

Upon the receipt of a report concerning the possible nonaccidental infliction of a physical injury upon a child or physical neglect, or sexual abuse, it shall be the duty of the law enforcement agency or the department of public assistance to investigate and provide child welfare services in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court.

NEW SECTION. Sec. 6. There is added to chapter 13, Laws of 1965 and to chapter 26.44 RCW a new section to read as follows:

The department shall maintain a central registry of reported cases of child abuse and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available to any person or agency except law enforcement agencies as defined in this 1969 amendatory act.

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CHAPTER 36  
[Substitute House Bill No. 239]  
INSTITUTIONS OF HIGHER  
EDUCATION--PERSONNEL ADMINISTRATION

AN ACT Relating to state institutions of higher education; establishing a system of personnel administration for state institutions of higher education; amending section 2, chapter 1, Laws of 1961, as amended by section 48, chapter 8, Laws of 1967 ex. sess., and RCW 41.06.020; amending section 4, chapter 1, Laws of 1961 and RCW 41.06.040; amending section 7, chapter 1, Laws of 1961, as last amended by section 47, chapter 8, Laws of 1967 ex. sess., and RCW 41.06.070; amending section 20, chapter 1, Laws of 1961, and RCW 41.06.200; repealing section 5, chapter 1, Laws of 1961, and RCW 41.06.050; adding new sections to Title 28 as a new chapter thereof unless or until the proposed education code of 1969 (HB...) shall become effective, at which time it shall be added thereto as a new chapter thereof; and providing an effective date.

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

NEW SECTION. Section 1. The interests of state institutions of higher education and the employees of those institutions will be furthered by the enactment of a system of personnel administration designed specifically to meet particular needs in connection with employer-employee relations in the state institutions of higher education. The general purpose of this act is to establish a system of personnel administration for the institutions of higher education in the state which is based on merit principles and scientific methods, and which governs the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plans, removal, discipline, and welfare of employees covered under this act.

NEW SECTION. Sec. 2. Unless the context clearly indicates otherwise, the words used in this act have the meaning given in this section.

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

(2) "Board" means the higher education personnel board established under the provisions of section 6 of this act;

(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 act;

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

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

NEW SECTION. Sec. 3. The provisions of this act shall apply to all personnel of the institutions of higher education and related

boards except those exempted under the provisions of section 4 of this act.

NEW SECTION. Sec. 4. The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this act:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this act, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision.

NEW SECTION. Sec. 5. Any employee having a classified service status in a position may take a temporary appointment in an exempt

position, with the right to return to his regular position, or to a like position, at the conclusion of such temporary appointment.

NEW SECTION. Sec. 6. (1) There is hereby created a state higher education personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after the effective date of this act for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. 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 dollars for each day in which he has actually attended a meeting of the board officially held. 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 necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(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.

(4) The board shall appoint a personnel director who shall be the chief staff officer for the board. In preparing matters for con-

sideration by the board and in coordinating the implementation of the board's rules and regulations, the personnel director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community college education. When necessary, the personnel director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community college education, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.

NEW SECTION. Sec. 7. (1) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be called by the chairman of the board or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the personnel director, and all members of the board shall be notified.

(2) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(3) In the conduct of hearings or investigations, a member of the board, or the director of personnel, or the hearing officer appointed to conduct the hearing, may administer oaths.

NEW SECTION. Sec. 8. Each institution of higher education and each related board shall designate an officer who shall perform duties as personnel officer. The personnel officer at each institution or related board shall direct, supervise, and manage administrative and technical personnel activities for the classified service at the in-

stitution or related board consistent with policies established by the institution or related board and in accordance with the provisions of this act and the rules and regulations approved and promulgated thereunder. Institutions may undertake jointly with one or more other institutions to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects. The services of the state department of personnel may also be utilized by the institutions or related boards pursuant to RCW 41.06.080.

The state board for community college education shall have general supervision and control over activities undertaken by the various state community colleges pursuant to this section.

NEW SECTION. Sec. 9. It shall be the duty of the personnel board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty days' notice to, and considered proposals from, employee representatives and institutions or related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

NEW SECTION. Sec. 10. (1) The higher education personnel board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including 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; examination for all

positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers, sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; 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; certification and decertification of exclusive bargaining representatives; 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; 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 shall permit or grant to any employee the right to strike or refuse to perform his official duties; 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; allocation and reallocation of positions within the classification plan; training programs including in-service, promotional, and supervisory; regular 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 adoption and revision of salary schedules and compensation plans which reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the locality in which

the institution or related boards are located, such adoption, revision, and implementation shall be subject to approval as to availability of funds by 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; and providing for veteran's preference as provided by existing statutes.

(2) Rules and regulations adopted and promulgated by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees;
- (b) Dismissal, suspension, or demotion of an employee;
- (c) Examinations for all positions in the competitive and non-competitive service;
- (d) Probationary periods of six months and rejections therein;
- (e) Sick leaves and vacations;
- (f) Hours of work;
- (g) Layoffs when necessary and subsequent reemployment;
- (h) Allocation and reallocation of positions within the classification plans;
- (i) Training programs;
- (j) Maintenance of personnel records.

NEW SECTION. Sec. 11. The salary schedules and compensation plans, adopted and revised as provided in section 10, shall reflect not less than prevailing rates in private industries and other governmental units for positions of a similar nature in the locality in which the institution or related board is located. For this purpose periodic wage surveys shall be undertaken by the board with the assistance of the various personnel officers of the institutions of higher education, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of such wage survey shall be forwarded with recommended salary



adjustments by the institutions of higher education and related boards, through the state board for community college education acting for the various state community colleges, to the governor and state budget director for their use in preparing budgets to be submitted to the succeeding legislature.

NEW SECTION. Sec. 12. (1) The board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an institution of higher education or related board to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board shall require that the institution of higher education or related board give written notice to the employee not later than one day after the suspension takes effect, stating the reason for and the duration thereof. The institution or related board shall file a copy of the notice with the personnel director.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his probationary period of service as provided by the rules and regulations of the board, shall have the right to appeal to the board not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when the action is taken. Such appeal shall be in writing and shall be heard by the board or its hearing officer duly appointed by the board within thirty days after notice of appeal is filed. The board shall furnish the institution or related board concerned with a copy of the appeal in advance of the hearing.

(3) Any employee who feels that any classification should or should not be exempt, or any employee in a nonexempt classification who feels that he should be exempt because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in subsection (2) above: PROVIDED That, when an appeal is initiated under this subsection the decision of the higher education personnel board shall be

final.

NEW SECTION. Sec. 13. 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 institution or related board 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 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 shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal, and shall be made by the employing institution or related board if the employee prevails.

NEW SECTION. Sec. 14. Within thirty days after the conclusion of the hearing the board shall make and fully record in its permanent records findings of fact, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided, at the same time sending a copy of the findings, conclusions and order by regis-

tered mail to the employing institution and to the employee at his address as given at the hearing or to a representative designated by him to receive the same.

NEW SECTION. Sec. 15. (1) Within thirty days after the recording of the order and the mailing thereof, either party may appeal to the superior court of the county in which the employing institution or related board is located on one or more of the grounds that the order was:

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) Such grounds will be stated in a written notice of appeal filed with the court, with copies thereof served at the office of the personnel director or a member of the board, and the adverse party, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing institution or related board and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

NEW SECTION. Sec. 16. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given

thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection thereto is well taken on any of the grounds stated. Appeal shall be available to the supreme court from the order of the superior court as in other civil cases.

NEW SECTION. Sec. 17. (1) An employee who is terminated from service may request the institution or related board to place his name on an appropriate reemployment list and the institution shall grant this request where the circumstances are found to warrant reemployment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement, and OASDI credits.

NEW SECTION. Sec. 18. If any part of this act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to an institution of higher education or related board, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the institutions or related boards directly affected, and such findings or determination shall not affect the operation of the remainder of this act in its application to the institutions or related board concerned. The board shall make such rules and regulations as may be necessary to meet federal requirements which are a condition precedent to the receipt of federal funds by the institutions of higher education, related boards, or the state.

NEW SECTION. Sec. 19. A disbursing officer shall not pay any employee holding a position covered by this act unless the employment is in accordance with this act or the rules, regulations, and orders issued hereunder. The board and the institutions of higher education including the state board for community college education which shall act for the various state community colleges shall jointly establish procedures for the certification of payrolls.

NEW SECTION. Sec. 20. There is hereby created a fund within the state treasury, designated as the "higher education personnel board service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this act, the budget for which shall be subject to review and approval and appropriation by the legislature. An amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community college education and credited to the higher education personnel board service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the state budget director from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

Moneys from the higher education personnel board service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Sec. 21. Section 2, chapter 1, Laws of 1961, as amended by section 48, chapter 8, Laws of 1967 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)--"Institutions-of-higher-learning"-are-the-University-of Washington,-Washington-State-University,-Central-Washington-State-College,-Eastern-Washington-State-College,-Western-Washington-State-College,-new,-four-year-state-colleges-subsequently-authorized,-and-the various-state-community-colleges;))~~

~~((2))~~ (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 mem-

bers 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;

~~((3))~~ (2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, ~~((the personnel committee established under RCW 41.06.050))~~ and the personnel board established under RCW 41.06.060, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070;

~~((4))~~ (3) "Classified service" means all positions in the state service subject to the provisions of this chapter;

~~((5))~~ (4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

~~((6))~~ (5) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

~~((7))~~ (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,

Sec. 22. Section 4, chapter 1, Laws of 1961, and RCW 41.06.040 are each amended to read as follows:

The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070(~~(r~~

~~{3}--Institutions-of-higher-learning, subject-to-the-exemptions hereinafter-made))~~).

Sec. 23. Section 7, chapter 1, Laws of 1961, as last amended by section 47, chapter 8, Laws of 1967 es. sess., and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) 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, legislative budget committee, statute law committee, and any interim committee of the legislature;

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

(3) ~~((Academic personnel of the institutions of higher learning and other such positions as are exempted under provisions of REW 41-06-0507))~~ Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, health, fisheries, institutions and public assistance, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) 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;

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

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

(c) If the members of the board, commission, or committee serve on a full time basis: (i) the chief executive officer or admini-

strative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

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

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

(10) Assistant attorneys general;

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

(12) Inmate, student, part time or temporary employees, and part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

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

(15) Officers and employees of the Washington state apple advertising commission;

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

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(19) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW)((-

~~{20}--Professional-education-employees-of-the-state-board-for community-college-education)).~~

NEW SECTION. Sec. 24. Section 5, chapter 1, Laws of 1961, and RCW 41.06.050 are each hereby repealed.



Sec. 25. Section 20, chapter 1, Laws of 1961, and RCW 41.06.200 are each amended to read as follows:

(1) Within thirty days after the recording of the order and the mailing thereof, the employee may appeal to the superior court of Thurston county, (~~(or in the case of an employee of an institution of higher learning to the superior court of the county in which such institution is located,~~) on one or more of the grounds that the order was:

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on the director of personnel or a member of his staff or a member of the board and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

NEW SECTION. Sec. 26. The board may appoint one or more hearings examiners to preside over, conduct and make recommended decisions, including findings of fact and conclusions of law in all cases of employee appeals to the board. The hearings examiner shall conduct hear-

ings in the same manner and shall have the same authority as provided in hearings by the board. The recommended decisions shall be forthwith served upon the parties and transmitted to the board together with a transcript of the evidence. Within thirty days of service of the recommended decision, any party adversely affected may file exceptions, and thereafter all parties may present written and oral argument to the board, which shall consider the whole record or such portions thereof as may be cited by the parties.

NEW SECTION. Sec. 27. This act shall be referred to as the state Higher Education Personnel Law.

NEW SECTION. Sec. 28. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable.

NEW SECTION. Sec. 29. Employees covered by this act who are currently serving under the jurisdiction of a classified service system established pursuant to chapter 1, Laws of 1961 (chapter 41.06 RCW), shall automatically retain their permanent or probationary status acquired under such system.

Rules, classification plans, compensation plans and bargaining units adopted or established pursuant to chapter 1, Laws of 1961 (chapter 41.06 RCW), shall remain in effect until superseded by action of the board pursuant to this act.

NEW SECTION. Sec. 30. This act shall become effective on July 1, 1969.

NEW SECTION. Sec. 31. Nothing contained in this 1969 act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

NEW SECTION. Sec. 32. The code reviser is hereby directed to add the provisions of sections 1 through 20, and sections 26 through 31 as a new chapter to Title 28 RCW unless or until such time as the education code of 1969 (HB...) shall become effective at which time

it shall be added as a new chapter thereto.

Passed the House March 27, 1969  
 Passed the Senate March 26, 1969  
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CHAPTER 37  
 [House Bill No. 148]  
 CIVIL PROCEDURE--  
 CHALLENGE OF JURORS

AN ACT Relating to civil procedure; and amending section 186, page 165, Laws of 1854, as last amended by section 207, Code of 1881, and RCW 4.44.130.

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

Section 1. Section 186, page 165, Laws of 1854, as last amended by section 207, Code of 1881, and RCW 4.44.130 are each amended to read as follows:

Either party may challenge the jurors (~~((7-but-when-there-are several-parties-on-either-side,-they-shall-join-in-a-challenge-before-it-can-be-made))~~). The challenge shall be to individual jurors, and be peremptory or for cause. Each party shall be entitled to three peremptory challenges. When there is more than one party on either side, the parties need not join in a challenge for cause; but, they shall join in a peremptory challenge before it can be made. If the court finds that there is a conflict of interests between parties on the same side, the court may allow each conflicting party up to three peremptory challenges.

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CHAPTER 38  
 [Engrossed House Bill No. 159]  
 ALCOHOLIC BEVERAGE CONTROL--  
 BEER, WINE--MINOR EMPLOYEES

AN ACT Relating to alcoholic beverage control; and adding a new section to Title 66 RCW.

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

NEW SECTION. Section 1. There is added to Title 66 RCW a new section to read as follows: