



A60004 706466

Initiative Measure No. 101

BALLOT TITLE

AN ACT establishing a civil service system for the state, and for the counties, cities, ports, school and park districts, and public libraries of the state; providing for the appointment of civil service commissions therefor and a civil service system based upon examination, meritorious standard, efficiency and fitness for appointment, employment and promotion of all employees in the classified service of the state and such municipal subdivisions thereof; and regulating the transfer, reinstatement, suspension and discharge of all such employees subject thereto.

AN ACT to regulate the civil service of the state, and of the counties, cities, port, school and park districts, and public libraries of the state, including the executive, legislative and judicial branches.

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

SECTION 1. *Appointment of State Civil Service Commission.*

There is hereby established a state personnel department to select, certify, control and maintain a competent force of employees for efficient handling of public business. The head of this department shall be the state civil service commission, to consist of three persons, one of whom shall be appointed by the Governor to serve during the term of office of the Governor, or until removed under the provisions of this act. The other two members of the state commission shall be in the classified service and shall possess the same powers and authority as the third member and shall serve until removed under the provisions of this act. The members of the state civil service commission shall constitute a quorum for the transaction of business. Whenever there is a vacancy in the office of the state civil service commission in the classified service and no eligible list prepared as provided in this section from which appointment can be made, the Governor shall forthwith appoint (a) a person who has served within the United States continuously for two or more years as a member, personnel director, secretary, or chief examiner of a federal, state, county, or municipal civil service commission; (b) a person who has been engaged continuously within the United States for two or more years in selecting trained employees for positions involving profes-

sional or technical skill; and (c) a person who has served for two or more years as a judge of a court of record; which three persons shall constitute a board of special examiners to conduct an examination under the provisions of this act for the purpose of preparing a list of the names, in the order of their relative excellence, of persons eligible to appointment to the office of state civil service commissioner in the classified service. The members of said board shall serve until an eligible list has been established and appointment made therefrom. Two members of the said board shall constitute a quorum for the transaction of business. Said board shall, within thirty days after its members have been appointed, proceed to advertise and hold an examination under the provisions of this act. The method of examination and the manner of preparing a resulting eligible list and certifying to the Governor therefrom by said board of examiners and making appointments by the Governor in accordance with such certification shall be the same as prescribed for other examinations, certifications and appointments under this act, and the said board shall have the same powers and obligations in respect thereto as those vested in or imposed upon the state civil service commission. Whenever a vacancy exists in the office of state civil service commissioner in the classified service, the Governor shall forthwith appoint the person standing highest upon the list of persons eligible for appointment to said office until all such vacancies are filled.

SEC. 2. *Appointment of Local Commissions.*

In each county and in each Class A, First and Second Class city of the state, there is hereby created a civil

Initiative Measure No. 101

service commission to consist of three persons, one of whom shall be appointed by the chief appointing authority of the county or city to serve during the term of office of the appointing authority or until removed under the provisions of this act. The other two members of the civil service commission shall be in the classified service and shall possess the same powers and authority as the third member. Two members of the civil service commission shall constitute a quorum for the transaction of business. Whenever there is a vacancy in the office of the county or city civil service commissioner in the classified service the chief appointing authority shall make requisition upon the state civil service commission and the said commission shall certify to such authority the name and address of the person standing highest upon the list of persons eligible for appointment to said office and the appointing authority shall forthwith appoint the person so certified by the said commission therefor.

SEC. 3. *Division of the State Service.*

The civil service of the state and of each of the said counties, cities, port, school and park districts and other municipal corporations of the state shall be divided into the unclassified service and the classified service.

SEC. 4. *Unclassified Service.*

The unclassified service shall comprise:

- (a) Officers elected by the people.
- (b) Judges and receivers, special masters in chancery, referees, arbiters, jurors, notaries public, election officials, and persons appointed by a court to make or conduct any special inquiry of a judicial and temporary character.
- (c) The heads of all principal governmental departments, including Civil Service commissioners other than those specifically placed in the classified service of this act.
- (d) The superintendents, principals, teachers and librarians in the public school system, and librarians certified under the provisions of the statutes of the State of Washington.
- (e) Persons temporarily appointed or designated to make or conduct a special inquiry, investigation or examination where such appointment or

designation is certified by the civil service commission to be for employment which should not be performed by persons in the classified service.

SEC. 5. *Classified Service.*

The classified service shall comprise all other public officers and employees, and all offices and places of employment in the state service, and in the respective services of the several counties, cities, port, school and park districts, and other municipal corporations, and shall be classified in the manner provided for in this act and in the rules made in pursuance thereunder, and appointments, removals, promotions, transfers, lay-offs, reinstatements, suspensions, leaves of absence and changes in grade or title shall be made and permitted only as prescribed in this act and not otherwise.

SEC. 6. *Continuance of Present Incumbents.*

Any person holding a position in the classified service at the time this act takes effect shall continue to hold such office or place until removed under the provisions of this act.

SEC. 7. *Jurisdiction.*

The state personnel department shall have jurisdiction over all persons and positions in the classified service of the state; each county civil service commission shall have jurisdiction over all persons and positions classified in the service of their respective counties, including port and school districts and third and fourth class cities and towns and employees of all municipal corporations not otherwise specified. The state commission shall determine questions of jurisdiction, especially of inter-county employees. Each municipal civil service commission shall have jurisdiction over all persons and positions classified in their respective cities including park districts and public libraries. The state civil service commission, however, may by a majority vote of the commission amend or rescind any rule or regulation of any county or municipal commission, provided said state commission shall state the reasons for such action in writing and give an opportunity to the county or municipal civil service commission concerned to make an explanation and to file papers in opposition to such action. The state

Initiative Measure No. 101

commission shall from time to time investigate the records of the county and municipal commissions. The county and the municipal commissions shall make an annual report to the state civil service commission, and it shall be filed in the office of the state commission as a public record. The county commission of each county and the municipal commission of each city, for the purpose of investigating the enforcement and effect of the civil service law and the rules prescribed thereunder, shall have the same powers within their respective jurisdictions that are granted to the state commission in this act.

The state civil service commission may, by unanimous vote, remove any county or municipal civil service commission or commissioner for incompetency, inefficiency, neglect of duty, or violation of the provisions of this act, or of the rules in force thereunder, specifying in writing the charges and filing the same as a public record in the office of the clerk where it affects a municipal commission or commissioner and in the office of the county clerk where the county commission or commissioner is concerned. The commission or commissioner so concerned shall have an opportunity to make a personal explanation in self-defense before the removal.

The county or municipal civil service commission shall have the same powers and perform the same duties within their respective jurisdictions, and the personnel director, as herein-after provided for, in each county or city shall have the same powers and duties, as are provided in this act for the state commission or state personnel director, respectively.

SEC. 8. *Acting Commission in Certain Cases.*

In case of death, resignation, removal, absence or incapacity of a civil service commissioner, the personnel director shall perform the duties of such commissioner until such absence or incapacity shall cease, or until an appointment under the provisions of this act shall be made. Such acting civil service commissioner shall have all the powers of a civil service commissioner.

SEC. 9. *Compensation and Expenses: Appropriations.*

The state civil service commissioners shall receive ten dollars (\$10.00) per diem for each day actually spent in the performance of their duties and their actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission. The salary of municipal or county civil service commissioners shall be fixed by the respective financial authorities of the city or county. It shall be the duty of the respective financial authorities of the state, county or city of the state to make adequate provision to enable the personnel department to carry out the purposes of this act.

SEC. 10. *Use of Public Buildings.*

It shall be the duty of all officers of the state and of the several counties and cities of the state to allow the reasonable use of public buildings and rooms and to heat and light the same for the holding of any examinations or investigations provided for by this act, and in all proper ways to facilitate the work of any of the civil service commissions.

SEC. 11. *Removal of Commissioner.*

No civil service commissioner shall be removed except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges may be filed by any citizen. If made against a state civil service commissioner they shall be filed with the person holding the office of chief justice of the highest court of the state. If made against any other commissioner, they shall be filed with the state commission. The charges, if made against a state commissioner, shall be heard, investigated and determined by the person holding the office of chief justice, as aforesaid, or by some person or board appointed by him for that purpose, and by the state civil service commission, if made against any other commissioner. The findings and decision upon such hearing shall be final and shall be certified to the appointing authority and forthwith enforced by such authority. The person, board or state civil service commission, as the case may be, hereby authorized to hold such hearing, shall have power to administer oaths and to compel the attendance and testimony of witnesses

Initiative Measure No. 101

and the productions of books and papers. Each person appointed to hold such hearing under this section shall receive the compensation provided by law for special examiners, referees or similar officers. No person shall be eligible for such an appointment unless at least ten years theretofore he has been admitted to practice before the highest court of record within the state.

SEC. 12. *Continuance of Present Commissioners: Records.*

Any person holding the office of civil service commissioner on the date this act takes effect shall continue to hold such office as a temporary appointee only until such time as a regular appointment thereto under the provisions of this act can be made. Public records of any civil service commission existing on the date this act takes effect shall be delivered to the corresponding commission created under this act, and all lawful employment and re-employment lists, acts, and proceedings of said commission shall remain in full force and effect.

SEC. 13. *Functions and Duties of the State Civil Service Commission.*

The members of the state civil service commission shall hold regular meetings at least once a month, and may hold such additional meetings as may be required in the proper discharge of its duties. It shall be the duty of the state civil service commission as a body:

(a) After public hearing to adopt and amend rules and regulations for the administration of this act, which rules shall have the force and effect of law.

(b) After public hearing to adopt, modify or reject such classification plans for the classified service, together with rules for their administration, as may be recommended by the personnel director.

(c) To make investigations either on petition of a citizen or of its own motion concerning the enforcement and effect of this act, to require observance of its provisions and the rules and regulations made thereto.

(d) To hear and determine the appeals or complaints respecting the administrative work of the personnel department, appeals upon the alloca-

tion of positions, the rejection of an applicant for admission to an examination, and such other matters as may be referred to the commission by the personnel director.

SEC. 14. *The Personnel Director: Qualifications: Appointments: Compensation and Removal.*

The state civil service commission shall appoint a personnel director, and such other examiners, investigators, clerks and other assistants as may be necessary to carry out this act. Such personnel director shall be a person thoroughly in sympathy with the application of merit and sound business principles in the administration of personnel. He shall be a person thoroughly familiar with the principles and methods of personnel administration and skilled therein. The personnel director shall direct and supervise the administrative work of the personnel department. He shall receive an annual salary of not less than four thousand dollars (\$4,000.00). It shall be his duty to:

(a) Attend the regular and special meetings of the civil service commission, to act as its secretary and to record its official actions.

(b) Supervise and direct the work of the employees of the personnel department.

(c) Prepare and recommend rules and regulations for the administration of this act, which shall become effective after approval by the commission as provided in this act; to administer such rules and regulations; to propose amendments thereto.

(d) Establish and maintain in card or other suitable form a roster of officers and employees in the service of the state.

(e) Provide for and formulate tests to determine the relative qualifications of persons who seek employment in any class of positions and as a result thereof establish employment lists for the various classes of positions.

(f) When a vacant position is to be filled, to certify to the appointing authority on written request the name of the person highest on the re-employment or employment list for the class. If there are no such lists, he may authorize provisional or temporary appointment pending the establishment of such employment list for such class. Such temporary or provisional appoint-

Initiative Measure No. 101

ment shall not continue for a period longer than four months; and no person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(g) Keep such records as may be necessary for the proper administration of this act.

(h) Provide a system for checking payrolls, estimates, accounts and payment of salaries to employees in the classified service, so as to enable the commission, upon satisfactory evidence thereof, to certify or cause to be certified that the persons whose names appear thereon have been regularly employed in the performance of the duties indicated at the compensation rates and for the periods for which compensation is claimed or are on authorized leave before payment may be lawfully made to such employees.

(i) Make investigations concerning the administration and effect of this act and the rules made thereunder and report his findings and recommendations to the commission.

(j) Make an annual report to the civil service commission.

(k) Perform any other act or acts required under this act or required by the civil service commission which may be necessary to carry into effect its purpose and spirit.

SEC. 15. Investigations.

In the course of any investigation or hearing under the provisions of this act each commissioner or the personnel director may administer oaths and shall have power to secure by subpoena the attendance and testimony of witnesses and the production of books and papers.

SEC. 16. Classification of Positions in the Classified Service.

The personnel director shall, as soon as practicable after this act takes effect, ascertain and record the duties of each position in the classified service, and after consultation with appointing authorities and principal supervising officials, recommend to the civil service commission a classification plan, together with proposed rules for its administration. Such classification plan shall show each class of position in the classified service and when approved by the civil service commission shall be made public, together

with the rules for its administration. Each such class shall include such positions requiring duties which are substantially similar in respect to the authority, responsibility and character of the work required in the performance thereof and shall be designated by a title indicative of such duties; that the same requirements as to education, experience, capacity, knowledge and skill are demanded of incumbents for the proper performance of their duties; that the same tests of fitness may be used in choosing qualified appointees; and that the same schedule of compensation can be made to apply with equity under like working conditions. The class titles shall be used in personnel, budget and financial records and communications. As far as practicable the natural or probable lines of promotion to and from the class of positions shall be designated or indicated.

SEC. 17. Allocation of Positions to Classes.

The personnel director shall, as soon as practicable after the adoption of the classification plan, and after consultation with appointing authorities and with the approval of the civil service commission, allocate each position to its proper class. Any employee whose position or title is affected by such allocation shall be given a reasonable opportunity to be heard before final action is taken.

SEC. 18. Additions to and Modification of Classes.

With the approval of the civil service commission, additional classes may be established for new positions created, as good administration may require. Any existing classes may be divided, combined, altered or abolished and positions may be re-allocated. The appointing authorities shall promptly report to the personnel director intention to establish new positions that they may be classified and allocated, and that certifications may be made or appropriate tests held to establish requisite employment lists.

SEC. 19. Establishment of Re-employment Lists.

Whenever any employee in the classified service, who has been performing his duties in a satisfactory manner, as shown by the records of the depart-

Initiative Measure No. 101

ment or other agency in which he has been employed, is laid off because of lack of work or lack of funds, or has been on authorized leave of absence and is ready to report for duty when a position is open, or has resigned in good standing and with the consent of the civil service commission and of the department under whose jurisdiction he was employed, and has withdrawn his resignation without being restored to his position, the personnel director shall cause the name of such employee to be placed on the re-employment list for the appropriate class for re-employment when vacancies in the class occur. The order in which names shall be placed on the re-employment list for any class shall be established by rule. No person shall be reinstated or have his name restored to a re-employment list unless such resignation is withdrawn within one year after it has been presented and accepted.

Sec. 20. *Establishment of Employment Lists.*

The personnel director shall, from time to time, as conditions warrant, hold tests for the purpose of establishing employment lists for the various positions in the classified service, and shall maintain at least one employable eligible on each list at all times. Such tests shall be public, competitive and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held with limitations specified in the rules of the commission as to residence, age, health, habits, moral character, and prerequisite qualifications to perform the duties of such positions. Promotion tests shall be public, competitive and free only to all persons examined and appointed or coming under the provisions of this act and who have held a position for one year or more in the class or rank previously declared by the commission to involve the performance of duties which tend to fit the incumbent for the performance of the important or controlling duties in the class or rank for which the promotion test is held. In promotion tests efficiency and seniority in service shall form part of such tests. The personnel director shall hold promotion tests for each superior class of service whenever there is an inferior rank in the same

service, the duties of which directly tend to fit the incumbents thereof for the performance of the principal duties of the superior class. If less than two persons submit themselves for a promotion test, or if after such test is held, all applicants fail to attain a general average of not less than the minimum standard fixed by the rules of the commission, he shall forthwith hold an original entrance test and certify from the employment list resulting therefrom.

All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the persons examined to perform the duties of the position to which appointment is to be made, and may include tests of physical fitness or manual skill. No credit shall be allowed for service rendered under a temporary appointment. No questions in any test shall relate to religious or political opinions or affiliations. No questions which are misleading or unfair or in the nature of catch questions shall be asked. As many tests shall be held as may be necessary to provide eligibles for each class of position, and to meet all requisitions and to fill all positions held by temporary appointees. From the return and report of the examiners or from the tests provided by the personnel director, he shall prepare a list of eligibles for each class of the persons who shall attain such minimum mark as may be fixed for the various parts of such test, and whose general average standing upon the examinations for such position is not less than the minimum fixed by the rules of the commission, and who may lawfully be appointed. Such persons shall take rank upon the list in the order of their relative excellence as determined by the tests without reference to priority of time of tests; except, that when practicable, other conditions being equal, the rules shall provide for a preference in favor of veterans of any wars of the United States. The markings of all tests shall be completed and the resulting employment list posted as soon as possible thereafter and not later than ninety days from the date of test.

The markings and test papers of each candidate shall be open to his own inspection, and he may, within thirty days after receiving notice of

Initiative Measure No. 101

his average standing on any test, request a correction of any errors in the marking of such test. The markings and test papers of all persons upon any list of eligibles may be opened to public inspection in the discretion of the civil service commission. An error in the marking of any test, other than a matter of judgment, if called to the attention of the commission, shall be corrected. Notice of the time, place and general scope of every test and of the duties, pay and experience, desired or requisite for all positions in the class for which the test is to be held shall be given by the personnel director by publication, at least once a week for two weeks preceding the test, in a newspaper of general circulation published in the county or city in which the test is to be held. Such further notice shall be given as the commission may prescribe.

SEC. 21. *Rejection of Applicants.*

The personnel director may reject the application of any person for admission to a test or refuse to test any applicant, or to certify the name of an eligible for employment who is found to lack any of the established qualification requirements for the position for which he applies or for which he has been tested, or who is physically unfit to perform effectively the duties of the position, or who is addicted to the habitual use of drugs or intoxicating liquors, or has been guilty of any crime or infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency, or who has made false statement of any material fact or practiced or attempted to practice deception or fraud in his application or in his tests, or in securing eligibility or appointment. Any such person may appeal to the civil service commission from the action of the personnel director in accordance with the rules established hereunder.

SEC. 22. *Special Examiners.*

The personnel director may obtain the assistance of other persons not on the regular staff of the personnel department to act as special examiners. When such persons are in the state, county or city service, it shall be deemed a part of their official duty to act as examiners without extra compensation.

SEC. 23. *Appointment to Vacant Positions: Certifications From Lists.*

Whenever a position in the classified service becomes vacant, the appointing authority, if it desires to fill the vacancy, shall make requisition upon the personnel director for the name and address of a person eligible for appointment thereto. The personnel director shall certify the name of the person highest on the appropriate re-employment list for the class to which the vacant position has been allocated, and who is willing to accept employment. If there is no appropriate re-employment list for the class, the personnel director shall certify the name of the person standing highest on the employment list established for the class or from the employment list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing authority shall forthwith appoint such person to such vacant position.

Whenever requisition is so made, or whenever a position is held by a temporary appointee and a re-employment list or employment list for the class of such position exists, the personnel director shall forthwith certify the name of the person eligible for appointment to the appointing authority and said appointing authority shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, discharged, given leave of absence from duty, transferred or reduced in pay or grade except for reasons which will promote the good of the service specified in writing by the acting authority and after an opportunity to be heard by the commission and then only with its consent and approval.

Appointment shall be regarded as taking effect upon the date when the person certified for appointment reports for duty. A person tendered certification may waive or refuse certification in writing for a period, for reasons satisfactory to the commission, and such waiver or refusal shall not affect the standing or right to certification to the first vacancy in the grade occurring after the expiration of such period. If no such waiver or refusal is filed in writing with the commission, or if after one waiver has been filed

Initiative Measure No. 101

and the period thereof has expired and a person tendered certification fails to report for duty forthwith after tender of certification has been made, his name may at the discretion of the commission be stricken from all lists for such class. Acceptance or refusal of temporary appointment or of an appointment to a position exempt from the provisions of this act shall not affect the standing of any person on the list for permanent appointment.

No appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of six months probationary service, during which time the appointing officer may terminate, if approved by the commission, the employment of the person certified to him.

SEC. 24. *Temporary Appointments.*

If necessary to prevent the stoppage of public business or inconvenience to the public, but not otherwise, the personnel director, with the approval of the commission, may authorize the filling of a position by provisional appointment, pending the establishment of a re-employment or employment list. No person who does not possess the minimum required qualifications for such position as may be prescribed by the personnel director, shall be permitted to serve under such provisional appointment. Such provisional appointment shall continue only until the establishment of a re-employment or employment list. In no case shall such appointment exceed a total of four months. No person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year. In case of an emergency, an appointment may be made of not to exceed five days' duration, which appointment shall be immediately reported to the personnel director.

SEC. 25. *Transfers.*

The personnel director may at any time authorize the transfer of any employee in the classified service from one position to another position in the same class. Transfers shall be permitted only with the consent of the personnel director and the department concerned.

SEC. 26. *Certification of Payrolls.*

No treasurer, auditor, comptroller, or other officer of the state or of any of the counties, or cities of the state shall approve of the payment of, or be in any manner concerned in paying, auditing, or approving any salary, wage or other compensation for services to any person holding a position in the classified service unless a payroll, estimate or account for such salary, wage, or other compensation containing the names of the persons to be paid, a statement of the amount to be paid each such person and the services on account of which the same is paid, and a statement that such services have been performed bearing the certificate of the commission that the persons named in such payroll, estimate or account have been appointed or employed in pursuance of law and of the rules made by the commission under the provisions of this act and have complied with the terms of this act and of the rules of the commission when required so to do, shall first have been filed with him. Before making any such certificate the commission shall investigate the nature of each item of such payroll, estimate or account, and if it shall ascertain that the provisions of the law in respect to any such item have not been strictly complied with, it shall refuse to certify such item. The commission shall refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with the provisions of this act or of the rules of the commission.

SEC. 27. *Reports to the Commission.*

Immediate report in writing shall be given to the commission by the appointing authority and by such other persons as may be designated by the commission of all appointments, re-employments, vacancies, absences or other matters affecting the status of positions or the performance of duties of officers or employees classified under the provisions of this act, and all such notices shall be prepared in the manner and form prescribed by the commission.

SEC. 28. *Removal.*

No person holding an office or place in the classified service shall be removed or discharged except for cause

Initiative Measure No. 101

upon written charges filed with the commission and after an opportunity to be heard in his own defense. Such charges may be filed by any superior officer or citizen and shall within thirty days after filing be heard and determined by the commission. Decision of the commission shall be certified to the appointing authority and shall be forthwith enforced by such authority.

Any appointing officer may suspend a subordinate for a reasonable period not exceeding thirty days pending hearing and decision. Every such suspension shall be without pay: *Provided, however,* That the commission shall have authority to investigate every such suspension or discharge and in case of its disapproval it shall have power to restore pay to the employee so suspended or discharged.

SEC. 29. *Records of the Commission.*

The public records of the commission shall be open to public inspection by any citizen under reasonable supervision.

SEC. 30. *Abuses and Frauds Prohibited.*

No person shall deceive or obstruct any person in respect to his or her right of examination under the provision of this act or falsely mark, grade, estimate or report upon the examination or standing of any such person for appointment or employment. No applicant shall deceive the commission for the purpose of improving his chance or prospects for appointment. No person shall solicit, orally or by letter, and no public officer or employee shall receive or be in any manner concerned in the receiving or soliciting of any money or valuable thing from any officer or employee holding a position in the classified service for any political party or purpose whatsoever. No person shall solicit, pay, give or receive any money or valuable thing for any partisan political purpose whatsoever. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of appointment to any position classified under this act as a reward or return for personal or partisan political service. No public officer or employee shall, by means of threats or coercion, induce or attempt to induce any person holding a posi-

tion in the classified service to resign his position or to take a leave of absence from duty or to waive any of his rights under this act. A resignation executed previous to appointment shall be of no effect.

SEC. 31. *Political Activity.*

No person holding an office or place in the classified service under the provisions of this act shall seek or accept election, nomination or appointment as an officer of a political club or organization or take an active part in a political campaign or serve as a member of a committee of any such club or organization: *Provided, however,* That nothing in this act shall be construed to prohibit or prevent any such officer or employee from becoming or continuing to be member of a political club or organization or from attendance upon political meetings, from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office.

SEC. 32. *Penalties.*

Any person who shall wilfully or through culpable negligence violate any of the provisions of this act, or of the rules of the commission, shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than fifty dollars (\$50.00) and not more than three thousand dollars (\$3,000.00), or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 33. *What Officers to Prosecute.*

Prosecution for violation of this act may be instituted either by the Attorney General, the prosecuting attorney of any county in which the offense, or some part thereof, is alleged to have been committed, or at the election of the civil service commission by special counsel appointed by it. Such a prosecution if begun by a public prosecutor shall be conducted and controlled by him unless and until his term of office shall expire, or upon his request some other person shall be substituted as prosecuting officer in the particular case.

Whenever the attorney general or other prosecuting officer for the county in which an offense under this act is

Initiative Measure No. 101

alleged to have been committed, shall refuse to prosecute any person alleged to have committed such an offense, or shall fail to prosecute such person within thirty days after the alleged offense is brought to his attention, then any citizen may apply to any judge of a court of record in such county for the appointment of a special attorney to conduct a prosecution of such person or persons, and upon such application the court may appoint some competent attorney to prosecute the person or persons alleged to have committed the offense, and the special attorney so appointed shall have the same power and authority in relation to any such prosecution as the Attorney General or other prosecuting officer would or might have had if such special attorney had not been appointed.

SEC. 34. *Civil Suits.*

It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this act and of the rules of the commission and to defend all civil suits which may be brought against the commission. The commission shall be represented in such suits by the chief legal officer of the state, city or other subdivision of the state, but said commission may in any case be represented by special counsel appointed by it. Any citizen of the state may maintain an action in any court of record to recover for the treasury any sums paid contrary to the provisions of this act, or of the rules of the commission, from the person or persons authorizing such payment, or to enjoin the person or persons from making such payment, or to enjoin the commission from attach-

ing its certificate to a payroll in violation of the provisions of this act.

SEC. 35. *Definitions.*

The words "Commission" and "Commissioner," as used in this act, shall be construed to mean in respect to examination and certification of eligibles for the offices of state, county and municipal commissioner, the state civil service commission or commissioner; in respect to each of the several county services, the county civil service commission or commissioner, and in respect to each of the several cities, civil service commission or commissioner of such city.

"Appointing authority" means the commission, board or person or group of persons having the power by virtue of a statute or by reason of a lawfully delegated authority to make appointments.

"Public Hearing" means an opportunity given after public notice of at least five days for any citizen or party interested to appear personally, and/or by counsel, and be heard at reasonable length on the matter involved.

"Classified service" means all positions in the service whether paid or unpaid, whether full time or part time, whether existing or hereafter created, except those which are expressly exempted from such class herein.

SEC. 36. *Saving Clause.*

If any section or portion of this act be declared unconstitutional it shall not invalidate any other portion of this act.

Any provision of a city charter superseded by this act shall not be removed from said charter by the operation of this act, and shall be revived and be in full force and effect in case this act be subsequently repealed.

ARGUMENT FOR INITIATIVE MEASURE NO. 101

"THE STATE-WIDE CIVIL SERVICE LAW"

This measure will correct all the ills and faults that now are in practice relative to the employment of the public personnel in the State of Washington, and will provide for the first time a practical and efficient method of employment and control of all public employees.

A summary of the fundamental principles of this measure is as follows:

1. That every citizen of the State of whatever degree, with or without influence is on an absolute equality before this law in the right to exercise his privilege to enter into competitive examination with his fellows for the honor of entering the service of the State or any of its subdivisions.

2. That the State needs in its service and should seek to acquire in its employ those who represent capacity and worth.

3. That the right and propriety of political officials taking to themselves the monopoly of opening and shutting the gates of public service should be denied.

4. That the true and highest claims upon office are the character and capacity that best qualify a person to discharge its duties.

5. That the citizen who can through competitive examination show the highest evidence of fitness has morally, and should have the right legally to receive positions in public service.

This bill is a carefully drawn document compiled after a careful study of many years and contains all of the practical and efficient provisions of Federal Civil Service, and of the many states which already have and enjoy State Civil Service. Initiative No. 101 is patterned after and includes the best provisions of the "Model Civil Service Bill", which was prepared by the National Civil Service Reform League and which has been the basis of many other State enactments. The states of New York, Massachusetts, Wisconsin, Illinois, Colorado, New Jersey, Ohio, Connecticut, Kansas, California, Mississippi and New Mexico are at the present time operating under civil service, and it is worthy of note, that not one state has repealed its Civil Service Act after enactment.

The Bill has the recommendation of the National Civil Service Reform League; The Civil Service Assembly of the United States and Canada; The Na-

tional League of Women Voters; The Washington State Grange; The Seattle and Tacoma Central Labor Councils and many other labor bodies; many women's clubs and organizations within the State have endorsed and worked actively in behalf of this measure. Both the Republican and Democratic Conventions adopted widespread Civil Service as a part of their platforms.

Under the provisions of this bill the State will be saved the expense of breaking new men into positions after every political turnover and also the expense occasioned by the employment of unnecessary employees for political purposes. The State will obtain efficient and trained personnel and will provide for every citizen opportunity to compete for public position, and after the position is obtained will provide security of employment based on efficiency and merit. This fact alone will serve to attract to public position in this State a high standard of personnel, and will enable the citizen to make public service a career, in the same manner, and with the same protection he now enjoys in private employment.

The Bill certifies all public employees now in office to their respective positions with Civil Service rights. The same procedure is used as has been almost the universal practice upon the inauguration of Civil Service everywhere; every other method used has proven cumbersome, inefficient and costly.

It is not claimed that this Bill is perfect but it is claimed that it is as perfect as years of Civil Service experience by its framers and although some sections of the Bill may meet with individual and political objections, the many benefits, efficiencies and economies conferred by the Bill as a whole, so far outweigh any trivial objections that can be made that such objections become negligible.

This Bill is worthy of your entire support and its proponents solicit your vote for it.

THE WASHINGTON STATE
CIVIL SERVICE LEAGUE,

By C. M. HIBERLY,
Chairman of the Board,

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State July 3, 1936.

ERNEST N. HUTCHINSON,
Secretary of State.