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SENATE BILL 5306

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State of Washington

56th Legislature

1999 Regular Session

By Senators Gardner, Haugen, Swecker, Fraser and Winsley; by request of Commissioner of Public Lands

Read first time 01/19/1999. Referred to Committee on Labor & Workforce Development.

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 or, for employees whose  
9 compensation is not subject to the jurisdiction of the state personnel  
10 resources board, with the approval of the director of the office of  
11 financial management in accordance with the provisions of chapter 43.88  
12 RCW. However, if the person terminates or causes termination with the  
13 state within one year of the date of the employment, the state is  
14 entitled to reimbursement of the lump sum compensation.

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

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

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

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

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

31        (4) Appointments;

32        (5) Training and career development;

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

37        (7) Transfers;

38        (8) Sick leaves and vacations;

1 (9) Hours of work;

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

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

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

1 (13) Agreements between agencies and certified exclusive bargaining  
2 representatives providing for grievance procedures and collective  
3 negotiations on all personnel matters over which the appointing  
4 authority of the appropriate bargaining unit of such agency may  
5 lawfully exercise discretion;

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

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

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

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

24 (i) The board may approve the implementation of salary increases  
25 resulting from adjustments to the classification plan during the 1995-  
26 97 fiscal biennium only if:

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

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

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

1 (ii) The board shall approve only those salary increases resulting  
2 from adjustments to the classification plan if they are due to  
3 documented recruitment and retention difficulties, salary compression  
4 or inversion, increased duties and responsibilities, or inequities.  
5 For these purposes, inequities are defined as similar work assigned to  
6 different job classes with a salary disparity greater than 7.5 percent.

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

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

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

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

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

28 (19) Optional lump sum relocation compensation approved by the  
29 agency director, whenever it is reasonably necessary that a person make  
30 a domiciliary move in accepting a transfer or other employment with the  
31 state. However, if the person terminates or causes termination with  
32 the state within one year of the date of the employment, the state is  
33 entitled to reimbursement 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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