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SENATE BILL 6011

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State of Washington

52nd Legislature

1992 Regular Session

By Senator Conner

Read first time 01/13/92. Referred to Committee on Governmental Operations.

1 AN ACT Relating to veterans; and amending RCW 41.04.005 and  
2 41.06.150.

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

4 **Sec. 1.** RCW 41.04.005 and 1991 c 240 s 1 are each amended to read  
5 as follows:

6 As used in RCW 41.04.005, 41.04.010, 41.16.220, and 41.20.050  
7 "veteran" includes every person, who at the time he or she seeks the  
8 benefits of RCW 28B.40.361, 41.04.005, 41.04.010, 41.16.220, 41.20.050,  
9 41.40.170, 73.04.110, or 73.08.080 has received an honorable discharge  
10 or received a discharge for physical reasons with an honorable record  
11 and who meets at least one of the following two criteria:

12 (1) The person has served between World War I and World War II or  
13 during any period of war as either (a) a member in any branch of the  
14 armed forces of the United States, (b) a member of the women's air

1 forces service pilots, or (c) a U.S. documented merchant mariner with  
2 service aboard an oceangoing vessel operated by the war shipping  
3 administration, the office of defense transportation, or their agents,  
4 during the period of armed conflict, December 7, 1941, to August 15,  
5 1945, or a civil service crewmember with service aboard a U.S. army  
6 transport service or U.S. naval transportation service vessel in  
7 oceangoing service during the period of armed conflict[, ] December 7,  
8 1941, to August 15, 1945; or

9 (2) The person has received the armed forces expeditionary medal,  
10 or marine corps and navy expeditionary medal, for opposed action on  
11 foreign soil, for service (a) in any branch of the armed forces of the  
12 United States; or (b) as a member of the women's air forces service  
13 pilots.

14 A "period of war" includes World War I, World War II, the Korean  
15 conflict, the Vietnam era, the period beginning on August 2, 1990, to  
16 a date specified by an agency of the federal government as the end of  
17 "Desert Storm" or any operation following from it, and the period  
18 beginning on the date of any future declaration of war by the congress  
19 and ending on the date prescribed by presidential proclamation or  
20 concurrent resolution of the congress. The "Vietnam era" means the  
21 period beginning August 5, 1964, and ending on May 7, 1975.

22 **Sec. 2.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to read  
23 as follows:

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

28 (1) The reduction, dismissal, suspension, or demotion of an  
29 employee;

1 (2) Certification of names for vacancies, including departmental  
2 promotions, with the number of names equal to four more names than  
3 there are vacancies to be filled, such names representing applicants  
4 rated highest on eligibility lists: PROVIDED, That when other  
5 applicants have scores equal to the lowest score among the names  
6 certified, their names shall also be certified;

7 (3) Examinations for all positions in the competitive and  
8 noncompetitive service;

9 (4) Appointments;

10 (5) Training and career development;

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

15 (7) Transfers;

16 (8) Sick leaves and vacations;

17 (9) Hours of work;

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

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

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

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

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

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

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

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

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

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

24 (19) Providing for veteran's preference as required by existing  
25 statutes, with recognition of preference in regard to layoffs and  
26 subsequent reemployment for veterans and their widows by giving such  
27 eligible veterans and their widows additional credit in computing their  
28 seniority by adding to their unbroken state service, as defined by the  
29 board, the veteran's service in the military not to exceed five years.  
30 For the purposes of this section, "veteran" means any person who has

1 one or more years of active military service in any branch of the armed  
2 forces of the United States or who has less than one year's service and  
3 served in operation "Desert Shield," "Desert Storm," or any operation  
4 following from these or is discharged with a disability incurred in the  
5 line of duty or is discharged at the convenience of the government and  
6 who, upon termination of such service has received an honorable  
7 discharge, a discharge for physical reasons with an honorable record,  
8 or a release from active military service with evidence of service  
9 other than that for which an undesirable, bad conduct, or dishonorable  
10 discharge shall be given: PROVIDED, HOWEVER, That the widow of a  
11 veteran is entitled to the benefits of this section regardless of the  
12 veteran's length of active military service: PROVIDED FURTHER, That  
13 for the purposes of this section "veteran" does not include any person  
14 who has voluntarily retired with twenty or more years of active  
15 military service and whose military retirement pay is in excess of five  
16 hundred dollars per month;

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

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

27 (22) Affirmative action in appointment, promotion, transfer,  
28 recruitment, training, and career development; development and  
29 implementation of affirmative action goals and timetables; and  
30 monitoring of progress against those goals and timetables.

1       The board shall consult with the human rights commission in the  
2 development of rules pertaining to affirmative action. The department  
3 of personnel shall transmit a report annually to the human rights  
4 commission which states the progress each state agency has made in  
5 meeting affirmative action goals and timetables.