

CHAPTER 118

[Substitute House Bill No. 38]

STATE EMPLOYEES—TRAINING AND CAREER DEVELOPMENT—CAREER
EXECUTIVE PROGRAM—APPROPRIATION

AN ACT Relating to state civil service; amending section 1, chapter 1, Laws of 1961 and RCW 41.06.010; amending section 1, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.020; amending section 15, chapter 1, Laws of 1961 as last amended by section 57, chapter 151, Laws of 1979 and RCW 41.06.150; adding new sections to chapter 41.06 RCW; and making an appropriation.

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

Section 1. Section 1, chapter 1, Laws of 1961 and RCW 41.06.010 are each amended to read as follows:

The general purpose of this chapter is to establish for the state a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline, training and career development, and welfare of its civil employees, and other incidents of state employment. All appointments and promotions to positions, and retention therein, in the state service, shall be made on the basis of policies hereinafter specified.

Sec. 2. Section 1, chapter 12, Laws of 1970 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) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required(;;).

(6) "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 (1) no other public officer or (2) the governor.

(7) "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.

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

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

Sec. 3. Section 15, chapter 1, Laws of 1961 as last amended by section 57, chapter 151, Laws of 1979 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 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 departmental promotions, with the number of names equal to two 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 months and rejections therein;

~~((6))~~ (7) Transfers;

~~((7))~~ (8) Sick leaves and vacations;

~~((8))~~ (9) Hours of work;

~~((9))~~ (10) Layoffs when necessary and subsequent reemployment, both according to seniority;

~~((10))~~ (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;

~~((11))~~ (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon said 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 shall constitute 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 shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include 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 shall be entitled to all the representation rights of a union member;

~~((+2))~~ (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;

~~((+3))~~ (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 shall permit or grant to any employee the right to strike or refuse to perform his official duties;

~~((+4))~~ (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;

~~((+5))~~ (16) Allocation and reallocation of positions within the classification plan;

~~((+6))~~ (17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

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

(18) Increment 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 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 shall be 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" shall 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.

NEW SECTION, Sec. 4. There is added to chapter 41.06 RCW a new section to read as follows:

(1) In addition to other powers and duties specified in this chapter, the board shall, by rule, prescribe the purpose and minimum standards for training and career development programs and, in so doing, regularly consult with and consider the needs of individual agencies and employees.

(2) In addition to other powers and duties specified in this chapter, the director shall:

(a) Provide for the evaluation of training and career development programs and plans of agencies based on minimum standards established by the board. The director shall report the results of such evaluations to the agency which is the subject of the evaluation;

(b) Provide training and career development programs which may be conducted more efficiently and economically on an interagency basis;

(c) Promote interagency sharing of resources for training and career development;

(d) Monitor and review the impact of training and career development programs to ensure that the responsibilities of the state to provide equal employment opportunities are diligently carried out. The director shall report to the board the impact of training and career development programs on the fulfillment of such responsibilities.

(3) At an agency's request, the director may provide training and career development programs for an agency's internal use which may be conducted more efficiently and economically by the department of personnel.

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

Each agency subject to the provisions of this chapter shall:

(1) Prepare an employee training and career development plan which shall at least meet minimum standards established by the board. A copy of such plan shall be submitted to the director for purposes of administering the provisions of section 4(2), of this 1980 act;

(2) Provide for training and career development for its employees in accordance with the agency plan;

(3) Report on its training and career development program operations and costs to the director in accordance with reporting procedures adopted by the board;

(4) Budget for training and career development in accordance with procedures of the office of financial management.

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

(1) The board, by rule, shall prescribe the conditions under which an employee appointed to a supervisory or management position after the effective date of this 1980 act, shall be required to successfully complete an entry-level management training course as approved by the director. Such training shall not be required of any employee who has completed a management training course prior to the employee's appointment which is, in the judgment of the director, at least equivalent to the entry-level course required by this section.

(2) The board, by rule, shall establish procedures for the suspension of the entry-level training requirement in cases where the ability of an agency to perform its responsibilities is adversely affected, or for the waiver of this requirement in cases where a person has demonstrated experience as a substitute for training.

(3) Agencies subject to the provisions of this chapter, in accordance with rules prescribed by the board, shall designate individual positions, or groups of positions, as being "supervisory" or "management" positions. Such designations shall be subject to review by the director as part of the

director's evaluation of training and career development programs prescribed by section 4(2) of this 1980 act.

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

(1) The board, by rule, shall develop a career executive program which recognizes the profession of management and recognizes excellence in managerial skills in order to (a) identify, attract, and retain highly qualified executive candidates, (b) provide outstanding employees a broad opportunity for career development, and (c) provide for the mobility of such employees among agencies, it being to the advantage of the state to make the most beneficial use of individual managerial skills.

(2) To accomplish the purposes of subsection (1) of this section, the board, notwithstanding any other provision of this chapter, may provide policies and standards for recruitment, appointment, examination, training, probation, employment register control, certification, classification, salary administration, transfer, promotion, reemployment, conditions of employment, and separation separate from procedures established for other employment.

(3) The director, in consultation with affected agencies, shall recommend to the board the classified positions which may be filled by participants in the career executive program. Upon the request of an agency, management positions that are exempt from the state civil service law pursuant to RCW 41.06.070 may be included in all or any part of the career executive program: **PROVIDED**, That an agency may at any time, after providing written notice to the board, withdraw an exempt position from the career executive program. No employee may be placed in the career executive program without the employee's consent.

(4) The number of employees participating in the career executive program shall not exceed one percent of the employees subject to the provisions of this chapter.

(5) The director shall monitor and review the impact of the career executive program to ensure that the responsibilities of the state to provide equal employment opportunities are diligently carried out. The director shall report to the board the impact of the career executive program on the fulfillment of such responsibilities.

(6) Any classified state employee, upon entering a position in the career executive program, shall be entitled subsequently to revert to any class or position previously held with permanent status, or, if such position is not available, revert to a position similar in nature and salary to the position previously held.

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

(1) The career executive program established by section 7 of this 1980 act shall terminate on June 30, 1985, unless extended by law for an additional fixed period of time.

(2) Prior to this termination date, the appropriate standing committee in each house of the legislature shall hold a public hearing to receive testimony on the effectiveness of the program from employee participants in the career executive program, agency directors, the director of the department of personnel, and other interested parties.

(3) The legislative budget committee shall cause to be conducted a performance audit of the career executive program. Such audit shall be completed at least six months prior to the termination date for the program. Upon completion of the performance audit, the legislative budget committee shall submit a complete report of its findings to the president of the senate and the speaker of the house for use by the appropriate standing committees designated to review the career executive program.

NEW SECTION. Sec. 9. There is hereby appropriated to the department of personnel from the personnel service revolving fund for the biennium ending June 30, 1981, the sum of one hundred forty-four thousand five hundred four dollars, or such lesser amount as may be required, for the purpose of implementing the provisions of this 1980 act.

NEW SECTION. Sec. 10. If any provision of this 1980 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 January 30, 1980.

Passed the Senate February 27, 1980.

Approved by the Governor March 10, 1980.

Filed in Office of Secretary of State March 10, 1980.

CHAPTER 119

[House Bill No. 1620]

PUGET SOUND FERRY SYSTEM—TOLL SUPPLEMENT APPROPRIATION

AN ACT Relating to transportation; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from Puget Sound ferry operations account of the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981 \$9,000,000 (all state funds) or so much thereof as may be necessary for operations and maintenance of the ferry system to supplement tolls.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state