

# SENATE BILL REPORT

## SB 5080

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As Reported By Senate Committee On:  
Government Operations & Elections, March 4, 2003

**Title:** An act relating to a hiring freeze within state government.

**Brief Description:** Requiring a hiring freeze within state government.

**Sponsors:** Senators Stevens, Mulliken, Benton, Hewitt, Honeyford, Morton, McCaslin, Parlette and T. Sheldon.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/28/03, 3/4/03 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5080 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

**Staff:** Ronda Larson (786-7429)

**Background:** Because of the shortfall in state revenues during the current economic downturn, pressure has increased to save money by limiting the number of state employees. There is currently no state hiring freeze. The Governor has imposed an executive branch hiring freeze, which began on December 17, 2002. Elected officials who run state agencies are attempting to adhere to the Governor's directive.

The Governor's directive, however, can be a complete bar only with respect to positions within the Governor's direct control (i.e., the Governor's own staff, which includes the staff of the Office of Financial Management). Absent a statutory mandate, the Governor's directive does not have the power to freeze hiring in agencies headed by other elected officials (e.g., Department of Natural Resources, Superintendent of Public Instruction, Office of the Attorney General).

**Summary of Substitute Bill:** A two-year state hiring freeze is created whereby state agencies are prohibited from hiring replacements for employees who leave the agency, regardless of the reason an employee left. The freeze only affects cabinet-level agencies within the executive branch and thus excludes agencies headed by a statewide elected official.

The hiring freeze affects all positions paid for in part or in full with funds from the general state fund. Exempt are: positions in small agencies (i.e., 20 or fewer employees); positions in correctional facilities and hospitals; and positions in agencies such as DSHS relating to long-term care, drug abuse, medical assistance, and other limited areas. Faculty of colleges and universities, the military department, and court employee positions are also outside the scope of the freeze.

The freeze does not apply to seasonal workers or to work contracted out. The freeze does not prohibit an agency from filling vacancies through internal reallocations of an agency's existing staff.

**Substitute Bill Compared to Original Bill:** Unlike the original bill, the substitute restricts the hiring freeze to cabinet-level agencies within the executive branch, thus exempting such positions as K-12 employees and emergency fire positions in the Department of Natural Resources. The substitute adds seasonal employee positions to the list of categories excluded from the freeze. The substitute bill does not prohibit agencies from filling vacancies with other staff already employed in the agency, and the substitute bill's freeze does not affect work that is contracted out.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect on March 1, 2003.

**Testimony For:** The public needs to see some accountability. A hiring freeze would save money and avoid layoffs. The Governor's hiring freeze directive is not good enough because agencies are filling positions despite the directive.

**Testimony Against:** One size does not fit all. The bill's intrinsic problem is that vacancies occur by chance. You do not get what you want--you just get what happens. Therefore, this bill allows no control over how the freeze affects agencies, unlike the hiring freeze in the supplemental budget bill. It raises issues of legal liability where the duties of the position vacated involve legal responsibility. For example, in Medicaid law, an agency must have a budget analyst. In such cases, the bill would not allow even internal staff reallocations to ensure that legal responsibilities are carried out. Also, the Legislature is passing a budget that increases the number of positions in some cases. This bill would encumber such new legislation. There are 350 seasonal staff positions for summer wildfires that would be excluded in the bill. Other seasonal positions that would be eliminated address spartina growth in Willapa Bay.

**Testified:** PRO: Mark Andrews, Department of Natural Resources; Dennis Eagle, Washington Federation of State Employees; Mark Johnson, NFIB; Amber Balch, Association of Washington Business; CON: Wolfgang Opitz, Office of Financial Management; Jim King, Citizens for Parks and Recreation.