
HOUSE BILL 2072

State of Washington 53rd Legislature 1993 Regular Session

By Representative Anderson

Read first time 02/26/93. Referred to Committee on Appropriations.

1 AN ACT Relating to state government; amending RCW 41.06.030,
2 41.06.070, 41.06.080, 41.06.140, 41.06.150, 41.06.160, 41.06.167,
3 41.06.169, 41.06.170, 41.06.186, 41.06.196, 41.06.220, 41.06.260,
4 41.06.270, 41.06.280, 41.06.350, 41.06.380, 41.06.400, 41.06.410,
5 41.06.420, 41.06.430, 41.06.450, 41.06.475, 41.06.490, 43.17.010, and
6 43.17.020; amending 1982 c 208 s 9 (uncodified); reenacting and
7 amending RCW 41.06.020; adding new sections to chapter 41.06 RCW;
8 adding a new chapter to Title 43 RCW; creating new sections; repealing
9 RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041,
10 28B.16.042, 28B.16.043, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090,
11 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113,
12 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160,
13 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220,
14 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.300,
15 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.06.010, 41.06.110,
16 41.06.120, 41.06.130, 41.06.163, 41.06.165, 41.06.230, 41.06.240,
17 41.06.310, and 41.06.340; providing an effective date; and declaring an
18 emergency.

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

1 NEW SECTION. **Sec. 1.** The legislature finds that the best
2 interests of the citizens of Washington are served by eliminating
3 unnecessary duplication in the organization of state government and
4 recognizes the need of the executive branch for increased flexibility
5 to meet new challenges the state faces in providing effective and cost-
6 efficient services. This can be accomplished by streamlining the
7 management of state's human resources including decentralizing the
8 provision of personnel services, encouraging the adoption of modern
9 management techniques.

10 NEW SECTION. **Sec. 2.** The department of personnel, the higher
11 education personnel board, and the personnel board are hereby abolished
12 and except as provided in section 150 of this act and their powers,
13 duties, and functions are hereby transferred to the department of human
14 resources.

15 **PART I**

16 **CIVIL SERVICE REFORM AND REORGANIZATION**

17 NEW SECTION. **Sec. 101.** It is the purpose of this chapter to
18 create the department of human resources.

19 NEW SECTION. **Sec. 102.** As used in this chapter, unless the
20 context indicates otherwise:

21 (1) "Department" means the department of human resources.

22 (2) "Director" means the director of human resources.

23 NEW SECTION. **Sec. 103.** There is hereby created a department of
24 state government to be known as the department of human resources. The
25 department shall be vested with all powers and duties transferred to it
26 under this chapter and such other powers and duties as may be
27 authorized by law.

28 NEW SECTION. **Sec. 104.** The executive head and appointing
29 authority of the department shall be the director. The director shall
30 be appointed by the governor, with the consent of the senate, and shall
31 serve at the pleasure of the governor. The director shall be paid a
32 salary to be fixed by the governor in accordance with RCW 43.03.040.
33 If a vacancy occurs in the position while the senate is not in session,

1 the governor shall make a temporary appointment until the next meeting
2 of the senate.

3 NEW SECTION. **Sec. 105.** It is the intent of the legislature
4 wherever possible to place the internal affairs of the department under
5 the control of the director. Therefore, whenever the director's
6 authority is not specifically limited by law, the director shall have
7 complete charge and supervisory powers over the department. The
8 director may create such administrative structures as the director
9 considers appropriate, except as otherwise specified by law. The
10 director may employ such assistants and personnel as may be necessary
11 for the general administration of the department. This employment
12 shall be in accordance with the state civil service law, chapter 41.06
13 RCW, except as otherwise provided.

14 NEW SECTION. **Sec. 106.** The department of human resources shall be
15 subdivided into divisions. Except as otherwise specified or as federal
16 requirements may differently require, these divisions shall be
17 established and organized in accordance with plans to be prepared by
18 the director and approved by the governor. In preparing such plans,
19 the director shall endeavor to promote efficient public management, to
20 improve programs, and to take full advantage of the economies, both
21 fiscal and administrative, to be gained from the consolidation of
22 functions and agencies under this chapter.

23 NEW SECTION. **Sec. 107.** Any power or duty vested in or transferred
24 to the director by law, or executive order, may be delegated by the
25 director to the deputy director or to any other assistant or
26 subordinate; but the director shall be responsible for the official
27 acts of the officers and employees of the department.

28 NEW SECTION. **Sec. 108.** The director may appoint such advisory
29 committees or councils as may be required by any federal legislation as
30 a condition to the receipt of federal funds by the department. The
31 director may also appoint state-wide committees or councils on such
32 subject matters as are or come within the department's
33 responsibilities.

34 Members of such state advisory committees or councils may be paid
35 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

1 NEW SECTION. **Sec. 109.** In furtherance of the policy of the state
2 to cooperate with the federal government in all of the programs under
3 the jurisdiction of the department, such rules as may become necessary
4 to entitle the state to participate in federal funds may be adopted,
5 unless expressly prohibited by law. Any internal reorganization
6 carried out under the terms of this chapter shall meet federal
7 requirements which are a necessary condition to state receipt of
8 federal funds. Any section or provision of law dealing with the
9 department which may be susceptible to more than one construction shall
10 be interpreted in favor of the construction most likely to comply with
11 federal laws entitling this state to receive federal funds for the
12 various programs of the department. If any law dealing with the
13 department is ruled to be in conflict with federal requirements which
14 are a prescribed condition of the allocation of federal funds to the
15 state, or to any departments or agencies thereof, the conflicting part
16 is declared to be inoperative solely to the extent of the conflict.

17 NEW SECTION. **Sec. 110.** A new section is added to chapter 41.06
18 RCW to read as follows:

19 In addition to the exemptions under RCW 41.06.070, this chapter
20 shall not apply in the department of human resources to the director,
21 the director's personal secretary, the deputy director, all division
22 directors and assistant directors, and one confidential secretary for
23 each of these officers.

24 **Sec. 111.** RCW 41.06.020 and 1985 c 461 s 1 and 1985 c 365 3 are
25 each reenacted and amended to read as follows:

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

28 (1) "Agency" means an office, department, board, commission,
29 institution of higher education and related boards, or other separate
30 unit or division, however designated, of the state government and all
31 personnel thereof; it includes any unit of state government established
32 by law, the executive officer or members of which are either elected or
33 appointed, upon which the statutes confer powers and impose duties in
34 connection with operations of either a governmental or proprietary
35 nature.

1 (2) (~~"Board" means the state personnel board established under the~~
2 ~~provisions of RCW 41.06.110, except that this definition does not apply~~
3 ~~to the words "board" or "boards" when used in RCW 41.06.070.~~

4 ~~(3))~~ "Classified service" means all positions in the state service
5 subject to the provisions of this chapter.

6 ~~((4))~~ (3) "Competitive service" means all positions in the
7 classified service for which a competitive examination is required as
8 a condition precedent to appointment.

9 ~~((5))~~ (4) "Comparable worth" means the provision of similar
10 salaries for positions that require or impose similar responsibilities,
11 judgments, knowledge, skills, and working conditions.

12 ~~((6))~~ (5) "Noncompetitive service" means all positions in the
13 classified service for which a competitive examination is not required.

14 (6) "Managers" or "management" means employees who:

15 (a) Formulate policy or direct the work of an agency or subdivision
16 thereof; or

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

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

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

25 (e) Functionally or organizationally are above the first level of
26 supervision.

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

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

37 (9) "Institutions of higher education" means the same as defined in
38 RCW 28B.10.016, but does not include technical colleges.

1 (10) "Related boards" means the state board for community and
2 technical colleges; and such other boards, councils, and commissions
3 related to higher education as may be established.

4 (11) "Training" means activities designed to develop job-related
5 knowledge and skills of employees.

6 ~~((10))~~ (12) "Director" means the director of ((personnel
7 appointed under the provisions of RCW 41.06.130)) human resources.

8 ~~((11))~~ (13) "Affirmative action" means a procedure by which
9 racial minorities, women, persons in the protected age category,
10 persons with disabilities, Vietnam-era veterans, and disabled veterans
11 are provided with increased employment opportunities. It shall not
12 mean any sort of quota system.

13 **Sec. 112.** RCW 41.06.030 and 1961 c 1 s 3 are each amended to read
14 as follows:

15 A department of ~~((personnel, governed by a state personnel board~~
16 ~~and))~~ human resources administered by a director of ~~((personnel))~~ human
17 resources, is hereby established as a separate agency within the state
18 government.

19 **Sec. 113.** RCW 41.06.070 and 1990 c 60 s 101 are each amended to
20 read as follows:

21 The provisions of this chapter do not apply to:

22 (1) The members of the legislature or to any employee of, or
23 position in, the legislative branch of the state government including
24 members, officers, and employees of the legislative council,
25 legislative budget committee, statute law committee, and any interim
26 committee of the legislature;

27 (2) The justices of the supreme court, judges of the court of
28 appeals, judges of the superior courts or of the inferior courts, or to
29 any employee of, or position in the judicial branch of state
30 government;

31 (3) Officers~~((,))~~ and academic personnel~~((, and employees))~~ of
32 state institutions of higher education, and the state board for
33 community and technical colleges ~~((education, and the higher education~~
34 ~~personnel board))~~;

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

36 (5) Elective officers of the state;

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

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

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

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

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

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

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

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

26 (10) Assistant attorneys general;

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

29 (12) Inmate, student, part-time, or temporary employees, and part-
30 time professional consultants, as defined by the (~~state personnel~~
31 ~~board or the board having jurisdiction~~) director of human resources;

32 (13) The public printer or to any employees of or positions in the
33 state printing plant;

34 (14) Officers and employees of the Washington state fruit
35 commission;

36 (15) Officers and employees of the Washington state apple
37 advertising commission;

38 (16) Officers and employees of the Washington state dairy products
39 commission;

1 (17) Officers and employees of the Washington tree fruit research
2 commission;

3 (18) Officers and employees of the Washington state beef
4 commission;

5 (19) Officers and employees of any commission formed under the
6 provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

7 (20) Officers and employees of the state wheat commission formed
8 under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

9 (21) Officers and employees of agricultural commissions formed
10 under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

11 (22) Officers and employees of the nonprofit corporation formed
12 under chapter 67.40 RCW;

13 (23) Liquor vendors appointed by the Washington state liquor
14 control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules
15 (~~and regulations~~) adopted by the (~~state personnel board~~) director
16 pursuant to RCW 41.06.150 regarding the basis for, and procedures to be
17 followed for, the dismissal, suspension, or demotion of an employee,
18 and appeals therefrom shall be fully applicable to liquor vendors
19 except those part time agency vendors employed by the liquor control
20 board when, in addition to the sale of liquor for the state, they sell
21 goods, wares, merchandise, or services as a self-sustaining private
22 retail business;

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

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

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

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

38 (28) In addition to the exemptions specifically provided by this
39 chapter, the (~~state personnel board~~) director may provide for further

1 exemptions pursuant to the following procedures. The governor or other
2 appropriate elected official may submit requests for exemption to the
3 (~~personnel board~~) director stating the reasons for requesting such
4 exemptions. (~~The personnel board shall hold a public hearing, after~~
5 ~~proper notice, on requests submitted pursuant to this subsection.~~) If
6 the (~~board~~) director determines that the position for which exemption
7 is requested is one involving substantial responsibility for the
8 formulation of basic agency or executive policy or one involving
9 directing and controlling program operations of an agency or a major
10 administrative division thereof, the (~~personnel board~~) director shall
11 grant the request and such determination shall be final. The total
12 number of additional exemptions permitted under this subsection shall
13 not exceed (~~one hundred eighty seven~~) two percent of the number of
14 employees in the classified service not including employees of higher
15 education, for those agencies not directly under the authority of any
16 elected public official other than the governor, and shall not exceed
17 a total of twenty-five for all agencies under the authority of elected
18 public officials other than the governor(~~-~~);

19 (29) The following classifications, positions, and employees of
20 institutions of higher education and related boards are hereby exempted
21 from coverage of this chapter:

22 (a) Members of the governing board of each institution and related
23 boards, all presidents, vice-presidents and their confidential
24 secretaries, administrative and personal assistants; deans, directors,
25 and chairpersons; academic personnel; and executive heads of major
26 administrative or academic divisions employed by institutions of higher
27 education; principal assistants to executive heads of major
28 administrative or academic divisions; other managerial or professional
29 employees in an institution or related board having substantial
30 responsibility for directing or controlling program operations and
31 accountable for allocation of resources and program results, or for the
32 formulation of institutional policy, or for carrying out personnel
33 administration or labor relations functions, legislative relations,
34 public information, development, senior computer systems and network
35 programming, or internal audits and investigations; and any employee of
36 a community college district whose place of work is one that is
37 physically located outside the state of Washington and who is employed
38 pursuant to RCW 28B.50.092 and assigned to an educational program
39 operating outside of the state of Washington;

1 (b) Students, part-time, or temporary employees, and part-time
2 professional consultants, as defined by the department, employed by
3 institutions of higher education and related boards;

4 (c) The director, the director's confidential secretary, assistant
5 directors, and professional education employees of the state board for
6 community and technical colleges;

7 (d) The governing board of each institution, and related boards,
8 may also be exempt from this chapter, subject to the employees' right
9 of appeal to the director, classifications involving research
10 activities, counseling of students, extension or continuing education
11 activities, and graphic arts or publications activities requiring
12 prescribed academic preparation or special training, as determined by
13 the director, however no nonacademic employee engaged in office,
14 clerical, maintenance, or food and trade services may be exempted by
15 the director under this subsection (29)(d);

16 (30) The governor's designee for collective bargaining and any
17 employees working for the governor's designee;

18 (31) The ((state personnel board)) director shall report to each
19 regular session of the legislature during an odd-numbered year all
20 exemptions granted under subsections (24), (25), and (28) of this
21 section, together with the reasons for such exemptions.

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

29 Any person holding a classified position subject to the provisions
30 of this chapter shall, when and if such position is subsequently
31 exempted from the application of this chapter, be afforded the
32 following rights: If such person previously held permanent status in
33 another classified position, such person shall have a right of
34 reversion to the highest class of position previously held, or to a
35 position of similar nature and salary.

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

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

4 **Sec. 114.** RCW 41.06.080 and 1970 ex.s. c 12 s 2 are each amended
5 to read as follows:

6 Notwithstanding the provisions of this chapter, the department (~~of~~
7 ~~personnel~~) may make its services available on request, on a
8 reimbursable basis, to:

9 (1) Either the legislative or the judicial branch of the state
10 government;

11 (2) Any county, city, town, or other municipal subdivision of the
12 state;

13 (3) (~~The institutions of higher learning;~~
14 ~~(4)~~) Any agency, class, or position set forth in RCW 41.06.070.

15 NEW SECTION. **Sec. 115.** A new section is added to chapter 41.06
16 RCW to read as follows:

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

27 NEW SECTION. **Sec. 116.** A new section is added to chapter 41.06
28 RCW to read as follows:

29 Each institution of higher education and related boards shall
30 designate an officer who shall perform duties as personnel officer.
31 The personnel officer at each institution or related board shall
32 direct, supervise, and manage administrative and technical personnel
33 activities for the classified service at the institution or related
34 board consistent with policies established by the institution or
35 related board and in accordance with the provisions of this chapter and
36 the rules adopted under it. Institutions of higher education may

1 undertake jointly with one or more other institutions of higher
2 education to appoint a person qualified to perform the duties of
3 personnel officer, provide staff and financial support, and may engage
4 consultants to assist in the performance of specific projects.

5 The state board for community and technical college shall have
6 general supervision and control over activities undertaken by the
7 various state community and technical colleges under this section.

8 **Sec. 117.** RCW 41.06.140 and 1961 c 1 s 14 are each amended to read
9 as follows:

10 It shall be the duty of the ~~((board))~~ director to make rules ~~((and~~
11 ~~regulations))~~ providing for employee participation in the development
12 and administration of personnel policies. To assure this right,
13 permanent personnel policies, rules, classification and pay plans, and
14 amendments thereto, shall be acted on only after the ~~((board))~~ director
15 has given twenty days notice to, and considered proposals from,
16 employee representatives and agencies affected. Complete and current
17 compilations of all rules ~~((and regulations))~~ of the ~~((board in~~
18 ~~printed, mimeographed or multigraphed form))~~ department shall be
19 available to the public in the office of the director ~~((of personnel~~
20 ~~free of charge))~~.

21 **Sec. 118.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to
22 read as follows:

23 The ~~((board))~~ director shall adopt rules, consistent with the
24 purposes and provisions of this chapter~~((, as now or hereafter~~
25 ~~amended,))~~ and with the best standards of personnel administration,
26 regarding the basis and procedures to be followed for:

27 (1) The reduction, dismissal, suspension, or demotion of an
28 employee;

29 (2) Certification of names for vacancies, including departmental
30 promotions, ~~((with the number of names equal to four more names than~~
31 ~~there are vacancies to be filled, such names representing applicants~~
32 ~~rated highest on eligibility lists: PROVIDED, That when))~~ which shall
33 consist of the top fifteen names of the eligible register. If other
34 applicants have scores equal to the lowest score among the names
35 certified, their names shall also be certified;

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

1 (4) Appointments;
2 (5) Training and career development;
3 (6) Probationary periods of six to twelve months and rejections
4 therein, depending on the job requirements of the class, except that
5 entry level state park rangers shall serve a probationary period of
6 twelve months;
7 (7) Transfers;
8 (8) Sick leaves and vacations;
9 (9) Hours of work;
10 (10) Layoffs when necessary and subsequent reemployment, ((both
11 according to)) based on seniority and maintenance and implementation of
12 approved affirmative action plans;
13 (11) ((Determination of appropriate bargaining units within any
14 agency:—PROVIDED, That in making such determination the board shall
15 consider the duties, skills, and working conditions of the employees,
16 the history of collective bargaining by the employees and their
17 bargaining representatives, the extent of organization among the
18 employees, and the desires of the employees;
19 (12) ~~Certification and decertification of exclusive bargaining~~
20 ~~representatives:—PROVIDED, That after certification of an exclusive~~
21 ~~bargaining representative and upon the representative's request, the~~
22 ~~director shall hold an election among employees in a bargaining unit to~~
23 ~~determine by a majority whether to require as a condition of employment~~
24 ~~membership in the certified exclusive bargaining representative on or~~
25 ~~after the thirtieth day following the beginning of employment or the~~
26 ~~date of such election, whichever is the later, and the failure of an~~
27 ~~employee to comply with such a condition of employment constitutes~~
28 ~~cause for dismissal:—PROVIDED FURTHER, That no more often than once in~~
29 ~~each twelve month period after expiration of twelve months following~~
30 ~~the date of the original election in a bargaining unit and upon~~
31 ~~petition of thirty percent of the members of a bargaining unit the~~
32 ~~director shall hold an election to determine whether a majority wish to~~
33 ~~rescind such condition of employment:—PROVIDED FURTHER, That for~~
34 ~~purposes of this clause, membership in the certified exclusive~~
35 ~~bargaining representative is satisfied by the payment of monthly or~~
36 ~~other periodic dues and does not require payment of initiation,~~
37 ~~reinstatement, or any other fees or fines and includes full and~~
38 ~~complete membership rights:—AND PROVIDED FURTHER, That in order to~~
39 ~~safeguard the right of nonassociation of public employees, based on~~

1 ~~bona fide religious tenets or teachings of a church or religious body~~
2 ~~of which such public employee is a member, such public employee shall~~
3 ~~pay to the union, for purposes within the program of the union as~~
4 ~~designated by such employee that would be in harmony with his or her~~
5 ~~individual conscience, an amount of money equivalent to regular union~~
6 ~~dues minus any included monthly premiums for union sponsored insurance~~
7 ~~programs, and such employee shall not be a member of the union but is~~
8 ~~entitled to all the representation rights of a union member;~~

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

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

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

24 ~~((16)) (12) Allocation and reallocation of positions within the~~
25 ~~classification plan;~~

26 ~~((17)) (13) Adoption and revision of a state salary schedule to~~
27 ~~reflect the prevailing rates in Washington state private industries and~~
28 ~~other governmental units but the rates in the salary schedules or plans~~
29 ~~shall be increased if necessary to attain comparable worth under an~~
30 ~~implementation plan under RCW 41.06.155, such adoption and revision~~
31 ~~subject to approval by the director of financial management in~~
32 ~~accordance with the provisions of chapter 43.88 RCW;~~

33 ~~((18)) (14) Increment increases within the series of steps for~~
34 ~~each pay grade based on length of service for all employees whose~~
35 ~~standards of performance are such as to permit them to retain job~~
36 ~~status in the classified service;~~

37 ~~((19)) (15) Providing for veteran's preference as required by~~
38 ~~existing statutes, with recognition of preference in regard to layoffs~~
39 ~~and subsequent reemployment for veterans and their widows by giving~~

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

20 (~~(+20)~~) (16) Permitting agency heads to delegate the authority to
21 appoint, reduce, dismiss, suspend, or demote employees within their
22 agencies if such agency heads do not have specific statutory authority
23 to so delegate: PROVIDED, That the (~~board~~) director may not
24 authorize such delegation to any position lower than the head of a
25 major subdivision of the agency;

26 (~~(+21)~~) (17) Assuring persons who are or have been employed in
27 classified positions (~~under chapter 28B.16 RCW~~) in the state's
28 general government or higher education systems will be eligible for
29 employment, reemployment, transfer, and promotion in respect to
30 classified positions covered by this chapter;

31 (~~(+22)~~) (18) Affirmative action in appointment, promotion,
32 transfer, layoff and reemployment, recruitment, training, and career
33 development; development and implementation of affirmative action goals
34 and timetables; and monitoring of progress against those goals and
35 timetables.

36 The (~~board~~) director shall consult with the human rights
37 commission in the development of rules pertaining to affirmative
38 action. The department (~~of personnel~~) shall transmit a report
39 annually to the human rights commission which states the progress each

1 state agency has made in meeting affirmative action goals and
2 timetables.

3 Rules adopted pursuant to this section supersede collective
4 bargaining agreements relative to matters covered by sections 306(2)
5 and 307 of this act for classified employees bargaining under chapter
6 41.-- RCW (sections 301 through 317 of this act).

7 The provisions of a collective bargaining agreement covering
8 employees of institutions of higher education that are not negotiated
9 under RCW 41.--.--- (2) and (3) (section 204 (2) and (3) of this act)
10 shall not prevail if in conflict with rules adopted by the director of
11 human resources pursuant to this section.

12 NEW SECTION. Sec. 119. A new section is added to chapter 41.06
13 RCW to read as follows:

14 (1) Rules adopted by the director shall provide for local
15 administration and management by the institutions of higher education
16 and related boards, subject to periodic audit and review by the
17 department, of the following:

- 18 (a) Appointment, promotion, and transfer of employees;
- 19 (b) Dismissal, suspension, or demotion of an employee;
- 20 (c) Examinations for all positions in the competitive and
21 noncompetitive service;
- 22 (d) Probationary periods of six to twelve months and rejections
23 therein;
- 24 (e) Sick leaves and vacations;
- 25 (f) Hours of work;
- 26 (g) Layoffs when necessary and subsequent reemployment;
- 27 (h) Allocation and reallocation of positions within the
28 classification plans;
- 29 (i) Training programs; and
- 30 (j) Maintenance of personnel records.

31 (2) The director may authorize local administration and management
32 by agencies other than institutions of higher education and related
33 boards.

34 **Sec. 120.** RCW 41.06.160 and 1985 c 94 s 2 are each amended to read
35 as follows:

36 In preparing classification and salary schedules as set forth in
37 RCW 41.06.150 (~~(as now or hereafter amended)~~) the department of

1 (~~personnel~~) human resources shall give full consideration to
2 prevailing rates in other public employment and in private employment
3 in this state. For this purpose the department shall undertake
4 (~~comprehensive~~) salary and fringe benefit surveys (~~to be planned and~~
5 ~~conducted on a joint basis with the higher education personnel board,~~
6 ~~with such surveys~~) to be conducted in the year prior to the convening
7 of every (~~other~~) one hundred five day regular session of the state
8 legislature or as requested by the governor or the governor's designee
9 for the purpose of collective bargaining. (~~In the year prior to the~~
10 ~~convening of each one hundred five day regular session during which a~~
11 ~~comprehensive salary and fringe benefit survey is not conducted, the~~
12 ~~department shall plan and conduct on a joint basis with the higher~~
13 ~~education personnel board a trend salary and fringe benefit survey.~~
14 ~~This survey shall measure average salary and fringe benefit movement~~
15 ~~for broad occupational groups which has occurred since the last~~
16 ~~comprehensive salary and fringe benefit survey was conducted. The~~
17 ~~results of each comprehensive and trend salary and fringe benefit~~
18 ~~survey shall be completed and forwarded by September 30 with a~~
19 ~~recommended state salary schedule to the governor and director of~~
20 ~~financial management for their use in preparing budgets to be submitted~~
21 ~~to the succeeding legislature. A copy of the data and supporting~~
22 ~~documentation shall be furnished by the department of personnel to the~~
23 ~~standing committees for appropriations of the senate and house of~~
24 ~~representatives.~~

25 In the case of comprehensive salary and fringe benefit surveys, the
26 department shall furnish the following supplementary data in support of
27 its recommended salary schedule:

28 (1) A total dollar figure which reflects the recommended increase
29 or decrease in state salaries as a direct result of the specific salary
30 and fringe benefit survey that has been conducted and which is
31 categorized to indicate what portion of the increase or decrease is
32 represented by salary survey data and what portion is represented by
33 fringe benefit survey data;

34 (2) An additional total dollar figure which reflects the impact of
35 recommended increases or decreases to state salaries based on other
36 factors rather than directly on prevailing rate data obtained through
37 the survey process and which is categorized to indicate the sources of
38 the requests for deviation from prevailing rates and the reasons for
39 the changes;

1 ~~(3) A list of class codes and titles indicating recommended monthly~~
2 ~~salary ranges for all state classes under the control of the department~~
3 ~~of personnel with:~~

4 ~~(a) Those salary ranges which do not substantially conform to the~~
5 ~~prevailing rates developed from the salary and fringe benefit survey~~
6 ~~distinctly marked and an explanation of the reason for the deviation~~
7 ~~included; and~~

8 ~~(b) Those department of personnel classes which are substantially~~
9 ~~the same as classes being used by the higher education personnel board~~
10 ~~clearly marked to show the commonality of the classes between the two~~
11 ~~jurisdictions;~~

12 ~~(4) A supplemental salary schedule which indicates the additional~~
13 ~~salary to be paid state employees for hazardous duties or other~~
14 ~~considerations requiring extra compensation under specific~~
15 ~~circumstances. Additional compensation for these circumstances shall~~
16 ~~not be included in the basic salary schedule but shall be maintained as~~
17 ~~a separate pay schedule for purposes of full disclosure and visibility;~~
18 ~~and~~

19 ~~(5) A supplemental salary schedule which indicates those cases~~
20 ~~where the board determines that prevailing rates do not provide similar~~
21 ~~salaries for positions that require or impose similar responsibilities,~~
22 ~~judgment, knowledge, skills, and working conditions. This~~
23 ~~supplementary salary schedule shall contain proposed salary adjustments~~
24 ~~necessary to eliminate any such dissimilarities in compensation.~~
25 ~~Additional compensation needed to eliminate such salary dissimilarities~~
26 ~~shall not be included in the basic salary schedule but shall be~~
27 ~~maintained as a separate salary schedule for purposes of full~~
28 ~~disclosure and visibility.~~

29 ~~It is the intention of the legislature that requests for funds to~~
30 ~~support recommendations for salary deviations from the prevailing rate~~
31 ~~survey data shall be kept to a minimum, and that the requests be fully~~
32 ~~documented when forwarded by the department of personnel. Further, it~~
33 ~~is the intention of the legislature that the department of personnel~~
34 ~~and the higher education personnel board jointly determine job classes~~
35 ~~which are substantially common to both jurisdictions and that basic~~
36 ~~salaries for these job classes shall be equal based on salary and~~
37 ~~fringe benefit survey findings.))~~

38 Salary and fringe benefit survey information collected from private
39 employers which identifies a specific employer with the salary and

1 fringe benefit rates which that employer pays to its employees shall
2 not be subject to public disclosure under chapter 42.17 RCW.

3 The first comprehensive salary and fringe benefit survey required
4 by this section shall be completed and forwarded to the governor and
5 the director of financial management by September 30, 1986. The first
6 trend salary and fringe benefit survey required by this section shall
7 be completed and forwarded to the governor and the director of
8 financial management by September 30, 1988.

9 **Sec. 121.** RCW 41.06.167 and 1991 c 196 s 1 are each amended to
10 read as follows:

11 The department of (~~personnel~~) human resources shall undertake
12 comprehensive compensation surveys for officers and entry-level officer
13 candidates of the Washington state patrol, with such surveys to be
14 conducted in the year prior to the convening of every other one hundred
15 five day regular session of the state legislature. In the year prior
16 to the convening of each one hundred five day regular session during
17 which a comprehensive compensation survey is not conducted, the
18 department of human resources shall conduct a trend compensation
19 survey. This survey shall measure average compensation movement which
20 has occurred since the last comprehensive compensation survey was
21 conducted. The results of each comprehensive and trend survey shall be
22 completed and forwarded by September 30th, after review and preparation
23 of recommendations by the chief of the Washington state patrol, to the
24 governor and director of financial management for their use in
25 preparing budgets to be submitted to the succeeding legislature. A
26 copy of the data and supporting documentation shall be furnished by the
27 department of (~~personnel~~) human resources to the legislative
28 transportation committee and the standing committees for appropriations
29 of the senate and house of representatives. The office of financial
30 management shall analyze the survey results and conduct investigations
31 which may be necessary to arbitrate differences between interested
32 parties regarding the accuracy of collected survey data and the use of
33 such data for salary adjustment.

34 Surveys conducted by the department of (~~personnel~~) human
35 resources for the Washington state patrol shall be undertaken in a
36 manner consistent with statistically accurate sampling techniques,
37 including comparisons of medians, base ranges, and weighted averages of
38 salaries. The surveys shall compare competitive labor markets of law

1 enforcement officers. This service performed by the department of
2 (~~personnel~~) human resources shall be on a reimbursable basis in
3 accordance with the provisions of RCW 41.06.080.

4 A comprehensive compensation survey plan and the recommendations of
5 the chief of the Washington state patrol shall be submitted jointly by
6 the department of (~~personnel~~) human resources and the Washington
7 state patrol to the director of financial management, the legislative
8 transportation committee, the committee on ways and means of the
9 senate, and the committee on appropriations of the house of
10 representatives six months before the beginning of each periodic
11 survey.

12 **Sec. 122.** RCW 41.06.169 and 1985 c 461 s 3 are each amended to
13 read as follows:

14 After consultation with state agency heads, employee organizations,
15 and other interested parties, the (~~state personnel~~) director shall
16 develop standardized employee performance evaluation procedures and
17 forms which shall be used by state agencies for the appraisal of
18 employee job performance at least annually. These procedures shall
19 include means whereby individual agencies may supplement the
20 standardized evaluation process with special performance factors
21 peculiar to specific organizational needs. Performance evaluation
22 procedures shall place primary emphasis on recording how well the
23 employee has contributed to efficiency, effectiveness, and economy in
24 fulfilling state agency and job objectives.

25 **Sec. 123.** RCW 41.06.170 and 1981 c 311 s 19 are each amended to
26 read as follows:

27 (1) The (~~board~~) director, in the (~~promulgation~~) adoption of
28 rules (~~and regulations~~) governing suspensions for cause, shall not
29 authorize an appointing authority to suspend an employee for more than
30 fifteen calendar days as a single penalty or more than thirty calendar
31 days in any one calendar year as an accumulation of several penalties.
32 The (~~board~~) director shall require that the appointing authority give
33 written notice to the employee not later than one day after the
34 suspension takes effect, stating the reasons for and the duration
35 thereof. (~~The authority shall file a copy of the notice with the~~
36 ~~director of personnel.~~)

1 (2) Any employee who is reduced, dismissed, suspended, or demoted,
2 after completing his or her probationary period of service as provided
3 by the rules (~~((and regulations))~~) of the (~~((board))~~) director, or any
4 employee who is adversely affected by a violation of the state civil
5 service law, chapter 41.06 RCW(~~(, as now or hereafter amended)~~), or
6 rules (~~((promulgated pursuant thereto))~~) adopted under it, shall have the
7 right to appeal to the personnel appeals board created by RCW 41.64.010
8 not later than thirty days after the effective date of such action.
9 The employee shall be furnished with specified charges in writing when
10 a reduction, dismissal, suspension, or demotion action is taken. Such
11 appeal shall be in writing.

12 (3) An employee incumbent in a position at the time of its
13 allocation or reallocation, or the agency utilizing the position, may
14 appeal the allocation or reallocation to the personnel appeals board
15 created by RCW 41.64.010. Notice of such appeal must be filed in
16 writing within thirty days of the action from which appeal is taken.

17 (4) Any employee who feels that his or her classification should
18 not be exempt may appeal the action to the personnel appeals board.

19 **Sec. 124.** RCW 41.06.186 and 1985 c 461 s 5 are each amended to
20 read as follows:

21 The (~~((personnel board))~~) director shall adopt rules designed to
22 terminate the state employment of any employee whose performance is so
23 inadequate as to warrant termination.

24 **Sec. 125.** RCW 41.06.196 and 1985 c 461 s 6 are each amended to
25 read as follows:

26 The (~~((personnel board))~~) director shall adopt rules designed to
27 remove from supervisory positions those supervisors who in violation of
28 the rules adopted under RCW 41.06.186 have tolerated the continued
29 employment of employees under their supervision whose performance has
30 warranted termination from state employment.

31 **Sec. 126.** RCW 41.06.220 and 1961 c 1 s 22 are each amended to read
32 as follows:

33 (1) An employee who is terminated from state service may request
34 the (~~((board))~~) director to place his or her name on an appropriate
35 reemployment list and the (~~((board))~~) director shall grant this request
36 where the circumstances are found to warrant reemployment.

1 (2) Any employee, when fully reinstated after appeal, shall be
2 guaranteed all employee rights and benefits, including back pay, sick
3 leave, vacation accrual, retirement and OASDI credits.

4 **Sec. 127.** RCW 41.06.260 and 1961 c 1 s 26 are each amended to read
5 as follows:

6 If any part of this chapter shall be found to be in conflict with
7 federal requirements which are a condition precedent to the allocation
8 of federal funds to the state, such conflicting part of this chapter is
9 hereby declared to be inoperative solely to the extent of such conflict
10 and with respect to the agencies directly affected, and such findings
11 or determination shall not affect the operation of the remainder of
12 this chapter in its application to the agencies concerned. The
13 (~~board~~) director shall make such rules (~~and regulations~~) as may be
14 necessary to meet federal requirements which are a condition precedent
15 to the receipt of federal funds by the state.

16 **Sec. 128.** RCW 41.06.270 and 1979 c 151 s 61 are each amended to
17 read as follows:

18 A disbursing officer shall not pay any employee holding a position
19 covered by this chapter unless the employment is in accordance with
20 this chapter or the rules, regulations and orders issued hereunder.
21 The (~~board~~) director and the director of financial management shall
22 jointly establish procedures for the certification of payrolls.

23 **Sec. 129.** RCW 41.06.280 and 1987 c 248 s 4 are each amended to
24 read as follows:

25 There is hereby created a fund within the state treasury,
26 designated as the "department of (~~Personnel~~) human resources service
27 fund," to be used by the (~~board~~) director as a revolving fund for the
28 payment of salaries, wages, and operations required for the
29 administration of the provisions of this chapter, applicable provisions
30 of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed
31 one percent of the approved allotments of salaries and wages for all
32 positions in the classified service in each of the agencies subject to
33 this chapter, except the institutions of higher (~~learning~~) education
34 which shall be charged an amount not to exceed one-half of one percent,
35 shall be charged to the operations appropriations of each agency and
36 credited to the department of (~~personnel~~) human resources service

1 fund as the allotments are approved pursuant to chapter 43.88 RCW.
2 Subject to the above limitations, the amount shall be charged against
3 the allotments pro rata, at a rate to be fixed by the director from
4 time to time which, together with income derived from services rendered
5 under RCW 41.06.080, will provide the department with funds to meet its
6 anticipated expenditures during the allotment period.

7 The director of (~~personnel~~) human resources shall fix the terms
8 and charges for services rendered by the department of (~~personnel~~)
9 human resources pursuant to RCW 41.06.080, which amounts shall be
10 credited to the department of (~~personnel~~) human resources service
11 fund and charged against the proper fund or appropriation of the
12 recipient of such services on a quarterly basis. Payment for services
13 so rendered under RCW 41.06.080 shall be made on a quarterly basis to
14 the state treasurer and deposited by him or her in the department of
15 (~~personnel~~) human resources service fund.

16 If employees cease to be classified under this chapter pursuant to
17 an agreement authorized by section 204 of this act, each institution of
18 higher education and the state board for community and technical
19 colleges shall continue, for six months after the effective date of the
20 agreement, to make contributions to the department of human resources
21 service fund based on employee salaries and wages that includes the
22 employees under the agreement. At the expiration of the six-month
23 period, the director of financial management shall make across-the-
24 board reductions in allotments of the department of human resources
25 service fund for the remainder of the biennium so that the charge to
26 the institutions of higher education and state board based on the
27 salaries and wages of the remaining employees classified under this
28 chapter does not increase during the biennium, unless an increase is
29 authorized by the legislature. The director of financial management
30 shall report the amount and impact of any across-the-board reductions
31 made under this section to the appropriations committee of the house of
32 representatives and the ways and means committee of the senate, or
33 appropriate successor committees, within thirty days of making the
34 reductions.

35 Moneys from the department of (~~personnel~~) human resources service
36 fund shall be disbursed by the state treasurer by warrants on vouchers
37 duly authorized by the (~~board~~) director.

1 **Sec. 130.** RCW 41.06.350 and 1969 ex.s. c 152 s 1 are each amended
2 to read as follows:

3 The (~~state personnel board~~) director is authorized to receive
4 federal funds now available or hereafter made available for the
5 assistance and improvement of public personnel administration, which
6 may be expended in addition to the department of (~~personnel~~) human
7 resources service fund established by RCW 41.06.280.

8 **Sec. 131.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
9 to read as follows:

10 (1) Nothing contained in this chapter shall prohibit any
11 department, as defined in RCW 41.06.020, from purchasing services by
12 contract with individuals or business entities if such (~~services were~~
13 ~~regularly purchased by valid contract by such department prior to April~~
14 ~~23, 1979: PROVIDED, That no such contract may be executed or renewed~~
15 ~~if it would have the effect of terminating classified employees or~~
16 ~~classified employee positions existing at the time of the execution or~~
17 ~~renewal of the contract~~) purchase would be fiscally prudent and result
18 in reduced expenditures of public funds. Decisions to contract out
19 shall be made only after the affected agency has conducted a
20 feasibility study determining the potential costs and benefits that
21 would result from contracting out the work in question and the decision
22 has been reviewed and approved by the director of financial management
23 who shall assure that the prospective subcontractor will pay salaries
24 and wages to its employees who will perform the contract work that are
25 similar to those generally paid for such work in the locality in which
26 the work is to be performed and will provide benefits that are similar
27 to those paid state employees who would otherwise perform the work.

28 (2) No provision contrary to or in conflict with this section in
29 any existing collective bargaining agreement may be renewed or extended
30 by any means beyond the expiration date next following the effective
31 date of this section.

32 **Sec. 132.** RCW 41.06.400 and 1980 c 118 s 4 are each amended to
33 read as follows:

34 (1) In addition to other powers and duties specified in this
35 chapter, the (~~board~~) director shall, by rule, prescribe the purpose
36 and minimum standards for training and career development programs and,

1 in so doing, regularly consult with and consider the needs of
2 individual agencies and employees.

3 (2) In addition to other powers and duties specified in this
4 chapter, the director shall:

5 (a) Provide for the evaluation of training and career development
6 programs and plans of agencies based on minimum standards established
7 by the (~~board~~) director. The director shall report the results of
8 such evaluations to the agency which is the subject of the evaluation;

9 (b) Provide training and career development programs which may be
10 conducted more efficiently and economically on an interagency basis;

11 (c) Promote interagency sharing of resources for training and
12 career development;

13 (d) Monitor and review the impact of training and career
14 development programs to ensure that the responsibilities of the state
15 to provide equal employment opportunities are diligently carried out.
16 The director shall report to the (~~board~~) governor the impact of
17 training and career development programs on the fulfillment of such
18 responsibilities.

19 (3) At an agency's request, the director may provide training and
20 career development programs for an agency's internal use which may be
21 conducted more efficiently and economically by the department of
22 (~~personnel~~) human resources.

23 (4) The director may provide career development services that: (a)
24 Assist in the establishment of mentor programs for state employees; (b)
25 provide a clearinghouse for information on successful public and
26 private sector career development programs; (c) offer instruction and
27 resource materials on test taking, writing resumes, interviewing, and
28 other career skills; and (d) provide career counseling.

29 **Sec. 133.** RCW 41.06.410 and 1980 c 118 s 5 are each amended to
30 read as follows:

31 Each agency subject to the provisions of this chapter shall:

32 (1) Prepare an employee training and career development plan which
33 shall at least meet minimum standards established by the (~~board~~)
34 director. A copy of such plan shall be submitted to the director for
35 purposes of administering the provisions of RCW 41.06.400(2);

36 (2) Provide for training and career development for its employees
37 in accordance with the agency plan;

1 (3) Report on its training and career development program
2 operations and costs to the director in accordance with reporting
3 procedures adopted by the ((board)) director;

4 (4) Budget for training and career development in accordance with
5 procedures of the office of financial management.

6 **Sec. 134.** RCW 41.06.420 and 1980 c 118 s 6 are each amended to
7 read as follows:

8 (1) The ((board)) director, by rule, shall prescribe the conditions
9 under which an employee appointed to a supervisory or management
10 position after June 12, 1980, shall be required to successfully
11 complete an entry-level management training course as approved by the
12 director. The training course shall focus on the critical knowledge,
13 skills, and abilities for successful management performance and include
14 instruction on managing and valuing diversity in the workplace. Such
15 training shall not be required of any employee who has completed a
16 management training course prior to the employee's appointment which
17 is, in the judgment of the director, at least equivalent to the entry-
18 level course required by this section.

19 (2) The ((board)) director, by rule, shall establish procedures for
20 the suspension of the entry-level training requirement in cases where
21 the ability of an agency to perform its responsibilities is adversely
22 affected, or for the waiver of this requirement in cases where a person
23 has demonstrated experience as a substitute for training.

24 (3) Agencies subject to the provisions of this chapter, in
25 accordance with rules prescribed by the ((board)) director, shall
26 designate individual positions, or groups of positions, as being
27 "supervisory" or "management" positions. Such designations shall be
28 subject to review by the director as part of the director's evaluation
29 of training and career development programs prescribed by RCW
30 41.06.400(2).

31 **Sec. 135.** RCW 41.06.430 and 1990 c 60 s 102 are each amended to
32 read as follows:

33 (1) The ((board)) director, by rule, shall develop a career
34 executive program which recognizes the profession of management and
35 recognizes excellence in managerial skills in order to (a) identify,
36 attract, and retain highly qualified executive candidates, (b) provide
37 outstanding employees a broad opportunity for career development, and

1 (c) provide for the mobility of such employees among agencies, it being
2 to the advantage of the state to make the most beneficial use of
3 individual managerial skills.

4 (2) To accomplish the purposes of subsection (1) of this section,
5 the board, notwithstanding any other provision of this chapter, may
6 provide policies and standards for recruitment, appointment,
7 examination, training, probation, employment register control,
8 certification, classification, salary administration, transfer,
9 promotion, reemployment, conditions of employment, and separation
10 separate from procedures established for other employment.

11 (3) The director, in consultation with affected agencies, shall
12 ~~((recommend to the board))~~ determine the classified positions which may
13 be filled by participants in the career executive program. Upon the
14 request of an agency, management positions that are exempt from the
15 state civil service law pursuant to RCW 41.06.070 may be included in
16 all or any part of the career executive program: PROVIDED, That an
17 agency may at any time, after providing written notice to the ~~((board))~~
18 director, withdraw an exempt position from the career executive
19 program. No employee may be placed in the career executive program
20 without the employee's consent.

21 (4) The number of employees participating in the career executive
22 program shall not exceed two percent of the employees subject to the
23 provisions of this chapter.

24 (5) The director shall monitor and review the impact of the career
25 executive program to ensure that the responsibilities of the state to
26 provide equal employment opportunities are diligently carried out. The
27 director shall report to the ~~((board))~~ governor the impact of the
28 career executive program on the fulfillment of such responsibilities.

29 (6) Any classified state employee, upon entering a position in the
30 career executive program, shall be entitled subsequently to revert to
31 any class or position previously held with permanent status, or, if
32 such position is not available, revert to a position similar in nature
33 and salary to the position previously held.

34 NEW SECTION. Sec. 136. A new section is added to chapter 41.06
35 RCW to read as follows:

36 (1) The Washington management service is created. The purpose of
37 the management service is to strive for excellence in the management of
38 the state's resources, attract and retain qualified managers, and

1 establish a management identity in state government through separate
2 personnel rules that are unique to the responsibilities of management
3 employees.

4 (2) Notwithstanding any other provisions of this chapter, the
5 director, after consultation with state agencies and employee
6 organizations, shall adopt personnel rules for the classified members
7 of the management service. These rules shall govern recruitment,
8 appointment, classification and allocation of positions, examination,
9 training and career development, hours of work, probation,
10 certification, compensation, transfer, affirmative action, promotion,
11 layoff, reemployment, performance appraisals, discipline, and other
12 personnel practices. These rules shall be separate from rules
13 established for other employees.

14 (3) In establishing rules for the management service, the director
15 shall adhere to the following goals:

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

18 (b) To create a compensation system consistent with the policy set
19 forth in RCW 41.06.150(13). The system shall provide agency
20 flexibility in setting and changing salaries;

21 (c) To establish a performance appraisal system that emphasizes
22 individual accountability for program results and efficient management
23 of resources; effective planning, organization, and communication
24 skills; valuing and managing workplace diversity; development of
25 leadership and interpersonal abilities; and employee development;

26 (d) To strengthen management training and career development
27 programs that build critical management knowledge, skills, and
28 abilities; focus on managing and valuing workplace diversity; and
29 enhance mobility and career advancement opportunities;

30 (e) To permit flexible recruitment and hiring procedures that
31 enable agencies to compete effectively with other employers, both
32 public and private, for managers with appropriate skills and training;
33 allow consideration of all qualified candidates for positions in the
34 management service; and achieve affirmative action goals and diversity
35 in the workplace; and

36 (f) To provide that members of the classified management service
37 may only be reduced, dismissed, suspended, or demoted for cause.

1 NEW SECTION. **Sec. 137.** A new section is added to chapter 41.06
2 RCW to read as follows:

3 (1) The legislature recognizes that:

4 (a) The labor market and the state government work force are
5 becoming increasingly diverse in terms of gender, race, ethnicity, age,
6 and the presence of disabilities.

7 (b) The state's human resource and management practices must be
8 responsive to these fundamental changes in work force composition.

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

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

13 (a) In consultation with agencies, review civil service rules and
14 related agency policies to ensure that they support the state's policy
15 of valuing and managing diversity in the workplace;

16 (b) In consultation with agencies, institutions of higher
17 education, and related boards, develop model policies, procedures, and
18 technical information to be made available to such entities for the
19 support of workplace diversity programs, including, but not limited to:

20 (i) Voluntary mentorship programs;

21 (ii) Alternative testing practices for persons of disability where
22 deemed appropriate;

23 (iii) Career counseling;

24 (iv) Training opportunities, including management and employee
25 awareness and skills training, English as a second language, and
26 individual tutoring;

27 (v) Recruitment strategies;

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

30 (vii) Alternative work arrangements.

31 (3) The department shall coordinate implementation of this section
32 with the office of financial management and related institutions and
33 boards to reduce duplication of effort.

34 **Sec. 138.** RCW 41.06.450 and 1982 c 208 s 10 are each amended to
35 read as follows:

36 (1) (~~By January 1, 1983,~~) The (~~personnel board~~) director shall
37 adopt rules applicable to each agency to ensure that information

1 relating to employee misconduct or alleged misconduct is destroyed or
2 maintained as follows:

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

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

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

12 (2) Notwithstanding subsection (1) of this section, an agency may
13 retain information relating to employee misconduct or alleged
14 misconduct if:

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

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

18 (3) In adopting rules under this section, the (~~personnel board~~)
19 director shall consult with the public disclosure commission to ensure
20 that the public policy of the state, as expressed in chapter 42.17 RCW,
21 is adequately protected.

22 **Sec. 139.** 1982 c 208 s 9 (uncodified) is amended to read as
23 follows:

24 The legislature finds that, under some circumstances, maintaining
25 information relating to state employee misconduct or alleged misconduct
26 is unfair to employees and serves no useful function to the state. The
27 purpose of RCW 41.06.450 is to direct the (~~personnel board~~) director
28 of human resources to adopt rules governing maintenance of employee
29 records so that the records are maintained in a manner which is fair to
30 employees, which ensures proper management of state governmental
31 affairs, and which adequately protects the public interest.

32 **Sec. 140.** RCW 41.06.475 and 1986 c 269 s 2 are each amended to
33 read as follows:

34 The (~~state personnel board~~) director shall adopt rules, in
35 cooperation with the secretary of social and health services, for the
36 background investigation of persons being considered for state

1 employment in positions directly responsible for the supervision, care,
2 or treatment of children or developmentally disabled persons.

3 **Sec. 141.** RCW 41.06.490 and 1990 c 204 s 3 are each amended to
4 read as follows:

5 (1) In addition to the rules adopted under RCW 41.06.150, the
6 (~~board~~) director shall adopt rules establishing a state employee
7 return-to-work program. The program shall, at a minimum:

8 (a) Direct each agency to adopt a return-to-work policy. The
9 program shall allow each agency program to take into consideration the
10 special nature of employment in the agency;

11 (b) Provide for eligibility in the return-to-work program, for a
12 minimum of two years from the date the temporary disability commenced,
13 for any permanent employee who is receiving compensation under RCW
14 51.32.090 and who is, by reason of his or her temporary disability,
15 unable to return to his or her previous work, but who is physically
16 capable of carrying out work of a lighter or modified nature;

17 (c) Allow opportunity for return-to-work state-wide when
18 appropriate job classifications are not available in the agency that is
19 the appointing authority at the time of injury;

20 (d) Require each agency to name an agency representative
21 responsible for coordinating the return-to-work program of the agency;

22 (e) Provide that applicants receiving appointments for classified
23 service receive an explanation of the return-to-work policy;

24 (f) Require training of supervisors on implementation of the
25 return-to-work policy, including but not limited to assessment of the
26 appropriateness of the return-to-work job for the employee; and

27 (g) Coordinate participation of applicable employee assistance
28 programs, as appropriate.

29 (2) The agency full-time equivalents necessary to implement the
30 return-to-work program established under this section shall be used
31 only for the purposes of the return-to-work program and the net
32 increase in full-time equivalents shall be temporary.

33 NEW SECTION. **Sec. 142.** A new section is added to chapter 41.06
34 RCW to read as follows:

35 The comprehensive system for personnel administration and
36 collective bargaining provided for in chapter . . . , Laws of 1993 (this
37 act) is the exclusive system for all state employees covered by this

1 chapter. The procedures provided in this chapter or negotiated in
2 collective bargaining agreements under RCW 41.56.030 or 41.56.100 or
3 sections 201, 204, or 205 of this act or chapter 41.-- RCW (sections
4 301 through 317 of this act) provide the exclusive forums for
5 addressing all appeals, actions, complaints, grievances, claims, and
6 remedies related to or arising from any incident of such employee's
7 employment, except actions under other statutes applicable to state
8 employees, and all such actions are governed solely by this chapter,
9 the provisions of collective bargaining agreements, or chapter 41.64
10 RCW.

11 NEW SECTION. **Sec. 143.** All reports, documents, surveys, books,
12 records, files, papers, or written material in the possession of the
13 department of personnel, state personnel board, and higher education
14 personnel board except for matters relating to collective bargaining
15 shall be delivered to the custody of the department of human resources.
16 All cabinets, furniture, office equipment, motor vehicles, and other
17 tangible property employed in connection with the powers, duties, and
18 functions transferred under this section shall be made available to the
19 department of human resources. All funds, credits, or other assets
20 held in connection with the powers, duties, and functions transferred
21 under this section shall be assigned to the department of human
22 resources.

23 Any appropriations made in connection with the powers, duties, and
24 functions transferred under this section shall, on the effective date
25 of this section, be transferred and credited to the department of human
26 resources.

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

34 NEW SECTION. **Sec. 144.** All employees other than those employees
35 to be transferred in accordance with section 152 of this act, employed
36 in connection with the powers, duties, and functions transferred under
37 section 143 of this act are transferred to the jurisdiction of the

1 department of human resources. All employees classified under chapter
2 41.06 or 28B.16 RCW, the state civil service and higher education
3 personnel law, are assigned to the department of human resources to
4 perform their usual duties upon the same terms as formerly, without any
5 loss of rights, subject to any action that may be appropriate
6 thereafter in accordance with the laws and rules governing state civil
7 service.

8 NEW SECTION. **Sec. 145.** All rules adopted by the state personnel
9 board pursuant to chapter 41.06 RCW and all rules adopted by the higher
10 education personnel board that relate to functions transferred to the
11 department of human resources shall continue in effect until acted upon
12 by the director. All pending business before any agency of state
13 government pertaining to the powers, duties, and functions transferred
14 under section 143 of this act shall be continued and acted upon by the
15 department of human resources. All existing contracts and obligations
16 shall remain in full force and shall be performed by the department of
17 human resources.

18 NEW SECTION. **Sec. 146.** The transfer of the powers, duties,
19 functions, and personnel shall not affect the validity of any act
20 performed before the effective date of this section.

21 NEW SECTION. **Sec. 147.** If apportionments of budgeted funds are
22 required because of the transfers directed by sections 143 through 146
23 of this act, the director of financial management shall certify the
24 apportionments to the agencies affected, the state auditor, and the
25 state treasurer. Each of these shall make the appropriate transfer and
26 adjustments in funds and appropriation accounts and equipment records
27 in accordance with the certification.

28 **Sec. 148.** RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each
29 amended to read as follows:

30 There shall be departments of the state government which shall be
31 known as (1) the department of social and health services, (2) the
32 department of ecology, (3) the department of labor and industries, (4)
33 the department of agriculture, (5) the department of fisheries, (6) the
34 department of wildlife, (7) the department of transportation, (8) the
35 department of licensing, (9) the department of general administration,

1 (10) the department of trade and economic development, (11) the
2 department of veterans affairs, (12) the department of revenue, (13)
3 the department of retirement systems, (14) the department of
4 corrections, (15) the department of community development, (~~and~~) (16)
5 the department of health, and (17) the department of human resources
6 which shall be charged with the execution, enforcement, and
7 administration of such laws, and invested with such powers and required
8 to perform such duties, as the legislature may provide.

9 **Sec. 149.** RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each
10 amended to read as follows:

11 There shall be a chief executive officer of each department to be
12 known as: (1) The secretary of social and health services, (2) the
13 director of ecology, (3) the director of labor and industries, (4) the
14 director of agriculture, (5) the director of fisheries, (6) the
15 director of wildlife, (7) the secretary of transportation, (8) the
16 director of licensing, (9) the director of general administration, (10)
17 the director of trade and economic development, (11) the director of
18 veterans affairs, (12) the director of revenue, (13) the director of
19 retirement systems, (14) the secretary of corrections, (15) the
20 director of community development, (~~and~~) (16) the secretary of
21 health, and (17) the department of human resources.

22 Such officers, except the secretary of transportation, shall be
23 appointed by the governor, with the consent of the senate, and hold
24 office at the pleasure of the governor. The director of wildlife,
25 however, shall be appointed according to the provisions of RCW
26 77.04.080. If a vacancy occurs while the senate is not in session, the
27 governor shall make a temporary appointment until the next meeting of
28 the senate. A temporary director of wildlife shall not serve more than
29 one year. The secretary of transportation shall be appointed by the
30 transportation commission as prescribed by RCW 47.01.041.

31 NEW SECTION. **Sec. 150.** All powers, duties, and functions of the
32 department of personnel, the personnel board, and the higher education
33 personnel board pertaining to collective bargaining are transferred to
34 the public employment relations commission except that arbitration of
35 grievances filed under a collective bargaining agreement existing
36 before July 1, 1993, shall be transferred to the personnel appeals

1 board unless the parties thereto agree to submit the matter to an
2 independent arbitrator for resolution of the grievance.

3 NEW SECTION. **Sec. 151.** All reports, documents, surveys, books,
4 records, files, papers, or written material in the possession of the
5 department of personnel, the personnel board, and the higher education
6 personnel board pertaining to the powers, functions, and duties
7 transferred in section 150 of this act shall be delivered to the
8 custody of the public employment relations commission. All cabinets,
9 furniture, office equipment, motor vehicles, and other tangible
10 property employed by the department of personnel in carrying out the
11 powers, functions, and duties transferred in section 150 of this act
12 shall be made available to the public employment relations commission.
13 All funds, credits, or other assets held in connection with the powers,
14 functions, and duties transferred in section 150 of this act shall be
15 assigned to the public employment relations commission.

16 Any appropriations made to the department of personnel, the
17 personnel board, or the higher education personnel board for carrying
18 out the powers, functions, and duties transferred in section 150 of
19 this act shall, on the effective date of this section, be transferred
20 and credited to the public employment relations commission.

21 Whenever any question arises as to the transfer of any personnel,
22 funds, books, documents, records, papers, files, equipment, or other
23 tangible property used or held in the exercise of the powers and the
24 performance of the duties and functions transferred, the director of
25 financial management shall make a determination as to the proper
26 allocation and certify the same to the state agencies concerned.

27 NEW SECTION. **Sec. 152.** All employees of the department of
28 personnel engaged in performing the powers, functions, and duties
29 transferred in section 150 of this act are transferred to the
30 jurisdiction of the public employment relations commission. All
31 employees classified under chapter 41.06 RCW, the state civil service
32 law, are assigned to the public employment relations commission without
33 any loss of rights, subject to any action that may be appropriate
34 thereafter in accordance with the laws and rules governing state civil
35 service.

1 NEW SECTION. **Sec. 153.** All business pending before the department
2 of personnel, the personnel board, and the higher education personnel
3 board pertaining to the powers, functions, and duties transferred in
4 section 150 of this act shall be continued and acted upon by the public
5 employment relations commission under the rules in effect at the time
6 of the transfer. All existing contracts and obligations of the
7 department of personnel, the personnel board, and the higher education
8 personnel board shall remain in full force and shall be performed by
9 the public employment relations commission.

10 NEW SECTION. **Sec. 154.** The transfer of the powers, duties,
11 functions, and personnel of the department of personnel, the personnel
12 board, and the higher education personnel board shall not affect the
13 validity of any act performed before the effective date of this
14 section.

15 NEW SECTION. **Sec. 155.** If apportionments of budgeted funds are
16 required because of the transfers directed by sections 151 through 154
17 or 157 of this act, the director of financial management shall certify
18 the apportionments to the agencies affected, the state auditor, and the
19 state treasurer. Each of these shall make the appropriate transfer and
20 adjustments in funds and appropriation accounts and equipment records
21 in accordance with the certification.

22 NEW SECTION. **Sec. 156.** All rules adopted by the state personnel
23 board pursuant to chapter 41.06 RCW and all rules adopted by the higher
24 education personnel board that relate to functions transferred to the
25 public employment relations commission or the personnel appeals board
26 pursuant to section 150 of this act shall continue in effect until
27 acted upon by the agency assuming those functions.

28 NEW SECTION. **Sec. 157.** All business pending before the department
29 of personnel pertaining to arbitration of grievances filed under a
30 collective bargaining agreement existing before July 1, 1993, shall be
31 continued and acted upon by the personnel appeals board. All existing
32 contracts and obligations under the rules in effect at the time of the
33 transfer shall remain in full force and shall be performed by the
34 personnel appeals board.

1 NEW SECTION. **Sec. 158.** The following acts or parts of acts are
2 each repealed:

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

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

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

8 (4) RCW 28B.16.040 and 1990 c 60 s 201, 1982 1st ex.s. c 53 s 15,
9 1977 ex.s. c 94 s 1, & 1969 ex.s. c 36 s 4;

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

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

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

13 (8) RCW 28B.16.060 and 1984 c 287 s 63, 1981 c 338 s 19, 1975-'76
14 2nd ex.s. c 34 s 73, & 1969 ex.s. c 36 s 6;

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

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

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

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

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

21 (14) RCW 28B.16.105 and 1985 c 461 s 10, 1982 1st ex.s. c 53 s 17,
22 & 1977 ex.s. c 152 s 13;

23 (15) RCW 28B.16.110 and 1985 c 94 s 1, 1980 c 11 s 3, 1979 c 151 s
24 16, 1977 ex.s. c 152 s 10, 1975 1st ex.s. c 122 s 2, & 1969 ex.s. c 36
25 s 11;

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

28 (17) RCW 28B.16.113 and 1977 ex.s. c 152 s 12;

29 (18) RCW 28B.16.116 and 1983 1st ex.s. c 75 s 3;

30 (19) RCW 28B.16.120 and 1969 ex.s. c 36 s 12;

31 (20) RCW 28B.16.130 and 1969 ex.s. c 36 s 13;

32 (21) RCW 28B.16.140 and 1969 ex.s. c 36 s 14;

33 (22) RCW 28B.16.150 and 1969 ex.s. c 36 s 15;

34 (23) RCW 28B.16.160 and 1988 c 202 s 27, 1971 c 81 s 72, & 1969
35 ex.s. c 36 s 16;

36 (24) RCW 28B.16.170 and 1969 ex.s. c 36 s 26;

37 (25) RCW 28B.16.180 and 1973 1st ex.s. c 46 s 3 & 1969 ex.s. c 36
38 s 17;

39 (26) RCW 28B.16.190 and 1969 ex.s. c 36 s 19;

- 1 (27) RCW 28B.16.200 and 1979 c 151 s 18 & 1969 ex.s. c 36 s 20;
2 (28) RCW 28B.16.210 and 1969 ex.s. c 36 s 29;
3 (29) RCW 28B.16.220 and 1969 ex.s. c 36 s 31;
4 (30) RCW 28B.16.230 and 1973 c 62 s 6 & 1969 ex.s. c 215 s 14;
5 (31) RCW 28B.16.240 and 1979 ex.s. c 46 s 1;
6 (32) RCW 28B.16.255 and 1985 c 461 s 11;
7 (33) RCW 28B.16.265 and 1985 c 461 s 12;
8 (34) RCW 28B.16.275 and 1985 c 461 s 13;
9 (35) RCW 28B.16.300 and 1990 c 204 s 4;
10 (36) RCW 28B.16.900 and 1969 ex.s. c 36 s 18;
11 (37) RCW 28B.16.910 and 1969 ex.s. c 36 s 27;
12 (38) RCW 28B.16.920 and 1969 ex.s. c 36 s 30;
13 (39) RCW 28B.16.930 and 1969 ex.s. c 36 s 28;
14 (40) RCW 41.06.010 and 1980 c 118 s 1 & 1961 c 1 s 1;
15 (41) RCW 41.06.110 and 1984 c 287 s 69 & 1982 c 10 s 8;
16 (42) RCW 41.06.120 and 1981 c 311 s 17, 1975-'76 2nd ex.s. c 43 s
17 2, & 1961 c 1 s 12;
18 (43) RCW 41.06.130 and 1982 1st ex.s. c 53 s 3 & 1961 c 1 s 13;
19 (44) RCW 41.06.163 and 1987 c 185 s 9, 1986 c 158 s 6, 1979 c 151
20 s 59, & 1977 ex.s. c 152 s 3;
21 (45) RCW 41.06.165 and 1977 ex.s. c 152 s 4;
22 (46) RCW 41.06.230 and 1961 c 1 s 23;
23 (47) RCW 41.06.240 and 1961 c 1 s 24;
24 (48) RCW 41.06.310 and 1969 c 45 s 2; and
25 (49) RCW 41.06.340 and 1969 ex.s. c 215 s 13.

26 NEW SECTION. **Sec. 159.** Sections 101 through 109 of this act shall
27 constitute a new chapter in Title 43 RCW.

28 **PART II**
29 **MISCELLANEOUS**

30 NEW SECTION. **Sec. 201.** Part headings as used in this act do not
31 constitute any part of the law.

32 NEW SECTION. **Sec. 202.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and shall take
35 effect July 1, 1993.

1 NEW SECTION. **Sec. 203.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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