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SENATE BILL 5970

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State of Washington                      62nd Legislature                      2011 2nd Special Session

By Senators Carrell, Conway, Becker, Swecker, Morton, Shin, Kilmer, Hobbs, and Chase

Read first time 12/02/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1            AN ACT Relating to a veteran's preference for the purpose of public  
2 employment; amending RCW 41.04.010; and reenacting and amending RCW  
3 41.06.133.

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

5            **Sec. 1.** RCW 41.04.010 and 2009 c 248 s 1 are each amended to read  
6 as follows:

7            (1) In all competitive examinations, unless otherwise provided in  
8 this section, to determine the qualifications of applicants for public  
9 offices, positions, or employment, either the state, and all of its  
10 political subdivisions and all municipal corporations, or private  
11 companies or agencies contracted with by the state to give the  
12 competitive examinations shall give a scoring criteria status to all  
13 veterans as defined in RCW 41.04.007, by adding to the passing mark,  
14 grade or rating only, based upon a possible rating of one hundred  
15 points as perfect a percentage in accordance with the following:

16            ~~((1))~~ (a) Ten percent to a veteran who served during a period of  
17 war or in an armed conflict as defined in RCW 41.04.005 ~~((and does not  
18 receive military retirement))~~. The percentage shall be added to the

1 passing mark, grade, or rating of competitive examinations until the  
2 veteran's first appointment. The percentage shall not be utilized in  
3 promotional examinations;

4 ~~((+2))~~ (b) Five percent to a veteran who did not serve during a  
5 period of war or in an armed conflict as defined in RCW 41.04.005 (~~or~~  
6 ~~is receiving military retirement~~). The percentage shall be added to  
7 the passing mark, grade, or rating of competitive examinations until  
8 the veteran's first appointment. The percentage shall not be utilized  
9 in promotional examinations;

10 ~~((+3))~~ (c) Five percent to a veteran who was called to active  
11 military service from employment with the state or any of its political  
12 subdivisions or municipal corporations. The percentage shall be added  
13 to promotional examinations until the first promotion only;

14 ~~((+4))~~ (d) All veterans' scoring criteria may be claimed upon  
15 release from active military service.

16 (2) Veteran scoring criteria status under this section may be  
17 claimed upon receipt of separation orders issued by the respective  
18 military department if the separation orders indicate an honorable  
19 discharge. The status becomes permanent upon actual separation.

20 **Sec. 2.** RCW 41.06.133 and 2011 1st sp.s. c 43 s 407 and 2011 1st  
21 sp.s. c 39 s 5 are each reenacted and amended to read as follows:

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

25 (a) The reduction, dismissal, suspension, or demotion of an  
26 employee;

27 (b) Training and career development;

28 (c) Probationary periods of six to twelve months and rejections of  
29 probationary employees, depending on the job requirements of the class,  
30 except as follows:

31 (i) Entry level state park rangers shall serve a probationary  
32 period of twelve months; and

33 (ii) The probationary period of campus police officer appointees  
34 who are required to attend the Washington state criminal justice  
35 training commission basic law enforcement academy shall extend from the  
36 date of appointment until twelve months from the date of successful  
37 completion of the basic law enforcement academy, or twelve months from

1 the date of appointment if academy training is not required. The  
2 director shall adopt rules to ensure that employees promoting to campus  
3 police officer who are required to attend the Washington state criminal  
4 justice training commission basic law enforcement academy shall have  
5 the trial service period extend from the date of appointment until  
6 twelve months from the date of successful completion of the basic law  
7 enforcement academy, or twelve months from the date of appointment if  
8 academy training is not required;

9 (d) Transfers;

10 (e) Promotional preferences;

11 (f) Sick leaves and vacations;

12 (g) Hours of work;

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

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

16 (j) Subject to RCW 41.04.820, adoption and revision of a state  
17 salary schedule to reflect the prevailing rates in Washington state  
18 private industries and other governmental units. The rates in the  
19 salary schedules or plans shall be increased if necessary to attain  
20 comparable worth under an implementation plan under RCW 41.06.155 and,  
21 for institutions of higher education and related boards, shall be  
22 competitive for positions of a similar nature in the state or the  
23 locality in which an institution of higher education or related board  
24 is located. Such adoption and revision is subject to approval by the  
25 director of financial management in accordance with chapter 43.88 RCW;

26 (k) Increment increases within the series of steps for each pay  
27 grade based on length of service for all employees whose standards of  
28 performance are such as to permit them to retain job status in the  
29 classified service. From February 18, 2009, through June 30, 2013, a  
30 salary or wage increase shall not be granted to any exempt position  
31 under this chapter, except that a salary or wage increase may be  
32 granted to employees pursuant to collective bargaining agreements  
33 negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, and except  
34 that increases may be granted for positions for which the employer has  
35 demonstrated difficulty retaining qualified employees if the following  
36 conditions are met:

37 (i) The salary increase can be paid within existing resources;

1 (ii) The salary increase will not adversely impact the provision of  
2 client services; and

3 (iii) For any state agency of the executive branch, not including  
4 institutions of higher education, the salary increase is approved by  
5 the director of the office of financial management;

6 Any agency granting a salary increase from February 15, 2010,  
7 through June 30, 2011, to a position exempt under this chapter shall  
8 submit a report to the fiscal committees of the legislature no later  
9 than July 31, 2011, detailing the positions for which salary increases  
10 were granted, the size of the increases, and the reasons for giving the  
11 increases;

12 Any agency granting a salary increase from July 1, 2011, through  
13 June 30, 2013, to a position exempt under this chapter shall submit a  
14 report to the fiscal committees of the legislature by July 31, 2012,  
15 and July 31, 2013, detailing the positions for which salary increases  
16 were granted during the preceding fiscal year, the size of the  
17 increases, and the reasons for giving the increases;

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

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

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

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

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

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

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

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

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

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

32 (5) From February 15, 2010, until June 30, 2013, no monetary  
33 performance-based awards or incentives may be granted by the director  
34 or employers to employees covered by rules adopted under this section.  
35 This subsection does not prohibit the payment of awards provided for in  
36 chapter 41.60 RCW.

37 From July 1, 2011, until June 30, 2013, no performance-based awards

1 or incentives may be granted by the director or employers to employees  
2 pursuant to a performance management confirmation granted by the  
3 department of personnel under WAC 357-37-055.

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