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HOUSE BILL 2855

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State of Washington

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By Representatives Belcher, Fraser, Valle, Ferguson, Rust, May, Wineberry, Winsley, Jones, Dorn, Paris, Kremen, Prentice, Franklin, Ogden, Roland, Orr and Rasmussen

Read first time 01/29/92. Referred to Committee on State Government.

1 AN ACT Relating to preference for state residents in state  
2 employment; amending RCW 41.06.150; and adding new sections to chapter  
3 41.06 RCW.

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

5 **Sec. 1.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to read  
6 as follows:

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

11 (1) The reduction, dismissal, suspension, or demotion of an  
12 employee;

13 (2) Certification of names for vacancies, including departmental  
14 promotions, with the number of names equal to four more names than

1 there are vacancies to be filled, such names representing applicants  
2 rated highest on eligibility lists: PROVIDED, That when other  
3 applicants have scores equal to the lowest score among the names  
4 certified, their names shall also be certified;

5 (3) Examinations for all positions in the competitive and  
6 noncompetitive service;

7 (4) Appointments;

8 (5) Training and career development;

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

13 (7) Transfers;

14 (8) Sick leaves and vacations;

15 (9) Hours of work;

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

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

24 (12) Certification and decertification of exclusive bargaining  
25 representatives: PROVIDED, That after certification of an exclusive  
26 bargaining representative and upon the representative's request, the  
27 director shall hold an election among employees in a bargaining unit to  
28 determine by a majority whether to require as a condition of employment  
29 membership in the certified exclusive bargaining representative on or  
30 after the thirtieth day following the beginning of employment or the

1 date of such election, whichever is the later, and the failure of an  
2 employee to comply with such a condition of employment constitutes  
3 cause for dismissal: PROVIDED FURTHER, That no more often than once in  
4 each twelve-month period after expiration of twelve months following  
5 the date of the original election in a bargaining unit and upon  
6 petition of thirty percent of the members of a bargaining unit the  
7 director shall hold an election to determine whether a majority wish to  
8 rescind such condition of employment: PROVIDED FURTHER, That for  
9 purposes of this clause, membership in the certified exclusive  
10 bargaining representative is satisfied by the payment of monthly or  
11 other periodic dues and does not require payment of initiation,  
12 reinstatement, or any other fees or fines and includes full and  
13 complete membership rights: AND PROVIDED FURTHER, That in order to  
14 safeguard the right of nonassociation of public employees, based on  
15 bona fide religious tenets or teachings of a church or religious body  
16 of which such public employee is a member, such public employee shall  
17 pay to the union, for purposes within the program of the union as  
18 designated by such employee that would be in harmony with his or her  
19 individual conscience, an amount of money equivalent to regular union  
20 dues minus any included monthly premiums for union-sponsored insurance  
21 programs, and such employee shall not be a member of the union but is  
22 entitled to all the representation rights of a union member;

23 (13) Agreements between agencies and certified exclusive bargaining  
24 representatives providing for grievance procedures and collective  
25 negotiations on all personnel matters over which the appointing  
26 authority of the appropriate bargaining unit of such agency may  
27 lawfully exercise discretion;

28 (14) Written agreements may contain provisions for payroll  
29 deductions of employee organization dues upon authorization by the  
30 employee member and for the cancellation of such payroll deduction by

1 the filing of a proper prior notice by the employee with the appointing  
2 authority and the employee organization: PROVIDED, That nothing  
3 contained herein permits or grants to any employee the right to strike  
4 or refuse to perform his or her official duties;

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

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

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

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

21 (19) Providing for veteran's preference as required by existing  
22 statutes, with recognition of preference in regard to layoffs and  
23 subsequent reemployment for veterans and their widows by giving such  
24 eligible veterans and their widows additional credit in computing their  
25 seniority by adding to their unbroken state service, as defined by the  
26 board, the veteran's service in the military not to exceed five years.  
27 For the purposes of this section, "veteran" means any person who has  
28 one or more years of active military service in any branch of the armed  
29 forces of the United States or who has less than one year's service and  
30 is discharged with a disability incurred in the line of duty or is

1 discharged at the convenience of the government and who, upon  
2 termination of such service has received an honorable discharge, a  
3 discharge for physical reasons with an honorable record, or a release  
4 from active military service with evidence of service other than that  
5 for which an undesirable, bad conduct, or dishonorable discharge shall  
6 be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled  
7 to the benefits of this section regardless of the veteran's length of  
8 active military service: PROVIDED FURTHER, That for the purposes of  
9 this section "veteran" does not include any person who has voluntarily  
10 retired with twenty or more years of active military service and whose  
11 military retirement pay is in excess of five hundred dollars per month;

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

18 (21) Assuring persons who are or have been employed in classified  
19 positions under chapter 28B.16 RCW will be eligible for employment,  
20 reemployment, transfer, and promotion in respect to classified  
21 positions covered by this chapter;

22 (22) Affirmative action in appointment, promotion, transfer,  
23 recruitment, training, and career development; development and  
24 implementation of affirmative action goals and timetables; and  
25 monitoring of progress against those goals and timetables.

26 The board shall consult with the human rights commission in the  
27 development of rules pertaining to affirmative action. The department  
28 of personnel shall transmit a report annually to the human rights  
29 commission which states the progress each state agency has made in  
30 meeting affirmative action goals and timetables;

1        (23) Assuring a preference in hiring Washington state residents in  
2 situations in which the legislature or the governor has initiated a  
3 reduction in force.

4        NEW SECTION. Sec. 2. A new section is added to chapter 41.06 RCW  
5 to read as follows:

6        Before an appointing authority makes an employment offer to a  
7 person who is not a Washington resident for a position (1) the duty and  
8 salary of which is studied pursuant to RCW 43.03.028, or (2) that is  
9 included under RCW 41.06.070(28), the director of the office of  
10 financial management must certify in writing that the appointing  
11 authority has considered any qualified Washington residents who applied  
12 for the position and that the nonresident is the most qualified  
13 candidate. This section shall only apply in situations when the  
14 legislature or the governor has initiated a reduction in force.

15        NEW SECTION. Sec. 3. A new section is added to chapter 41.06 RCW  
16 to read as follows:

17        For the purposes of RCW 41.06.150(23) and section 2 of this act,  
18 "resident" means a person who has residence pursuant to RCW 29.01.140.