
HOUSE BILL 2407

State of Washington 61st Legislature 2010 Regular Session

By Representatives Kelley, Morrell, Green, Conway, Sequist, Orwall, Kenney, Hudgins, and Haigh

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1 AN ACT Relating to veterans' layoff and reemployment rights;
2 reenacting and amending RCW 41.06.133; and reenacting RCW 41.06.150.

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

4 **Sec. 1.** RCW 41.06.133 and 2009 c 534 s 2 and 2009 c 5 s 2 are each
5 reenacted and amended to read as follows:

6 (1) The director shall adopt rules, consistent with the purposes
7 and provisions of this chapter and with the best standards of personnel
8 administration, regarding the basis and procedures to be followed for:

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

11 (b) Training and career development;

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

16 (d) Transfers;

17 (e) Promotional preferences;

18 (f) Sick leaves and vacations;

19 (g) Hours of work;

1 (h) Layoffs when necessary and subsequent reemployment, except for
2 the financial basis for layoffs;

3 (i) The number of names to be certified for vacancies;

4 (j) Adoption and revision of a state salary schedule to reflect the
5 prevailing rates in Washington state private industries and other
6 governmental units. The rates in the salary schedules or plans shall
7 be increased if necessary to attain comparable worth under an
8 implementation plan under RCW 41.06.155 and, for institutions of higher
9 education and related boards, shall be competitive for positions of a
10 similar nature in the state or the locality in which an institution of
11 higher education or related board is located. Such adoption and
12 revision is subject to approval by the director of financial management
13 in accordance with chapter 43.88 RCW;

14 (k) Increment increases within the series of steps for each pay
15 grade based on length of service for all employees whose standards of
16 performance are such as to permit them to retain job status in the
17 classified service. For the twelve months following February 18, 2009,
18 a salary or wage increase shall not be granted to any exempt position
19 under this chapter;

20 (l) Optional lump sum relocation compensation approved by the
21 agency director, whenever it is reasonably necessary that a person make
22 a domiciliary move in accepting a transfer or other employment with the
23 state. An agency must provide lump sum compensation within existing
24 resources. If the person receiving the relocation payment terminates
25 or causes termination with the state, for reasons other than layoff,
26 disability separation, or other good cause as determined by an agency
27 director, within one year of the date of the employment, the state is
28 entitled to reimbursement of the lump sum compensation from the person;

29 (m) Providing for veteran's preference (~~((as required by existing~~
30 ~~statutes, with recognition of preference))~~) in regard to layoffs and
31 subsequent reemployment (~~((for veterans and their surviving spouses by~~
32 ~~giving such eligible)).~~ Veterans and ((their)) the surviving spouses
33 of veterans shall receive additional credit in computing their
34 seniority by adding to their unbroken state service, as defined by the
35 director, the veteran's service in the military not to exceed five
36 years. For the purposes of this section, "veteran" means any person
37 who has one or more years of active military service in any branch of
38 the armed forces of the United States or who has less than one year's

1 service and is discharged with a disability incurred in the line of
2 duty or is discharged at the convenience of the government and who,
3 upon termination of such service, has received an honorable discharge,
4 a discharge for physical reasons with an honorable record, or a release
5 from active military service with evidence of service other than that
6 for which an undesirable, bad conduct, or dishonorable discharge shall
7 be given. (~~However,~~) The surviving spouse of a veteran is entitled
8 to the benefits of this section regardless of the veteran's length of
9 active military service. (~~For the purposes of this section, "veteran"~~
10 ~~does not include any person who has voluntarily retired with twenty or~~
11 ~~more years of active military service and whose military retirement pay~~
12 ~~is in excess of five hundred dollars per month.))~~

13 (2) Rules adopted under this section by the director shall provide
14 for local administration and management by the institutions of higher
15 education and related boards, subject to periodic audit and review by
16 the director.

17 (3) Rules adopted by the director under this section may be
18 superseded by the provisions of a collective bargaining agreement
19 negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The
20 supersession of such rules shall only affect employees in the
21 respective collective bargaining units.

22 (4)(a) The director shall require that each state agency report
23 annually the following data:

24 (i) The number of classified, Washington management service, and
25 exempt employees in the agency and the change compared to the previous
26 report;

27 (ii) The number of bonuses and performance-based incentives awarded
28 to agency staff and the base wages of such employees; and

29 (iii) The cost of each bonus or incentive awarded.

30 (b) A report that compiles the data in (a) of this subsection for
31 all agencies will be provided annually to the governor and the
32 appropriate committees of the legislature and must be posted for the
33 public on the department of personnel's agency web site.

34 **Sec. 2.** RCW 41.06.150 and 2002 c 371 s 906, 2002 c 354 s 203, 2002
35 c 354 s 202, and 2002 c 110 s 1 are each reenacted to read as follows:

36 The director shall adopt rules, consistent with the purposes and

1 provisions of this chapter and with the best standards of personnel
2 administration, regarding the basis and procedures to be followed for:

3 (1) Certification of names for vacancies;

4 (2) Examinations for all positions in the competitive and
5 noncompetitive service;

6 (3) Appointments;

7 (4) Adoption and revision of a comprehensive classification plan,
8 in accordance with rules adopted by the board under RCW 41.06.136, for
9 all positions in the classified service, based on investigation and
10 analysis of the duties and responsibilities of each such position and
11 allocation and reallocation of positions within the classification
12 plan.

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

19 (b) Reclassifications, class studies, and salary adjustments are
20 governed by (a) of this subsection and RCW 41.06.152;

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

27 (6) Assuring persons who are or have been employed in classified
28 positions before July 1, 1993, will be eligible for employment,
29 reemployment, transfer, and promotion in respect to classified
30 positions covered by this chapter;

31 (7) Affirmative action in appointment, promotion, transfer,
32 recruitment, training, and career development; development and
33 implementation of affirmative action goals and timetables; and
34 monitoring of progress against those goals and timetables.

35 The director shall consult with the human rights commission in the
36 development of rules pertaining to affirmative action. The department
37 of personnel shall transmit a report annually to the human rights

1 commission which states the progress each state agency has made in
2 meeting affirmative action goals and timetables.

3 Rules adopted under this section by the director shall provide for
4 local administration and management by the institutions of higher
5 education and related boards, subject to periodic audit and review by
6 the director.

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