
HOUSE BILL 1726

State of Washington

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By Representatives King, Brumsickle, Chappell, Peery, Pruitt, Vance, Anderson, Holm, Campbell, Mastin, Wolfe, H. Myers, Conway, Romero, Jacobsen, G. Cole, Flemming, Basich and J. Kohl

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1 AN ACT Relating to state employees; amending RCW 41.56.020,
2 41.56.040, 41.56.122, 41.56.060, 41.56.430, 41.06.150, 49.74.030,
3 49.74.040, 28B.16.100, and 28B.16.101; reenacting and amending RCW
4 41.56.030 and 41.04.230; adding a new section to chapter 28B.16 RCW;
5 adding new sections to chapter 41.56 RCW; adding new sections to
6 chapter 41.06 RCW; adding new sections to chapter 41.58 RCW; adding a
7 new chapter to Title 41 RCW; creating new sections; repealing RCW
8 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170,
9 28B.16.230, 28B.16.255, 28B.16.265, 28B.16.275, 41.06.170, 41.06.176,
10 41.06.186, 41.06.196, 41.06.230, 41.06.300, 41.06.310, 41.06.320,
11 41.06.330, 41.06.340, 41.06.475, 41.64.010, 41.64.020, 41.64.030,
12 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090,
13 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, and
14 41.64.910; providing an effective date; and declaring an emergency.

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

16 NEW SECTION. **Sec. 1.** It is the purpose of this act to promote
17 orderly and constructive relationships between the state of Washington
18 and its employees and to assure the effective and orderly operations of
19 state government.

1 This public policy is best effectuated by recognizing the
2 principles of collective bargaining and by granting state employees the
3 right to organize for the purpose of negotiating wages, hours, and
4 other terms and conditions of employment.

5 In adopting this act, the legislature recognizes that: In addition
6 to promoting labor peace, effective involvement of employees and their
7 representatives is essential to the efficient and effective delivery of
8 government services; laws and regulations for the safety of the
9 workplace and fair employment practices are more effective when
10 employees organize and participate with management collectively; and
11 the participation of employees and their representatives can lead to
12 better decision making by managers and policymakers.

13 The legislature further recognizes that value of collective
14 bargaining in fostering better communication and flexible responses to
15 changing conditions can best be achieved by empowering the managers and
16 the employees who deliver state services to work cooperatively in
17 setting the terms and conditions of employment that will most
18 effectively achieve the mission of the agency.

19 NEW SECTION. **Sec. 2.** Unless the context clearly requires
20 otherwise, the definitions in this section apply throughout this
21 chapter.

22 (1) "Board" means the joint labor management board established
23 under section 3 of this act.

24 (2) "Chair" means the chairperson of the joint labor management
25 board.

26 (3) "Classified service" means all positions in the state service
27 subject to chapters 41.06 and 28B.16 RCW.

28 (4) "Employee" and "employees" means any and all persons employed
29 within the classified service.

30 (5) "Employee organization" means a lawful association, labor
31 organization, federation, council, or other organization whose
32 membership includes classified public employees and that has as one of
33 its purposes the improvement of working conditions among public
34 employees.

35 (6) "Employer" means the state of Washington and its agencies as
36 defined under RCW 41.06.020 and institutions of higher education as
37 defined under RCW 28B.16.020.

1 (7) "Labor representatives" means those members of the board
2 selected by employee organizations.

3 (8) "Management representatives" means those members of the board
4 appointed by the governor.

5 NEW SECTION. **Sec. 3.** There is hereby established a joint labor
6 management board to consist of a neutral chair and an equal number of
7 representatives for state employee organizations and management
8 representatives appointed by the governor under section 5 of this act
9 for the purpose of establishing certain uniform salary schedules,
10 fringe benefit plans, and regulations for classified state employees.
11 There may at no time be less than four management and four labor
12 representatives on the board.

13 NEW SECTION. **Sec. 4.** (1) The board, consistent with the purposes
14 and provisions of this chapter, shall do the following:

15 (a) Adopt and revise a state salary schedule to reflect the
16 prevailing rates in Washington state private industries and other
17 governmental units, but the rates in the salary schedule must be
18 increased if necessary to attain comparable worth under an
19 implementation plan under RCW 41.06.155. The schedule must provide for
20 increment increases within the series of steps for each pay grade based
21 upon length of service for all employees whose standards of performance
22 are such as to permit them to retain job status in the classified
23 service;

24 (b) Adopt rules for sick leave, vacations, and holidays;

25 (c) Adopt rules for transfers within state service from positions
26 between bargaining units or from positions in a bargaining unit to a
27 position outside a bargaining unit, including the interagency transfer
28 of employees who have been or are scheduled to be laid off due to a
29 reduction in force and recall of the employees. The rules must assure
30 that persons who are or have been employed in classified positions
31 under chapter 28B.16 RCW are eligible for employment, reemployment,
32 transfer, and promotion in respect to classified positions covered by
33 chapter 41.06 RCW;

34 (d) Review and approve health care and insurance plans adopted by
35 the state health care authority under chapter 41.05 RCW; and

36 (e) Adopt rules for travel and relocation rates.

1 (2) The heads of the various agencies and institutions shall
2 determine salary-related matters over and above the basic salary
3 schedules, including but not limited to overtime rates, holiday
4 compensation, shift premiums, standby compensation rates, shift-change
5 and call-back penalties, merit pay and performance incentives, and
6 retention and recruitment enhancements to maintain competitive salaries
7 within a locality. The matters determined under this subsection are
8 subject to collective bargaining with employees under sections 12
9 through 14 of this act.

10 NEW SECTION. **Sec. 5.** (1) Each employee organization is entitled
11 to one appointment to the board as follows, but an employee
12 organization may not have more than one representative:

13 (a) One selected by employee organizations that represent less than
14 one thousand employees;

15 (b) Two selected by employee organizations that represent not more
16 than two thousand but not less than one thousand employees; and

17 (c) One for each employee organization, and selected by that
18 organization, that represents more than two thousand state employees.

19 (2)(a) The governor shall appoint a number of management
20 representatives equal to the number of labor representatives entitled
21 to be appointed under subsection (1) of this section. The governor's
22 appointments must include at least one representative from each of the
23 following:

24 (i) The office of financial management;

25 (ii) An elected executive agency head other than the governor; and

26 (iii) A president or chief executive officer from a four-year
27 institution of higher education.

28 (b) The governor shall fill any remaining employer vacancies on the
29 board from among the following:

30 (i) First, through the appointment of a representative of each
31 house of the legislature from lists recommended by the senate and the
32 house of representatives; and

33 (ii) Remaining vacancies must be filled by an agency director other
34 than the director of financial management, or an independently elected
35 agency head.

36 (3) Labor and management representatives shall select a neutral
37 person not otherwise appointed to the board to act as the chair.

1 (4) Persons appointed to the board shall serve a two-year term
2 beginning by September 1 of an even-numbered year.

3 (5) The public employment relations commission shall resolve all
4 questions regarding selection of labor representatives to the board and
5 may adopt rules to resolve disputes with regard to selection of labor
6 representatives among employee organizations.

7 NEW SECTION. **Sec. 6.** (1) At the first meeting of the board
8 following the appointment of the board members to their two-year terms,
9 the members of the board appointed under section 5 (1) and (2) of this
10 act shall select a neutral person to be the chair. If the board is
11 unable to agree mutually among its members on a suitable chair, a chair
12 must be selected as follows:

13 (a) The executive director of the public employment relations
14 commission shall propose a list of five candidates for chair who are
15 state residents. Each candidate for chair must clearly demonstrate an
16 interest and belief in collective bargaining principles and be
17 knowledgeable in the area of personnel administration and labor
18 relations in the state; and

19 (b) The chair is selected by striking names under subsections (2)
20 through (4) of this section from the proposed list until only one name
21 remains.

22 (2) For purposes of selecting the chair under this section, labor
23 representatives and management representatives shall each collectively
24 exercise a single vote to strike.

25 (3) Labor and management representatives shall alternately exercise
26 a vote to strike a name from the list of proposed candidates, with the
27 group appointed under section 5(1)(b) of this act exercising the first
28 vote.

29 (4) After four names have been struck from the list, the remaining
30 candidate is the chair.

31 NEW SECTION. **Sec. 7.** (1) The chair of the board shall serve a
32 two-year term commencing on September 15 of an even-numbered year.

33 (2) The chair may not be otherwise employed by the state or any of
34 its subdivisions, nor may the chair be employed by any employee
35 organization, except to the extent of offering and providing dispute
36 resolution services to these or other parties.

1 (3) The chair shall be provided an annual salary to be determined
2 under RCW 43.03.028.

3 NEW SECTION. **Sec. 8.** The chair:

4 (1) Shall convene and chair all meetings of the board;

5 (2) May not exercise a vote unless the board is deadlocked;

6 (3) Shall make all arrangements for meetings of the board;

7 (4) Shall perform such duties and have such powers as the board
8 shall prescribe in order to implement this chapter; and

9 (5) Shall be located in and be provided state support through the
10 public employment relations commission.

11 NEW SECTION. **Sec. 9.** (1) The board shall meet no later than
12 October 15 in an even-numbered year and shall publish salary schedules
13 and benefit plans for the next biennium no later than December 10 of
14 that year.

15 (2) The board shall submit salary schedules and benefit plans
16 adopted by the board to the governor for inclusion in the governor's
17 recommended budget to the legislature.

18 (3)(a) The legislature shall approve or reject the submission of
19 the request for funds for the board salary schedules and fringe benefit
20 plans as a whole.

21 (b) The submission shall be deemed approved if the legislature
22 fails to act by joint resolution by March 31 of the year following
23 adoption by the board.

24 (c) If the legislature rejects the salary and fringe benefit
25 schedules and plans, the schedules and plans must be resubmitted to the
26 board for further consideration and revision. The board shall submit
27 a new salary and fringe benefit plan within fourteen days, which
28 becomes effective unless rejected by joint resolution of the
29 legislature within fourteen days. The board shall continue to adopt
30 and submit revised salary plans and benefit schedules until it submits
31 a plan or schedule, or both that is not rejected within fourteen days.

32 (4) Unless specifically rejected by action of the legislature, the
33 salary schedules and fringe benefit plans adopted by the board become
34 a part of the contract of employment of all state employees and take
35 effect July 1 following their adoption.

1 NEW SECTION. **Sec. 10.** The board shall meet as necessary for
2 purposes of approving, altering, or amending salary schedules and
3 compensation plans for new and revised classes as recommended by the
4 state personnel board and the higher education personnel board. Pay
5 plans recommended by the director of the department of personnel
6 constitute the pay and compensation for persons employed in new and
7 revised classes adopted by the personnel boards until the time the
8 board revises or amends the recommended pay plan.

9 **Sec. 11.** RCW 41.56.020 and 1992 c 36 s 1 are each amended to read
10 as follows:

11 This chapter shall apply to any county or municipal corporation,
12 (~~or~~) any political subdivision of the state of Washington, any agency
13 of the state of Washington as defined in RCW 41.06.020, or any
14 institution as defined in chapter 28B.16 RCW, including district courts
15 and superior courts, except as otherwise provided by RCW 54.04.170,
16 54.04.180, and chapters 41.59, 47.64, and 53.18 RCW. The Washington
17 state patrol shall be considered a public employer of state patrol
18 officers appointed under RCW 43.43.020.

19 **Sec. 12.** RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are
20 each reenacted and amended to read as follows:

21 As used in this chapter:

22 (1) "Public employer" means any officer, board, commission,
23 council, or other person or body acting on behalf of any public body
24 governed by this chapter as designated by RCW 41.56.020, or any
25 subdivision of such public body. For the purposes of this section, the
26 public employer of district court or superior court employees for wage-
27 related matters is the respective county legislative authority, or
28 person or body acting on behalf of the legislative authority, and the
29 public employer for nonwage-related matters is the judge or judge's
30 designee of the respective district court or superior court, and any
31 agency as defined in RCW 41.06.020 and covered under chapter 41.06 RCW
32 or institution of higher education as defined and covered under chapter
33 28B.16 RCW.

34 (2) "Public employee" means any employee of a public employer
35 except any person (a) elected by popular vote, or (b) appointed to
36 office pursuant to statute, ordinance or resolution for a specified
37 term of office by the executive head or body of the public employer, or

1 (c) whose duties as deputy, administrative assistant or secretary
2 necessarily imply a confidential relationship to the executive head or
3 body of the applicable bargaining unit, or any person elected by
4 popular vote or appointed to office pursuant to statute, ordinance or
5 resolution for a specified term of office by the executive head or body
6 of the public employer, or (d) who is a personal assistant to a
7 district court judge, superior court judge, or court commissioner. For
8 the purpose of (d) of this subsection, no more than one assistant for
9 each judge or commissioner may be excluded from a bargaining unit.

10 (3) "Bargaining representative" means any lawful organization which
11 has as one of its primary purposes the representation of employees in
12 their employment relations with employers.

13 (4) "Collective bargaining" means the performance of the mutual
14 obligations of the public employer and the exclusive bargaining
15 representative to meet at reasonable times, to confer and negotiate in
16 good faith, and to execute a written agreement with respect to
17 grievance procedures and collective negotiations on personnel matters,
18 including wages, hours and working conditions, which may be peculiar to
19 an appropriate bargaining unit of such public employer, except that by
20 such obligation neither party shall be compelled to agree to a proposal
21 or be required to make a concession unless otherwise provided in this
22 chapter. In the case of the Washington state patrol, "collective
23 bargaining" shall not include wages and wage-related matters.

24 (5) "Commission" means the public employment relations commission.

25 (6) "Essential state employee" means any state employee, as
26 determined by the commission, performing functions so essential that
27 the interruption or termination of the function constitutes a clear and
28 present danger to the health and safety of the state.

29 (7) "Exclusive bargaining representative" means any employee
30 organization as defined in chapter 41.59 RCW, and including any under
31 section 2 of this act that has been certified or recognized under the
32 provisions of this chapter as the representative of state employees in
33 an appropriate bargaining unit or recognized under chapter 41.06 or
34 28B.16 RCW before the effective date of this act.

35 (8) "Executive director" means the executive director of the
36 commission.

37 ((+7)) (9) "Uniformed personnel" means (a) law enforcement
38 officers as defined in RCW 41.26.030 as now or hereafter amended, of
39 cities with a population of fifteen thousand or more or law enforcement

1 officers employed by the governing body of any county with a population
2 of seventy thousand or more, or (b) fire fighters as that term is
3 defined in RCW 41.26.030, as now or hereafter amended.

4 **Sec. 13.** RCW 41.56.040 and 1967 ex.s. c 108 s 4 are each amended
5 to read as follows:

6 No public employer, or other person, shall directly or indirectly,
7 interfere with, restrain, coerce, or discriminate against any public
8 employee or group of public employees in the free exercise of their
9 right to organize and designate representatives of their own choosing
10 for the purpose of collective bargaining, or in the free exercise of
11 any other right under this chapter, except to the extent that employees
12 may be required to pay a fee to an exclusive bargaining representative
13 under a union security provision authorized under this chapter.

14 **Sec. 14.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each
15 amended to read as follows:

16 (1) A collective bargaining agreement may:

17 ~~((1))~~ (a) Contain union security provisions: PROVIDED, That
18 nothing in this section shall authorize a closed shop provision:
19 PROVIDED FURTHER, That agreements involving union security provisions
20 must safeguard the right of nonassociation of public employees based on
21 bona fide religious tenets or teachings of a church or religious body
22 of which such public employee is a member. Such public employee shall
23 pay an amount of money equivalent to regular union dues and initiation
24 fee to a nonreligious charity or to another charitable organization
25 mutually agreed upon by the public employee affected and the bargaining
26 representative to which such public employee would otherwise pay the
27 dues and initiation fee. The public employee shall furnish written
28 proof that such payment has been made. If the public employee and the
29 bargaining representative do not reach agreement on such matter, the
30 commission shall designate the charitable organization. When there is
31 a conflict between any collective bargaining agreement reached by a
32 public employer and a bargaining representative on a union security
33 provision and any charter, ordinance, rule, or regulation adopted by
34 the public employer or its agents, including but not limited to, a
35 civil service commission, the terms of the collective bargaining
36 agreement shall prevail~~((-))~~; and

1 (~~(2)~~) (b) Provide for binding arbitration of a labor dispute
2 arising from the application or the interpretation of the matters
3 contained in a collective bargaining agreement.

4 (2) The scope of bargaining for state employees does not include
5 matters pertaining to:

6 (a) Recruitment of employment candidates, conduct and grading of
7 examinations, rating of candidates, maintenance of eligible lists, and
8 original appointments from eligible lists;

9 (b) Retirement benefits; and

10 (c) Matters relating to wages, fringe benefits, transfers, leaves,
11 and holidays subject to the joint labor management board.

12 (3) In executing collective bargaining agreements under this
13 section, state agencies and institutions of higher education have
14 authority as agents of the state to enter into an agreement over all
15 personnel matters, including wages, hours, and working conditions.

16 NEW SECTION. Sec. 15. (1) A collective bargaining agreement
17 covering state employees shall contain provisions that require layoffs
18 and subsequent reemployment to be implemented according to seniority.

19 (2) If a state employee has a right to contest a disciplinary
20 action or termination of employment under the provisions of a statute
21 or administrative rule, a collective bargaining agreement provision
22 permitting the employee to contest the disciplinary action or
23 termination of employment through the grievance procedure and
24 arbitration shall specify an election of remedies by the employee so
25 that the matter is resolved entirely under the procedures of the
26 collective bargaining agreement or entirely under the procedures of the
27 applicable statute or rule. An employee, when fully reinstated after
28 appeal under either remedy, must be guaranteed all employee rights and
29 benefits, including back pay, sick leave, vacation accrual, retirement,
30 and old age, survivors and disability insurance credits.

31 **Sec. 16.** RCW 41.56.060 and 1975 1st ex.s. c 296 s 17 are each
32 amended to read as follows:

33 (1) The commission, after hearing upon reasonable notice, shall
34 decide in each application for certification as an exclusive bargaining
35 representative of employees of a public employer, the unit appropriate
36 for the purpose of collective bargaining. In determining, modifying,
37 or combining the bargaining unit, the commission shall consider the

1 duties, skills, and working conditions of the public employees; the
2 history of collective bargaining by the public employees and their
3 bargaining representatives; the extent of organization among the public
4 employees; and the desire of the public employees. The commission
5 shall determine the bargaining representative by ~~((1))~~: (a)
6 Examination of organization membership rolls~~((2))~~; (b) comparison
7 of signatures on organization bargaining authorization cards~~((7))~~; or
8 ~~((3))~~ (c) by conducting an election specifically therefor.

9 (2) Bargaining units established before the effective date of this
10 act are presumed to remain appropriate to the extent that the units are
11 consistent with subsection (1) of this section.

12 (3) Two or more units for which an employee organization as defined
13 in section 2 of this act is the exclusive representative may, upon
14 petition by the employer or labor organization, be consolidated into a
15 single larger unit if the commission considers the larger unit to be
16 appropriate. The commission shall certify the labor organization as
17 the exclusive representative of the new larger unit according to the
18 commission's rules.

19 NEW SECTION. Sec. 17. (1) A state employee, except essential
20 state employees, may participate in a strike and other concerted
21 activities if:

22 (a) The strike has been called for by an employee organization as
23 defined in section 2 of this act that is an exclusive bargaining
24 representative and that on behalf of the affected state employees is
25 the exclusive bargaining representative has given its intent to strike
26 to the commission and the public employer;

27 (b) The strike has not been enjoined by the superior court under
28 section 18 of this act; and

29 (c) The strike does not involve matters subject to the board
30 established in section 3 of this act.

31 (2) A strike or other concerted activity permitted under subsection
32 (1) of this section may not restrict access to the workplace through a
33 separate entrance marked and set apart for essential employees or
34 uniformed personnel that are not authorized to strike.

35 NEW SECTION. Sec. 18. The superior court shall grant a
36 restraining order or injunction in a strike, lockout, or labor dispute
37 involving state employees upon petition by a public employer, the

1 attorney general on behalf of the public, or the commission if the
2 party seeking the injunction can show by clear and convincing evidence
3 that the strike or other concerted activity creates a substantial and
4 imminent threat to the health or safety of the public. Relief granted
5 in the restraining order or injunction is limited to that necessary to
6 relieve the imminent threat to the public.

7 **Sec. 19.** RCW 41.56.430 and 1973 c 131 s 1 are each amended to read
8 as follows:

9 The intent and purpose of (~~this 1973 amendatory act~~) RCW
10 41.56.430 through 41.56.490, 41.56.905, 41.56.910, and sections 2 and
11 9, chapter 131, Laws of 1973 is to recognize that there exists a public
12 policy in the state of Washington against strikes by uniformed
13 personnel and essential state employees as a means of settling their
14 labor disputes; that the uninterrupted and dedicated service of these
15 classes of employees is vital to the welfare and public safety of the
16 state of Washington; that to promote such dedicated and uninterrupted
17 public service there should exist an effective and adequate alternative
18 means of settling disputes.

19 **Sec. 20.** RCW 41.04.230 and 1993 c 2 s 26 (Initiative Measure No.
20 134) and 1992 c 192 s 1 are each reenacted and amended to read as
21 follows:

22 Any official of the state authorized to disburse funds in payment
23 of salaries and wages of public officers or employees is authorized,
24 upon written request of the officer or employee, to deduct from the
25 salaries or wages of the officers or employees, the amount or amounts
26 of subscription payments, premiums, contributions, or continuation
27 thereof, for payment of the following:

28 (1) Credit union deductions: PROVIDED, That twenty-five or more
29 employees of a single state agency or a total of one hundred or more
30 state employees of several agencies have authorized such a deduction
31 for payment to the same credit union. An agency may, in its own
32 discretion, establish a minimum participation requirement of fewer than
33 twenty-five employees.

34 (2) Parking fee deductions: PROVIDED, That payment is made for
35 parking facilities furnished by the agency or by the department of
36 general administration.

1 (3) U.S. savings bond deductions: PROVIDED, That a person within
2 the particular agency shall be appointed to act as trustee. The
3 trustee will receive all contributions; purchase and deliver all bond
4 certificates; and keep such records and furnish such bond or security
5 as will render full accountability for all bond contributions.

6 (4) Board, lodging or uniform deductions when such board, lodging
7 and uniforms are furnished by the state, or deductions for academic
8 tuitions or fees or scholarship contributions payable to the employing
9 institution.

10 (5) Dues and other fees deductions: PROVIDED, That the deduction
11 is for payment of membership dues to any professional organization
12 formed primarily for public employees or college and university
13 professors: AND PROVIDED, FURTHER, That twenty-five or more employees
14 of a single state agency, or a total of one hundred or more state
15 employees of several agencies have authorized such a deduction for
16 payment to the same professional organization.

17 (6) Labor or employee organization dues may be deducted in the
18 event that a payroll deduction is not provided under a collective
19 bargaining agreement under the provisions of RCW ((41.06.150))
20 41.56.110: PROVIDED, That twenty-five or more officers or employees of
21 a single agency, or a total of one hundred or more officers or
22 employees of several agencies have authorized such a deduction for
23 payment to the same labor or employee organization: PROVIDED, FURTHER,
24 That labor or employee organizations with five hundred or more members
25 in state government may have payroll deduction for employee benefit
26 programs.

27 (7) Insurance contributions to the authority for payment of
28 premiums under contracts authorized by the state health care authority.

29 (8) Deductions to a bank, savings bank, or savings and loan
30 association if (a) the bank, savings bank, or savings and loan
31 association is authorized to do business in this state; and (b) twenty-
32 five or more employees of a single agency, or fewer, if a lesser number
33 is established by such agency, or a total of one hundred or more state
34 employees of several agencies have authorized a deduction for payment
35 to the same bank, savings bank, or savings and loan association.

36 Deductions from salaries and wages of public officers and employees
37 other than those enumerated in this section or by other law, may be
38 authorized by the director of financial management for purposes clearly

1 related to state employment or goals and objectives of the agency and
2 for plans authorized by the state health care authority.

3 The authority to make deductions from the salaries and wages of
4 public officers and employees as provided for in this section shall be
5 in addition to such other authority as may be provided by law:
6 PROVIDED, That the state or any department, division, or separate
7 agency of the state shall not be liable to any insurance carrier or
8 contractor for the failure to make or transmit any such deduction.

9 **Sec. 21.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to
10 read as follows:

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

15 ~~(1) ((The reduction, dismissal, suspension, or demotion of an~~
16 ~~employee;~~

17 ~~(2))~~ Certification of names for vacancies, including departmental
18 promotions, with the number of names equal to four more names than
19 there are vacancies to be filled, such names representing applicants
20 rated highest on eligibility lists: PROVIDED, That when other
21 applicants have scores equal to the lowest score among the names
22 certified, their names shall also be certified;

23 ~~((3))~~ (2) Examinations for all positions in the competitive and
24 noncompetitive service;

25 ~~((4))~~ (3) Appointments;

26 ~~((5))~~ (4) Training and career development;

27 ~~((6) Probationary periods of six to twelve months and rejections~~
28 ~~therein, depending on the job requirements of the class, except that~~
29 ~~entry level state park rangers shall serve a probationary period of~~
30 ~~twelve months;~~

31 ~~(7) Transfers;~~

32 ~~(8) Sick leaves and vacations;~~

33 ~~(9) Hours of work;~~

34 ~~(10) Layoffs when necessary and subsequent reemployment, both~~
35 ~~according to seniority;~~

36 ~~(11) Determination of appropriate bargaining units within any~~
37 ~~agency: PROVIDED, That in making such determination the board shall~~
38 ~~consider the duties, skills, and working conditions of the employees,~~

1 the history of collective bargaining by the employees and their
2 bargaining representatives, the extent of organization among the
3 employees, and the desires of the employees;

4 (12) Certification and decertification of exclusive bargaining
5 representatives: PROVIDED, That after certification of an exclusive
6 bargaining representative and upon the representative's request, the
7 director shall hold an election among employees in a bargaining unit to
8 determine by a majority whether to require as a condition of employment
9 membership in the certified exclusive bargaining representative on or
10 after the thirtieth day following the beginning of employment or the
11 date of such election, whichever is the later, and the failure of an
12 employee to comply with such a condition of employment constitutes
13 cause for dismissal: PROVIDED FURTHER, That no more often than once in
14 each twelve month period after expiration of twelve months following
15 the date of the original election in a bargaining unit and upon
16 petition of thirty percent of the members of a bargaining unit the
17 director shall hold an election to determine whether a majority wish to
18 rescind such condition of employment: PROVIDED FURTHER, That for
19 purposes of this clause, membership in the certified exclusive
20 bargaining representative is satisfied by the payment of monthly or
21 other periodic dues and does not require payment of initiation,
22 reinstatement, or any other fees or fines and includes full and
23 complete membership rights: AND PROVIDED FURTHER, That in order to
24 safeguard the right of nonassociation of public employees, based on
25 bona fide religious tenets or teachings of a church or religious body
26 of which such public employee is a member, such public employee shall
27 pay to the union, for purposes within the program of the union as
28 designated by such employee that would be in harmony with his or her
29 individual conscience, an amount of money equivalent to regular union
30 dues minus any included monthly premiums for union sponsored insurance
31 programs, and such employee shall not be a member of the union but is
32 entitled to all the representation rights of a union member;

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

38 (14) Written agreements may contain provisions for payroll
39 deductions of employee organization dues upon authorization by the

1 ~~employee member and for the cancellation of such payroll deduction by~~
2 ~~the filing of a proper prior notice by the employee with the appointing~~
3 ~~authority and the employee organization: PROVIDED, That nothing~~
4 ~~contained herein permits or grants to any employee the right to strike~~
5 ~~or refuse to perform his or her official duties;~~

6 ~~(15))~~ (5) Adoption and revision of a comprehensive classification
7 plan for all positions in the classified service, based on
8 investigation and analysis of the duties and responsibilities of each
9 such position;

10 ~~((16))~~ (6) Allocation and reallocation of positions within the
11 classification plan; and

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

19 ~~(18) Increment increases within the series of steps for each pay~~
20 ~~grade based on length of service for all employees whose standards of~~
21 ~~performance are such as to permit them to retain job status in the~~
22 ~~classified service;~~

23 ~~(19))~~ (7) Providing for veteran's preference as required by
24 existing statutes, with recognition of preference in regard to layoffs
25 and subsequent reemployment for veterans and their widows by giving
26 such eligible veterans and their widows additional credit in computing
27 their seniority by adding to their unbroken state service, as defined
28 by the board, the veteran's service in the military not to exceed five
29 years. For the purposes of this section, "veteran" means any person
30 who has one or more years of active military service in any branch of
31 the armed forces of the United States or who has less than one year's
32 service and is discharged with a disability incurred in the line of
33 duty or is discharged at the convenience of the government and who,
34 upon termination of such service has received an honorable discharge,
35 a discharge for physical reasons with an honorable record, or a release
36 from active military service with evidence of service other than that
37 for which an undesirable, bad conduct, or dishonorable discharge shall
38 be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled
39 to the benefits of this section regardless of the veteran's length of

1 active military service: PROVIDED FURTHER, That for the purposes of
2 this section "veteran" does not include any person who has voluntarily
3 retired with twenty or more years of active military service and whose
4 military retirement pay is in excess of five hundred dollars per
5 month((;

6 ~~(20) Permitting agency heads to delegate the authority to appoint,~~
7 ~~reduce, dismiss, suspend, or demote employees within their agencies if~~
8 ~~such agency heads do not have specific statutory authority to so~~
9 ~~delegate: PROVIDED, That the board may not authorize such delegation~~
10 ~~to any position lower than the head of a major subdivision of the~~
11 ~~agency;~~

12 ~~(21) Assuring persons who are or have been employed in classified~~
13 ~~positions under chapter 28B.16 RCW will be eligible for employment,~~
14 ~~reemployment, transfer, and promotion in respect to classified~~
15 ~~positions covered by this chapter;~~

16 ~~(22) Affirmative action in appointment, promotion, transfer,~~
17 ~~recruitment, training, and career development; development and~~
18 ~~implementation of affirmative action goals and timetables; and~~
19 ~~monitoring of progress against those goals and timetables.~~

20 The board shall consult with the human rights commission in the
21 development of rules pertaining to affirmative action. The department
22 of personnel shall transmit a report annually to the human rights
23 commission which states the progress each state agency has made in
24 meeting affirmative action goals and timetables)).

25 **Sec. 22.** RCW 49.74.030 and 1985 c 365 s 10 are each amended to
26 read as follows:

27 The commission in conjunction with the department of personnel, the
28 higher education personnel board, or the state patrol, whichever is
29 appropriate, shall attempt to resolve the noncompliance through
30 conciliation. If an agreement is reached for the elimination of
31 noncompliance, the agreement shall be reduced to writing and an order
32 shall be issued by the commission setting forth the terms of the
33 agreement. The noncomplying state agency, institution of higher
34 education, or state patrol shall make a good faith effort to conciliate
35 and make a full commitment to correct the noncompliance with any action
36 that may be necessary to achieve compliance, provided such action is
37 not inconsistent with the rules adopted under RCW ((~~28B.16.100(20),~~
38 ~~41.06.150(21), and~~) 43.43.340(5)((, ~~whichever is appropriate~~)).

1 **Sec. 23.** RCW 49.74.040 and 1985 c 365 s 11 are each amended to
2 read as follows:

3 If no agreement can be reached under RCW 49.74.030, the commission
4 may refer the matter to the administrative law judge for hearing
5 pursuant to RCW 49.60.250. If the administrative law judge finds that
6 the state agency, institution of higher education, or state patrol has
7 not made a good faith effort to correct the noncompliance, the
8 administrative law judge shall order the state agency, institution of
9 higher education, or state patrol to comply with this chapter. The
10 administrative law judge may order any action that may be necessary to
11 achieve compliance, provided such action is not inconsistent with the
12 rules adopted under RCW ((28B.16.100(20),—41.06.150(21),—and))
13 43.43.340(5)((, whichever is appropriate)).

14 An order by the administrative law judge may be appealed to
15 superior court.

16 NEW SECTION. **Sec. 24.** The personnel director of the board shall
17 recommend salary schedules for new and revised classes in the
18 classification plan adopted by the board under chapter 41.06 RCW. The
19 recommendations shall be published in the twenty-day notice
20 accompanying the proposed new or revised class. Salary schedule
21 recommendations by the director become effective on the effective date
22 of the amendments to the classification plan and remain in effect until
23 approved, amended, or revised by the joint labor management board under
24 section 10 of this act.

25 NEW SECTION. **Sec. 25.** The state personnel appeals board is hereby
26 abolished and its powers, duties, and functions are hereby transferred
27 to the state personnel board. All references to the executive
28 secretary or state personnel appeals board in the Revised Code of
29 Washington shall be construed to mean the director or state personnel
30 board.

31 NEW SECTION. **Sec. 26.** All reports, documents, surveys, books,
32 records, files, papers, or written material in the possession of the
33 state personnel appeals board shall be delivered to the custody of the
34 state personnel board. All cabinets, furniture, office equipment,
35 motor vehicles, and other tangible property employed by the state
36 personnel appeals board shall be made available to the state personnel

1 board. All funds, credits, or other assets held by the state personnel
2 appeals board shall be assigned to the state personnel board.

3 Any appropriations made to the state personnel appeals board shall,
4 on the effective date of this section, be transferred and credited to
5 the state personnel board.

6 Whenever any question arises as to the transfer of any personnel,
7 funds, books, documents, records, papers, files, equipment, or other
8 tangible property used or held in the exercise of the powers and the
9 performance of the duties and functions transferred, the director of
10 financial management shall make a determination as to the proper
11 allocation and certify the same to the state agencies concerned.

12 NEW SECTION. **Sec. 27.** All employees of the state personnel
13 appeals board are transferred to the jurisdiction of the state
14 personnel board. All employees classified under chapter 41.06 RCW, the
15 state civil service law, are assigned to the state personnel board to
16 perform their usual duties upon the same terms as formerly, without any
17 loss of rights, subject to any action that may be appropriate
18 thereafter in accordance with the laws and rules governing state civil
19 service.

20 NEW SECTION. **Sec. 28.** All rules and all pending business before
21 the state personnel appeals board shall be continued and acted upon by
22 the state personnel board. All existing contracts and obligations
23 shall remain in full force and shall be performed by the state
24 personnel board.

25 NEW SECTION. **Sec. 29.** The transfer of the powers, duties,
26 functions, and personnel of the state personnel appeals board shall not
27 affect the validity of any act performed prior to the effective date of
28 this section.

29 NEW SECTION. **Sec. 30.** If apportionments of budgeted funds are
30 required because of the transfers directed by sections 26 through 29 of
31 this act, the director of financial management shall certify the
32 apportionments to the agencies affected, the state auditor, and the
33 state treasurer. Each of these shall make the appropriate transfer and
34 adjustments in funds and appropriation accounts and equipment records
35 in accordance with the certification.

1 NEW SECTION. **Sec. 31.** Nothing contained in sections 25 through 30
2 of this act may be construed to alter any existing collective
3 bargaining unit or the provisions of any existing collective bargaining
4 agreement until the agreement has expired or until the bargaining unit
5 has been modified by action of the personnel board as provided by law.

6 NEW SECTION. **Sec. 32.** All powers, duties, and functions of the
7 state personnel board and the labor relations unit of the department of
8 personnel pertaining to labor relations functions are transferred to
9 the public employment relations commission. All references to the
10 director or state personnel board and the labor relations unit of the
11 department of personnel in the Revised Code of Washington shall be
12 construed to mean the director or public employment relations
13 commission when referring to the functions transferred in this section.

14 NEW SECTION. **Sec. 33.** All reports, documents, surveys, books,
15 records, files, papers, or written material in the possession of the
16 state personnel board and the labor relations unit of the department of
17 personnel pertaining to the powers, functions, and duties transferred
18 shall be delivered to the custody of the public employment relations
19 commission. All cabinets, furniture, office equipment, motor vehicles,
20 and other tangible property employed by the state personnel board and
21 the labor relations unit of the department of personnel in carrying out
22 the powers, functions, and duties transferred shall be made available
23 to the public employment relations commission. All funds, credits, or
24 other assets held in connection with the powers, functions, and duties
25 transferred shall be assigned to the public employment relations
26 commission.

27 Any appropriations made to the state personnel board and the labor
28 relations unit of the department of personnel for carrying out the
29 powers, functions, and duties transferred shall, on the effective date
30 of this section, be transferred and credited to the public employment
31 relations commission.

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

1 NEW SECTION. **Sec. 34.** All employees of the state personnel board
2 and the labor relations unit of the department of personnel engaged in
3 performing the powers, functions, and duties transferred are
4 transferred to the jurisdiction of the public employment relations
5 commission. All employees classified under chapter 41.06 RCW, the
6 state civil service law, are assigned to the public employment
7 relations commission upon the same terms as formerly, without any loss
8 of rights, subject to any action that may be appropriate thereafter in
9 accordance with the laws and rules governing state civil service.

10 NEW SECTION. **Sec. 35.** All rules and all pending business before
11 the state personnel board and the labor relations unit of the
12 department of personnel pertaining to the powers, functions, and duties
13 transferred shall be continued and acted upon by the public employment
14 relations commission. All existing contracts and obligations shall
15 remain in full force and shall be performed by the public employment
16 relations commission.

17 NEW SECTION. **Sec. 36.** The transfer of the powers, duties,
18 functions, and personnel of the state personnel board and the labor
19 relations unit of the department of personnel shall not affect the
20 validity of any act performed prior to the effective date of this
21 section.

22 NEW SECTION. **Sec. 37.** If apportionments of budgeted funds are
23 required because of the transfers directed by sections 33 through 36 of
24 this act, the director of financial management shall certify the
25 apportionments to the agencies affected, the state auditor, and the
26 state treasurer. Each of these shall make the appropriate transfer and
27 adjustments in funds and appropriation accounts and equipment records
28 in accordance with the certification.

29 NEW SECTION. **Sec. 38.** Nothing contained in sections 32 through 37
30 of this act may be construed to alter any existing collective
31 bargaining unit or the provisions of any existing collective bargaining
32 agreement until the agreement has expired or until the bargaining unit
33 has been modified by action of the personnel board as provided by law.

1 **Sec. 39.** RCW 28B.16.100 and 1990 c 60 s 202 are each amended to
2 read as follows:

3 The higher education personnel board shall adopt rules, consistent
4 with the purposes and provisions of this chapter and with the best
5 standards of personnel administration, regarding the basis and
6 procedures to be followed for:

7 ~~(1) ((The dismissal, suspension, or demotion of an employee, and
8 appeals therefrom;~~

9 ~~(2))~~ Certification of names for vacancies, including promotions,
10 with the number of names equal to four more names than there are
11 vacancies to be filled, such names representing applicants rated
12 highest on eligibility lists: PROVIDED, That when other applicants
13 have scores equal to the lowest score among the names certified, their
14 names shall also be certified;

15 ~~((3))~~ (2) Examination for all positions in the competitive and
16 noncompetitive service;

17 ~~((4))~~ (3) Appointments;

18 ~~((5) Probationary periods of six to twelve months and rejections
19 therein, depending on the job requirements of the class;~~

20 ~~(6) Transfers;~~

21 ~~(7) Sick leaves and vacations;~~

22 ~~(8) Hours of work;~~

23 ~~(9) Layoffs when necessary and subsequent reemployment, both
24 according to seniority;~~

25 ~~(10) Determination of appropriate bargaining units within any
26 institution or related boards: PROVIDED, That in making such
27 determination the board shall consider the duties, skills, and working
28 conditions of the employees, the history of collective bargaining by
29 the employees and their bargaining representatives, the extent of
30 organization among the employees, and the desires of the employees;~~

31 ~~(11) Certification and decertification of exclusive bargaining
32 representatives: PROVIDED, That after certification of an exclusive
33 bargaining representative and upon the representative's request, the
34 director shall hold an election among employees in a bargaining unit to
35 determine by a majority whether to require as a condition of employment
36 membership in the certified exclusive bargaining representative on or
37 after the thirtieth day following the beginning of employment or the
38 date of such election, whichever is the later, and the failure of an
39 employee to comply with such condition of employment constitutes cause~~

1 for dismissal: PROVIDED FURTHER, That no more often than once in each
2 twelve month period after expiration of twelve months following the
3 date of the original election in a bargaining unit and upon petition of
4 thirty percent of the members of a bargaining unit the director shall
5 hold an election to determine whether a majority wish to rescind such
6 condition of employment: PROVIDED FURTHER, That for purposes of this
7 clause, membership in the certified exclusive bargaining representative
8 is satisfied by the payment of monthly or other periodic dues and does
9 not require payment of initiation, reinstatement, or any other fees or
10 fines and includes full and complete membership rights: AND PROVIDED
11 FURTHER, That in order to safeguard the right of nonassociation of
12 public employees, based on bona fide religious tenets or teachings of
13 a church or religious body of which such public employee is a member,
14 such public employee shall pay to the union, for purposes within the
15 program of the union as designated by such employee that would be in
16 harmony with his individual conscience, an amount of money equivalent
17 to regular union dues minus any included monthly premiums for union-
18 sponsored insurance programs, and such employee shall not be a member
19 of the union but is entitled to all the representation rights of a
20 union member;

21 (12) Agreements between institutions or related boards and
22 certified exclusive bargaining representatives providing for grievance
23 procedures and collective negotiations on all personnel matters over
24 which the institution or the related board may lawfully exercise
25 discretion;

26 (13) Written agreements may contain provisions for payroll
27 deductions of employee organization dues upon authorization by the
28 employee member and for the cancellation of such payroll deduction by
29 the filing of a proper prior notice by the employee with the
30 institution and the employee organization: PROVIDED, That nothing
31 contained herein permits or grants to any employee the right to strike
32 or refuse to perform his official duties;

33 ((14))) (4) Training and career development;

34 (5) Adoption and revision of comprehensive classification plans for
35 all positions in the classified service, based on investigation and
36 analysis of the duties and responsibilities of each such position;

37 ((15))) (6) Allocation and reallocation of positions within the
38 classification plan; and

1 (~~(16)~~) Adoption and revision of salary schedules and compensation
2 plans which reflect the prevailing rates in Washington state private
3 industries and other governmental units for positions of a similar
4 nature but the rates in the salary schedules or plans shall be
5 increased if necessary to attain comparable worth under an
6 implementation plan under RCW 28B.16.116 and which shall be competitive
7 in the state or the locality in which the institution or related boards
8 are located, such adoption, revision, and implementation subject to
9 approval as to availability of funds by the director of financial
10 management in accordance with the provisions of chapter 43.88 RCW, and
11 after consultation with the chief financial officer of each institution
12 or related board for that institution or board, or in the case of
13 community colleges, by the chief financial officer of the *state board
14 for community college education for the various community colleges;

15 (~~17~~) Training programs including in service, promotional, and
16 supervisory;

17 (~~18~~) Increment increases within the series of steps for each pay
18 grade based on length of service for all employees whose standards of
19 performance are such as to permit them to retain job status in the
20 classified service;

21 (~~19~~)) (7) Providing for veteran's preference as provided by
22 existing statutes, with recognition of preference in regard to layoffs
23 and subsequent reemployment for veterans and their widows by giving
24 such eligible veterans and their widows additional credit in computing
25 their seniority by adding to their unbroken higher education service,
26 as defined by the board, the veteran's service in the military not to
27 exceed five years of such service. For the purposes of this section,
28 "veteran" means any person who has one or more years of active military
29 service in any branch of the armed forces of the United States or who
30 has less than one year's service and is discharged with a disability
31 incurred in the line of duty or is discharged at the convenience of the
32 government and who, upon termination of such service, has received an
33 honorable discharge, a discharge for physical reasons with an honorable
34 record, or a release from active military service with evidence of
35 service other than that for which an undesirable, bad conduct, or
36 dishonorable discharge shall be given: PROVIDED, HOWEVER, That the
37 widow of a veteran is entitled to the benefits of this section
38 regardless of the veteran's length of active military service:
39 PROVIDED FURTHER, That for the purposes of this section "veteran" does

1 not include any person who has voluntarily retired with twenty or more
2 years of active military service and whose military retirement pay is
3 in excess of five hundred dollars per month((;

4 ~~(20) Assuring that persons who are or have been employed in~~
5 ~~classified positions under chapter 41.06 RCW will be eligible for~~
6 ~~employment, reemployment, transfer, and promotion in respect to~~
7 ~~classified positions covered by this chapter; and~~

8 ~~(21) Assuring that any person who is or has been employed in a~~
9 ~~classified position under this chapter will be eligible for employment,~~
10 ~~reemployment, transfer, and promotion in respect to classified~~
11 ~~positions at any other institution of higher education or related~~
12 ~~board.~~

13 ~~(22) Affirmative action in appointment, promotion, transfer,~~
14 ~~recruitment, training, and career development; development and~~
15 ~~implementation of affirmative action goals and timetables; and~~
16 ~~monitoring of progress against those goals and timetables.~~

17 The board shall consult with the human rights commission in the
18 development of rules consistent with federal guidelines pertaining to
19 affirmative action. The board shall transmit a report annually to the
20 human rights commission which states the progress each institution of
21 higher education has made in meeting affirmative action goals and
22 timetables)).

23 **Sec. 40.** RCW 28B.16.101 and 1982 1st ex.s. c 53 s 19 are each
24 amended to read as follows:

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

29 (1) Appointment(~~(, promotion, and transfer of employees;~~

30 ~~(2) Dismissal, suspension, or demotion of an employee));~~

31 ~~((3))~~ (2) Examinations for all positions in the competitive and
32 noncompetitive service; and

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)) (3) Training programs(;~~ and
4 ~~(10) Maintenance of personnel records)).~~

5 NEW SECTION. **Sec. 41.** A new section is added to chapter 28B.16
6 RCW to read as follows:

7 The personnel director of the board shall recommend salary
8 schedules for new and revised classes in the classification plan
9 adopted by the higher education personnel board. The recommendations
10 must be published in the twenty-day notice accompanying the proposed
11 new or revised class. Salary schedule recommendations by the director
12 become effective on the effective date of the amendments to the
13 classification plan and remain in effect until approved, amended, or
14 revised by the joint labor management board under section 10 of this
15 act.

16 NEW SECTION. **Sec. 42.** All powers, duties, and functions of the
17 higher education personnel board pertaining to labor relations
18 functions are transferred to the public employment relations
19 commission. All references to the director or higher education
20 personnel board in the Revised Code of Washington shall be construed to
21 mean the director or public employment relations commission when
22 referring to the functions transferred in this section.

23 NEW SECTION. **Sec. 43.** All reports, documents, surveys, books,
24 records, files, papers, or written material in the possession of the
25 higher education personnel board pertaining to the powers, functions,
26 and duties transferred shall be delivered to the custody of the public
27 employment relations commission. All cabinets, furniture, office
28 equipment, motor vehicles, and other tangible property employed by the
29 higher education personnel board in carrying out the powers, functions,
30 and duties transferred shall be made available to the public employment
31 relations commission. All funds, credits, or other assets held in
32 connection with the powers, functions, and duties transferred shall be
33 assigned to the public employment relations commission.

34 Any appropriations made to the higher education personnel board for
35 carrying out the powers, functions, and duties transferred shall, on

1 the effective date of this section, be transferred and credited to the
2 public employment relations commission.

3 Whenever any question arises as to the transfer of any personnel,
4 funds, books, documents, records, papers, files, equipment, or other
5 tangible property used or held in the exercise of the powers and the
6 performance of the duties and functions transferred, the director of
7 financial management shall make a determination as to the proper
8 allocation and certify the same to the state agencies concerned.

9 NEW SECTION. **Sec. 44.** All employees of the higher education
10 personnel board engaged in performing the powers, functions, and duties
11 transferred are transferred to the jurisdiction of the public
12 employment relations commission. All employees classified under
13 chapter 41.06 RCW, the state civil service law, are assigned to the
14 public employment relations commission upon the same terms as formerly,
15 without any loss of rights, subject to any action that may be
16 appropriate thereafter in accordance with the laws and rules governing
17 state civil service.

18 NEW SECTION. **Sec. 45.** All rules and all pending business before
19 the higher education personnel board pertaining to the powers,
20 functions, and duties transferred shall be continued and acted upon by
21 the public employment relations commission. All existing contracts and
22 obligations shall remain in full force and shall be performed by the
23 public employment relations commission.

24 NEW SECTION. **Sec. 46.** The transfer of the powers, duties,
25 functions, and personnel of the higher education personnel board shall
26 not affect the validity of any act performed prior to the effective
27 date of this section.

28 NEW SECTION. **Sec. 47.** If apportionments of budgeted funds are
29 required because of the transfers directed by sections 43 through 46 of
30 this act, the director of financial management shall certify the
31 apportionments to the agencies affected, the state auditor, and the
32 state treasurer. Each of these shall make the appropriate transfer and
33 adjustments in funds and appropriation accounts and equipment records
34 in accordance with the certification.

1 NEW SECTION. **Sec. 48.** Nothing contained in sections 42 through 47
2 of this act may be construed to alter any existing collective
3 bargaining unit or the provisions of any existing collective bargaining
4 agreement until the agreement has expired or until the bargaining unit
5 has been modified by action of the personnel board as provided by law.

6 NEW SECTION. **Sec. 49.** The following acts or parts of acts are
7 each repealed:

- 8 (1) RCW 28B.16.120 and 1969 ex.s. c 36 s 12;
- 9 (2) RCW 28B.16.130 and 1969 ex.s. c 36 s 13;
- 10 (3) RCW 28B.16.140 and 1969 ex.s. c 36 s 14;
- 11 (4) RCW 28B.16.150 and 1969 ex.s. c 36 s 15;
- 12 (5) RCW 28B.16.160 and 1988 c 202 s 27, 1971 c 81 s 72, & 1969
13 ex.s. c 36 s 16;
- 14 (6) RCW 28B.16.170 and 1969 ex.s. c 36 s 26;
- 15 (7) RCW 28B.16.230 and 1973 c 62 s 6 & 1969 ex.s. c 215 s 14;
- 16 (8) RCW 28B.16.255 and 1985 c 461 s 11;
- 17 (9) RCW 28B.16.265 and 1985 c 461 s 12;
- 18 (10) RCW 28B.16.275 and 1985 c 461 s 13;
- 19 (11) RCW 41.06.170 and 1981 c 311 s 19, 1975-'76 2nd ex.s. c 43 s
20 3, & 1961 c 1 s 17;
- 21 (12) RCW 41.06.176 and 1985 c 461 s 4;
- 22 (13) RCW 41.06.186 and 1985 c 461 s 5;
- 23 (14) RCW 41.06.196 and 1985 c 461 s 6;
- 24 (15) RCW 41.06.230 and 1961 c 1 s 23;
- 25 (16) RCW 41.06.300 and 1969 c 45 s 1;
- 26 (17) RCW 41.06.310 and 1969 c 45 s 2;
- 27 (18) RCW 41.06.320 and 1969 c 45 s 3;
- 28 (19) RCW 41.06.330 and 1969 c 45 s 4;
- 29 (20) RCW 41.06.340 and 1969 ex.s. c 215 s 13;
- 30 (21) RCW 41.06.475 and 1986 c 269 s 2;
- 31 (22) RCW 41.64.010 and 1981 c 311 s 1;
- 32 (23) RCW 41.64.020 and 1981 c 311 s 3;
- 33 (24) RCW 41.64.030 and 1984 c 287 s 73, 1984 c 34 s 4, & 1981 c 311
34 s 4;
- 35 (25) RCW 41.64.040 and 1981 c 311 s 5;
- 36 (26) RCW 41.64.050 and 1981 c 311 s 6;
- 37 (27) RCW 41.64.060 and 1981 c 311 s 7;
- 38 (28) RCW 41.64.070 and 1981 c 311 s 8;

- 1 (29) RCW 41.64.080 and 1981 c 311 s 9;
- 2 (30) RCW 41.64.090 and 1981 c 311 s 10;
- 3 (31) RCW 41.64.100 and 1981 c 311 s 11;
- 4 (32) RCW 41.64.110 and 1985 c 461 s 7 & 1981 c 311 s 12;
- 5 (33) RCW 41.64.120 and 1981 c 311 s 13;
- 6 (34) RCW 41.64.130 and 1981 c 311 s 14;
- 7 (35) RCW 41.64.140 and 1988 c 202 s 42 & 1981 c 311 s 15;
- 8 (36) RCW 41.64.900 and 1981 c 311 s 2; and
- 9 (37) RCW 41.64.910 and 1981 c 311 s 24.

10 NEW SECTION. **Sec. 50.** Sections 2 through 10 of this act shall
11 constitute a new chapter in Title 41 RCW.

12 NEW SECTION. **Sec. 51.** (1) Sections 15, 17, and 18 of this act are
13 each added to chapter 41.56 RCW.

14 (2) Sections 24 and 25 of this act are each added to chapter 41.06
15 RCW.

16 (3) Sections 32 and 42 of this act are each added to chapter 41.58
17 RCW.

18 NEW SECTION. **Sec. 52.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 53.** State employees who are represented by an
23 exclusive bargaining representative on June 30, 1993, shall retain all
24 rights, benefits, and union security provisions that were in effect on
25 June 30, 1993, until the rights, benefits, and union security
26 provisions are modified by or incorporated into a collective bargaining
27 agreement entered into after the effective date of this act.
28 Collective bargaining agreements or provisions negotiated or concluded
29 under this act are allowed to become effective retroactive to July 1,
30 1993.

31 NEW SECTION. **Sec. 54.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 1993.

--- END ---