

CHAPTER 284

[House Bill No. 1378]

PUBLIC EMPLOYEES—PERSONNEL LAW—CORRECTION EMPLOYEES—
ASSAULT BY INMATES—REIMBURSEMENT

AN ACT Relating to public employees; amending section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 4, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.020; amending section 8, chapter 10, Laws of 1982 and RCW 41.06.110; amending section 4, chapter 53, Laws of 1982 1st ex. sess. as amended by section 5, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.150; amending section 6, chapter 152, Laws of 1977 ex. sess. as amended by section 5, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.169; amending section 12, chapter 311, Laws of 1981 and RCW 41.64.110; amending section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.020; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.100; amending section 13, chapter 152, Laws of 1977 ex. sess. as amended by section 17, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.105; amending section 28B.50.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.030; adding new sections to chapter 28B.16 RCW; adding new sections to chapter 41.06 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 72.09 RCW; repealing section 12, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.644; repealing section 13, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.645; repealing section 11, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.646; repealing section 18, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.250; repealing section 21, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.260; repealing section 22, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.270; repealing section 20, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.280; repealing section 23, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.290; repealing section 25, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.830; repealing section 26, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.840; repealing section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250; repealing section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260; repealing section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270; repealing section 6, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.175; repealing section 8, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.185; repealing section 9, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.195; repealing section 7, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.205; repealing section 10, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.215; and making an appropriation.

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

***Sec. 1. Section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 4, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.020 are each amended to read as follows:**

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter.

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) (~~1~~) "Management employees" means those employees:

(a) ~~Who are classified under this chapter and who are exempt employees under this chapter and have their salary and fringe benefits determined under RCW 41.06.070, and~~

(b) ~~Who are specified as management by the state personnel board, but the board shall not go below range 49, as established in the October 1981 state personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication.~~

(7)) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

((8)) (7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

((9)) (8) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

((10)) (9) "Training" means activities designed to develop job-related knowledge and skills of employees.

((11)) (10) "Director" means the director of personnel appointed under the provisions of RCW 41.06.130.

*Sec. 1. was vetoed, see message at end of chapter.

*Sec. 2. Section 8, chapter 10, Laws of 1982 and RCW 41.06.110 are each amended to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate. The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a

successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid ((fifty)) one hundred dollars for each day in which he has actually attended a meeting of the board officially held or has performed statutorily prescribed duties approved by the chairperson for which duties compensation shall not exceed two thousand dollars per year. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals until December 31, 1982. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

*Sec. 2. was vetoed, see message at end of chapter.

*Sec. 3. Section 4, chapter 53, Laws of 1982 1st ex. sess. as amended by section 5, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.150 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions (~~and re-employment from layoff~~), with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;

(6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations

on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment ~~((or merit))~~ increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter and with the same preferences as are granted to employees who are or have been employed in classified positions covered by this chapter, except that persons whose employment is terminated by an agency pursuant to a reduction in force shall have preference in respect to appointment to openings in classified positions for which they are eligible in that agency.

*Sec. 3. was vetoed, see message at end of chapter.

*Sec. 4. Section 6, chapter 152, Laws of 1977 ex. sess. as amended by section 5, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.169 are each amended to read as follows:

After consultation with state agency heads, employee organizations, and other interested parties, the state personnel director shall develop standardized employee performance evaluation procedures and forms which shall be used by state agencies for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual agencies may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. Performance evaluation procedures shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling state agency and job objectives. ~~((This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.))~~ A standardized performance evaluation procedure shall be instituted and shall apply to both classified employees and employees who occupy exempt positions for which the board determines salaries.

*Sec. 4. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 5. There is added to chapter 41.06 RCW a new section to read as follows:**

Each employee whose work is judged unsatisfactory shall be notified in writing of the areas in which the work is considered deficient. Unless the deficiency is extreme, the employee shall be given an opportunity to demonstrate improvement.

*Sec. 5. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 6. There is added to chapter 41.06 RCW a new section to read as follows:**

The personnel board shall adopt and enforce rules designed to terminate the state employment of any employee whose performance is so inadequate as to warrant termination.

*Sec. 6. was vetoed, see message at end of chapter.

**NEW SECTION. Sec. 7. There is added to chapter 41.06 RCW a new section to read as follows:*

The personnel board shall adopt and enforce rules designed to remove from supervisory positions those supervisors who in violation of the rules adopted under section 6 of this act have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

*Sec. 7. was vetoed, see message at end of chapter.

**NEW SECTION. Sec. 8. There is added to chapter 41.06 RCW a new section to read as follows:*

(1) It is the employment policy of the state of Washington that state officials emphasize maintaining those direct service positions which permit the agency to carry out its legislatively mandated missions. As a general rule, employment practices shall not disproportionately favor management positions. When hirings or reductions in the work force, or other employment decisions occur, the ratio of management to nonmanagement full-time equivalent positions shall not increase. In furtherance of this policy, each agency shall submit to the office of financial management by January 15 and July 15 of each year a report indicating by title each position which became vacant and each position which was filled during the previous six months.

(2) The office of financial management shall study the implementation of the hiring policy provided in this section. This study shall be presented to the financial committees of the legislature by January 31 and July 31 of each year.

*Sec. 8. was vetoed, see message at end of chapter.

**Sec. 9. Section 12, chapter 311, Laws of 1981 and RCW 41.64.110 are each amended to read as follows:*

Hearings on such appeals shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his or her appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses, and give evidence before the board. Members of the board or the executive secretary may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify.

The court shall summarily hear the evidence on such refusal and, if the evidence warrants, punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court. The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits, but it may not be required to transcribe such record unless requested by the employee(~~(- If requested, the board shall furnish a complete transcript upon payment of a reasonable charge therefor. The employee shall be reimbursed by the employing agency for the cost of a transcript used on appeal if the employee prevails before the court)~~), who shall be furnished with a complete transcript upon payment of a reasonable charge. However, payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails.

*Sec. 9. was vetoed, see message at end of chapter.

*Sec. 10. Section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(2) "Board" means the higher education personnel board established under the provisions of RCW 28B.16.060;

(3) "Related boards" means the state board for community college education and the higher education personnel board; and such other boards, councils and commissions related to higher education as may be established;

(4) "Classified service" means all positions at the institutions of higher education subject to the provisions of this chapter;

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions;

(6) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(7) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required(;

~~(8) "Management employees" mean those classified employees under this chapter specified as management by the higher education personnel board, but the board shall not go below range 49, as established in the October 1981 higher education personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication).~~

*Sec. 10. was vetoed, see message at end of chapter.

**Sec. 11. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.100 are each amended to read as follows:*

The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom,

(2) Certification of names for vacancies, including promotions (~~and re-employment from layoff~~), with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists,

(3) Examination for all positions in the competitive and noncompetitive service,

(4) Appointments,

(5) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class,

(6) Transfers,

(7) Sick leaves and vacations,

(8) Hours of work,

(9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) Determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this

clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan;

(16) Adoption and revision of salary schedules and compensation plans which reflect the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth: under an implementation plan under RCW 28B.16.116 and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of financial management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges;

(17) Training programs including in-service, promotional, and supervisory;

(18) Increment ((or merit)) increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; ((and))

(19) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Assuring that persons who are or have been employed in classified positions under chapter 41.06 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter and with the same preferences as are granted to employees who are or have been employed in classified positions covered by this chapter, except that persons whose employment is terminated by an institution or board pursuant to a reduction in force shall have preference in respect to appointment to openings in classified positions for which they are eligible provided by such institution or board; and

(21) Assuring that any person who is or has been employed in a classified position under this chapter will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions at any other institution of higher education or related board and with the same preferences as are granted to employees who are or have been employed in classified positions by such other institution or board, except that persons whose employment is terminated by an institution or board pursuant to a reduction in force shall have preference in respect to appointment to openings in classified positions for which they are eligible provided by such institution or board.

*Sec. 11, was vetoed, see message at end of chapter.

***Sec. 12. Section 13, chapter 152, Laws of 1977 ex. sess. as amended by section 17, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.105 are each amended to read as follows:**

After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher learning for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. ((This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.))

***Sec. 12. was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 13. There is added to chapter 28B.16 RCW a new section to read as follows:**

Each employee whose work is judged unsatisfactory shall be notified in writing of the areas in which the work is considered deficient. Unless the deficiency is extreme, the employee shall be given an opportunity to demonstrate improvement.

***Sec. 13. was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 14. There is added to chapter 28B.16 RCW a new section to read as follows:**

The higher education personnel board shall adopt and enforce rules designed to terminate the state employment of any employee whose performance is so inadequate as to warrant termination.

***Sec. 14. was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 15. There is added to chapter 28B.16 RCW a new section to read as follows:**

The personnel board shall adopt and enforce rules designed to remove from supervisory positions those supervisors who in violation of the rules adopted under section 14 of this act have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

***Sec. 15. was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 16. There is added to chapter 28B.16 RCW a new section to read as follows:**

(1) It is the employment policy of the state of Washington that state officials emphasize maintaining those direct service positions which permit the agency to carry out its legislatively mandated missions. As a general rule, employment practices shall not disproportionately favor management positions. When hirings or reductions in the work force, or other employment

decisions occur, the ratio of management to nonmanagement full-time equivalent positions shall not increase. In furtherance of this policy, each agency shall submit to the office of financial management by January 15 and July 15 of each year a report indicating by title each position which became vacant and each position which was filled during the previous six months.

(2) The office of financial management shall study the implementation of the hiring policy provided in this section. This study shall be presented to the financial committees of the legislature by January 31 and July 31 of each year.

*Sec. 16. was vetoed, see message at end of chapter.

*Sec. 17. Section 28B.50.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.030 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community colleges, which shall be a system of higher education;

(2) "College board" shall mean the state board for community college education created by this chapter;

(3) "Director" shall mean the administrative director for the state system of community colleges;

(4) "District" shall mean any one of the community college districts created by this chapter;

(5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

(6) "Council" shall mean the coordinating council for occupational education;

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree;

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade;

(9) "Common school board" shall mean a public school district board of directors;

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education;

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a

public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four year public institution of higher education: AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational-technical institute(;

(12) "Management employees" shall mean administrative exempt personnel of each community college who are specified by each community college as management)).

*Sec. 17. was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 18. *There is added to chapter 43.01 RCW a new section to read as follows:*

It is the responsibility of each agency head to institute management procedures designed to identify any agency employee, either supervisory or nonsupervisory, whose performance is so inadequate as to warrant termination from state employment. In addition, it is the responsibility of each agency head to remove from a supervisory position any supervisor within the agency who has tolerated the continued employment of any employee under his or her supervision whose performance has warranted termination from state employment.

*Sec. 18. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 19. *There is added to chapter 72.09 RCW a new section to read as follows:*

(1) *In recognition of the hazardous nature of employment in state correctional institutions, the legislature hereby provides a supplementary program to reimburse employees of the department of corrections for some of their costs attributable to their being the victims of inmate assaults. This program shall be limited to the reimbursement provided in this section.*

(2) *An employee is only entitled to receive the reimbursement provided in this section if the secretary of corrections, or the secretary's designee, finds that each of the following has occurred:*

(a) *An inmate has assaulted the employee and as a result thereof the employee has sustained injuries which have required the employee to miss days of work; and*

(b) *The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment.*

(3) *The reimbursement authorized under this section shall be as follows:*

(a) *The employee's accumulated sick leave days shall not be reduced for the workdays missed;*

(b) *For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and*

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(4) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(5) The employee shall not be entitled to the reimbursement provided in subsection (3) of this section for any workday for which the secretary, or the secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(6) The reimbursement shall only be made for absences which the secretary, or the secretary's designee, believes are justified.

(7) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(8) All reimbursement payments required to be made to employees under this section shall be made by the department of corrections. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(9) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

****NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:***

(1) Section 12, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.644;

(2) Section 13, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.645;

(3) Section 11, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.646;

(4) Section 18, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.250;

(5) Section 21, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.260;

(6) Section 22, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.270;

(7) Section 20, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.280;

(8) Section 23, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.290;

(9) Section 25, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.830;

(10) Section 26, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.840;

(11) Section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250;

(12) Section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260;

(13) Section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270;

(14) Section 6, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.175;

(15) Section 8, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.185;

(16) Section 9, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.195;

(17) Section 7, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.205; and

(18) Section 10, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.215.

*Sec. 20. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 21. *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.*

*Sec. 21. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 22. *To carry out the provisions of section 9 of this act, there is appropriated to the personnel appeals board from the department of personnel service fund for the period from July 1, 1984, through June 30, 1985, the sum of twelve thousand dollars or so much thereof as may be necessary.*

*Sec. 22. was vetoed, see message at end of chapter.

Passed the House March 1, 1984.

Passed the Senate February 25, 1984.

Approved by the Governor March 30, 1984, with the exception of those provisions noted in the veto message.

Filed in Office of Secretary of State March 30, 1984.

Note: Governor's explanation of partial veto is as follows:

I am returning herewith without my approval, as to certain sections, House Bill No. 1378, entitled:

"AN ACT Relating to public employees."

Portions of this bill would reestablish seniority as the sole factor in personnel decisions regarding salary increases, layoffs, and rehiring of state employees. Current law requires that both seniority and job performance be considered when such decisions are made.

In 1983, I expressed my support of the existing law in the veto message of a bill similar to this measure. No new evidence has since been presented to me that would justify a change in my position. To discard the modest performance achieved in 1982, as proposed in this bill, would be an unfortunate step backward in our continuing efforts to motivate and reward our best employees.

Substitute House Bill No. 1378 has provisions that do not relate to performance or seniority. One of these is the proposal that the ratio of management employees to direct service employees be maintained during hiring and layoffs. This provision was vetoed last year because it was too vague to enforce, inflexible, and may force unintended layoffs of direct service workers. While I approve of a policy that maintains this ratio in layoffs, the above problems persist.

Other provisions of the bill cover the important aspect of mobility between personnel systems. Both the State Personnel Board and the Higher Education Personnel Board are about to adopt rules which will allow such mobility. In doing so, they will use existing authority for those rules. Rule making on this topic will allow greater flexibility in the system than will be permitted by this legislation.

The provisions of the bill dealing with extra sick leave for prison guards attacked on the job acknowledges the hazardous nature of employment in state prisons and other correctional facilities and are acceptable.

Therefore, I have vetoed the provisions of House Bill No. 1378 with the exception of section 19, which is approved.

CHAPTER 285

[Engrossed Substitute House Bill No. 1156] SUPPLEMENTAL OPERATING BUDGET

AN ACT Relating to state agencies; amending section 2, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 3, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 4, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 5, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 6, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 7, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 8, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 9, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 10, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 11, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 12, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 13, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 14, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 15, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 20, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 21, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 22, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 24, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 26, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 27, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 28, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 29, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 30, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 31, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 32, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 34, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 37, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 38, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 39, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 40, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 41, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 43, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 44, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 45, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 49, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 52, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 53, chapter 76, Laws of 1983 1st ex.