

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1969

Chapter 7, Laws of 1993

53rd Legislature
1993 First Special Session

WASHINGTON SERVES PROGRAM

EFFECTIVE DATE: 8/5/93

Passed by the House April 30, 1993
Yeas 91 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate May 5, 1993
Yeas 33 Nays 8

JOEL PRITCHARD
President of the Senate

Approved May 28, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1969** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 28, 1993 - 1:55 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1969

Passed Legislature - 1993 First Special Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Wang, Locke, Silver, Wineberry, Sommers, Forner, Kremen, Jones, Springer, Patterson, Ogden and J. Kohl)

Read first time 03/03/93.

1 AN ACT Relating to the Washington serves program; adding new
2 sections to chapter 50.65 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) Budget constraints are causing severe gaps and reductions in
6 vital services to local communities and citizens. Some of these gaps
7 in services can be filled by citizen volunteers through an organized
8 program to recruit and place volunteers and to expand opportunities for
9 volunteers to serve their communities;

10 (2) The federal government is proposing expansion of national
11 services programs. These programs may require significant matching
12 resources from states. State funds supporting the Washington serves
13 program can serve as a required matching source to leverage additional
14 federal national service resources;

15 (3) Washington state has, through the Washington service corps,
16 successfully offered service opportunities and meaningful work
17 experience to young adults between the ages of eighteen and twenty-five
18 years;

1 (4) The need exists to expand full-time volunteer opportunities to
2 citizens age twenty-one and over, to encourage senior citizens, college
3 graduates, professional and technically skilled persons, and other
4 adult citizens, to contribute their critical expertise, experience,
5 labor, and commitment to meeting the needs of their communities;

6 (5) It is appropriate and in the public's interest for Washington
7 state to create opportunities for citizens to engage in full-time,
8 meaningful volunteer service in governmental or private nonprofit
9 agencies, institutions, programs, or activities that address the
10 social, economic, educational, civic, cultural, or environmental needs
11 of local communities;

12 (6) Through volunteer service, citizens apply their skills and
13 knowledge to the resolution of critical problems or meeting unmet
14 needs, gain valuable experience, refine or develop new skills, and
15 instill a sense of civic pride and commitment to their community;

16 (7) There is a need to coordinate state and federally funded
17 volunteer service programs that provide living allowances and other
18 benefits to volunteers to maximize the benefits to volunteers and the
19 organizations in which they serve.

20 It is therefore the legislature's desire to expand full-time
21 volunteer opportunities for citizens age twenty-one and over and to
22 provide appropriate incentives to those who serve. Such a program
23 should be implemented state-wide and coordinated across programs.

24 NEW SECTION. **Sec. 2.** Unless the context clearly requires
25 otherwise, the definitions in this section apply throughout this
26 chapter.

27 (1) "Commissioner" means the commissioner of the employment
28 security department.

29 (2) "Council" means the Washington council on volunteerism and
30 citizen service authorized by chapter 43.150 RCW.

31 (3) "Department" means the employment security department.

32 (4) "Volunteer" means a person at least twenty-one years of age
33 who, upon application and acceptance into the program, is placed in a
34 governmental or private, nonprofit organization to perform full-time
35 service for the benefit of the community, and who receives a living
36 allowance and other benefits as authorized under this chapter.

1 NEW SECTION. **Sec. 3.** There is hereby created within the
2 employment security department a program for full-time community
3 service that shall be known and referred to as the Washington serves
4 program. The department shall recruit, train, place, and evaluate
5 applicants to the program. The department may accept applications and
6 enter into agreements or contracts with any governmental or private
7 nonprofit organization appropriate for placement of volunteers under
8 this program. The commissioner, after consultation with the council,
9 may adopt rules as needed to carry out the intent and purposes of this
10 program. It is the intent of the legislature that the commissioner
11 coordinate this program with all volunteer service programs, whether
12 funded with state or federal dollars, in order to maximize the benefits
13 to volunteers and the communities served under the program. It is also
14 the legislature's intent that to the extent that state funds are paid
15 directly to persons that participate in the program, whether to
16 reimburse, support, assist, or provide other direct payment, no
17 volunteer may have such reimbursement, support, assistance, or other
18 payment reduced or withheld for having served in the program.

19 NEW SECTION. **Sec. 4.** (1) Applicants to the Washington serves
20 program shall be at least twenty-one years of age and a resident of
21 Washington state.

22 (2) Applicants may apply to serve for a period of service of one
23 year, except that volunteers may serve for periods of service of less
24 than one year if it is determined by the commissioner, on an individual
25 basis, that a period of service of less than one year is necessary to
26 meet a critical scarce skill or necessary to enable a person or
27 organization to participate in the program.

28 (3) Volunteers may reapply for periods of service totaling not more
29 than two additional years.

30 (4) Applicants to the program shall be committed to providing full-
31 time service to the community.

32 NEW SECTION. **Sec. 5.** (1) Program volunteers shall be selected
33 from among qualified individuals submitting applications for full-time
34 service at such time, in such form, and containing such information as
35 may be necessary to evaluate the suitability of each individual for
36 service, and available placements. The commissioner or the
37 commissioner's designee shall review the application of each individual

1 who applies in conformance with selection criteria established by the
2 commissioner after consultation with the council, and who, on the basis
3 of the information provided in the application, is determined to be
4 suitable to serve as a volunteer under the Washington serves program.

5 (2) Within available funds, volunteers may be placed with any
6 public or private nonprofit organization, program, or project that
7 qualifies to accept program volunteers according to the rules and
8 application procedures established by the commissioner. Work shall
9 benefit the community or state at-large and may include but is not
10 limited to programs, projects, or activities that:

11 (a) Address the problems of jobless, homeless, hungry, illiterate,
12 or functionally illiterate persons, and low-income youths;

13 (b) Provide support and a special focus on those project activities
14 that address the needs of the unemployed and those in need of job
15 training or retraining;

16 (c) Address significant health care problems, including services to
17 homeless individuals and other low-income persons, especially children,
18 through prevention and treatment;

19 (d) Meet the health, education, welfare, or related needs of low-
20 income persons, particularly children and low-income minority
21 communities;

22 (e) Provide care or rehabilitation services to the mentally ill,
23 developmentally disabled, or other persons with disabilities;

24 (f) Address the educational and education-related needs of
25 children, youth, families, and young adults within public educational
26 institutions or related programs;

27 (g) Address alcohol and drug abuse prevention, education, and
28 related activities; and

29 (h) Seek to enhance, improve, or restore the environment or that
30 educate or advocate for a sustainable environment.

31 (3) Every reasonable effort shall be made to place participants in
32 programs, projects, or activities of their choice if the agencies,
33 programs, or activities are consistent with the intent and purposes of
34 the Washington serves program, if there is mutual agreement between the
35 agency, program, or activity and the volunteer, and if the volunteer's
36 service is consistent with the intent and purpose of the program and
37 would benefit the community or the state as a whole.

1 NEW SECTION. **Sec. 6.** (1) Volunteers accepted into the Washington
2 serves program and placed in an approved agency, program, or activity,
3 shall be provided a monthly subsistence allowance in an amount
4 determined by the commissioner taking into consideration the allowance
5 given to VISTA, Washington service corps, and other similar service
6 programs. For those persons who qualify and are granted a deferment of
7 federal student loan payments while serving in the program, the rate of
8 compensation shall be equal to but not greater than the monthly
9 subsistence allowance granted Volunteers In Service To America (VISTA)
10 serving in this state, as determined by the national ACTION agency or
11 its successor, in accordance with section 105 (b)(2) of the Domestic
12 Volunteer Service Act of 1973, P.L. 93-113, as amended.

13 (2) The commissioner or the commissioner's designee shall, within
14 available funds, ensure that each volunteer has available support to
15 enable the volunteer to perform the work to which the volunteer is
16 assigned. Such support may include, but is not limited to,
17 reimbursement for travel expenses, payment for education and training
18 expenses, including preservice and on-the-job training necessary for
19 the performance of duties, technical assistance, and other support
20 deemed necessary and appropriate.

21 (3) At the end of each volunteer's period of service of not less
22 than one year, each volunteer may receive a postservice stipend for
23 each month of completed service in an amount determined by the
24 commissioner. The postservice stipend for those persons who qualify
25 and are granted a deferment of federal student loan payments while
26 serving in this program shall be an amount equal to but not greater
27 than the amount or rate determined by the national ACTION agency or its
28 successor, in accordance with section 105(b)(2) of the Domestic
29 Volunteer Service Act of 1973, P.L. 93-113 as amended, for Volunteers
30 In Service To America (VISTA), who are providing services in this
31 state. Volunteers under the Washington serves program may accrue the
32 stipend for each month of their service period of not less than one
33 year, including any month during which they were in training. The
34 commissioner or the commissioner's designee may, on an individual
35 basis, make an exception to provide a stipend to a volunteer who has
36 served less than one year.

37 (4) Stipends shall be payable to the volunteer only upon completion
38 of the period of service. Under circumstances determined by the
39 commissioner, the stipend may be paid on behalf of the volunteer to

1 members of the volunteer's family or others designated by the
2 volunteer.

3 NEW SECTION. **Sec. 7.** Within available funds, medical aid coverage
4 under chapter 51.36 RCW and medical insurance shall be provided to all
5 volunteers under this program. The department shall give notice of
6 medical aid coverage to the director of labor and industries upon
7 acceptance of the volunteer into the program. The department shall not
8 be deemed an employer of any volunteer under the Washington serves
9 program for any other purpose. Other provisions of law relating to
10 civil service, hours of work, rate of compensation, sick leave,
11 unemployment compensation, old age, health and survivor's insurance,
12 state retirement plans, and vacation leave do not apply to volunteers
13 under this program.

14 NEW SECTION. **Sec. 8.** The assignment of volunteers under the
15 Washington serves program shall not result in the displacement of
16 currently employed workers, including partial displacement such as
17 would result from a reduction in hours of nonovertime work, wages, or
18 other employment benefits. Participating agencies, programs, or
19 activities may not terminate, layoff, or reduce the working hours of
20 any employee for the purpose of using volunteers under the Washington
21 serves program. In circumstances where substantial efficiencies or a
22 public purpose may result, participating agencies may use volunteers to
23 carry out essential agency work or contractual functions without
24 displacing current employees.

25 NEW SECTION. **Sec. 9.** The services of volunteers placed with
26 participating agencies described in chapter 50.44 RCW are not eligible
27 for unemployment compensation coverage. Each volunteer shall be so
28 advised by the commissioner or the commissioner's designee.

29 NEW SECTION. **Sec. 10.** The commissioner or the commissioner's
30 designee may assist any volunteer serving full-time under the
31 Washington serves program in obtaining a service deferment of federally
32 funded student loan payments during his or her period of service.

33 NEW SECTION. **Sec. 11.** The commissioner or the commissioner's
34 designee may provide or arrange for educational, vocational, or job

1 counseling for program volunteers at the end of their period of service
2 to (1) encourage volunteers to use the skills and experience which they
3 have derived from their training and service, and (2) promote the
4 development of appropriate opportunities for the use of such skills and
5 experience, and the placement therein of such volunteers. The
6 commissioner or the commissioner's designee may also assist volunteers
7 in developing a plan for gainful employment.

8 The commissioner shall provide for an appropriate means of
9 recognition or certification of volunteer service.

10 NEW SECTION. **Sec. 12.** The executive administrator of the
11 Washington serves program shall recruit and develop service placements
12 and may enter into work agreements or contracts as needed to implement
13 the Washington serves program. The commissioner, after consultation
14 with the council, may adopt rules for participating agencies which
15 rules may include, but are not limited to: Supervision of volunteers,
16 reasonable work space or other working environment conditions, ongoing
17 training, the handling of grievances or disputes, performance
18 evaluations, frequency of agency contacts, and liability insurance
19 coverage. The commissioner shall determine financial support levels
20 for organizations receiving volunteer placements that will provide
21 matching funds for enrollees in service projects under work agreements.

22 NEW SECTION. **Sec. 13.** The department may receive such gifts,
23 grants, and endowments from private or public sources that may be made
24 from time to time, in trust or otherwise, for the use and benefit of
25 the Washington serves program and spend the same or any income
26 therefrom according to the terms of the gifts, grants, or endowments.

27 The department may also use funds appropriated for the purposes of
28 this chapter as matching funds for federal or private source funds to
29 accomplish the purposes of this chapter.

30 NEW SECTION. **Sec. 14.** If any part of this act is found to be in
31 conflict with federal requirements which are prescribed conditions to
32 the receipt of federal funds or participation in any federal program,
33 such conflicting part of this act is declared to be inoperative solely
34 to the extent of the conflict, and such finding or determination shall
35 not affect the operation of the remainder of the act. Rules adopted

1 pursuant to this act shall meet federal requirements which are a
2 necessary condition to the receipt of federal funds by the state.

3 NEW SECTION. **Sec. 15.** Sections 1 through 13 of this act may be
4 known and cited as the Washington serves act.

5 NEW SECTION. **Sec. 16.** Sections 1 through 13 of this act are each
6 added to chapter 50.65 RCW.

7 NEW SECTION. **Sec. 17.** The commissioner shall report to the
8 appropriate committees of the legislature on the success and impact of
9 the Washington serves program by January 1, 1996.

10 NEW SECTION. **Sec. 18.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 19.** If specific funding for the purposes of
15 this act, referencing this act by bill number, is not provided by June
16 30, 1993, in the omnibus appropriations act, this act is null and void.

Passed the House April 30, 1993.

Passed the Senate May 5, 1993.

Approved by the Governor May 28, 1993.

Filed in Office of Secretary of State May 28, 1993.