
SUBSTITUTE SENATE BILL 5306

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Labor & Workforce Development (originally sponsored by Senators Gardner, Haugen, Swecker, Fraser and Winsley; by request of Commissioner of Public Lands)

Read first time 02/25/1999.

1 AN ACT Relating to authorizing state employee lump sum relocation
2 assistance; amending RCW 41.06.150; adding a new section to chapter
3 43.03 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that recruiting and
6 retaining a highly qualified work force is essential to deliver high
7 quality public programs. One factor that impairs recruitment or
8 transfer of public employees is the housing cost differential between
9 the rural and urban areas of the state. This housing cost differential
10 can cause state employees to decline promotional or transfer
11 opportunities if the costs associated with such moves are not
12 compensated.

13 Therefore, the legislature finds that it is in the interest of the
14 citizens of the state of Washington to authorize an employing agency to
15 offer assistance to state employees to relocate from one part of the
16 state to another. This assistance is referred to as relocation
17 compensation and is commonplace with private and federal government
18 employers.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.03 RCW
2 to read as follows:

3 An agency may authorize lump sum relocation compensation when it
4 determines it is necessary to successfully recruit and retain qualified
5 candidates who will have to make a domiciliary move in order to accept
6 the position. It is lawful for a state office, commission, department,
7 or institution to authorize lump sum relocation compensation as
8 authorized by rule under chapter 41.06 RCW and in accordance with the
9 provisions of chapter 43.88 RCW. However, if the person terminates or
10 causes termination with the state, for reasons other than layoff,
11 disability separation, or other good cause as determined by an agency
12 director, within one year of the date of the employment, the state is
13 entitled to reimbursement of the lump sum compensation.

14 **Sec. 3.** RCW 41.06.150 and 1996 c 319 s 2 are each amended to read
15 as follows:

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

20 (1) The reduction, dismissal, suspension, or demotion of an
21 employee;

22 (2) Certification of names for vacancies, including departmental
23 promotions, with the number of names equal to six more names than there
24 are vacancies to be filled, such names representing applicants rated
25 highest on eligibility lists: PROVIDED, That when other applicants
26 have scores equal to the lowest score among the names certified, their
27 names shall also be certified;

28 (3) Examinations for all positions in the competitive and
29 noncompetitive service;

30 (4) Appointments;

31 (5) Training and career development;

32 (6) Probationary periods of six to twelve months and rejections of
33 probationary employees, depending on the job requirements of the class,
34 except that entry level state park rangers shall serve a probationary
35 period of twelve months;

36 (7) Transfers;

37 (8) Sick leaves and vacations;

38 (9) Hours of work;

1 (10) Layoffs when necessary and subsequent reemployment, both
2 according to seniority;

3 (11) Determination of appropriate bargaining units within any
4 agency: PROVIDED, That in making such determination the board shall
5 consider the duties, skills, and working conditions of the employees,
6 the history of collective bargaining by the employees and their
7 bargaining representatives, the extent of organization among the
8 employees, and the desires of the employees;

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

38 (13) Agreements between agencies and certified exclusive bargaining
39 representatives providing for grievance procedures and collective

1 negotiations on all personnel matters over which the appointing
2 authority of the appropriate bargaining unit of such agency may
3 lawfully exercise discretion;

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

11 (15) Adoption and revision of a comprehensive classification plan
12 for all positions in the classified service, based on investigation and
13 analysis of the duties and responsibilities of each such position.

14 (a) The board shall not adopt job classification revisions or class
15 studies unless implementation of the proposed revision or study will
16 result in net cost savings, increased efficiencies, or improved
17 management of personnel or services, and the proposed revision or study
18 has been approved by the director of financial management in accordance
19 with chapter 43.88 RCW.

20 (b) Beginning July 1, 1995, through June 30, 1997, in addition to
21 the requirements of (a) of this subsection:

22 (i) The board may approve the implementation of salary increases
23 resulting from adjustments to the classification plan during the 1995-
24 97 fiscal biennium only if:

25 (A) The implementation will not result in additional net costs and
26 the proposed implementation has been approved by the director of
27 financial management in accordance with chapter 43.88 RCW;

28 (B) The implementation will take effect on July 1, 1996, and the
29 total net cost of all such actions approved by the board for
30 implementation during the 1995-97 fiscal biennium does not exceed the
31 amounts specified by the legislature specifically for this purpose; or

32 (C) The implementation is a result of emergent conditions.
33 Emergent conditions are defined as emergency situations requiring the
34 establishment of positions necessary for the preservation of the public
35 health, safety, or general welfare, which do not exceed \$250,000 of the
36 moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp.
37 sess.

38 (ii) The board shall approve only those salary increases resulting
39 from adjustments to the classification plan if they are due to

1 documented recruitment and retention difficulties, salary compression
2 or inversion, increased duties and responsibilities, or inequities.
3 For these purposes, inequities are defined as similar work assigned to
4 different job classes with a salary disparity greater than 7.5 percent.

5 (iii) Adjustments made to the higher education hospital special pay
6 plan are exempt from (b)(i) through (ii) of this subsection.

7 (c) Reclassifications, class studies, and salary adjustments to be
8 implemented during the 1997-99 and subsequent fiscal biennia are
9 governed by (a) of this subsection and RCW 41.06.152;

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

12 (17) Adoption and revision of a state salary schedule to reflect
13 the prevailing rates in Washington state private industries and other
14 governmental units but the rates in the salary schedules or plans shall
15 be increased if necessary to attain comparable worth under an
16 implementation plan under RCW 41.06.155 and that, for institutions of
17 higher education and related boards, shall be competitive for positions
18 of a similar nature in the state or the locality in which an
19 institution of higher education or related board is located, such
20 adoption and revision subject to approval by the director of financial
21 management in accordance with the provisions of chapter 43.88 RCW;

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

26 (19) Optional lump sum relocation compensation approved by the
27 agency director, whenever it is reasonably necessary that a person make
28 a domiciliary move in accepting a transfer or other employment with the
29 state. However, if the person terminates or causes termination with
30 the state, for reasons other than layoff, disability separation, or
31 other good cause as determined by an agency director, within one year
32 of the date of the employment, the state is entitled to reimbursement
33 of the lump sum compensation from the person;

34 (20) Providing for veteran's preference as required by existing
35 statutes, with recognition of preference in regard to layoffs and
36 subsequent reemployment for veterans and their surviving spouses by
37 giving such eligible veterans and their surviving spouses additional
38 credit in computing their seniority by adding to their unbroken state
39 service, as defined by the board, the veteran's service in the military

1 not to exceed five years. For the purposes of this section, "veteran"
2 means any person who has one or more years of active military service
3 in any branch of the armed forces of the United States or who has less
4 than one year's service and is discharged with a disability incurred in
5 the line of duty or is discharged at the convenience of the government
6 and 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 surviving spouse
11 of a veteran is entitled to the benefits of this section regardless of
12 the veteran's length of active military service: PROVIDED FURTHER,
13 That for the purposes of this section "veteran" does not include any
14 person 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))~~ (21) Permitting agency heads to delegate the authority to
18 appoint, reduce, dismiss, suspend, or demote employees within their
19 agencies if such agency heads do not have specific statutory authority
20 to so delegate: PROVIDED, That the board may not authorize such
21 delegation to any position lower than the head of a major subdivision
22 of the agency;

23 ~~((21))~~ (22) Assuring persons who are or have been employed in
24 classified positions before July 1, 1993, will be eligible for
25 employment, reemployment, transfer, and promotion in respect to
26 classified positions covered by this chapter;

27 ~~((22))~~ (23) Affirmative action in appointment, promotion,
28 transfer, recruitment, training, and career development; development
29 and implementation of affirmative action goals and timetables; and
30 monitoring of progress against those goals and timetables.

31 The board shall consult with the human rights commission in the
32 development of rules pertaining to affirmative action. The department
33 of personnel shall transmit a report annually to the human rights
34 commission which states the progress each state agency has made in
35 meeting affirmative action goals and timetables.

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