
SENATE BILL 6693

State of Washington

56th Legislature

2000 Regular Session

By Senators Horn, Haugen, Johnson and Oke

Read first time 01/24/2000. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to the contracting of department of transportation
2 services; amending RCW 41.06.150 and 41.06.380; adding a new section to
3 chapter 47.04 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.04 RCW
6 to read as follows:

7 (1) For purposes of this section, the following definitions apply:

8 (a) "Repair" means any activity that restores or mends to a sound
9 or good condition by replacing or fixing after decay, injury,
10 dilapidation, or partial destruction has occurred.

11 (b) "Maintenance" means to preserve or retain in a condition of
12 good repair or efficiency.

13 (c) "Traffic services" means maintenance activities such as, but
14 not limited to, pavement striping; pavement marking; raised pavement
15 markers; repairing and replacing highway signage, guideposts, and
16 guardrails; traffic signal maintenance; and highway lighting.

17 (2) The department of transportation may purchase maintenance
18 services by contract with individuals or business entities.
19 Maintenance services that may be contracted out include, but are not

1 limited to, roadway maintenance and repair, drainage maintenance and
2 slope repair, roadside and landscape maintenance, bridge and urban
3 tunnel maintenance, snow and ice control, traffic services, and rest
4 area maintenance. As prescribed in RCW 41.06.150(13), a discretionary
5 decision by the department to purchase maintenance services by contract
6 is not a bargainable issue.

7 (3) If the department intends to purchase maintenance services, the
8 department shall notify any exclusive bargaining representative who
9 represents any employee whose employment status will be directly
10 affected by such a contract. The exclusive bargaining representative
11 may offer a competing bid, and the department must consider this bid in
12 making the final decision to contract out.

13 **Sec. 2.** RCW 41.06.150 and 1999 c 297 s 3 are each amended to read
14 as follows:

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

19 (1) The reduction, dismissal, suspension, or demotion of an
20 employee;

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

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

29 (4) Appointments;

30 (5) Training and career development;

31 (6) Probationary periods of six to twelve months and rejections of
32 probationary employees, depending on the job requirements of the class,
33 except that entry level state park rangers shall serve a probationary
34 period of twelve months;

35 (7) Transfers;

36 (8) Sick leaves and vacations;

37 (9) Hours of work;

1 (10) Layoffs when necessary and subsequent reemployment, both
2 according to seniority;

3 (11) Determination of appropriate bargaining units within any
4 agency: PROVIDED, That in making such determination the board shall
5 consider the duties, skills, and working conditions of the employees,
6 the history of collective bargaining by the employees and their
7 bargaining representatives, the extent of organization among the
8 employees, and the desires of the employees;

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

38 (13) Agreements between agencies and certified exclusive bargaining
39 representatives providing for grievance procedures and collective

1 negotiations on all personnel matters over which the appointing
2 authority of the appropriate bargaining unit of such agency may
3 lawfully exercise discretion. Discretionary decisions to purchase
4 maintenance services by contract by the department of transportation
5 are not subject to this subsection;

6 (14) Written agreements may contain provisions for payroll
7 deductions of employee organization dues upon authorization by the
8 employee member and for the cancellation of such payroll deduction by
9 the filing of a proper prior notice by the employee with the appointing
10 authority and the employee organization: PROVIDED, That nothing
11 contained herein permits or grants to any employee the right to strike
12 or refuse to perform his or her official duties;

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

16 (a) The board shall not adopt job classification revisions or class
17 studies unless implementation of the proposed revision or study will
18 result in net cost savings, increased efficiencies, or improved
19 management of personnel or services, and the proposed revision or study
20 has been approved by the director of financial management in accordance
21 with chapter 43.88 RCW.

22 ~~(b) ((Beginning July 1, 1995, through June 30, 1997, in addition to~~
23 ~~the requirements of (a) of this subsection:~~

24 ~~(i) The board may approve the implementation of salary increases~~
25 ~~resulting from adjustments to the classification plan during the 1995-~~
26 ~~97 fiscal biennium only if:~~

27 ~~(A) The implementation will not result in additional net costs and~~
28 ~~the proposed implementation has been approved by the director of~~
29 ~~financial management in accordance with chapter 43.88 RCW;~~

30 ~~(B) The implementation will take effect on July 1, 1996, and the~~
31 ~~total net cost of all such actions approved by the board for~~
32 ~~implementation during the 1995-97 fiscal biennium does not exceed the~~
33 ~~amounts specified by the legislature specifically for this purpose; or~~

34 ~~(C) The implementation is a result of emergent conditions.~~
35 ~~Emergent conditions are defined as emergency situations requiring the~~
36 ~~establishment of positions necessary for the preservation of the public~~
37 ~~health, safety, or general welfare, which do not exceed \$250,000 of the~~
38 ~~moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp.~~
39 ~~sess.~~

1 ~~(ii) The board shall approve only those salary increases resulting~~
2 ~~from adjustments to the classification plan if they are due to~~
3 ~~documented recruitment and retention difficulties, salary compression~~
4 ~~or inversion, increased duties and responsibilities, or inequities.~~
5 ~~For these purposes, inequities are defined as similar work assigned to~~
6 ~~different job classes with a salary disparity greater than 7.5 percent.~~

7 ~~(iii) Adjustments made to the higher education hospital special pay~~
8 ~~plan are exempt from (b)(i) through (ii) of this subsection.~~

9 ~~(e))~~ Reclassifications, class studies, and salary adjustments to
10 be implemented during the 1997-99 and subsequent fiscal biennia are
11 governed by (a) of this subsection and RCW 41.06.152;

12 (16) Allocation and reallocation of positions within the
13 classification plan;

14 (17) Adoption and revision of a state salary schedule to reflect
15 the prevailing rates in Washington state private industries and other
16 governmental units but the rates in the salary schedules or plans shall
17 be increased if necessary to attain comparable worth under an
18 implementation plan under RCW 41.06.155 and that, for institutions of
19 higher education and related boards, shall be competitive for positions
20 of a similar nature in the state or the locality in which an
21 institution of higher education or related board is located, such
22 adoption and revision subject to approval by the director of financial
23 management in accordance with the provisions of chapter 43.88 RCW;

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

28 (19) Optional lump sum relocation compensation approved by the
29 agency director, whenever it is reasonably necessary that a person make
30 a domiciliary move in accepting a transfer or other employment with the
31 state. An agency must provide lump sum compensation within existing
32 resources. If the person receiving the relocation payment terminates
33 or causes termination with the state, for reasons other than layoff,
34 disability separation, or other good cause as determined by an agency
35 director, within one year of the date of the employment, the state is
36 entitled to reimbursement of the lump sum compensation from the person;

37 (20) Providing for veteran's preference as required by existing
38 statutes, with recognition of preference in regard to layoffs and
39 subsequent reemployment for veterans and their surviving spouses by

1 giving such eligible veterans and their surviving spouses additional
2 credit in computing their seniority by adding to their unbroken state
3 service, as defined by the board, the veteran's service in the military
4 not to exceed five years. For the purposes of this section, "veteran"
5 means any person who has one or more years of active military service
6 in any branch of the armed forces of the United States or who has less
7 than one year's service and is discharged with a disability incurred in
8 the line of duty or is discharged at the convenience of the government
9 and 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 surviving spouse
14 of a veteran is entitled to the benefits of this section regardless of
15 the veteran's length of active military service: PROVIDED FURTHER,
16 That for the purposes of this section "veteran" does not include any
17 person 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 (21) Permitting agency heads to delegate the authority to appoint,
21 reduce, dismiss, suspend, or demote employees within their agencies if
22 such agency heads do not have specific statutory authority to so
23 delegate: PROVIDED, That the board may not authorize such delegation
24 to any position lower than the head of a major subdivision of the
25 agency;

26 (22) Assuring persons who are or have been employed in classified
27 positions before July 1, 1993, will be eligible for employment,
28 reemployment, transfer, and promotion in respect to classified
29 positions covered by this chapter;

30 (23) Affirmative action in appointment, promotion, transfer,
31 recruitment, training, and career development; development and
32 implementation of affirmative action goals and timetables; and
33 monitoring of progress against those goals and timetables.

34 The board shall consult with the human rights commission in the
35 development of rules pertaining to affirmative action. The department
36 of personnel shall transmit a report annually to the human rights
37 commission which states the progress each state agency has made in
38 meeting affirmative action goals and timetables.

1 **Sec. 3.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to
2 read as follows:

3 Nothing contained in this chapter shall prohibit any department, as
4 defined in RCW 41.06.020, from purchasing services by contract with
5 individuals or business entities if such services were regularly
6 purchased by valid contract by such department prior to April 23, 1979:
7 PROVIDED, That no such contract may be executed or renewed if it would
8 have the effect of terminating classified employees or classified
9 employee positions existing at the time of the execution or renewal of
10 the contract. This section does not apply to maintenance activities of
11 the department of transportation as defined by section 1 of this act.

12 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2000.

--- END ---