RCW 41.06.070 Exemptions to chapter—Right of reversion. (1) The provisions of this chapter do not apply to:

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

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

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

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

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

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

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

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

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

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

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

(j) Assistant attorneys general;

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

(l) Inmate, student, and temporary employees, and part-time professional consultants, as defined by the director;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) Officers and employees of Washington technology solutions created in RCW 43.105.006 that perform the following functions or duties: Systems integration; data center engineering and management; network systems engineering and management; information technology contracting; and information technology customer relations management;

(bb) The executive director of the Washington statewide reentry council.

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

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

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by

the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

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

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

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

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

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

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

(6)(a) Notwithstanding the provisions of subsection (5) of this section, a person cannot exercise the right of reversion to a classified position if the employee has been given written notice that they are the subject of an active workplace investigation in which the allegations being investigated, if founded, could result in a finding of gross misconduct or malfeasance. The right of reversion is

suspended during the pendency of the investigation. For the purposes of this subsection, written notice includes notice sent by email to the employee's work email address.

(b) The office of financial management must adopt rules implementing this section. [2026 c 89 s 1; 2024 c 54 s 35; 2023 c 148 s 3; 2019 c 146 s 3; 2018 c 246 s 1; 2016 c 188 s 11. Prior: 2011 1st sp.s. c 43 s 1010; 2011 1st sp.s. c 39 s 4; 2011 1st sp.s. c 16 s 22; prior: 2010 c 271 s 801; 2010 c 2 s 2; 2010 c 1 s 1; prior: 2009 c 33 s 36; 2009 c 5 s 1; 2002 c 354 s 209; 1998 c 245 s 40; prior: 1996 c 319 s 3; 1996 c 288 s 33; 1996 c 186 s 109; 1995 c 163 s 1; 1994 c 264 s 13; prior: 1993 sp.s. c 2 s 15; 1993 c 379 s 306; 1993 c 281 s 21; 1990 c 60 s 101; 1989 c 96 s 8; 1987 c 389 s 2; 1985 c 221 s 1; 1984 c 210 s 2; 1983 c 15 s 21; 1982 1st ex.s. c 53 s 2; 1981 c 225 s 2; 1980 c 87 s 14; 1973 1st ex.s. c 133 s 1; 1972 ex.s. c 11 s 1; prior: 1971 ex.s. c 209 s 1; 1971 ex.s. c 59 s 1; 1971 c 81 s 100; 1969 ex.s. c 36 s 23; 1967 ex.s. c 8 s 47; 1961 c 179 s 1; 1961 c 1 s 7 (Initiative Measure No. 207, approved November 8, 1960).]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Effective date—2011 1st sp.s. c 39: See note following RCW 41.04.820.

Effective date—2011 1st sp.s. c 16 ss 16-25: See note following RCW 41.58.060.

Transfer of powers, duties, and functions—2011 1st sp.s. c 16: See note following RCW 41.58.060.

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

Findings—2010 c 2: "The legislature finds that the current economic crisis is requiring sacrifices by citizens and businesses all across the state. The legislature acknowledges the sacrifices also being made by the many state employees who have volunteered for unpaid furlough days including those, such as our ferry workers, who volunteered for pay freezes. The recession requires us to continue to find every possible cost savings while striving to continue to deliver key services to our citizens. Therefore, the legislature finds it necessary to immediately suspend recognition awards given to state employees. Until the economic climate permits the resumption of appropriate cash awards, the legislature encourages supervisors throughout state agencies to look for nonmonetary ways to acknowledge outstanding contributions to Washington's citizens by our state's civil servants." [2010 c 2 s 1.]

Effective date—2010 c 2: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [February 15, 2010]." [2010 c 2 s 7.]

Effective date—2010 c 1: "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately [February 15, 2010]." [2010 c 1 s 9.]

Effective date—2009 c 5: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [February 18, 2009]." [2009 c 5 s 13.]

Short title—2002 c 354: See RCW 41.80.907.

Findings—Intent—Part headings not law—Effective date—1996 c 186: See notes following RCW 43.330.904.

Effective date—1995 c 163: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 1, 1995]." [1995 c 163 s 2.]

Effective date—1993 sp.s. c 2 ss 1-6, 8-59, and 61-79: See RCW 43.300.900.

Intent—Severability—Effective date—1993 c 379: See notes following RCW 28B.10.029.

Effective date—1993 c 281: See note following RCW 41.06.022.

Severability—1990 c 60: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 60 s 403.]

Subheadings not law—1990 c 60: "Subheadings as used in this act do not constitute any part of the law." [1990 c 60 s 401.]

Severability—1987 c 389: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 389 s 8.]

Effective date—1987 c 389: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987." [1987 c 389 s 9.]

Savings—Severability—1984 c 210: See notes following RCW 43.01.045.

Severability—1982 1st ex.s. c 53: See note following RCW 41.06.020.

County road administration board: RCW 36.78.060.

State agencies and departments—Certain personnel exempted from chapter
basic health plan: RCW 70.47.040.
board of health: RCW 43.20.030.

caseload forecast supervisor and staff: RCW 41.06.087.
center for volunteerism and citizen service: RCW 43.150.040.
Columbia River Gorge commission: RCW 43.97.015.
commission on judicial conduct: RCW 2.64.050.
department of
- *agriculture: RCW 41.06.084.*
- *corrections: RCW 41.06.071.*
- *ecology: RCW 41.06.073, 43.21A.100.*
- *enterprise services, supervisor of motor transport: RCW 43.19.585.*
- *health: RCW 43.70.020.*
- *retirement systems: RCW 41.50.070.*
- *services for the blind: RCW 74.18.050.*
- *social and health services: RCW 43.20A.090.*
- *transportation: RCW 41.06.079, 47.01.081.*
- *veterans affairs: RCW 41.06.077.*
- *Washington technology solutions: RCW 41.06.094.*

economic and revenue forecast supervisor and staff: RCW 41.06.087.
gambling commission: RCW 9.46.080.
law revision commission: RCW 41.06.083.
office of
- *administrative hearings: RCW 34.12.030.*
- *financial management: RCW 41.06.075, 43.41.080.*
- *minority and women's business enterprises: RCW 39.19.030.*

state actuary: RCW 44.44.030.
state internship program: RCW 41.06.088.
state investment board: RCW 43.33A.100.
state lottery commission: RCW 67.70.050.
state school directors' association: RCW 41.06.086.
state treasurer: RCW 43.08.120.
state veterinarian: RCW 41.06.084.
superintendent of public instruction: RCW 28A.300.020.
Washington conservation corps: RCW 43.220.070.
Washington service corps: RCW 50.65.110.
Washington state patrol, drug control assistance unit: RCW 43.43.640.
world fair commission: RCW 41.06.085.