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SENATE BILL 6319

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State of Washington

61st Legislature

2010 Regular Session

By Senators Carrell and Roach

Read first time 01/12/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to a veteran's preference under the state civil  
2 service law; reenacting and amending RCW 41.06.133; and reenacting RCW  
3 41.06.150.

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

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

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

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

12 (b) Training and career development;

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

17 (d) Transfers;

18 (e) Promotional preferences;

19 (f) Sick leaves and vacations;

1 (g) Hours of work;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) Certification of names for vacancies;

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

7 (3) Appointments;

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

14 (a) The director shall not adopt job classification revisions or  
15 class studies unless implementation of the proposed revision or study  
16 will 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) Reclassifications, class studies, and salary adjustments are  
21 governed by (a) of this subsection and RCW 41.06.152;

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

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

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

36 The director shall consult with the human rights commission in the  
37 development of rules pertaining to affirmative action. The department

1 of personnel shall transmit a report annually to the human rights  
2 commission which states the progress each state agency has made in  
3 meeting affirmative action goals and timetables.

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

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