

---

HOUSE BILL 1538

---

State of Washington

57th Legislature

2001 Regular Session

By Representatives McDermott, Haigh, Cooper, Keiser, Murray, Romero, Dickerson, G. Chandler, Kenney, Anderson, Simpson, Conway, Santos, Darneille, Edmonds, Ruderman and Poulsen

Read first time 01/29/2001. Referred to Committee on State Government.

1 AN ACT Relating to bereavement leave; and amending RCW 41.06.150.

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

3 **Sec. 1.** RCW 41.06.150 and 1999 c 297 s 3 are each amended to read  
4 as follows:

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

9 (1) The reduction, dismissal, suspension, or demotion of an  
10 employee;

11 (2) Certification of names for vacancies, including departmental  
12 promotions, with the number of names equal to six more names than there  
13 are vacancies to be filled, such names representing applicants rated  
14 highest on eligibility lists: PROVIDED, That when other applicants  
15 have scores equal to the lowest score among the names certified, their  
16 names shall also be certified;

17 (3) Examinations for all positions in the competitive and  
18 noncompetitive service;

19 (4) Appointments;

1 (5) Training and career development;

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

6 (7) Transfers;

7 (8)(a) Sick leaves and vacations; and  
8 (b) Bereavement leave of five working days, not to be deducted from  
9 vacation or sick leave;

10 (9) Hours of work;

11 (10) Layoffs when necessary and subsequent reemployment, both  
12 according to seniority;

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

19 (12) Certification and decertification of exclusive bargaining  
20 representatives: PROVIDED, That after certification of an exclusive  
21 bargaining representative and upon the representative's request, the  
22 director shall hold an election among employees in a bargaining unit to  
23 determine by a majority whether to require as a condition of employment  
24 membership in the certified exclusive bargaining representative on or  
25 after the thirtieth day following the beginning of employment or the  
26 date of such election, whichever is the later, and the failure of an  
27 employee to comply with such a condition of employment constitutes  
28 cause for dismissal: PROVIDED FURTHER, That no more often than once in  
29 each twelve-month period after expiration of twelve months following  
30 the date of the original election in a bargaining unit and upon  
31 petition of thirty percent of the members of a bargaining unit the  
32 director shall hold an election to determine whether a majority wish to  
33 rescind such condition of employment: PROVIDED FURTHER, That for  
34 purposes of this clause, membership in the certified exclusive  
35 bargaining representative is satisfied by the payment of monthly or  
36 other periodic dues and does not require payment of initiation,  
37 reinstatement, or any other fees or fines and includes full and  
38 complete membership rights: AND PROVIDED FURTHER, That in order to  
39 safeguard the right of nonassociation of public employees, based on

1 bona fide religious tenets or teachings of a church or religious body  
2 of which such public employee is a member, such public employee shall  
3 pay to the union, for purposes within the program of the union as  
4 designated by such employee that would be in harmony with his or her  
5 individual conscience, an amount of money equivalent to regular union  
6 dues minus any included monthly premiums for union-sponsored insurance  
7 programs, and such employee shall not be a member of the union but is  
8 entitled to all the representation rights of a union member;

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

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

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

24 (a) The board shall not adopt job classification revisions or class  
25 studies unless implementation of the proposed revision or study will  
26 result in net cost savings, increased efficiencies, or improved  
27 management of personnel or services, and the proposed revision or study  
28 has been approved by the director of financial management in accordance  
29 with chapter 43.88 RCW.

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

32 (i) The board may approve the implementation of salary increases  
33 resulting from adjustments to the classification plan during the 1995-  
34 97 fiscal biennium only if:

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

38 (B) The implementation will take effect on July 1, 1996, and the  
39 total net cost of all such actions approved by the board for

1 implementation during the 1995-97 fiscal biennium does not exceed the  
2 amounts specified by the legislature specifically for this purpose; or

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

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

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

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

20 (16) Allocation and reallocation of positions within the  
21 classification plan;

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

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

36 (19) Optional lump sum relocation compensation approved by the  
37 agency director, whenever it is reasonably necessary that a person make  
38 a domiciliary move in accepting a transfer or other employment with the  
39 state. An agency must provide lump sum compensation within existing

1 resources. If the person receiving the relocation payment terminates  
2 or causes termination with the state, for reasons other than layoff,  
3 disability separation, or other good cause as determined by an agency  
4 director, within one year of the date of the employment, the state is  
5 entitled to reimbursement of the lump sum compensation from the person;

6 (20) Providing for veteran's preference as required by existing  
7 statutes, with recognition of preference in regard to layoffs and  
8 subsequent reemployment for veterans and their surviving spouses by  
9 giving such eligible veterans and their surviving spouses additional  
10 credit in computing their seniority by adding to their unbroken state  
11 service, as defined by the board, the veteran's service in the military  
12 not to exceed five years. For the purposes of this section, "veteran"  
13 means any person who has one or more years of active military service  
14 in any branch of the armed forces of the United States or who has less  
15 than one year's service and is discharged with a disability incurred in  
16 the line of duty or is discharged at the convenience of the government  
17 and who, upon termination of such service has received an honorable  
18 discharge, a discharge for physical reasons with an honorable record,  
19 or a release from active military service with evidence of service  
20 other than that for which an undesirable, bad conduct, or dishonorable  
21 discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse  
22 of a veteran is entitled to the benefits of this section regardless of  
23 the veteran's length of active military service: PROVIDED FURTHER,  
24 That for the purposes of this section "veteran" does not include any  
25 person who has voluntarily retired with twenty or more years of active  
26 military service and whose military retirement pay is in excess of five  
27 hundred dollars per month;

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

34 (22) Assuring persons who are or have been employed in classified  
35 positions before July 1, 1993, will be eligible for employment,  
36 reemployment, transfer, and promotion in respect to classified  
37 positions covered by this chapter;

38 (23) Affirmative action in appointment, promotion, transfer,  
39 recruitment, training, and career development; development and

1 implementation of affirmative action goals and timetables; and  
2 monitoring of progress against those goals and timetables.

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

--- END ---