

HB 2396 - S COMM AMD

By Committee on Government Operations, Tribal Relations & Elections

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 41.06.070 and 2011 1st sp.s. c 43 s 1010, 2011 1st
4 sp.s. c 39 s 4, and 2011 1st sp.s. c 16 s 22 are each reenacted and
5 amended to read as follows:

6 (1) The provisions of this chapter do not apply to:

7 (a) The members of the legislature or to any employee of, or
8 position in, the legislative branch of the state government including
9 members, officers, and employees of the legislative council, joint
10 legislative audit and review committee, statute law committee, and any
11 interim committee of the legislature;

12 (b) The justices of the supreme court, judges of the court of
13 appeals, judges of the superior courts or of the inferior courts, or to
14 any employee of, or position in the judicial branch of state
15 government;

16 (c) Officers, academic personnel, and employees of technical
17 colleges;

18 (d) The officers of the Washington state patrol;

19 (e) Elective officers of the state;

20 (f) The chief executive officer of each agency;

21 (g) In the departments of employment security and social and health
22 services, the director and the director's confidential secretary; in
23 all other departments, the executive head of which is an individual
24 appointed by the governor, the director, his or her confidential
25 secretary, and his or her statutory assistant directors;

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

29 (i) All members of such boards, commissions, or committees;

1 (ii) If the members of the board, commission, or committee serve on
2 a part-time basis and there is a statutory executive officer: The
3 secretary of the board, commission, or committee; the chief executive
4 officer of the board, commission, or committee; and the confidential
5 secretary of the chief executive officer of the board, commission, or
6 committee;

7 (iii) If the members of the board, commission, or committee serve
8 on a full-time basis: The chief executive officer or administrative
9 officer as designated by the board, commission, or committee; and a
10 confidential secretary to the chair of the board, commission, or
11 committee;

12 (iv) If all members of the board, commission, or committee serve ex
13 officio: The chief executive officer; and the confidential secretary
14 of such chief executive officer;

15 (i) The confidential secretaries and administrative assistants in
16 the immediate offices of the elective officers of the state;

17 (j) Assistant attorneys general;

18 (k) Commissioned and enlisted personnel in the military service of
19 the state;

20 (l) Inmate, student, part-time, or temporary employees, and part-
21 time professional consultants, as defined by the Washington personnel
22 resources board;

23 (m) Officers and employees of the Washington state fruit
24 commission;

25 (n) Officers and employees of the Washington apple commission;

26 (o) Officers and employees of the Washington state dairy products
27 commission;

28 (p) Officers and employees of the Washington tree fruit research
29 commission;

30 (q) Officers and employees of the Washington state beef commission;

31 (r) Officers and employees of the Washington grain commission;

32 (s) Officers and employees of any commission formed under chapter
33 15.66 RCW;

34 (t) Officers and employees of agricultural commissions formed under
35 chapter 15.65 RCW;

36 (u) Executive assistants for personnel administration and labor
37 relations in all state agencies employing such executive assistants
38 including but not limited to all departments, offices, commissions,

1 committees, boards, or other bodies subject to the provisions of this
2 chapter and this subsection shall prevail over any provision of law
3 inconsistent herewith unless specific exception is made in such law;

4 (v) In each agency with fifty or more employees: Deputy agency
5 heads, assistant directors or division directors, and not more than
6 three principal policy assistants who report directly to the agency
7 head or deputy agency heads;

8 (w) Staff employed by the department of commerce to administer
9 energy policy functions;

10 (x) The manager of the energy facility site evaluation council;

11 (y) A maximum of ten staff employed by the department of commerce
12 to administer innovation and policy functions, including the three
13 principal policy assistants exempted under (v) of this subsection;

14 (z) Staff employed by Washington State University to administer
15 energy education, applied research, and technology transfer programs
16 under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

17 (aa) Officers and employees of the consolidated technology services
18 agency created in RCW 43.105.006 that perform the following functions
19 or duties: Systems integration management; data center (~~engineering~~
20 ~~and~~) management; network systems (~~engineering and~~) management;
21 information technology contracting management; information technology
22 customer relations management; and network and systems security
23 management. No more than twenty-five percent of the employees within
24 the consolidated technology services agency may be exempt from this
25 chapter.

26 (2) The following classifications, positions, and employees of
27 institutions of higher education and related boards are hereby exempted
28 from coverage of this chapter:

29 (a) Members of the governing board of each institution of higher
30 education and related boards, all presidents, vice presidents, and
31 their confidential secretaries, administrative, and personal
32 assistants; deans, directors, and chairs; academic personnel; and
33 executive heads of major administrative or academic divisions employed
34 by institutions of higher education; principal assistants to executive
35 heads of major administrative or academic divisions; other managerial
36 or professional employees in an institution or related board having
37 substantial responsibility for directing or controlling program
38 operations and accountable for allocation of resources and program

1 results, or for the formulation of institutional policy, or for
2 carrying out personnel administration or labor relations functions,
3 legislative relations, public information, development, senior computer
4 systems and network programming, or internal audits and investigations;
5 and any employee of a community college district whose place of work is
6 one which is physically located outside the state of Washington and who
7 is employed pursuant to RCW 28B.50.092 and assigned to an educational
8 program operating outside of the state of Washington;

9 (b) The governing board of each institution, and related boards,
10 may also exempt from this chapter classifications involving research
11 activities, counseling of students, extension or continuing education
12 activities, graphic arts or publications activities requiring
13 prescribed academic preparation or special training as determined by
14 the board: PROVIDED, That no nonacademic employee engaged in office,
15 clerical, maintenance, or food and trade services may be exempted by
16 the board under this provision;

17 (c) Printing craft employees in the department of printing at the
18 University of Washington.

19 (3) In addition to the exemptions specifically provided by this
20 chapter, the director may provide for further exemptions pursuant to
21 the following procedures. The governor or other appropriate elected
22 official may submit requests for exemption to the office of financial
23 management stating the reasons for requesting such exemptions. The
24 director shall hold a public hearing, after proper notice, on requests
25 submitted pursuant to this subsection. If the director determines that
26 the position for which exemption is requested is one involving
27 substantial responsibility for the formulation of basic agency or
28 executive policy or one involving directing and controlling program
29 operations of an agency or a major administrative division thereof, or
30 is a senior expert in enterprise information technology infrastructure,
31 engineering, or systems, the director shall grant the request. The
32 total number of additional exemptions permitted under this subsection
33 shall not exceed one percent of the number of employees in the
34 classified service not including employees of institutions of higher
35 education and related boards for those agencies not directly under the
36 authority of any elected public official other than the governor, and
37 shall not exceed a total of twenty-five for all agencies under the
38 authority of elected public officials other than the governor.

1 The salary and fringe benefits of all positions presently or
2 hereafter exempted except for the chief executive officer of each
3 agency, full-time members of boards and commissions, administrative
4 assistants and confidential secretaries in the immediate office of an
5 elected state official, and the personnel listed in subsections (1)(j)
6 through (t) and (2) of this section, shall be determined by the
7 director. Changes to the classification plan affecting exempt salaries
8 must meet the same provisions for classified salary increases resulting
9 from adjustments to the classification plan as outlined in RCW
10 41.06.152.

11 From July 1, 2011, through June 29, 2013, salaries for all
12 positions exempt from classification under this chapter are subject to
13 RCW 41.04.820.

14 From February 18, 2009, through June 30, 2013, a salary or wage
15 increase shall not be granted to any position exempt from
16 classification under this chapter, except that a salary or wage
17 increase may be granted to employees pursuant to collective bargaining
18 agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW,
19 and except that increases may be granted for positions for which the
20 employer has demonstrated difficulty retaining qualified employees if
21 the following conditions are met:

- 22 (a) The salary increase can be paid within existing resources;
- 23 (b) The salary increase will not adversely impact the provision of
24 client services; and
- 25 (c) For any state agency of the executive branch, not including
26 institutions of higher education, the salary increase is approved by
27 the director of the office of financial management.

28 Any agency granting a salary increase from February 15, 2010,
29 through June 30, 2011, to a position exempt from classification under
30 this chapter shall submit a report to the fiscal committees of the
31 legislature no later than July 31, 2011, detailing the positions for
32 which salary increases were granted, the size of the increases, and the
33 reasons for giving the increases.

34 Any agency granting a salary increase from July 1, 2011, through
35 June 30, 2013, to a position exempt from classification under this
36 chapter shall submit a report to the fiscal committees of the
37 legislature by July 31, 2012, and July 31, 2013, detailing the

1 positions for which salary increases were granted during the preceding
2 fiscal year, the size of the increases, and the reasons for giving the
3 increases.

4 Any person holding a classified position subject to the provisions
5 of this chapter shall, when and if such position is subsequently
6 exempted from the application of this chapter, be afforded the
7 following rights: If such person previously held permanent status in
8 another classified position, such person shall have a right of
9 reversion to the highest class of position previously held, or to a
10 position of similar nature and salary.

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

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

18 From February 15, 2010, until June 30, 2013, no monetary
19 performance-based awards or incentives may be granted by the director
20 or employers to employees covered by rules adopted under this section.
21 This subsection does not prohibit the payment of awards provided for in
22 chapter 41.60 RCW.

23 From July 1, 2011, until June 30, 2013, no performance-based awards
24 or incentives may be granted by the director or employers to employees
25 pursuant to a performance management confirmation granted by the
26 department of personnel under WAC 357-37-055."

HB 2396 - S COMM AMD

By Committee on Government Operations, Tribal Relations & Elections

27 On page 1, line 3 of the title, after "agency;" strike the
28 remainder of the title and insert "and reenacting and amending RCW
29 41.06.070."

--- END ---