

---

HOUSE BILL 2669

---

State of Washington

65th Legislature

2018 Regular Session

By Representative Doglio

1 AN ACT Relating to adding part-time employees to state civil  
2 service; and amending RCW 41.06.070.

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

4 **Sec. 1.** RCW 41.06.070 and 2016 c 188 s 11 are each amended to  
5 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  
11 any 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  
14 to 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;

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

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

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

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

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

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

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

26 (j) Assistant attorneys general;

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

29 (l) Inmate, student, (~~(part-time, or)~~) and temporary employees,  
30 and part-time professional consultants, as defined by the Washington  
31 personnel resources board;

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

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

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

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

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

1 (r) Officers and employees of the Washington grain commission;  
2 (s) Officers and employees of any commission formed under chapter  
3 15.66 RCW;  
4 (t) Officers and employees of agricultural commissions formed  
5 under chapter 15.65 RCW;  
6 (u) Executive assistants for personnel administration and labor  
7 relations in all state agencies employing such executive assistants  
8 including but not limited to all departments, offices, commissions,  
9 committees, boards, or other bodies subject to the provisions of this  
10 chapter and this subsection shall prevail over any provision of law  
11 inconsistent herewith unless specific exception is made in such law;  
12 (v) In each agency with fifty or more employees: Deputy agency  
13 heads, assistant directors or division directors, and not more than  
14 three principal policy assistants who report directly to the agency  
15 head or deputy agency heads;  
16 (w) Staff employed by the department of commerce to administer  
17 energy policy functions;  
18 (x) The manager of the energy facility site evaluation council;  
19 (y) A maximum of ten staff employed by the department of commerce  
20 to administer innovation and policy functions, including the three  
21 principal policy assistants exempted under (v) of this subsection;  
22 (z) Staff employed by Washington State University to administer  
23 energy education, applied research, and technology transfer programs  
24 under RCW 43.21F.045 as provided in RCW 28B.30.900(5);  
25 (aa) Officers and employees of the consolidated technology  
26 services agency created in RCW 43.105.006 that perform the following  
27 functions or duties: Systems integration; data center engineering and  
28 management; network systems engineering and management; information  
29 technology contracting; information technology customer relations  
30 management; and network and systems security;  
31 (bb) The executive director of the Washington statewide reentry  
32 council.

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

36 (a) Members of the governing board of each institution of higher  
37 education and related boards, all presidents, vice presidents, and  
38 their confidential secretaries, administrative, and personal  
39 assistants; deans, directors, and chairs; academic personnel; and  
40 executive heads of major administrative or academic divisions

1 employed by institutions of higher education; principal assistants to  
2 executive heads of major administrative or academic divisions; other  
3 managerial or professional employees in an institution or related  
4 board having substantial responsibility for directing or controlling  
5 program operations and accountable for allocation of resources and  
6 program results, or for the formulation of institutional policy, or  
7 for carrying out personnel administration or labor relations  
8 functions, legislative relations, public information, development,  
9 senior computer systems and network programming, or internal audits  
10 and investigations; and any employee of a community college district  
11 whose place of work is one which is physically located outside the  
12 state of Washington and who is employed pursuant to RCW 28B.50.092  
13 and assigned to an educational program operating outside of the state  
14 of Washington;

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

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

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

1 institutions of higher education and related boards for those  
2 agencies not directly under the authority of any elected public  
3 official other than the governor, and shall not exceed a total of  
4 twenty-five for all agencies under the authority of elected public  
5 officials other than the governor.

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

16 ~~((From July 1, 2011, through June 29, 2013, salaries for all  
17 positions exempt from classification under this chapter are subject  
18 to RCW 41.04.820.~~

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

27 ~~(a) The salary increase can be paid within existing resources;~~

28 ~~(b) The salary increase will not adversely impact the provision  
29 of client services; and~~

30 ~~(c) For any state agency of the executive branch, not including  
31 institutions of higher education, the salary increase is approved by  
32 the director of the office of financial management.~~

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

39 ~~Any agency granting a salary increase from July 1, 2011, through  
40 June 30, 2013, to a position exempt from classification under this~~

1 ~~chapter shall submit a report to the fiscal committees of the~~  
2 ~~legislature by July 31, 2012, and July 31, 2013, detailing the~~  
3 ~~positions for which salary increases were granted during the~~  
4 ~~preceding fiscal year, the size of the increases, and the reasons for~~  
5 ~~giving the increases.))~~

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

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

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

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

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

--- END ---