
SENATE BILL 5512

State of Washington

57th Legislature

2001 Regular Session

By Senators Fairley, Patterson, Fraser, Shin, Kohl-Welles and Gardner

Read first time 01/25/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to bereavement leave for state employees; and
2 amending RCW 41.06.150.

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

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

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

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

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

1 (3) Examinations for all positions in the competitive and
2 noncompetitive service;

3 (4) Appointments;

4 (5) Training and career development;

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

9 (7) Transfers;

10 (8)(a) Sick leaves and vacations; and
11 (b) Bereavement leave of five working days, not to be deducted
12 from vacation or sick leave, for a death in the family;

13 (9) Hours of work;

14 (10) Layoffs when necessary and subsequent reemployment, both
15 according to seniority;

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

22 (12) Certification and decertification of exclusive bargaining
23 representatives: PROVIDED, That after certification of an
24 exclusive bargaining representative and upon the representative's
25 request, the director shall hold an election among employees in a
26 bargaining unit to determine by a majority whether to require as a
27 condition of employment membership in the certified exclusive
28 bargaining representative on or after the thirtieth day following
29 the beginning of employment or the date of such election,
30 whichever is the later, and the failure of an employee to comply
31 with such a condition of employment constitutes cause for
32 dismissal: PROVIDED FURTHER, That no more often than once in each
33 twelve-month period after expiration of twelve months following
34 the date of the original election in a bargaining unit and upon
35 petition of thirty percent of the members of a bargaining unit the
36 director shall hold an election to determine whether a majority
37 wish to rescind such condition of employment: PROVIDED FURTHER,
38 That for purposes of this clause, membership in the certified

1 exclusive bargaining representative is satisfied by the payment of
2 monthly or other periodic dues and does not require payment of
3 initiation, reinstatement, or any other fees or fines and includes
4 full and complete membership rights: AND PROVIDED FURTHER, That
5 in order to safeguard the right of nonassociation of public
6 employees, based on bona fide religious tenets or teachings of a
7 church or religious body of which such public employee is a
8 member, such public employee shall pay to the union, for purposes
9 within the program of the union as designated by such employee
10 that would be in harmony with his or her individual conscience, an
11 amount of money equivalent to regular union dues minus any
12 included monthly premiums for union-sponsored insurance programs,
13 and such employee shall not be a member of the union but is
14 entitled to all the representation rights of a union member;

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

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

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

32 (a) The board shall not adopt job classification revisions or
33 class studies unless implementation of the proposed revision or
34 study will result in net cost savings, increased efficiencies, or
35 improved management of personnel or services, and the proposed
36 revision or study has been approved by the director of financial
37 management in accordance with chapter 43.88 RCW.

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

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

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

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

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

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

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

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

32 (16) Allocation and reallocation of positions within the
33 classification plan;

34 (17) Adoption and revision of a state salary schedule to
35 reflect the prevailing rates in Washington state private
36 industries and other governmental units but the rates in the
37 salary schedules or plans shall be increased if necessary to
38 attain comparable worth under an implementation plan under RCW

1 41.06.155 and that, for institutions of higher education and
2 related boards, shall be competitive for positions of a similar
3 nature in the state or the locality in which an institution of
4 higher education or related board is located, such adoption and
5 revision subject to approval by the director of financial
6 management in accordance with the provisions of chapter 43.88 RCW;

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

11 (19) Optional lump sum relocation compensation approved by the
12 agency director, whenever it is reasonably necessary that a person
13 make a domiciliary move in accepting a transfer or other
14 employment with the state. An agency must provide lump sum
15 compensation within existing resources. If the person receiving the
16 relocation payment terminates or causes termination with the
17 state, for reasons other than layoff, disability separation, or
18 other good cause as determined by an agency director, within one
19 year of the date of the employment, the state is entitled to
20 reimbursement of the lump sum compensation from the person;

21 (20) 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 surviving spouses
24 by giving such eligible veterans and their surviving spouses
25 additional credit in computing their seniority by adding to their
26 unbroken state service, as defined by the board, the veteran's
27 service in the military not to exceed five years. For the purposes
28 of this section, "veteran" means any person who has one or more
29 years of active military service in any branch of the armed forces
30 of the United States or who has less than one year's service and
31 is discharged with a disability incurred in the line of duty or is
32 discharged at the convenience of the government and who, upon
33 termination of such service has received an honorable discharge, a
34 discharge for physical reasons with an honorable record, or a
35 release from active military service with evidence of service
36 other than that for which an undesirable, bad conduct, or
37 dishonorable discharge shall be given: PROVIDED, HOWEVER, That
38 the surviving spouse of a veteran is entitled to the benefits of

1 this section regardless of the veteran's length of active military
2 service: PROVIDED FURTHER, That for the purposes of this section
3 "veteran" does not include any person who has voluntarily retired
4 with twenty or more years of active military service and whose
5 military retirement pay is in excess of five hundred dollars per
6 month;

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

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

17 (23) Affirmative action in appointment, promotion, transfer,
18 recruitment, training, and career development; development and
19 implementation of affirmative action goals and timetables; and
20 monitoring of progress against those goals and timetables.

21 The board shall consult with the human rights commission in the
22 development of rules pertaining to affirmative action. The
23 department of personnel shall transmit a report annually to the
24 human rights commission which states the progress each state
25 agency has made in meeting affirmative action goals and
26 timetables.

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