

NEW SECTION. Sec. 6. Effective June 30, 1984, sections 1 through 3 of this act, the RCW sections under which they are codified, and any amendments thereto, shall expire.

NEW SECTION. Sec. 7. 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 immediately.

Passed the House November 25, 1981.

Passed the Senate November 24, 1981.

Approved by the Governor December 21, 1981.

Filed in Office of Secretary of State December 21, 1981.

## CHAPTER 13

[Substitute House Bill No. 782]

### COMMUNITY COLLEGES—FINANCIAL EMERGENCY—REDUCTION IN FORCE

AN ACT Relating to community colleges; creating new sections; adding a new section to chapter 283, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 283, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The state board for community college education may declare a financial emergency under the following conditions: (1) Reduction of allotments by the governor pursuant to RCW 43.88.110(2), or (2) reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant dollars using the implicit price deflator. When a district board of trustees determines that a reduction in force of tenured or probationary faculty members may be necessary due to financial emergency as declared by the state board, written notice of the reduction in force and separation from employment shall be given the faculty members so affected by the president or district president as the case may be. Said notice shall clearly indicate that separation is not due to the job performance of the employee and hence is without prejudice to such employee and need only state in addition the basis for the reduction in force as one or more of the reasons enumerated in subsections (1) and (2) of this section.

Said tenured or probationary faculty members will have a right to request a formal hearing when being dismissed pursuant to subsections (1) and (2) of this section. The only issue to be determined shall be whether under the applicable policies, rules or collective bargaining agreement the particular faculty member or members advised of severance are the proper ones to be terminated. Said hearing shall be initiated by filing a written request therefor with the president or district president, as the case may be,

within ten days after issuance of such notice. At such formal hearing the tenure review committee provided for in RCW 28B.50.863 may observe the formal hearing procedure and after the conclusion of such hearing offer its recommended decision for consideration by the hearing officer. Failure to timely request such a hearing shall cause separation from service of such faculty members so notified on the effective date as stated in the notice, regardless of the duration of any individual employment contract.

Said hearing shall be a formal hearing pursuant to RCW 28B.19.120 conducted by a hearing officer appointed by the board of trustees and shall be concluded by the hearing officer within sixty days after written notice of the reduction in force has been issued. Ten days written notice of the formal hearing will be given to faculty members who have requested such a hearing by the president or district president as the case may be. The hearing officer within ten days after conclusion of such formal hearing shall prepare findings, conclusions of law and a recommended decision which shall be forwarded to the board of trustees for its final action thereon. Any such determination by the hearing officer under this section shall not be subject to further tenure review committee action as otherwise provided in this chapter.

Notwithstanding any other provision of this section, at the time of a faculty member or members request for formal hearing said faculty member or members may ask for participation in the choosing of the hearing officer in the manner provided in RCW 28A.58.455(4), said employee therein being a faculty member for the purposes hereof and said board of directors therein being the board of trustees for the purposes hereof: PROVIDED, That where there is more than one faculty member affected by the board of trustees' reduction in force such faculty members requesting hearing must act collectively in making such request: PROVIDED FURTHER, That costs incurred for the services and expenses of such hearing officer shall be shared equally by the community college and the faculty member or faculty members requesting hearing.

When more than one faculty member is notified of termination because of a reduction in force as provided in this section, hearings for all such faculty members requesting formal hearing shall be consolidated and only one such hearing for the affected faculty members shall be held, and such consolidated hearing shall be concluded within the time frame set forth herein.

Separation from service without prejudice after formal hearing under the provisions of this section shall become effective upon final action by the board of trustees.

It is the intent of the legislature by enactment of this section and in accordance with RCW 28B.52.035, to modify any collective bargaining agreements in effect, or any conflicting board policies or rules, so that any reductions in force which take place after this section becomes effective, whether in progress or to be initiated, will comply solely with the provisions

of this section: PROVIDED, That any applicable policies, rules, or provisions contained in a collective bargaining agreement related to lay-off units, seniority and re-employment rights shall not be affected by the provisions of this paragraph.

Nothing in this section shall be construed to affect the right of the board of trustees or its designated appointing authority not to renew a probationary faculty appointment pursuant to RCW 28B.50.857.

NEW SECTION. Sec. 2. 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 immediately.

NEW SECTION. Sec. 3. 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.

Passed the House December 2, 1981.

Passed the Senate December 1, 1981.

Approved by the Governor December 21, 1981.

Filed in Office of Secretary of State December 21, 1981.

## CHAPTER 14

[Substitute House Bill No. 811]

### APPROPRIATION REDUCTIONS

AN ACT Relating to reductions in appropriations; modifying appropriations and expenditures for the operations and capital projects of state agencies for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983; making appropriations; amending section 2, chapter 340, Laws of 1981 (uncodified); amending section 3, chapter 340, Laws of 1981 (uncodified); amending section 4, chapter 340, Laws of 1981 (uncodified); amending section 5, chapter 340, Laws of 1981 (uncodified); amending section 6, chapter 340, Laws of 1981 (uncodified); amending section 7, chapter 340, Laws of 1981 (uncodified); amending section 8, chapter 340, Laws of 1981 (uncodified); amending section 9, chapter 340, Laws of 1981 (uncodified); amending section 10, chapter 340, Laws of 1981 (uncodified); amending section 11, chapter 340, Laws of 1981 (uncodified); amending section 12, chapter 340, Laws of 1981 (uncodified); amending section 13, chapter 340, Laws of 1981 (uncodified); amending section 14, chapter 340, Laws of 1981 (uncodified); amending section 15, chapter 340, Laws of 1981 (uncodified); amending section 16, chapter 340, Laws of 1981 (uncodified); amending section 17, chapter 340, Laws of 1981 (uncodified); amending section 18, chapter 340, Laws of 1981 (uncodified); amending section 19, chapter 340, Laws of 1981 (uncodified); amending section 20, chapter 340, Laws of 1981 (uncodified); amending section 21, chapter 340, Laws of 1981 (uncodified); amending section 23, chapter 340, Laws of 1981 (uncodified); amending section 24, chapter 340, Laws of 1981 (uncodified); amending section 25, chapter 340, Laws of 1981 (uncodified); amending section 26, chapter 340, Laws of 1981 (uncodified); amending section 27, chapter 340, Laws of 1981 (uncodified); amending section 28, chapter 340, Laws of 1981 (uncodified); amending section 29, chapter 340, Laws of 1981 (uncodified); amending section 32, chapter 340, Laws of 1981 (uncodified); amending section 33, chapter 340, Laws of 1981 (uncodified); amending section 35, chapter 340, Laws of 1981 (uncodified); amending section 36, chapter 340, Laws of 1981 (uncodified); amending section 37, chapter 340, Laws of 1981 (uncodified); amending section 41, chapter 340, Laws of 1981 (uncodified); amending section