The state's personnel resource and management practices must be  
17 responsive to the diverse nature of its work force composition.

18 (c) Managers in all agencies play a key role in the implementation  
19 of all critical personnel policies.

20 It is therefore the policy of the state to create an organizational  
21 culture in state government that respects and values individual  
22 differences and encourages the productive potential of every employee.

23 (2) To implement this policy, the department shall:

24 (a) In consultation with agencies, employee organizations, and  
25 employees, review civil service rules and related agency policies to  
26 ensure that they support the state's policy of valuing and managing  
27 diversity in the workplace;

28 (b) In consultation with agencies, employee organizations, and  
29 employees, institutions of higher education, and related boards,  
30 develop model policies, procedures, and technical information to be  
31 made available to such entities for the support of workplace diversity  
32 programs, including, but not limited to:

33 (i) Voluntary mentorship programs;

34 (ii) Alternative testing practices for persons of disability where  
35 deemed appropriate;

36 (iii) Career counseling;

1 (iv) Training opportunities, including management and employee  
2 awareness and skills training, English as a second language, and  
3 individual tutoring;

4 (v) Recruitment strategies;

5 (vi) Management performance appraisal techniques that focus on  
6 valuing and managing diversity in the workplace; and

7 (vii) Alternative work arrangements;

8 (c) In consultation with agencies, employee organizations, and  
9 employees, institutions of higher education, and related boards,  
10 develop training programs for all managers to enhance their ability to  
11 implement diversity policies and to provide a thorough grounding in all  
12 aspects of the state civil service law and merit system rules, and how  
13 the proper implementation and application thereof can facilitate and  
14 further the mission of the agency.

15 (3) The department shall coordinate implementation of this section  
16 with the office of financial management and institutions of higher  
17 education and related boards to reduce duplication of effort.

18 NEW SECTION. **Sec. 14.** A new section is added to chapter 41.06 RCW  
19 to read as follows:

20 Meaningful and effective involvement of employees and their  
21 representatives is essential to the efficient and effective delivery of  
22 state government services. To accomplish this, agencies shall use  
23 joint employee-union-management committees to collaborate on the  
24 desired goals of streamlined and flatter organizational structures,  
25 continuous improvement in all systems and processes, empowerment of  
26 line level employees to solve workplace and system delivery problems,  
27 managers functioning as coaches and facilitators, and employee training  
28 and development as an investment in the future. In addition, the  
29 committees shall be used for improvement of the quality of work life  
30 for state employees resulting in more productive and efficient service  
31 delivery to the general public and customers of state government.

32 NEW SECTION. **Sec. 15.** (1) The legislature recognizes that the  
33 most vital asset of state government is the people who design, manage,  
34 and implement its programs and deliver its services. The quality and  
35 effectiveness of state service depends on many factors, including  
36 adequate resources, personal dedication, proper training, skilled and

1 sensitive management, and the removal of artificial barriers to  
2 personal and organizational success.

3 (2) The legislature further recognizes that due to increasing  
4 demands on state government requiring new levels of efficiency and  
5 effectiveness in service delivery, and the impact of the total system  
6 of laws and rules governing recruitment, development, and management of  
7 personnel resources in state government, it is imperative to  
8 immediately and comprehensively examine all aspects of that system, and  
9 make whatever changes are indicated forthwith.

10 (3) To that end, there is hereby created a study task force  
11 composed of the following members: Three members of the house of  
12 representatives appointed by the speaker of the house of  
13 representatives, three members of the senate appointed by the president  
14 of the senate, three members appointed by the governor, and one  
15 representative from each employee organization that has at least five  
16 hundred dues-paying members employed by the state of Washington. The  
17 charge of the task force is to make a comprehensive recommendation to  
18 the legislature no later than December 1, 1993, in the form of proposed  
19 legislation, regarding the provision of personnel resources in state  
20 government. The task force shall address at least the following  
21 issues:

22 (a) Overall organization of the personnel resources apparatus in  
23 state government:

24 (i) Consolidation or decentralization of all personnel services;  
25 and

26 (ii) The appropriate role and degree of control of the governor,  
27 the Washington personnel resources board, agency directors, and other  
28 elected officials;

29 (b) Efficiency in management and service delivery:

30 (i) Identify the principal barriers to, and successes in, effective  
31 recruitment, retention, development, and assignment of a quality work  
32 force in state service;

33 (ii) Analyze the extent to which improvement in these areas is best  
34 achieved by changes in civil service reform, or from management and  
35 organizational initiatives of the governor, agency directors, employee  
36 organizations, employees, and other elected officials; and

37 (iii) Develop principles regarding the purchase of services by  
38 state government;

39 (c) Employee rights and participation:



1 (i) Identify areas and issues that are appropriately decided  
2 cooperatively between classified employees and management through  
3 collective bargaining or otherwise, and those areas that are inherently  
4 management prerogatives and responsibilities;

5 (ii) Analyze the full range of collective bargaining or other  
6 collaborative process issues, and identify those features that are the  
7 most effective and equitable, including grievance procedures,  
8 bargaining units, representation, union security, negotiations, and  
9 unfair labor practices; and

10 (d) Any other related issue that comes to light during the course  
11 of the study may properly be examined. This list of issues is in no  
12 way intended to limit the inquiry and exploration of the task force in  
13 its pursuit of its principal charge.

14 (4) In developing its recommendation the task force shall draw upon  
15 the following resources:

16 (a) Full and frequent consultation with particular interest groups,  
17 including state employees and their organizations, managers, and  
18 directors at all levels of state service, elected officials, and  
19 academic and private sector personnel resource specialists;

20 (b) The experience of other states, particularly those who have  
21 recently made significant changes in this area; and

22 (c) The experience of private sector organizations that are  
23 recognized for innovative and effective accomplishment in this field.

24 (5) The task force shall meet at least monthly, and shall hold  
25 meetings in different regions of the state. Staff services shall be  
26 provided by legislative and governor's office staff.

27 (6) This section shall expire December 31, 1993.

28 NEW SECTION. Sec. 16. A new section is added to chapter 41.06 RCW  
29 to read as follows:

30 (1) Unless the context clearly requires otherwise, as used in this  
31 chapter, "register" means a list of names of persons certified by the  
32 director to meet the minimum qualifications necessary for purposes of  
33 consideration and potential selection by a hiring authority for  
34 employment by the state of Washington.

35 (2) Inclusion on a register is proof of only the existence of the  
36 opinion of the director that a person has met the minimal  
37 qualifications for consideration by the hiring authority of the persons  
38 on the register for employment by the state of Washington in a job

1 classification. Inclusion on a register shall not, by itself, for any  
2 purpose or in any cause of action be evidence that a person has  
3 obtained a right to employment.

4 **Sec. 17.** RCW 28B.12.060 and 1987 c 330 s 202 are each amended to  
5 read as follows:

6 The higher education coordinating board shall adopt rules (~~and~~  
7 ~~regulations~~) as may be necessary or appropriate for effecting the  
8 provisions of this chapter, and not in conflict with this chapter, in  
9 accordance with the provisions of chapter 34.05 RCW, the state higher  
10 education administrative procedure act. Such rules (~~and regulations~~)  
11 shall include provisions designed to make employment under such work-  
12 study program reasonably available, to the extent of available funds,  
13 to all eligible students in eligible post-secondary institutions in  
14 need thereof. Such rules (~~and regulations~~) shall include:

15 (1) Providing work under the college work-study program which will  
16 not result in the displacement of employed workers or impair existing  
17 contracts for services.

18 (2) Furnishing work only to a student who:

19 (a) Is capable, in the opinion of the eligible institution, of  
20 maintaining good standing in such course of study while employed under  
21 the program covered by the agreement; and

22 (b) Has been accepted for enrollment as at least a half-time  
23 student at the eligible institution or, in the case of a student  
24 already enrolled in and attending the eligible institution, is in good  
25 standing and in at least half-time attendance there either as an  
26 undergraduate, graduate or professional student; and

27 (c) Is not pursuing a degree in theology.

28 (3) Placing priority on the securing of work opportunities for  
29 students who are residents of the state of Washington as defined in RCW  
30 28B.15.011 through 28B.15.014.

31 (4) Provisions to assure that in the state institutions of higher  
32 education utilization of this student work-study program:

33 (a) Shall only supplement and not supplant classified positions  
34 under jurisdiction of chapter (~~28B.16~~) 41.06 RCW;

35 (b) That all positions established which are comparable shall be  
36 identified to a job classification under the (~~higher education~~)  
37 Washington personnel resources board's classification plan and shall  
38 receive equal compensation;

1 (c) Shall not take place in any manner that would replace  
2 classified positions reduced due to lack of funds or work; and

3 (d) That work study positions shall only be established at entry  
4 level positions of the classified service.

5 **Sec. 18.** RCW 34.05.030 and 1989 c 175 s 2 are each amended to read  
6 as follows:

7 (1) This chapter shall not apply to:

8 (a) The state militia, or

9 (b) The board of clemency and pardons, or

10 (c) The department of corrections or the indeterminate sentencing  
11 review board with respect to persons who are in their custody or are  
12 subject to the jurisdiction of those agencies.

13 (2) The provisions of RCW 34.05.410 through 34.05.598 shall not  
14 apply:

15 (a) To adjudicative proceedings of the board of industrial  
16 insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

17 (b) Except for actions pursuant to chapter 46.29 RCW, to the  
18 denial, suspension, or revocation of a driver's license by the  
19 department of licensing;

20 (c) To the department of labor and industries where another statute  
21 expressly provides for review of adjudicative proceedings of a  
22 department action, order, decision, or award before the board of  
23 industrial insurance appeals;

24 (d) To actions of the ((state)) Washington personnel resources  
25 board(~~(, the higher education personnel board,)~~) or the personnel  
26 appeals board; or

27 (e) To the extent they are inconsistent with any provisions of  
28 chapter 43.43 RCW.

29 (3) Unless a party makes an election for a formal hearing pursuant  
30 to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not  
31 apply to a review hearing conducted by the board of tax appeals.

32 (4) All other agencies, whether or not formerly specifically  
33 excluded from the provisions of all or any part of the Administrative  
34 Procedure Act, shall be subject to the entire act.

35 **Sec. 19.** RCW 34.12.020 and 1989 c 175 s 33 are each amended to  
36 read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

3 (1) "Office" means the office of administrative hearings.

4 (2) "Administrative law judge" means any person appointed by the  
5 chief administrative law judge to conduct or preside over hearings as  
6 provided in this chapter.

7 (3) "Hearing" means an adjudicative proceeding within the meaning  
8 of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413  
9 through 34.05.476.

10 (4) "State agency" means any state board, commission, department,  
11 or officer authorized by law to make rules or to conduct adjudicative  
12 proceedings, except those in the legislative or judicial branches, the  
13 pollution control hearings board, the shorelines hearings board, the  
14 forest practices appeals board, the environmental hearings office, the  
15 board of industrial insurance appeals, the (~~state personnel board, the~~  
16 ~~higher education~~)) Washington personnel resources board, the public  
17 employment relations commission, the personnel appeals board, and the  
18 board of tax appeals.

19 **Sec. 20.** RCW 41.04.340 and 1991 c 249 s 1 are each amended to read  
20 as follows:

21 (1) An attendance incentive program is established for all eligible  
22 employees. As used in this section the term "eligible employee" means  
23 any employee of the state, other than teaching and research faculty at  
24 the state and regional universities and The Evergreen State College,  
25 entitled to accumulate sick leave and for whom accurate sick leave  
26 records have been maintained. No employee may receive compensation  
27 under this section for any portion of sick leave accumulated at a rate  
28 in excess of one day per month. The state and regional universities  
29 and The Evergreen State College shall maintain complete and accurate  
30 sick leave records for all teaching and research faculty.

31 (2) In January of the year following any year in which a minimum of  
32 sixty days of sick leave is accrued, and each January thereafter, any  
33 eligible employee may receive remuneration for unused sick leave  
34 accumulated in the previous year at a rate equal to one day's monetary  
35 compensation of the employee for each four full days of accrued sick  
36 leave in excess of sixty days. Sick leave for which compensation has  
37 been received shall be deducted from accrued sick leave at the rate of  
38 four days for every one day's monetary compensation.

1 (3) At the time of separation from state service due to retirement  
2 or death, an eligible employee or the employee's estate may elect to  
3 receive remuneration at a rate equal to one day's current monetary  
4 compensation of the employee for each four full days of accrued sick  
5 leave.

6 (4) Pursuant to this subsection, in lieu of cash remuneration the  
7 state may, with equivalent funds, provide eligible employees with a  
8 benefit plan providing for reimbursement of medical expenses. The  
9 committee for deferred compensation shall develop any benefit plan  
10 established under this subsection, but may offer and administer the  
11 plan only if (a) each eligible employee has the option of whether to  
12 receive cash remuneration or to have his or her employer transfer  
13 equivalent funds to the plan; and (b) the committee has received an  
14 opinion from the United States internal revenue service stating that  
15 participating employees, prior to the time of receiving reimbursement  
16 for expenses, will incur no United States income tax liability on the  
17 amount of the equivalent funds transferred to the plan.

18 (5) Remuneration or benefits received under this section shall not  
19 be included for the purpose of computing a retirement allowance under  
20 any public retirement system in this state.

21 (6) With the exception of subsection ~~((3))~~ (4) of this section,  
22 this section shall be administered, and rules shall be ~~((promulgated))~~  
23 adopted to carry out its purposes, by the ~~((state personnel board and~~  
24 ~~the higher education))~~ Washington personnel resources board for persons  
25 subject to chapter ~~((s))~~ 41.06 ~~((and 28B.16))~~ RCW ~~((, respectively, and~~  
26 ~~by their respective personnel authorities for other eligible~~  
27 ~~employees))~~: PROVIDED, That determination of classes of eligible  
28 employees shall be subject to approval by the office of financial  
29 management.

30 (7) Should the legislature revoke any remuneration or benefits  
31 granted under this section, no affected employee shall be entitled  
32 thereafter to receive such benefits as a matter of contractual right.

33 **Sec. 21.** RCW 41.04.670 and 1990 c 23 s 3 are each amended to read  
34 as follows:

35 The ~~((state personnel board, the higher education))~~ Washington  
36 personnel resources board ~~((7))~~ and other personnel authorities shall  
37 each adopt rules applicable to employees under their respective  
38 jurisdictions: (1) Establishing appropriate parameters for the program

1 which are consistent with the provisions of RCW 41.04.650 through  
2 41.04.665; (2) providing for equivalent treatment of employees between  
3 their respective jurisdictions and allowing transfers of leave in  
4 accordance with RCW 41.04.665(5); (3) establishing procedures to ensure  
5 that the program does not significantly increase the cost of providing  
6 leave; and (4) providing for the administration of the program and  
7 providing for maintenance and collection of sufficient information on  
8 the program to allow a thorough legislative review.

9       **Sec. 22.** RCW 41.06.020 and 1985 c 461 s 1 and 1985 c 365 s 3 are  
10 each reenacted and amended to read as follows:

11       Unless the context clearly indicates otherwise, the words used in  
12 this chapter have the meaning given in this section.

13       (1) "Agency" means an office, department, board, commission, or  
14 other separate unit or division, however designated, of the state  
15 government and all personnel thereof; it includes any unit of state  
16 government established by law, the executive officer or members of  
17 which are either elected or appointed, upon which the statutes confer  
18 powers and impose duties in connection with operations of either a  
19 governmental or proprietary nature.

20       (2) "Board" means the ((state)) Washington personnel resources  
21 board established under the provisions of RCW 41.06.110, except that  
22 this definition does not apply to the words "board" or "boards" when  
23 used in RCW 41.06.070.

24       (3) "Classified service" means all positions in the state service  
25 subject to the provisions of this chapter.

26       (4) "Competitive service" means all positions in the classified  
27 service for which a competitive examination is required as a condition  
28 precedent to appointment.

29       (5) "Comparable worth" means the provision of similar salaries for  
30 positions that require or impose similar responsibilities, judgments,  
31 knowledge, skills, and working conditions.

32       (6) "Noncompetitive service" means all positions in the classified  
33 service for which a competitive examination is not required.

34       (7) "Department" means an agency of government that has as its  
35 governing officer a person, or combination of persons such as a  
36 commission, board, or council, by law empowered to operate the agency  
37 responsible either to (a) no other public officer or (b) the governor.

1 (8) "Career development" means the progressive development of  
2 employee capabilities to facilitate productivity, job satisfaction, and  
3 upward mobility through work assignments as well as education and  
4 training that are both state-sponsored and are achieved by individual  
5 employee efforts, all of which shall be consistent with the needs and  
6 obligations of the state and its agencies.

7 (9) "Training" means activities designed to develop job-related  
8 knowledge and skills of employees.

9 (10) "Director" means the director of personnel appointed under the  
10 provisions of RCW 41.06.130.

11 (11) "Affirmative action" means a procedure by which racial  
12 minorities, women, persons in the protected age category, persons with  
13 disabilities, Vietnam-era veterans, and disabled veterans are provided  
14 with increased employment opportunities. It shall not mean any sort of  
15 quota system.

16 (12) "Institutions of higher education" means the University of  
17 Washington, Washington State University, Central Washington University,  
18 Eastern Washington University, Western Washington University, The  
19 Evergreen State College, and the various state community colleges;

20 (13) "Related boards" means the state board for community and  
21 technical colleges and the higher education personnel board; and such  
22 other boards, councils, and commissions related to higher education as  
23 may be established.

24 **Sec. 23.** RCW 41.06.030 and 1961 c 1 s 3 are each amended to read  
25 as follows:

26 A department of personnel, governed by ~~((a state))~~ the Washington  
27 personnel resources board and administered by a director of personnel,  
28 is hereby established as a separate agency within the state government.

29 **Sec. 24.** RCW 41.06.070 and 1990 c 60 s 101 are each amended to  
30 read as follows:

31 The provisions of this chapter do not apply to:

32 (1) The members of the legislature or to any employee of, or  
33 position in, the legislative branch of the state government including  
34 members, officers, and employees of the legislative council,  
35 legislative budget committee, statute law committee, and any interim  
36 committee of the legislature;

1 (2) The justices of the supreme court, judges of the court of  
2 appeals, judges of the superior courts or of the inferior courts, or to  
3 any employee of, or position in the judicial branch of state  
4 government;

5 (3) Officers, academic personnel, and employees of state  
6 institutions of higher education((~~7~~)) and the state board for community  
7 and technical colleges ((~~education, and the higher education personnel~~  
8 ~~board~~));

9 (4) The officers of the Washington state patrol;

10 (5) Elective officers of the state;

11 (6) The chief executive officer of each agency;

12 (7) In the departments of employment security, fisheries, social  
13 and health services, the director and ((~~his~~)) the director's  
14 confidential secretary; in all other departments, the executive head of  
15 which is an individual appointed by the governor, the director, his or  
16 her confidential secretary, and his or her statutory assistant  
17 directors;

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

21 (a) All members of such boards, commissions, or committees;

22 (b) If the members of the board, commission, or committee serve on  
23 a part-time basis and there is a statutory executive officer: (i) The  
24 secretary of the board, commission, or committee; (ii) the chief  
25 executive officer of the board, commission, or committee; and (iii) the  
26 confidential secretary of the chief executive officer of the board,  
27 commission, or committee;

28 (c) If the members of the board, commission, or committee serve on  
29 a full-time basis: (i) The chief executive officer or administrative  
30 officer as designated by the board, commission, or committee; and (ii)  
31 a confidential secretary to the ((~~chairman~~)) chair of the board,  
32 commission, or committee;

33 (d) If all members of the board, commission, or committee serve ex  
34 officio: (i) The chief executive officer; and (ii) the confidential  
35 secretary of such chief executive officer;

36 (9) The confidential secretaries and administrative assistants in  
37 the immediate offices of the elective officers of the state;

38 (10) Assistant attorneys general;



- 1 (11) Commissioned and enlisted personnel in the military service of  
2 the state;
- 3 (12) Inmate, student, part-time, or temporary employees, and part-  
4 time professional consultants, as defined by the ((state)) Washington  
5 personnel resources board or the board having jurisdiction;
- 6 (13) The public printer or to any employees of or positions in the  
7 state printing plant;
- 8 (14) Officers and employees of the Washington state fruit  
9 commission;
- 10 (15) Officers and employees of the Washington state apple  
11 advertising commission;
- 12 (16) Officers and employees of the Washington state dairy products  
13 commission;
- 14 (17) Officers and employees of the Washington tree fruit research  
15 commission;
- 16 (18) Officers and employees of the Washington state beef  
17 commission;
- 18 (19) Officers and employees of any commission formed under the  
19 provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;
- 20 (20) Officers and employees of the state wheat commission formed  
21 under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);
- 22 (21) Officers and employees of agricultural commissions formed  
23 under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);
- 24 (22) Officers and employees of the nonprofit corporation formed  
25 under chapter 67.40 RCW;
- 26 (23) Liquor vendors appointed by the Washington state liquor  
27 control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules  
28 ((and regulations)) adopted by the ((state)) Washington personnel  
29 resources board pursuant to RCW 41.06.150 regarding the basis for, and  
30 procedures to be followed for, the dismissal, suspension, or demotion  
31 of an employee, and appeals therefrom shall be fully applicable to  
32 liquor vendors except those part time agency vendors employed by the  
33 liquor control board when, in addition to the sale of liquor for the  
34 state, they sell goods, wares, merchandise, or services as a self-  
35 sustaining private retail business;
- 36 (24) Executive assistants for personnel administration and labor  
37 relations in all state agencies employing such executive assistants  
38 including but not limited to all departments, offices, commissions,  
39 committees, boards, or other bodies subject to the provisions of this

1 chapter and this subsection shall prevail over any provision of law  
2 inconsistent herewith unless specific exception is made in such law;

3 (25) In each agency with fifty or more employees: Deputy agency  
4 heads, assistant directors or division directors, and not more than  
5 three principal policy assistants who report directly to the agency  
6 head or deputy agency heads;

7 (26) All employees of the marine employees' commission;

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

12 (28) The following classifications, positions, and employees of  
13 institutions of higher education and related boards are hereby exempted  
14 from coverage of this chapter:

15 (a) Members of the governing board of each institution of higher  
16 education and related boards, all presidents, vice-presidents and their  
17 confidential secretaries, administrative and personal assistants;  
18 deans, directors, and chairs; academic personnel; and executive heads  
19 of major administrative or academic divisions employed by institutions  
20 of higher education; and any employee of a community college district  
21 whose place of work is one which is physically located outside the  
22 state of Washington and who is employed pursuant to RCW 28B.50.092 and  
23 assigned to an educational program operating outside of the state of  
24 Washington;

25 (b) Student, part-time, or temporary employees, and part-time  
26 professional consultants, as defined by the higher education personnel  
27 board, employed by institutions of higher education and related boards;  
28 and

29 (c) The governing board of each institution, and related boards,  
30 may also exempt from this chapter, subject to the employees' right of  
31 appeal to the board, classifications involving research activities,  
32 counseling of students, extension or continuing education activities,  
33 graphic arts or publications activities requiring prescribed academic  
34 preparation or special training, and principal assistants to executive  
35 heads of major administrative or academic divisions, as determined by  
36 the board: PROVIDED, That no nonacademic employee engaged in office,  
37 clerical, maintenance, or food and trade services may be exempted by  
38 the board under this provision;

1        (29) Printing craft employees in the department of printing at the  
2 University of Washington;

3        (30) In addition to the exemptions specifically provided by this  
4 chapter, the ((state)) Washington personnel resources board may provide  
5 for further exemptions pursuant to the following procedures. The  
6 governor or other appropriate elected official may submit requests for  
7 exemption to the Washington personnel resources board stating the  
8 reasons for requesting such exemptions. The Washington personnel  
9 resources board shall hold a public hearing, after proper notice, on  
10 requests submitted pursuant to this subsection. If the board  
11 determines that the position for which exemption is requested is one  
12 involving substantial responsibility for the formulation of basic  
13 agency or executive policy or one involving directing and controlling  
14 program operations of an agency or a major administrative division  
15 thereof, the Washington personnel resources board shall grant the  
16 request and such determination shall be final. The total number of  
17 additional exemptions permitted under this subsection shall not exceed  
18 ~~((one hundred eighty seven))~~ three hundred for those agencies not  
19 directly under the authority of any elected public official other than  
20 the governor, and shall not exceed a total of twenty-five for all  
21 agencies under the authority of elected public officials other than the  
22 governor. The ((state)) Washington personnel resources board shall  
23 report to each regular session of the legislature during an odd-  
24 numbered year all exemptions granted under subsections (24), (25), and  
25 ~~((+28))~~ (30) of this section, together with the reasons for such  
26 exemptions.

27        The salary and fringe benefits of all positions presently or  
28 hereafter exempted except for the chief executive officer of each  
29 agency, full-time members of boards and commissions, administrative  
30 assistants and confidential secretaries in the immediate office of an  
31 elected state official, and the personnel listed in subsections (10)  
32 through (22) of this section, shall be determined by the ((state))  
33 Washington personnel resources board.

34        Any person holding a classified position subject to the provisions  
35 of this chapter shall, when and if such position is subsequently  
36 exempted from the application of this chapter, be afforded the  
37 following rights: If such person previously held permanent status in  
38 another classified position, such person shall have a right of

1 reversion to the highest class of position previously held, or to a  
2 position of similar nature and salary.

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

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

10 **Sec. 25.** RCW 41.06.076 and 1980 c 73 s 1 are each amended to read  
11 as follows:

12 In addition to the exemptions set forth in RCW 41.06.070, the  
13 provisions of this chapter shall not apply in the department of social  
14 and health services to the secretary; the secretary's executive  
15 assistant, if any; not to exceed six assistant secretaries, thirteen  
16 division directors, six regional directors; one confidential secretary  
17 for each of the above-named officers; not to exceed six bureau chiefs;  
18 and all superintendents of institutions of which the average daily  
19 population equals or exceeds one hundred residents: PROVIDED, That  
20 each such confidential secretary must meet the minimum qualifications  
21 for the class of secretary II as determined by the ((state)) Washington  
22 personnel resources board.

23 **Sec. 26.** RCW 41.06.079 and 1985 c 178 s 1 are each amended to read  
24 as follows:

25 In addition to the exemptions set forth in RCW 41.06.070, the  
26 provisions of this chapter shall not apply in the department of  
27 transportation to the secretary, a deputy secretary, an administrative  
28 assistant to the secretary, if any, one assistant secretary for each  
29 division designated pursuant to RCW 47.01.081, one confidential  
30 secretary for each of the above-named officers, up to six  
31 transportation district administrators and one confidential secretary  
32 for each district administrator, up to six additional new  
33 administrators or confidential secretaries designated by the secretary  
34 of the department of transportation and approved by the ((state))  
35 Washington personnel resources board pursuant to the provisions of RCW  
36 ((41.06.070(26+))) 41.06.070(27), the legislative liaison for the  
37 department, the state construction engineer, the state aid engineer,

1 the personnel manager, the state project development engineer, the  
2 state maintenance and operations engineer, one confidential secretary  
3 for each of the last-named five positions, and a confidential secretary  
4 for the public affairs administrator. The individuals appointed under  
5 this section shall be exempt from the provisions of the state civil  
6 service law, and shall be paid salaries to be fixed by the governor in  
7 accordance with the procedure established by law for the fixing of  
8 salaries for individuals exempt from the operation of the state civil  
9 service law.

10 **Sec. 27.** RCW 41.06.093 and 1990 c 14 s 1 are each amended to read  
11 as follows:

12 In addition to the exemptions set forth in RCW 41.06.070, the  
13 provisions of this chapter shall not apply in the Washington state  
14 patrol to confidential secretaries of agency bureau chiefs, or their  
15 functional equivalent, and a confidential secretary for the chief of  
16 staff: PROVIDED, That each confidential secretary must meet the  
17 minimum qualifications for the class of secretary II as determined by  
18 the ((state)) Washington personnel resources board.

19 **Sec. 28.** RCW 41.06.110 and 1984 c 287 s 69 are each amended to  
20 read as follows:

21 (1) There is hereby created a ((state)) Washington personnel  
22 resources board composed of ((three)) five members appointed by the  
23 governor, subject to confirmation by the senate. ((The first such  
24 board shall be appointed within thirty days after December 8, 1960, for  
25 terms of two, four, and six years. Each odd numbered year thereafter  
26 the governor shall appoint a member for a six year term.)) The initial  
27 board shall be composed of one member of the state personnel board and  
28 one member of the higher education personnel board as those boards  
29 existed on June 30, 1993, and three additional members, all of whom  
30 shall be appointed by the governor. Of the initial board, two members  
31 shall serve one-year terms, two members shall serve two-year terms and  
32 one member shall serve a three-year term. Each member shall continue  
33 to hold office after the expiration of the member's term until a  
34 successor has been appointed. Persons so appointed shall have clearly  
35 demonstrated an interest and belief in the merit principle, shall not  
36 hold any other employment with the state, shall not have been an  
37 officer of a political party for a period of one year immediately prior

1 to such appointment, and shall not be or become a candidate for  
2 partisan elective public office during the term to which they are  
3 appointed;

4 (2) Each member of the board shall be compensated in accordance  
5 with RCW 43.03.250. The members of the board may receive any number of  
6 daily payments for official meetings of the board actually attended.  
7 Members of the board shall also be reimbursed for travel expenses  
8 incurred in the discharge of their official duties in accordance with  
9 RCW 43.03.050 and 43.03.060.

10 (3) At its first meeting following the (~~appointment of all of its~~  
11 ~~members~~) creation of the board, and annually thereafter, the board  
12 shall elect a (~~chairman~~) chair and (~~vice-chairman~~) vice-chair from  
13 among its members to serve one year. The presence of at least two  
14 members of the board shall constitute a quorum to transact business.  
15 A written public record shall be kept by the board of all actions of  
16 the board. The director of personnel shall serve as secretary.

17 (~~(4) The board may appoint and compensate hearing officers to hear~~  
18 ~~and conduct appeals until December 31, 1982. Such compensation shall~~  
19 ~~be paid on a contractual basis for each hearing, in accordance with the~~  
20 ~~provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as~~  
21 ~~they relate to personal service contracts.))~~

22 **Sec. 29.** RCW 41.06.130 and 1982 1st ex.s. c 53 s 3 are each  
23 amended to read as follows:

24 The office of director of personnel is hereby established.

25 (1) (~~Within ninety days after December 8, 1960, a director of~~  
26 ~~personnel shall be appointed. The merit system director then serving~~  
27 ~~under RCW 50.12.030, whose position is terminated by this chapter, may~~  
28 ~~serve as director of personnel hereunder until a permanent director of~~  
29 ~~personnel is appointed as herein provided, and may be appointed as~~  
30 ~~director of personnel by the governor alone; or the governor may fill~~  
31 ~~the position in the manner hereinafter provided for subsequent~~  
32 ~~vacancies therein on the basis of competitive examination, in~~  
33 ~~conformance with board rules for competitive examinations, for which~~  
34 ~~examinations the merit system director is eligible.~~

35 (~~2))~~) The director of personnel shall be appointed by the governor  
36 (~~from a list of three names submitted to him by the board with its~~  
37 ~~recommendations. The names on such list shall be those of the three~~  
38 ~~standing highest upon competitive examination conducted by a committee~~

1 of three persons appointed by the board solely for that purpose  
2 whenever the position is vacant. Only persons with substantial  
3 experience in the field of personnel management are eligible to take  
4 such examination)). The governor shall consult with, but shall not be  
5 obligated by recommendations of the board. The director's appointment  
6 shall be subject to confirmation by the senate.

7 ((+3)) (2) The director of personnel is removable for cause by the  
8 governor ((with the approval of a majority of the board or by a  
9 majority of the board)).

10 ((+4)) (3) The director of personnel shall direct and supervise  
11 all the department of personnel's administrative and technical  
12 activities in accordance with the provisions of this chapter and the  
13 rules ((and regulations approved and promulgated thereunder. He))  
14 adopted under it. The director shall prepare for consideration by the  
15 board proposed rules ((and regulations)) required by this chapter.  
16 ((His)) The director's salary shall be fixed by the board.

17 ((+5)) (4) The director of personnel may delegate to any agency  
18 the authority to perform administrative and technical personnel  
19 activities if the agency requests such authority and the director of  
20 personnel is satisfied that the agency has the personnel management  
21 capabilities to effectively perform the delegated activities. The  
22 director of personnel shall prescribe standards and guidelines for the  
23 performance of delegated activities. If the director of personnel  
24 determines that an agency is not performing delegated activities within  
25 the prescribed standards and guidelines, the director shall withdraw  
26 the authority from the agency to perform such activities.

27 **Sec. 30.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to  
28 read as follows:

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

33 (1) The reduction, dismissal, suspension, or demotion of an  
34 employee;

35 (2) Certification of names for vacancies, including departmental  
36 promotions, with the number of names equal to ((four)) six more names  
37 than there are vacancies to be filled, such names representing  
38 applicants rated highest on eligibility lists: PROVIDED, That when

1 other applicants have scores equal to the lowest score among the names  
2 certified, their names shall also be certified;

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

5 (4) Appointments;

6 (5) Training and career development;

7 (6) Probationary periods of six to twelve months and rejections  
8 therein, depending on the job requirements of the class, except that  
9 entry level state park rangers shall serve a probationary period of  
10 twelve months;

11 (7) Transfers;

12 (8) Sick leaves and vacations;

13 (9) Hours of work;

14 (10) Layoffs when necessary and subsequent reemployment, both  
15 according to seniority;

16 (11) Determination of appropriate bargaining units within any  
17 agency: PROVIDED, That in making such determination the board shall  
18 consider the duties, skills, and working conditions of the employees,  
19 the history of collective bargaining by the employees and their  
20 bargaining representatives, the extent of organization among the  
21 employees, and the desires of the employees;

22 (12) Certification and decertification of exclusive bargaining  
23 representatives: PROVIDED, That after certification of an exclusive  
24 bargaining representative and upon the representative's request, the  
25 director shall hold an election among employees in a bargaining unit to  
26 determine by a majority whether to require as a condition of employment  
27 membership in the certified exclusive bargaining representative on or  
28 after the thirtieth day following the beginning of employment or the  
29 date of such election, whichever is the later, and the failure of an  
30 employee to comply with such a condition of employment constitutes  
31 cause for dismissal: PROVIDED FURTHER, That no more often than once in  
32 each twelve-month period after expiration of twelve months following  
33 the date of the original election in a bargaining unit and upon  
34 petition of thirty percent of the members of a bargaining unit the  
35 director shall hold an election to determine whether a majority wish to  
36 rescind such condition of employment: PROVIDED FURTHER, That for  
37 purposes of this clause, membership in the certified exclusive  
38 bargaining representative is satisfied by the payment of monthly or  
39 other periodic dues and does not require payment of initiation,



1 reinstatement, or any other fees or fines and includes full and  
2 complete membership rights: AND PROVIDED FURTHER, That in order to  
3 safeguard the right of nonassociation of public employees, based on  
4 bona fide religious tenets or teachings of a church or religious body  
5 of which such public employee is a member, such public employee shall  
6 pay to the union, for purposes within the program of the union as  
7 designated by such employee that would be in harmony with his or her  
8 individual conscience, an amount of money equivalent to regular union  
9 dues minus any included monthly premiums for union-sponsored insurance  
10 programs, and such employee shall not be a member of the union but is  
11 entitled to all the representation rights of a union member;

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

17 (14) Written agreements may contain provisions for payroll  
18 deductions of employee organization dues upon authorization by the  
19 employee member and for the cancellation of such payroll deduction by  
20 the filing of a proper prior notice by the employee with the appointing  
21 authority and the employee organization: PROVIDED, That nothing  
22 contained herein permits or grants to any employee the right to strike  
23 or refuse to perform his or her official duties;

24 (15) Adoption and revision of a comprehensive classification plan  
25 for all positions in the classified service, based on investigation and  
26 analysis of the duties and responsibilities of each such position;

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

29 (17) Adoption and revision of a state salary schedule to reflect  
30 the prevailing rates in Washington state private industries and other  
31 governmental units but the rates in the salary schedules or plans shall  
32 be increased if necessary to attain comparable worth under an  
33 implementation plan under RCW 41.06.155, such adoption and revision  
34 subject to approval by the director of financial management in  
35 accordance with the provisions of chapter 43.88 RCW;

36 (18) Increment increases within the series of steps for each pay  
37 grade based on length of service for all employees whose standards of  
38 performance are such as to permit them to retain job status in the  
39 classified service;

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

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

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

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

37 The board shall consult with the human rights commission in the  
38 development of rules pertaining to affirmative action. The department  
39 of personnel shall transmit a report annually to the human rights

1 commission which states the progress each state agency has made in  
2 meeting affirmative action goals and timetables.

3 **Sec. 31.** RCW 41.06.155 and 1983 1st ex.s. c 75 s 6 are each  
4 amended to read as follows:

5 Salary changes necessary to achieve comparable worth shall be  
6 implemented during the 1983-85 biennium under a schedule developed by  
7 the department (~~in cooperation with the higher education personnel~~  
8 ~~board~~). Increases in salaries and compensation solely for the purpose  
9 of achieving comparable worth shall be made at least annually.  
10 Comparable worth for the jobs of all employees under this chapter shall  
11 be fully achieved not later than June 30, 1993.

12 **Sec. 32.** RCW 41.06.160 and 1985 c 94 s 2 are each amended to read  
13 as follows:

14 In preparing classification and salary schedules as set forth in  
15 RCW 41.06.150 as now or hereafter amended the department of personnel  
16 shall give full consideration to prevailing rates in other public  
17 employment and in private employment in this state. For this purpose  
18 the department shall undertake comprehensive salary and fringe benefit  
19 surveys (~~to be planned and conducted on a joint basis with the higher~~  
20 ~~education personnel board~~), with such surveys to be conducted in the  
21 year prior to the convening of every other one hundred five day regular  
22 session of the state legislature. In the year prior to the convening  
23 of each one hundred five day regular session during which a  
24 comprehensive salary and fringe benefit survey is not conducted, the  
25 department shall plan and conduct (~~on a joint basis with the higher~~  
26 ~~education personnel board~~) a trend salary and fringe benefit survey.  
27 This survey shall measure average salary and fringe benefit movement  
28 for broad occupational groups which has occurred since the last  
29 comprehensive salary and fringe benefit survey was conducted. The  
30 results of each comprehensive and trend salary and fringe benefit  
31 survey shall be completed and forwarded by September 30 with a  
32 recommended state salary schedule to the governor and director of  
33 financial management for their use in preparing budgets to be submitted  
34 to the succeeding legislature. A copy of the data and supporting  
35 documentation shall be furnished by the department of personnel to the  
36 standing committees for appropriations of the senate and house of  
37 representatives.

1 In the case of comprehensive salary and fringe benefit surveys, the  
2 department shall furnish the following supplementary data in support of  
3 its recommended salary schedule:

4 (1) A total dollar figure which reflects the recommended increase  
5 or decrease in state salaries as a direct result of the specific salary  
6 and fringe benefit survey that has been conducted and which is  
7 categorized to indicate what portion of the increase or decrease is  
8 represented by salary survey data and what portion is represented by  
9 fringe benefit survey data;

10 (2) An additional total dollar figure which reflects the impact of  
11 recommended increases or decreases to state salaries based on other  
12 factors rather than directly on prevailing rate data obtained through  
13 the survey process and which is categorized to indicate the sources of  
14 the requests for deviation from prevailing rates and the reasons for  
15 the changes;

16 (3) A list of class codes and titles indicating recommended monthly  
17 salary ranges for all state classes under the control of the department  
18 of personnel with( (+

19 (a)) those salary ranges which do not substantially conform to the  
20 prevailing rates developed from the salary and fringe benefit survey  
21 distinctly marked and an explanation of the reason for the deviation  
22 included; ((and

23 (b) ~~Those department of personnel classes which are substantially~~  
24 ~~the same as classes being used by the higher education personnel board~~  
25 ~~clearly marked to show the commonality of the classes between the two~~  
26 ~~jurisdictions;))~~

27 (4) A supplemental salary schedule which indicates the additional  
28 salary to be paid state employees for hazardous duties or other  
29 considerations requiring extra compensation under specific  
30 circumstances. Additional compensation for these circumstances shall  
31 not be included in the basic salary schedule but shall be maintained as  
32 a separate pay schedule for purposes of full disclosure and visibility;  
33 and

34 (5) A supplemental salary schedule which indicates those cases  
35 where the board determines that prevailing rates do not provide similar  
36 salaries for positions that require or impose similar responsibilities,  
37 judgment, knowledge, skills, and working conditions. This  
38 supplementary salary schedule shall contain proposed salary adjustments  
39 necessary to eliminate any such dissimilarities in compensation.

1 Additional compensation needed to eliminate such salary dissimilarities  
2 shall not be included in the basic salary schedule but shall be  
3 maintained as a separate salary schedule for purposes of full  
4 disclosure and visibility.

5 It is the intention of the legislature that requests for funds to  
6 support recommendations for salary deviations from the prevailing rate  
7 survey data shall be kept to a minimum, and that the requests be fully  
8 documented when forwarded by the department of personnel. (~~Further,~~  
9 ~~it is the intention of the legislature that the department of personnel~~  
10 ~~and the higher education personnel board jointly determine job classes~~  
11 ~~which are substantially common to both jurisdictions and that basic~~  
12 ~~salaries for these job classes shall be equal based on salary and~~  
13 ~~fringe benefit survey findings.))~~

14 Salary and fringe benefit survey information collected from private  
15 employers which identifies a specific employer with the salary and  
16 fringe benefit rates which that employer pays to its employees shall  
17 not be subject to public disclosure under chapter 42.17 RCW.

18 The first comprehensive salary and fringe benefit survey required  
19 by this section shall be completed and forwarded to the governor and  
20 the director of financial management by September 30, 1986. The first  
21 trend salary and fringe benefit survey required by this section shall  
22 be completed and forwarded to the governor and the director of  
23 financial management by September 30, 1988.

24 **Sec. 33.** RCW 41.06.163 and 1987 c 185 s 9 are each amended to read  
25 as follows:

26 (1) In the conduct of salary and fringe benefit surveys under RCW  
27 41.06.160 as now or hereafter amended, it is the intention of the  
28 legislature that the surveys be undertaken in a manner consistent with  
29 statistically accurate sampling techniques. For this purpose, a  
30 comprehensive salary and fringe benefit survey plan shall be submitted  
31 to the director of financial management, employee organizations, and  
32 the standing committees for appropriations of the senate and house of  
33 representatives six months before the beginning of each periodic survey  
34 required before regular legislative sessions. This comprehensive plan  
35 shall include but not be limited to the following:

36 (a) A complete explanation of the technical, statistical process to  
37 be used in the salary and fringe benefit survey including the  
38 percentage of accuracy expected from the planned statistical sample

1 chosen for the survey and a definition of the term "prevailing rates"  
2 which is to be used in the planned survey;

3 (b) A comprehensive salary and fringe benefit survey model based on  
4 scientific statistical principles which:

5 (i) Encompasses the interrelationships among the various elements  
6 of the survey sample including sources of salary and fringe benefit  
7 data by organization type, size, and regional location;

8 (ii) Is representative of private and public employment in this  
9 state;

10 (iii) Ensures that, wherever practical, data from smaller, private  
11 firms are included and proportionally weighted in the survey sample;  
12 and

13 (iv) Indicates the methodology to be used in application of survey  
14 data to job classes used by state government;

15 (c) A prediction of the increase or decrease in total funding  
16 requirements expected to result from the pending salary and fringe  
17 benefit survey based on consumer price index information and other  
18 available trend data pertaining to Washington state salaries and fringe  
19 benefits.

20 (2) Every comprehensive survey plan shall fully consider fringe  
21 benefits as an element of compensation in addition to basic salary  
22 data. ~~((The plans prepared under this section shall be developed  
23 jointly by the department of personnel in conjunction with the higher  
24 education personnel board established under chapter 28B.16 RCW. All  
25 comprehensive salary and fringe benefit survey plans shall be submitted  
26 on a joint signature basis by the department of personnel and the  
27 higher education personnel board.))~~

28 (3) Interim or special surveys conducted under RCW 41.06.160 as now  
29 or hereafter amended shall conform when possible to the statistical  
30 techniques and principles developed for regular periodic surveys under  
31 this section.

32 (4) The term "fringe benefits" as used in this section and in  
33 conjunction with salary surveys shall include but not be limited to  
34 compensation for:

35 (a) Leave time, including vacation, holiday, civil, and personal  
36 leave;

37 (b) Employer retirement contributions;

38 (c) Health and insurance payments, including life, accident, and  
39 health insurance, workers' compensation, and sick leave; and

1 (d) Stock options, bonuses, and purchase discounts where  
2 appropriate.

3 **Sec. 34.** RCW 41.06.186 and 1985 c 461 s 5 are each amended to read  
4 as follows:

5 The Washington personnel resources board shall adopt rules designed  
6 to terminate the state employment of any employee whose performance is  
7 so inadequate as to warrant termination.

8 **Sec. 35.** RCW 41.06.196 and 1985 c 461 s 6 are each amended to read  
9 as follows:

10 The Washington personnel resources board shall adopt rules designed  
11 to remove from supervisory positions those supervisors who in violation  
12 of the rules adopted under RCW 41.06.186 have tolerated the continued  
13 employment of employees under their supervision whose performance has  
14 warranted termination from state employment.

15 **Sec. 36.** RCW 41.06.280 and 1987 c 248 s 4 are each amended to read  
16 as follows:

17 There is hereby created a fund within the state treasury,  
18 designated as the "department of personnel service fund," to be used by  
19 the board as a revolving fund for the payment of salaries, wages, and  
20 operations required for the administration of the provisions of this  
21 chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60  
22 RCW. An amount not to exceed one and one-half percent of the approved  
23 allotments of salaries and wages for all positions in the classified  
24 service in each of the agencies subject to this chapter, except the  
25 institutions of higher learning, shall be charged to the operations  
26 appropriations of each agency and credited to the department of  
27 personnel service fund as the allotments are approved pursuant to  
28 chapter 43.88 RCW. Subject to the above limitations, the amount shall  
29 be charged against the allotments pro rata, at a rate to be fixed by  
30 the director from time to time which, together with income derived from  
31 services rendered under RCW 41.06.080, will provide the department with  
32 funds to meet its anticipated expenditures during the allotment period,  
33 including the training requirements in sections 8 and 13 of this act.

34 The director of personnel shall fix the terms and charges for  
35 services rendered by the department of personnel pursuant to RCW  
36 41.06.080, which amounts shall be credited to the department of

1 personnel service fund and charged against the proper fund or  
2 appropriation of the recipient of such services on a quarterly basis.  
3 Payment for services so rendered under RCW 41.06.080 shall be made on  
4 a quarterly basis to the state treasurer and deposited by him in the  
5 department of personnel service fund.

6 Moneys from the department of personnel service fund shall be  
7 disbursed by the state treasurer by warrants on vouchers duly  
8 authorized by the board.

9 **Sec. 37.** RCW 41.06.340 and 1969 ex.s. c 215 s 13 are each amended  
10 to read as follows:

11 Each and every provision of RCW 41.56.140 through 41.56.190 shall  
12 be applicable to this chapter as it relates to state civil service  
13 employees and the ((state)) Washington personnel resources board, or  
14 its designee, whose final decision shall be appealable to the ((state))  
15 Washington personnel resources board, which is granted all powers and  
16 authority granted to the department of labor and industries by RCW  
17 41.56.140 through 41.56.190.

18 **Sec. 38.** RCW 41.06.350 and 1969 ex.s. c 152 s 1 are each amended  
19 to read as follows:

20 The ((state)) Washington personnel resources board is authorized to  
21 receive federal funds now available or hereafter made available for the  
22 assistance and improvement of public personnel administration, which  
23 may be expended in addition to the department of personnel service fund  
24 established by RCW 41.06.280.

25 **Sec. 39.** RCW 41.06.450 and 1982 c 208 s 10 are each amended to  
26 read as follows:

27 (1) By January 1, 1983, the Washington personnel resources board  
28 shall adopt rules applicable to each agency to ensure that information  
29 relating to employee misconduct or alleged misconduct is destroyed or  
30 maintained as follows:

31 (a) All such information determined to be false and all such  
32 information in situations where the employee has been fully exonerated  
33 of wrongdoing, shall be promptly destroyed;

34 (b) All such information having no reasonable bearing on the  
35 employee's job performance or on the efficient and effective management  
36 of the agency, shall be promptly destroyed;



1 (c) All other information shall be retained only so long as it has  
2 a reasonable bearing on the employee's job performance or on the  
3 efficient and effective management of the agency.

4 (2) Notwithstanding subsection (1) of this section, an agency may  
5 retain information relating to employee misconduct or alleged  
6 misconduct if:

7 (a) The employee requests that the information be retained; or

8 (b) The information is related to pending legal action or legal  
9 action may be reasonably expected to result.

10 (3) In adopting rules under this section, the Washington personnel  
11 resources board shall consult with the public disclosure commission to  
12 ensure that the public policy of the state, as expressed in chapter  
13 42.17 RCW, is adequately protected.

14 **Sec. 40.** RCW 41.06.475 and 1986 c 269 s 2 are each amended to read  
15 as follows:

16 The ((state)) Washington personnel resources board shall adopt  
17 rules, in cooperation with the secretary of social and health services,  
18 for the background investigation of persons being considered for state  
19 employment in positions directly responsible for the supervision, care,  
20 or treatment of children or developmentally disabled persons.

21 **Sec. 41.** RCW 41.48.140 and 1979 c 152 s 3 are each amended to read  
22 as follows:

23 Nothing in RCW 41.48.120 or 41.48.130 shall affect the power of the  
24 ((state)) Washington personnel resources board(~~(, the higher education~~  
25 ~~personnel board,~~) or any other state personnel authority to establish  
26 sick leave ((regulations)) rules except as may be required under RCW  
27 41.48.120 or 41.48.130: PROVIDED, That each personnel board and  
28 personnel authority shall establish the maximum number of working days  
29 an employee under its jurisdiction may be absent on account of sickness  
30 or accident disability without a medical certificate.

31 "Personnel authority" as used in this section, means a state  
32 agency, board, committee, or similar body having general authority to  
33 establish personnel ((regulations)) rules.

34 **Sec. 42.** RCW 41.50.804 and 1975-'76 2nd ex.s. c 105 s 17 are each  
35 amended to read as follows:

1 Nothing contained in this chapter shall be construed to alter any  
2 existing collective bargaining agreement until any such agreement has  
3 expired or until any such bargaining unit has been modified by action  
4 of the Washington personnel resources board as provided by law.

5 **Sec. 43.** RCW 41.56.100 and 1989 c 45 s 1 are each amended to read  
6 as follows:

7 A public employer shall have the authority to engage in collective  
8 bargaining with the exclusive bargaining representative and no public  
9 employer shall refuse to engage in collective bargaining with the  
10 exclusive bargaining representative: PROVIDED, That nothing contained  
11 herein shall require any public employer to bargain collectively with  
12 any bargaining representative concerning any matter which by ordinance,  
13 resolution or charter of said public employer has been delegated to any  
14 civil service commission or personnel board similar in scope, structure  
15 and authority to the Washington personnel resources board created by  
16 chapter 41.06 RCW. Upon the failure of the public employer and the  
17 exclusive bargaining representative to conclude a collective bargaining  
18 agreement, any matter in dispute may be submitted by either party to  
19 the commission. If a public employer implements its last and best  
20 offer where there is no contract settlement, allegations that either  
21 party is violating the terms of the implemented offer shall be subject  
22 to grievance arbitration procedures if and as such procedures are set  
23 forth in the implemented offer, or, if not in the implemented offer, if  
24 and as such procedures are set forth in the parties' last contract.

25 **Sec. 44.** RCW 41.64.090 and 1981 c 311 s 10 are each amended to  
26 read as follows:

27 (1) The board shall have jurisdiction to decide appeals filed on or  
28 after July 1, 1981, of employees under the jurisdiction of the  
29 ((state)) Washington personnel resources board pursuant to RCW  
30 41.06.170, as now or hereafter amended.

31 (2) The board shall have jurisdiction to decide appeals filed on or  
32 after July 1, 1994, of employees of institutions of higher education  
33 and related boards under the jurisdiction of the Washington personnel  
34 resources board pursuant to RCW 41.06.170. An appeal under this  
35 subsection by an employee of an institution of higher education or a  
36 related board shall be held in the county in which the institution is

1 located or the county in which the person was employed when the appeal  
2 was filed.

3       **Sec. 45.** RCW 42.16.010 and 1983 1st ex.s. c 28 s 1 are each  
4 amended to read as follows:

5       (1) Except as provided otherwise in subsection (2) of this section,  
6 all state officers and employees shall be paid for services rendered  
7 from the first day of the month through the fifteenth day of the month  
8 and for services rendered from the sixteenth day of the month through  
9 the last calendar day of the month. Paydates for these two pay periods  
10 shall be established by the director of financial management through  
11 the administrative hearing process and the official paydates shall be  
12 established six months prior to the beginning of each subsequent  
13 calendar year. Under no circumstance shall the payday be established  
14 more than ten days after the pay period in which the wages are earned  
15 except when the designated payday falls on Sunday, in which case the  
16 payday shall not be later than the following Monday. Payment shall be  
17 deemed to have been made by the established paydates if: (a) The  
18 salary warrant is available at the geographic work location at which  
19 the warrant is normally available to the employee; or (b) the salary  
20 has been electronically transferred into the employee's account at the  
21 employee's designated financial institution; or (c) the salary warrants  
22 are mailed at least two days before the established payday for those  
23 employees engaged in work in remote or varying locations from the  
24 geographic location at which the payroll is prepared, provided that the  
25 employee has requested payment by mail.

26       The office of financial management shall develop the necessary  
27 policies and operating procedures to assure that all remuneration for  
28 services rendered including basic salary, shift differential, standby  
29 pay, overtime, penalty pay, salary due based on contractual agreements,  
30 and special pay provisions, as provided for by law, Washington  
31 personnel resources board rules, agency policy or rule, or contract,  
32 shall be available to the employee on the designated payday.  
33 Overtime, penalty pay, and special pay provisions may be paid by the  
34 next following payday if the postponement of payment is attributable  
35 to: The employee's not making a timely or accurate report of the facts  
36 which are the basis for the payment, or the employer's lack of  
37 reasonable opportunity to verify the claim.

1       Compensable benefits payable because of separation from state  
2 service shall be paid with the earnings for the final period worked  
3 unless the employee separating has not provided the agency with the  
4 proper notification of intent to terminate.

5       One-half of the employee's basic monthly salary shall be paid in  
6 each pay period. Employees paid on an hourly basis or employees who  
7 work less than a full pay period shall be paid for actual salary  
8 earned.

9       (2) Subsection (1) of this section shall not apply in instances  
10 where it would conflict with contractual rights or, with the approval  
11 of the office of financial management, to short-term, intermittent,  
12 noncareer state employees, to student employees of institutions of  
13 higher education, and to liquor control agency managers who are paid a  
14 percentage of monthly liquor sales.

15       **Sec. 46.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to  
16 read as follows:

17       For the purposes of RCW 42.17.240, the term "executive state  
18 officer" includes:

19       (1) The chief administrative law judge, the director of  
20 agriculture, the administrator of the office of marine safety, the  
21 administrator of the Washington basic health plan, the director of the  
22 department of services for the blind, the director of the state system  
23 of community and technical colleges, the director of community  
24 development, the secretary of corrections, the director of ecology, the  
25 commissioner of employment security, the chairman of the energy  
26 facility site evaluation council, the director of the energy office,  
27 the secretary of the state finance committee, the director of financial  
28 management, the director of fisheries, the executive secretary of the  
29 forest practices appeals board, the director of the gambling  
30 commission, the director of general administration, the secretary of  
31 health, the administrator of the Washington state health care  
32 authority, the executive secretary of the health care facilities  
33 authority, the executive secretary of the higher education facilities  
34 authority, (~~the director of the higher education personnel board,~~)  
35 the executive secretary of the horse racing commission, the executive  
36 secretary of the human rights commission, the executive secretary of  
37 the indeterminate sentence review board, the director of the department  
38 of information services, the director of the interagency committee for

1 outdoor recreation, the executive director of the state investment  
2 board, the director of labor and industries, the director of licensing,  
3 the director of the lottery commission, the director of the office of  
4 minority and women's business enterprises, the director of parks and  
5 recreation, the director of personnel, the executive director of the  
6 public disclosure commission, the director of retirement systems, the  
7 director of revenue, the secretary of social and health services, the  
8 chief of the Washington state patrol, the executive secretary of the  
9 board of tax appeals, the director of trade and economic development,  
10 the secretary of transportation, the secretary of the utilities and  
11 transportation commission, the director of veterans affairs, the  
12 director of wildlife, the president of each of the regional and state  
13 universities and the president of The Evergreen State College, each  
14 district and each campus president of each state community college;

15 (2) Each professional staff member of the office of the governor;

16 (3) Each professional staff member of the legislature; and

17 (4) Central Washington University board of trustees, board of  
18 trustees of each community college, each member of the state board for  
19 community and technical colleges (~~(education)~~), state convention and  
20 trade center board of directors, committee for deferred compensation,  
21 Eastern Washington University board of trustees, Washington economic  
22 development finance authority, The Evergreen State College board of  
23 trustees, forest practices appeals board, forest practices board,  
24 gambling commission, Washington health care facilities authority,  
25 higher education coordinating board, higher education facilities  
26 authority, (~~(higher education personnel board,)~~) horse racing  
27 commission, state housing finance commission, human rights commission,  
28 indeterminate sentence review board, board of industrial insurance  
29 appeals, information services board, interagency committee for outdoor  
30 recreation, state investment board, liquor control board, lottery  
31 commission, marine oversight board, oil and gas conservation committee,  
32 Pacific Northwest electric power and conservation planning council,  
33 parks and recreation commission, personnel appeals board, (~~(personnel~~  
34 ~~board,)~~) board of pilotage (~~(commissioners)~~) commissioners, pollution  
35 control hearings board, public disclosure commission, public pension  
36 commission, shorelines hearing board, state employees' benefits board,  
37 board of tax appeals, transportation commission, University of  
38 Washington board of regents, utilities and transportation commission,  
39 Washington state maritime commission, Washington personnel resources

1 board, Washington public power supply system executive board,  
2 Washington State University board of regents, Western Washington  
3 University board of trustees, and wildlife commission.

4 **Sec. 47.** RCW 43.01.170 and 1992 c 234 s 11 are each amended to  
5 read as follows:

6 In order to ensure that the state derives the expected benefits  
7 from the early retirement provisions of chapter 234, Laws of 1992, no  
8 state agency may hire persons who retire from state service under the  
9 provisions of chapter 234, Laws of 1992 as temporary or project  
10 employees, as defined by the ((state)) Washington personnel resources  
11 board for employees covered under chapter 41.06 RCW ((and by the higher  
12 education personnel board for employees covered under chapter 28B.16  
13 RCW)). Exceptions to this section may be granted by written approval  
14 from the director of the office of financial management if the director  
15 finds that the temporary or project employment of a retiree is  
16 necessary to protect the public safety, protect against the loss of  
17 federal certification or loss of critical federal funds, or carry out  
18 functions so essential to the agency that even temporary suspension or  
19 delay of services would have a significant negative impact on the  
20 public. At the end of each three-month period in which exceptions are  
21 approved, the director shall forward a copy of any approvals, together  
22 with justification for the exceptions, to the fiscal committees of the  
23 legislature. Each forwarded approval shall include the name of the  
24 temporary or project employee, the agency and division or department  
25 requesting the employment, duration and cost of the proposed  
26 employment, and specific functions and duties to be carried out during  
27 the employment. This section shall expire June 30, 1995.

28 **Sec. 48.** RCW 43.03.028 and 1991 c 3 s 294 are each amended to read  
29 as follows:

30 (1) There is hereby created a state committee on agency officials'  
31 salaries to consist of seven members, or their designees, as follows:  
32 The president of the University of Puget Sound; the chairperson of the  
33 council of presidents of the state's four-year institutions of higher  
34 education; the chairperson of the ((State)) Washington personnel  
35 resources board; the president of the Association of Washington  
36 Business; the president of the Pacific Northwest Personnel Managers'  
37 Association; the president of the Washington State Bar Association; and

1 the president of the Washington State Labor Council. If any of the  
2 titles or positions mentioned in this subsection are changed or  
3 abolished, any person occupying an equivalent or like position shall be  
4 qualified for appointment by the governor to membership upon the  
5 committee.

6 (2) The committee shall study the duties and salaries of the  
7 directors of the several departments and the members of the several  
8 boards and commissions of state government, who are subject to  
9 appointment by the governor or whose salaries are fixed by the  
10 governor, and of the chief executive officers of the following agencies  
11 of state government:

12 The arts commission; the human rights commission; the board of  
13 accountancy; the board of pharmacy; the capitol historical association  
14 and museum; the eastern Washington historical society; the Washington  
15 state historical society; the interagency committee for outdoor  
16 recreation; the criminal justice training commission; the department of  
17 personnel; the state finance committee; the state library; the traffic  
18 safety commission; the horse racing commission; the advisory council on  
19 vocational education; the public disclosure commission; the state  
20 conservation commission; the commission on Hispanic affairs; the  
21 commission on Asian-American affairs; the state board for volunteer  
22 fire fighters; the transportation improvement board; the public  
23 ((employees)) employment relations commission; the forest practices  
24 appeals board; and the energy facilities site evaluation council.

25 The committee shall report to the governor or the chairperson of  
26 the appropriate salary fixing authority at least once in each fiscal  
27 biennium on such date as the governor may designate, but not later than  
28 seventy-five days prior to the convening of each regular session of the  
29 legislature during an odd-numbered year, its recommendations for the  
30 salaries to be fixed for each position.

31 (3) Committee members shall be reimbursed by the department of  
32 personnel for travel expenses under RCW 43.03.050 and 43.03.060.

33 **Sec. 49.** RCW 43.03.305 and 1986 c 155 s 2 are each amended to read  
34 as follows:

35 There is created a commission to be known as the Washington  
36 citizens' commission on salaries for elected officials, to consist of  
37 fifteen members appointed by the governor as provided in this section.

1 (1) Eight of the fifteen commission members shall be selected by  
2 lot by the secretary of state from among those registered voters  
3 eligible to vote at the general election held in November, 1986, and  
4 thereafter from among those registered voters eligible to vote at the  
5 time of the selection. One member shall be selected from each  
6 congressional district. The secretary shall establish policies and  
7 procedures for conducting the selection by lot. The policies and  
8 procedures shall include, but not be limited to, those for notifying  
9 persons selected and for providing a new selection from a congressional  
10 district if a person selected from the district declines appointment to  
11 the commission.

12 (2) The remaining seven of the fifteen commission members, all  
13 residents of this state, shall be selected jointly by the speaker of  
14 the house of representatives and the president of the senate. The  
15 persons selected under this subsection shall have had experience in the  
16 field of personnel management. Of these seven members, one shall be  
17 selected from each of the following five sectors in this state:  
18 Private institutions of higher education; business; professional  
19 personnel management; legal profession; and organized labor. Of the  
20 two remaining members, one shall be a person recommended to the speaker  
21 and the president by the ((chairperson)) chair of the ((state))  
22 Washington personnel resources board and one shall be a person  
23 recommended by majority vote of the presidents of the state's four-year  
24 institutions of higher education.

25 (3) The secretary of state shall forward the names of persons  
26 selected under subsection (1) of this section and the speaker of the  
27 house of representatives and president of the senate shall forward the  
28 names of persons selected under subsection (2) of this section to the  
29 governor who shall appoint these persons to the commission. Except as  
30 provided in subsection (6) of this section, the names of persons  
31 selected for appointment to the commission shall be forwarded to the  
32 governor not later than February 15, 1987, and not later than the  
33 fifteenth day of February every four years thereafter.

34 (4) Members shall hold office for terms of four years, and no  
35 person may be appointed to more than two such terms. No member of the  
36 commission may be removed by the governor during his or her term of  
37 office unless for cause of incapacity, incompetence, neglect of duty,  
38 or malfeasance in office or for a disqualifying change of residence.



1 (5) No state official, public employee, or lobbyist, or immediate  
2 family member of the official, employee, or lobbyist, subject to the  
3 registration requirements of chapter 42.17 RCW is eligible for  
4 membership on the commission.

5 As used in this subsection the phrase "immediate family" means the  
6 parents, spouse, siblings, children, or dependent relative of the  
7 official, employee, or lobbyist whether or not living in the household  
8 of the official, employee, or lobbyist.

9 (6) Upon a vacancy in any position on the commission, a successor  
10 shall be selected and appointed to fill the unexpired term. The  
11 selection and appointment shall be concluded within thirty days of the  
12 date the position becomes vacant and shall be conducted in the same  
13 manner as originally provided.

14 **Sec. 50.** RCW 43.06.410 and 1985 c 442 s 1 are each amended to read  
15 as follows:

16 There is established within the office of the governor the  
17 Washington state internship program to assist students and state  
18 employees in gaining valuable experience and knowledge in various areas  
19 of state government. In administering the program, the governor shall:

20 (1) Consult with the secretary of state, the director of personnel,  
21 (~~the director of the higher education personnel board,~~) the  
22 commissioner of the employment security department, and representatives  
23 of labor;

24 (2) Encourage and assist agencies in developing intern positions;

25 (3) Develop and coordinate a selection process for placing  
26 individuals in intern positions. This selection process shall give due  
27 regard to the responsibilities of the state to provide equal employment  
28 opportunities;

29 (4) Develop and coordinate a training component of the internship  
30 program which balances the need for training and exposure to new ideas  
31 with the intern's and agency's need for on-the-job work experience;

32 (5) Work with institutions of higher education in developing the  
33 program, soliciting qualified applicants, and selecting participants;  
34 and

35 (6) Develop guidelines for compensation of the participants.

36 **Sec. 51.** RCW 43.06.425 and 1985 c 442 s 4 are each amended to read  
37 as follows:

1 The ((state)) Washington personnel resources board ((and the higher  
2 education personnel board)) shall ((each)) adopt rules to provide that:

3 (1) Successful completion of an internship under RCW 43.06.420  
4 shall be considered as employment experience at the level at which the  
5 intern was placed;

6 (2) Persons leaving classified or exempt positions in state  
7 government in order to take an internship under RCW 43.06.420: (a)  
8 Have the right of reversion to the previous position at any time during  
9 the internship or upon completion of the internship; and (b) shall  
10 continue to receive all fringe benefits as if they had never left their  
11 classified or exempt positions;

12 (3) Participants in the undergraduate internship program who were  
13 not public employees prior to accepting a position in the program  
14 receive sick leave allowances commensurate with other state employees;

15 (4) Participants in the executive fellows program who were not  
16 public employees prior to accepting a position in the program receive  
17 sick and vacation leave allowances commensurate with other state  
18 employees.

19 **Sec. 52.** RCW 43.06.430 and 1985 c 442 s 5 are each amended to read  
20 as follows:

21 The ((state)) Washington personnel resources board shall adopt  
22 rules to provide that persons successfully completing an internship  
23 under the executive fellows program created under RCW 43.06.420 are  
24 eligible for positions in the ((career executive program under RCW  
25 41.06.430)) Washington management service in section 9 of this act.

26 **Sec. 53.** RCW 43.33A.100 and 1981 c 219 s 3 are each amended to  
27 read as follows:

28 The state investment board shall maintain appropriate offices and  
29 employ such personnel as may be necessary to perform its duties.  
30 Employment by the investment board shall include but not be limited to  
31 an executive director, investment officers, and a confidential  
32 secretary, which positions are exempt from classified service under  
33 chapter 41.06 RCW. Employment of the executive director by the board  
34 shall be for a term of three years, and such employment shall be  
35 subject to confirmation of the state finance committee: PROVIDED, That  
36 nothing shall prevent the board from dismissing the director for cause  
37 before the expiration of the term nor shall anything prohibit the

1 board, with the confirmation of the state finance committee, from  
2 employing the same individual as director in succeeding terms.  
3 Compensation levels for the investment officers employed by the  
4 investment board shall be established by the ((state)) Washington  
5 personnel resources board.

6 As of July 1, 1981, all employees classified under chapter 41.06  
7 RCW and engaged in duties assumed by the state investment board on July  
8 1, 1981, are assigned to the state investment board. The transfer  
9 shall not diminish any rights granted these employees under chapter  
10 41.06 RCW nor exempt the employees from any action which may occur  
11 thereafter in accordance with chapter 41.06 RCW.

12 All existing contracts and obligations pertaining to the functions  
13 transferred to the state investment board in this 1980 act shall remain  
14 in full force and effect, and shall be performed by the board. None of  
15 the transfers directed by this 1980 act shall affect the validity of  
16 any act performed by a state entity or by any official or employee  
17 thereof prior to July 1, 1981.

18 **Sec. 54.** RCW 43.43.832 and 1990 c 3 s 1102 are each amended to  
19 read as follows:

20 (1) The legislature finds that businesses and organizations  
21 providing services to children, developmentally disabled persons, and  
22 vulnerable adults need adequate information to determine which  
23 employees or licensees to hire or engage. Therefore, the Washington  
24 state patrol criminal identification system may disclose, upon the  
25 request of a business or organization as defined in RCW 43.43.830, an  
26 applicant's record for convictions of offenses against children or  
27 other persons, convictions for crimes relating to financial  
28 exploitation, but only if the victim was a vulnerable adult,  
29 adjudications of child abuse in a civil action, the issuance of a  
30 protection order against the respondent under chapter 74.34 RCW, and  
31 disciplinary board final decisions and any subsequent criminal charges  
32 associated with the conduct that is the subject of the disciplinary  
33 board final decision. When necessary, applicants may be employed on a  
34 conditional basis pending completion of such a background  
35 investigation.

36 (2) The legislature also finds that the state board of education  
37 may request of the Washington state patrol criminal identification

1 system information regarding a certificate applicant's record for  
2 convictions under subsection (1) of this section.

3 (3) The legislature also finds that law enforcement agencies, the  
4 office of the attorney general, prosecuting authorities, and the  
5 department of social and health services may request this same  
6 information to aid in the investigation and prosecution of child,  
7 developmentally disabled person, and vulnerable adult abuse cases and  
8 to protect children and adults from further incidents of abuse.

9 (4) The legislature further finds that the department of social and  
10 health services, when considering persons for state positions directly  
11 responsible for the care, supervision, or treatment of children,  
12 developmentally disabled persons, or vulnerable adults or when  
13 licensing or authorizing such persons or agencies pursuant to its  
14 authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any  
15 later-enacted statute which purpose is to license or regulate a  
16 facility which handles vulnerable adults, must consider the information  
17 listed in subsection (1) of this section. However, when necessary,  
18 persons may be employed on a conditional basis pending completion of  
19 the background investigation. The ((state)) Washington personnel  
20 resources board shall adopt rules to accomplish the purposes of this  
21 subsection as it applies to state employees.

22 **Sec. 55.** RCW 43.60A.906 and 1975-'76 2nd ex.s. c 115 s 16 are each  
23 amended to read as follows:

24 Nothing contained in this chapter shall be construed to alter any  
25 existing collective bargaining unit or the provisions of any existing  
26 collective bargaining agreement until any such agreement has expired or  
27 until any such bargaining unit has been modified by action of the  
28 Washington personnel resources board as provided by law.

29 **Sec. 56.** RCW 43.105.052 and 1992 c 20 s 10 are each amended to  
30 read as follows:

31 The department shall:

32 (1) Perform all duties and responsibilities the board delegates to  
33 the department, including but not limited to:

34 (a) The review of agency acquisition plans and requests; and

35 (b) Implementation of state-wide and interagency policies,  
36 standards, and guidelines;

1 (2) Make available information services to state agencies and local  
2 governments on a full cost-recovery basis. These services may include,  
3 but are not limited to:

4 (a) Telecommunications services for voice, data, and video;

5 (b) Mainframe computing services;

6 (c) Support for departmental and microcomputer evaluation,  
7 installation, and use;

8 (d) Equipment acquisition assistance, including leasing, brokering,  
9 and establishing master contracts;

10 (e) Facilities management services for information technology  
11 equipment, equipment repair, and maintenance service;

12 (f) Negotiation with local cable companies and local governments to  
13 provide for connection to local cable services to allow for access to  
14 these public and educational channels in the state;

15 (g) Office automation services;

16 (h) System development services; and

17 (i) Training.

18 These services are for discretionary use by customers and customers  
19 may elect other alternatives for service if those alternatives are more  
20 cost-effective or provide better service. Agencies may be required to  
21 use the backbone network portions of the telecommunications services  
22 during an initial start-up period not to exceed three years;

23 (3) Establish rates and fees for services provided by the  
24 department to assure that the services component of the department is  
25 self-supporting. A billing rate plan shall be developed for a two-year  
26 period to coincide with the budgeting process. The rate plan shall be  
27 subject to review at least annually by the customer oversight  
28 committees. The rate plan shall show the proposed rates by each cost  
29 center and will show the components of the rate structure as mutually  
30 determined by the department and the customer oversight committees.  
31 The same rate structure will apply to all user agencies of each cost  
32 center. The rate plan and any adjustments to rates shall be approved  
33 by the office of financial management. The services component shall  
34 not subsidize the operations of the planning component;

35 (4) With the advice of the information services board and agencies,  
36 develop a state strategic information technology plan and performance  
37 reports as required under RCW 43.105.160;

38 (5) Develop plans for the department's achievement of state-wide  
39 goals and objectives set forth in the state strategic information

1 technology plan required under RCW 43.105.160. These plans shall  
2 address such services as telecommunications, central and distributed  
3 computing, local area networks, office automation, and end user  
4 computing. The department shall seek the advice of customer oversight  
5 committees and the board in the development of these plans;

6 (6) Under direction of the information services board and in  
7 collaboration with the department of personnel, (~~the higher education~~  
8 ~~personnel board,~~) and other agencies as may be appropriate, develop  
9 training plans and coordinate training programs that are responsive to  
10 the needs of agencies;

11 (7) Identify opportunities for the effective use of information  
12 services and coordinate appropriate responses to those opportunities;

13 (8) Assess agencies' projects, acquisitions, plans, or overall  
14 information processing performance as requested by the board, agencies,  
15 the director of financial management, or the legislature. Agencies may  
16 be required to reimburse the department for agency-requested reviews;

17 (9) Develop planning, budgeting, and expenditure reporting  
18 requirements, in conjunction with the office of financial management,  
19 for agencies to follow;

20 (10) Assist the office of financial management with budgetary and  
21 policy review of agency plans for information services;

22 (11) Provide staff support from the planning component to the board  
23 for:

24 (a) Meeting preparation, notices, and minutes;

25 (b) Promulgation of policies, standards, and guidelines adopted by  
26 the board;

27 (c) Supervision of studies and reports requested by the board;

28 (d) Conducting reviews and assessments as directed by the board;

29 (12) Be the lead agency in coordinating video telecommunications  
30 services for all state agencies and develop, pursuant to board  
31 policies, standards and common specifications for leased and purchased  
32 telecommunications equipment. The department shall not evaluate the  
33 merits of school curriculum, higher education course offerings, or  
34 other education and training programs proposed for transmission and/or  
35 reception using video telecommunications resources. Nothing in this  
36 section shall abrogate or abridge the legal responsibilities of  
37 licensees of telecommunications facilities as licensed by the federal  
38 communication commission on March 27, 1990; and

1 (13) Perform all other matters and things necessary to carry out  
2 the purposes and provisions of this chapter.

3 **Sec. 57.** RCW 43.131.090 and 1983 1st ex.s. c 27 s 4 are each  
4 amended to read as follows:

5 Unless the legislature specifies a shorter period of time, a  
6 terminated state agency shall continue in existence until June 30th of  
7 the next succeeding year for the purpose of concluding its affairs:  
8 PROVIDED, That the powers and authority of the state agency shall not  
9 be reduced or otherwise limited during this period. Unless otherwise  
10 provided:

11 (1) All employees of terminated state agencies classified under  
12 chapter 41.06 RCW, the state civil service law, shall be transferred as  
13 appropriate or as otherwise provided in the procedures adopted by the  
14 Washington personnel resources board pursuant to RCW 41.06.150;

15 (2) All documents and papers, equipment, or other tangible property  
16 in the possession of the terminated state agency shall be delivered to  
17 the custody of the agency assuming the responsibilities of the  
18 terminated agency or if such responsibilities have been eliminated,  
19 documents and papers shall be delivered to the state archivist and  
20 equipment or other tangible property to the department of general  
21 administration;

22 (3) All funds held by, or other moneys due to, the terminated state  
23 agency shall revert to the fund from which they were appropriated, or  
24 if that fund is abolished to the general fund;

25 (4) Notwithstanding the provisions of RCW 34.05.020, all rules made  
26 by a terminated state agency shall be repealed, without further action  
27 by the state agency, at the end of the period provided in this section,  
28 unless assumed and reaffirmed by the agency assuming the related legal  
29 responsibilities of the terminated state agency;

30 (5) All contractual rights and duties of a state agency shall be  
31 assigned or delegated to the agency assuming the responsibilities of  
32 the terminated state agency, or if there is none to such agency as the  
33 governor shall direct.

34 **Sec. 58.** RCW 48.03.060 and 1981 c 339 s 2 are each amended to read  
35 as follows:

36 (1) Examinations within this state of any insurer domiciled or  
37 having its home offices in this state, other than a title insurer, made

1 by the commissioner or (~~his~~) the commissioner's examiners and  
2 employees shall, except as to fees, mileage, and expense incurred as to  
3 witnesses, be at the expense of the state.

4 (2) Every other examination, whatsoever, or any part of the  
5 examination of any person domiciled or having its home offices in this  
6 state requiring travel and services outside this state, shall be made  
7 by the commissioner or by examiners designated by him and shall be at  
8 the expense of the person examined; but a domestic insurer shall not be  
9 liable for the compensation of examiners employed by the commissioner  
10 for such services outside this state.

11 (3) The person examined and liable therefor shall reimburse the  
12 state upon presentation of an itemized statement thereof, for the  
13 actual travel expenses of the commissioner's examiners, their  
14 reasonable living expense allowance, and their per diem compensation,  
15 including salary and the employer's cost of employee benefits, at a  
16 reasonable rate approved by the commissioner, incurred on account of  
17 the examination. Per diem salary and expenses for employees examining  
18 insurers domiciled outside the state of Washington shall be established  
19 by the commissioner on the basis of the National Association of  
20 Insurance Commissioner's recommended salary and expense schedule for  
21 zone examiners, or the salary schedule established by the (~~state~~)  
22 Washington personnel resources board and the expense schedule  
23 established by the office of financial management, whichever is higher.  
24 Domestic title insurer shall pay the examination expense and costs to  
25 the commissioner as itemized and billed by (~~him~~) the commissioner.

26 The commissioner or (~~his~~) the commissioner's examiners shall not  
27 receive or accept any additional emolument on account of any  
28 examination.

29 **Sec. 59.** RCW 49.46.010 and 1989 c 1 s 1 are each amended to read  
30 as follows:

31 As used in this chapter:

32 (1) "Director" means the director of labor and industries;

33 (2) "Wage" means compensation due to an employee by reason of  
34 employment, payable in legal tender of the United States or checks on  
35 banks convertible into cash on demand at full face value, subject to  
36 such deductions, charges, or allowances as may be permitted by  
37 (~~regulations~~) rules of the director;

38 (3) "Employ" includes to permit to work;



1 (4) "Employer" includes any individual, partnership, association,  
2 corporation, business trust, or any person or group of persons acting  
3 directly or indirectly in the interest of an employer in relation to an  
4 employee;

5 (5) "Employee" includes any individual employed by an employer but  
6 shall not include:

7 (a) Any individual (i) employed as a hand harvest laborer and paid  
8 on a piece rate basis in an operation which has been, and is generally  
9 and customarily recognized as having been, paid on a piece rate basis  
10 in the region of employment; (ii) who commutes daily from his or her  
11 permanent residence to the farm on which he or she is employed; and  
12 (iii) who has been employed in agriculture less than thirteen weeks  
13 during the preceding calendar year;

14 (b) Any individual employed in casual labor in or about a private  
15 home, unless performed in the course of the employer's trade, business,  
16 or profession;

17 (c) Any individual employed in a bona fide executive,  
18 administrative, or professional capacity or in the capacity of outside  
19 salesman as those terms are defined and delimited by ((regulations))  
20 rules of the director. However, those terms shall be defined and  
21 delimited by the ((state)) Washington personnel resources board  
22 pursuant to chapter 41.06 RCW ((and the higher education personnel  
23 board pursuant to chapter 28B.16 RCW for employees employed under their  
24 respective jurisdictions));

25 (d) Any individual engaged in the activities of an educational,  
26 charitable, religious, state or local governmental body or agency, or  
27 nonprofit organization where the employer-employee relationship does  
28 not in fact exist or where the services are rendered to such  
29 organizations gratuitously. If the individual receives reimbursement  
30 in lieu of compensation for normally incurred out-of-pocket expenses or  
31 receives a nominal amount of compensation per unit of voluntary service  
32 rendered, an employer-employee relationship is deemed not to exist for  
33 the purpose of this section or for purposes of membership or  
34 qualification in any state, local government or publicly supported  
35 retirement system other than that provided under chapter 41.24 RCW;

36 (e) Any individual employed full time by any state or local  
37 governmental body or agency who provides voluntary services but only  
38 with regard to the provision of the voluntary services. The voluntary  
39 services and any compensation therefor shall not affect or add to

1 qualification, entitlement or benefit rights under any state, local  
2 government, or publicly supported retirement system other than that  
3 provided under chapter 41.24 RCW;

4 (f) Any newspaper vendor or carrier;

5 (g) Any carrier subject to regulation by Part 1 of the Interstate  
6 Commerce Act;

7 (h) Any individual engaged in forest protection and fire prevention  
8 activities;

9 (i) Any individual employed by any charitable institution charged  
10 with child care responsibilities engaged primarily in the development  
11 of character or citizenship or promoting health or physical fitness or  
12 providing or sponsoring recreational opportunities or facilities for  
13 young people or members of the armed forces of the United States;

14 (j) Any individual whose duties require that he or she reside or  
15 sleep at the place of his or her employment or who otherwise spends a  
16 substantial portion of his or her work time subject to call, and not  
17 engaged in the performance of active duties;

18 (k) Any resident, inmate, or patient of a state, county, or  
19 municipal correctional, detention, treatment or rehabilitative  
20 institution;

21 (l) Any individual who holds a public elective or appointive office  
22 of the state, any county, city, town, municipal corporation or quasi  
23 municipal corporation, political subdivision, or any instrumentality  
24 thereof, or any employee of the state legislature;

25 (m) All vessel operating crews of the Washington state ferries  
26 operated by the department of transportation;

27 (n) Any individual employed as a seaman on a vessel other than an  
28 American vessel.

29 (6) "Occupation" means any occupation, service, trade, business,  
30 industry, or branch or group of industries or employment or class of  
31 employment in which employees are gainfully employed.

32 **Sec. 60.** RCW 49.74.020 and 1985 c 365 s 9 are each amended to read  
33 as follows:

34 If the commission reasonably believes that a state agency, an  
35 institution of higher education, or the state patrol has failed to  
36 comply with an affirmative action rule adopted under RCW  
37 ((28B.16.100-)) 41.06.150((7)) or 43.43.340, the commission shall  
38 notify the director of the state agency, president of the institution

1 of higher education, or chief of the Washington state patrol of the  
2 noncompliance, as well as the director of personnel (~~or the director~~  
3 ~~of the higher education personnel board, whichever is appropriate~~)).  
4 The commission shall give the director of the state agency, president  
5 of the institution of higher education, or chief of the Washington  
6 state patrol an opportunity to be heard on the failure to comply.

7       **Sec. 61.** RCW 49.74.030 and 1985 c 365 s 10 are each amended to  
8 read as follows:

9       The commission in conjunction with the department of personnel(~~(~~  
10 ~~the higher education personnel board,~~) or the state patrol, whichever  
11 is appropriate, shall attempt to resolve the noncompliance through  
12 conciliation. If an agreement is reached for the elimination of  
13 noncompliance, the agreement shall be reduced to writing and an order  
14 shall be issued by the commission setting forth the terms of the  
15 agreement. The noncomplying state agency, institution of higher  
16 education, or state patrol shall make a good faith effort to conciliate  
17 and make a full commitment to correct the noncompliance with any action  
18 that may be necessary to achieve compliance, provided such action is  
19 not inconsistent with the rules adopted under RCW (~~(28B.16.100(20),~~)  
20 41.06.150(21)(~~(~~) and 43.43.340(5), whichever is appropriate.

21       **Sec. 62.** RCW 50.13.060 and 1981 c 177 s 1 are each amended to read  
22 as follows:

23       (1) Governmental agencies, including law enforcement agencies,  
24 prosecuting agencies, and the executive branch, whether state, local,  
25 or federal shall have access to information or records deemed private  
26 and confidential under this chapter if the information or records are  
27 needed by the agency for official purposes and:

28       (a) The agency submits an application in writing to the employment  
29 security department for the records or information containing a  
30 statement of the official purposes for which the information or records  
31 are needed and specific identification of the records or information  
32 sought from the department; and

33       (b) The director, commissioner, chief executive, or other official  
34 of the agency has verified the need for the specific information in  
35 writing either on the application or on a separate document; and

36       (c) The agency requesting access has served a copy of the  
37 application for records or information on the individual or employing

1 unit whose records or information are sought and has provided the  
2 department with proof of service. Service shall be made in a manner  
3 which conforms to the civil rules for superior court. The requesting  
4 agency shall include with the copy of the application a statement to  
5 the effect that the individual or employing unit may contact the public  
6 records officer of the employment security department to state any  
7 objections to the release of the records or information. The  
8 employment security department shall not act upon the application of  
9 the requesting agency until at least five days after service on the  
10 concerned individual or employing unit. The employment security  
11 department shall consider any objections raised by the concerned  
12 individual or employing unit in deciding whether the requesting agency  
13 needs the information or records for official purposes.

14 (2) The requirements of subsections (1) and (7) of this section  
15 shall not apply to the state legislative branch. The state legislature  
16 shall have access to information or records deemed private and  
17 confidential under this chapter, if the legislature or a legislative  
18 committee finds that the information or records are necessary and for  
19 official purposes. If the employment security department does not make  
20 information or records available as provided in this subsection, the  
21 legislature may exercise its authority granted by chapter 44.16 RCW.

22 (3) In cases of emergency the governmental agency requesting access  
23 shall not be required to formally comply with the provisions of  
24 subsection (1) of this section at the time of the request if the  
25 procedures required by subsection (1) of this section are complied with  
26 by the requesting agency following the receipt of any records or  
27 information deemed private and confidential under this chapter. An  
28 emergency is defined as a situation in which irreparable harm or damage  
29 could occur if records or information are not released immediately.

30 (4) The requirements of subsection (1)(c) of this section shall not  
31 apply to governmental agencies where the procedures would frustrate the  
32 investigation of possible violations of criminal laws.

33 (5) Governmental agencies shall have access to certain records or  
34 information, limited to such items as names, addresses, social security  
35 numbers, and general information about benefit entitlement or employer  
36 information possessed by the department, for comparison purposes with  
37 records or information possessed by the requesting agency to detect  
38 improper or fraudulent claims, or to determine potential tax liability  
39 or employer compliance with registration and licensing requirements.

1 In those cases the governmental agency shall not be required to comply  
2 with subsection (1)(c) of this section, but the requirements of the  
3 remainder of subsection (1) must be satisfied.

4 (6) Disclosure to governmental agencies of information or records  
5 obtained by the employment security department from the federal  
6 government shall be governed by any applicable federal law or any  
7 agreement between the federal government and the employment security  
8 department where so required by federal law. When federal law does not  
9 apply to the records or information state law shall control.

10 (7) The disclosure of any records or information by a governmental  
11 agency which has obtained the records or information under this section  
12 is prohibited unless the disclosure is directly connected to the  
13 official purpose for which the records or information were obtained.

14 (8) In conducting periodic salary or fringe benefit studies  
15 pursuant to law, the department of personnel (~~and the higher education~~  
16 ~~personnel board~~) shall have access to records of the employment  
17 security department as may be required for such studies. For such  
18 purposes, the requirements of subsection (1)(c) of this section need  
19 not apply.

20 **Sec. 63.** RCW 70.24.300 and 1988 c 206 s 607 are each amended to  
21 read as follows:

22 The ((state)) Washington personnel resources board(~~(, the higher~~  
23 ~~education personnel board,)~~) and each unit of local government shall  
24 determine whether any employees under their jurisdiction have a  
25 substantial likelihood of exposure in the course of their employment to  
26 the human immunodeficiency virus. If so, the agency or unit of  
27 government shall adopt rules requiring appropriate training and  
28 education for the employees on the prevention, transmission, and  
29 treatment of AIDS. The rules shall specifically provide for such  
30 training and education for law enforcement, correctional, and health  
31 care workers. The ((state)) Washington personnel resources board(~~(,~~  
32 ~~the higher education personnel board,)~~) and each unit of local  
33 government shall work with the office on AIDS under RCW 70.24.250 to  
34 develop the educational and training material necessary for employees.

35 **Sec. 64.** RCW 70.87.120 and 1983 c 123 s 13 are each amended to  
36 read as follows:

1 (1) The department shall appoint and employ inspectors, as may be  
2 necessary to carry out the provisions of this chapter, under the  
3 provisions of the rules adopted by the ((state)) Washington personnel  
4 resources board in accordance with chapter 41.06 RCW.

5 (2) The department shall cause all conveyances to be inspected and  
6 tested at least once each year. Inspectors have the right during  
7 reasonable hours to enter into and upon any building or premises in the  
8 discharge of their official duties, for the purpose of making any  
9 inspection or testing any conveyance contained thereon or therein.  
10 Inspections and tests shall conform with the rules adopted by the  
11 department. The department shall inspect all installations before it  
12 issues any initial permit for operation. Permits shall not be issued  
13 until the fees required by this chapter have been paid.

14 (3) If inspection shows a conveyance to be in an unsafe condition,  
15 the department shall issue an inspection report in writing requiring  
16 the repairs or alterations to be made to the conveyance that are  
17 necessary to render it safe and may also suspend or revoke a permit  
18 pursuant to RCW 70.87.125 or order the operation of a conveyance  
19 discontinued pursuant to RCW 70.87.145.

20 (4) The department may investigate accidents and alleged or  
21 apparent violations of this chapter.

22 **Sec. 65.** RCW 72.01.210 and 1981 c 136 s 69 are each amended to  
23 read as follows:

24 The secretary of corrections shall appoint chaplains for the state  
25 correctional institutions for convicted felons; and the secretary of  
26 social and health services shall appoint chaplains for the correctional  
27 institutions for juveniles found delinquent by the juvenile courts; and  
28 the secretary of corrections and the secretary of social and health  
29 services shall appoint one or more chaplains for other custodial,  
30 correctional and mental institutions under their control. The  
31 chaplains so appointed shall have the qualifications and shall be  
32 compensated in an amount, as shall hereafter be recommended by the  
33 department and approved by the ((state)) Washington personnel resources  
34 board.

35 **Sec. 66.** RCW 72.02.045 and 1988 c 143 s 2 are each amended to read  
36 as follows:

1       The superintendent of each institution has the powers, duties, and  
2 responsibilities specified in this section.

3       (1) Subject to the rules of the department, the superintendent is  
4 responsible for the supervision and management of the institution, the  
5 grounds and buildings, the subordinate officers and employees, and the  
6 prisoners committed, admitted, or transferred to the institution.

7       (2) Subject to the rules of the department and the director of the  
8 division of prisons or his or her designee and the ((state)) Washington  
9 personnel resources board, the superintendent shall appoint all  
10 subordinate officers and employees.

11       (3) The superintendent shall be the custodian of all funds and  
12 valuable personal property of convicted persons as may be in their  
13 possession upon admission to the institution, or which may be sent or  
14 brought in to such persons, or earned by them while in custody, or  
15 which shall be forwarded to the superintendent on behalf of convicted  
16 persons. All such funds shall be deposited in the personal account of  
17 the convicted person and the superintendent shall have authority to  
18 disburse moneys from such person's personal account for the personal  
19 and incidental needs of the convicted person as may be deemed  
20 reasonably necessary. When convicted persons are released from the  
21 confines of the institution either on parole, transfer, or discharge,  
22 all funds and valuable personal property in the possession of the  
23 superintendent belonging to such convicted persons shall be delivered  
24 to them. In no case shall the state of Washington, or any state  
25 officer, including state elected officials, employees, or volunteers,  
26 be liable for the loss of such personal property, except upon a showing  
27 that the loss was occasioned by the intentional act, gross negligence,  
28 or negligence of the officer, official, employee, or volunteer, and  
29 that the actions or omissions occurred while the person was performing,  
30 or in good faith purporting to perform, his or her official duties.  
31 Recovery of damages for loss of personal property while in the custody  
32 of the superintendent under this subsection shall be limited to the  
33 lesser of the market value of the item lost at the time of the loss, or  
34 the original purchase price of the item or, in the case of hand-made  
35 goods, the materials used in fabricating the item.

36       (4) The superintendent, subject to the approval of the director of  
37 the division of prisons and the secretary, shall make, amend, and  
38 repeal rules for the administration, supervision, discipline, and  
39 security of the institution.

1 (5) When in the superintendent's opinion an emergency exists, the  
2 superintendent may promulgate temporary rules for the governance of the  
3 institution, which shall remain in effect until terminated by the  
4 director of the division of prisons or the secretary.

5 (6) The superintendent shall perform such other duties as may be  
6 prescribed.

7 **Sec. 67.** RCW 72.09.220 and 1981 c 136 s 33 are each amended to  
8 read as follows:

9 Nothing contained in sections 1 through 13 and 16 through 23 of  
10 this act may be construed to downgrade any rights of any employee under  
11 any existing collective bargaining unit or the provisions of any  
12 existing collective bargaining agreement until the agreement has  
13 expired or until the bargaining unit has been modified by action of the  
14 Washington personnel resources board as provided by law.

15 **Sec. 68.** RCW 72.19.050 and 1979 c 141 s 226 are each amended to  
16 read as follows:

17 The superintendent shall have the following powers, duties and  
18 responsibilities:

19 (1) Subject to the rules (~~(and regulations)~~) of the department, the  
20 superintendent shall have the supervision and management of the  
21 institution, of the grounds and buildings, the subordinate officers and  
22 employees, and of the juveniles received at such institution and the  
23 custody of such persons until released or transferred as provided by  
24 law.

25 (2) Subject to the rules (~~(and regulations)~~) of the department and  
26 the (~~(state)~~) Washington personnel resources board, appoint all  
27 subordinate officers and employees.

28 (3) The superintendent shall be the custodian of the personal  
29 property of all juveniles in the institution and shall make rules (~~(and~~  
30 ~~regulations)~~) governing the accounting and disposition of all moneys  
31 received by such juveniles, not inconsistent with the law, and subject  
32 to the approval of the secretary.

33 **Sec. 69.** RCW 74.09.150 and 1959 c 26 s 74.09.150 are each amended  
34 to read as follows:



1 All personnel employed in the administration of the medical care  
2 program shall be covered by the existing merit system under the  
3 ((state)) Washington personnel resources board ((or its successor)).

4 **Sec. 70.** RCW 88.46.927 and 1991 c 200 s 436 are each amended to  
5 read as follows:

6 Nothing contained in RCW 88.46.921 through 88.46.926 may be  
7 construed to alter any existing collective bargaining unit or the  
8 provisions of any existing collective bargaining agreement until the  
9 agreement has expired or until the bargaining unit has been modified by  
10 action of the Washington personnel resources board as provided by law.

11 NEW SECTION. **Sec. 71.** The following acts or parts of acts are  
12 each repealed:

13 (1) RCW 28B.16.010 and 1969 ex.s. c 36 s 1;

14 (2) RCW 28B.16.020 and 1985 c 461 s 8, 1985 c 365 s 2, 1983 1st  
15 ex.s. c 75 s 1, 1982 1st ex.s. c 53 s 14, 1977 ex.s. c 169 s 41, & 1969  
16 ex.s. c 36 s 2;

17 (3) RCW 28B.16.030 and 1969 ex.s. c 36 s 3;

18 (4) RCW 28B.16.040 and 1990 c 60 s 201, 1982 1st ex.s. c 53 s 15,  
19 1977 ex.s. c 94 s 1, & 1969 ex.s. c 36 s 4;

20 (5) RCW 28B.16.041 and 1985 c 442 s 9;

21 (6) RCW 28B.16.042 and 1985 c 266 s 1;

22 (7) RCW 28B.16.043 and 1991 c 238 s 107;

23 (8) RCW 28B.16.060 and 1984 c 287 s 63, 1981 c 338 s 19, 1975-'76  
24 2nd ex.s. c 34 s 73, & 1969 ex.s. c 36 s 6;

25 (9) RCW 28B.16.070 and 1983 c 23 s 1 & 1969 ex.s. c 36 s 7;

26 (10) RCW 28B.16.080 and 1969 ex.s. c 36 s 8;

27 (11) RCW 28B.16.090 and 1969 ex.s. c 36 s 9;

28 (12) RCW 28B.16.100 and 1990 c 60 s 202;

29 (13) RCW 28B.16.101 and 1982 1st ex.s. c 53 s 19 & 1977 ex.s. c 152  
30 s 9;

31 (14) RCW 28B.16.105 and 1985 c 461 s 10, 1982 1st ex.s. c 53 s 17,  
32 & 1977 ex.s. c 152 s 13;

33 (15) RCW 28B.16.110 and 1985 c 94 s 1, 1980 c 11 s 3, 1979 c 151 s  
34 16, 1977 ex.s. c 152 s 10, 1975 1st ex.s. c 122 s 2, & 1969 ex.s. c 36  
35 s 11;

36 (16) RCW 28B.16.112 and 1987 c 185 s 3, 1986 c 158 s 4, 1979 c 151  
37 s 17, & 1977 ex.s. c 152 s 11;

- 1 (17) RCW 28B.16.113 and 1977 ex.s. c 152 s 12;  
2 (18) RCW 28B.16.116 and 1983 1st ex.s. c 75 s 3;  
3 (19) RCW 28B.16.120 and 1969 ex.s. c 36 s 12;  
4 (20) RCW 28B.16.130 and 1969 ex.s. c 36 s 13;  
5 (21) RCW 28B.16.140 and 1969 ex.s. c 36 s 14;  
6 (22) RCW 28B.16.150 and 1969 ex.s. c 36 s 15;  
7 (23) RCW 28B.16.160 and 1988 c 202 s 27, 1971 c 81 s 72, & 1969  
8 ex.s. c 36 s 16;  
9 (24) RCW 28B.16.170 and 1969 ex.s. c 36 s 26;  
10 (25) RCW 28B.16.180 and 1973 1st ex.s. c 46 s 3 & 1969 ex.s. c 36  
11 s 17;  
12 (26) RCW 28B.16.190 and 1969 ex.s. c 36 s 19;  
13 (27) RCW 28B.16.200 and 1979 c 151 s 18 & 1969 ex.s. c 36 s 20;  
14 (28) RCW 28B.16.210 and 1969 ex.s. c 36 s 29;  
15 (29) RCW 28B.16.220 and 1969 ex.s. c 36 s 31;  
16 (30) RCW 28B.16.230 and 1973 c 62 s 6 & 1969 ex.s. c 215 s 14;  
17 (31) RCW 28B.16.255 and 1985 c 461 s 11;  
18 (32) RCW 28B.16.265 and 1985 c 461 s 12;  
19 (33) RCW 28B.16.275 and 1985 c 461 s 13;  
20 (34) RCW 28B.16.300 and 1990 c 204 s 4;  
21 (35) RCW 28B.16.900 and 1969 ex.s. c 36 s 18;  
22 (36) RCW 28B.16.910 and 1969 ex.s. c 36 s 27;  
23 (37) RCW 28B.16.920 and 1969 ex.s. c 36 s 30;  
24 (38) RCW 28B.16.930 and 1969 ex.s. c 36 s 28; and  
25 (39) RCW 41.06.430 and 1990 c 60 s 102 & 1980 c 118 s 7.

26 NEW SECTION. **Sec. 72.** RCW 28B.16.240 is recodified as a new  
27 section in chapter 41.06 RCW.

28 NEW SECTION. **Sec. 73.** RCW 41.06.230, 41.06.240, 41.06.310, and  
29 41.64.900 are each decodified.

30 NEW SECTION. **Sec. 74.** Section 70 of this act shall take effect  
31 July 1, 1997.

32 NEW SECTION. **Sec. 75.** Sections 1 through 69, 71, 72, and 73 of  
33 this act are necessary for the immediate preservation of the public  
34 peace, health, or safety, or support of the state government and its  
35 existing public institutions, and shall take effect July 1, 1993."

1 **ESHB 2054** - S COMM AMD  
2 By Committee on Labor & Commerce

3

4 On page 1, line 1 of the title, after "government;" strike the  
5 remainder of the title and insert "amending RCW 28B.12.060, 34.05.030,  
6 34.12.020, 41.04.340, 41.04.670, 41.06.030, 41.06.070, 41.06.076,  
7 41.06.079, 41.06.093, 41.06.110, 41.06.130, 41.06.150, 41.06.155,  
8 41.06.160, 41.06.163, 41.06.186, 41.06.196, 41.06.280, 41.06.340,  
9 41.06.350, 41.06.450, 41.06.475, 41.48.140, 41.50.804, 41.56.100,  
10 41.64.090, 42.16.010, 42.17.2401, 43.01.170, 43.03.028, 43.03.305,  
11 43.06.410, 43.06.425, 43.06.430, 43.33A.100, 43.43.832, 43.60A.906,  
12 43.105.052, 43.131.090, 48.03.060, 49.46.010, 49.74.020, 49.74.030,  
13 50.13.060, 70.24.300, 70.87.120, 72.01.210, 72.02.045, 72.09.220,  
14 72.19.050, 74.09.150, and 88.46.927; reenacting and amending RCW  
15 41.06.020; adding new sections to chapter 41.06 RCW; creating new  
16 sections; recodifying RCW 28B.16.240; decodifying RCW 41.06.230,  
17 41.06.240, 41.06.310, and 41.64.900; repealing RCW 28B.16.010,  
18 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043,  
19 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101,  
20 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120,  
21 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180,  
22 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.255,  
23 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920,  
24 28B.16.930, and 41.06.430; providing effective dates; and declaring an  
25 emergency."

--- END ---