

SENATE BILL REPORT

SB 6319

As Reported by Senate Committee On:
Commerce & Labor, January 27, 2016

Title: An act relating to civil service qualifications.

Brief Description: Addressing civil service qualifications.

Sponsors: Senators Jayapal, Litzow, Billig, Mullet, Hobbs, Fain, Hasegawa and Habib.

Brief History:

Committee Activity: Commerce & Labor: 1/25/16, 1/27/16 [DPS, w/oRec].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 6319 be substituted therefor, and the substitute bill do pass.

Signed by Senators Baumgartner, Chair; Hasegawa, Ranking Minority Member; Conway, Keiser and King.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, Vice Chair; Warnick.

Staff: Jarrett Sacks (786-7448)

Background: United States citizenship is a qualification requirement for applicants of city police, city firefighter, and county sheriff civil service positions.

Most city police employees are classified civil service employees. For police departments with fewer than six commissioned officers, all full-time paid employees are classified civil service. For police departments with more than six employees, the police chief may be exempt from civil service. Depending on the number of employees in the police department, the law allows for additional unclassified positions.

With the exception of fire chiefs, employees of municipal fire departments are also classified civil service employees. Fire protection districts and regional fire protection service authorities may, by resolution, provide for civil service of their employees with the same force and effect as city fire department employees.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Except the county sheriff, most employees of county sheriff departments are classified civil service employees, including all deputy sheriffs. Depending on the number of employees in the sheriff's department, the law allows for additional unclassified positions. If the sheriff's department operates a 911 emergency communications system, the sheriff may designate an unclassified position in addition to any other unclassified positions.

The Criminal Justice Training Commission (Commission) certifies applicants for the position of fully commissioned peace officer or fully commissioned reserve peace officer. The Commission may require an applicant to take and pass a polygraph and psychological examination. In addition to the polygraph and psychological examinations, applicants for the position of fully commissioned peace officer or fully commissioned reserve peace officer must submit to a background investigation including a check of criminal history. The Commission may use the tests and investigation to judge an applicant's suitability for employment. For the purposes of rules adopted by the Commission, officers of the Washington State Patrol are considered "peace officers," and are subject to the same requirements and rules as city and county law enforcement agencies. By rule, the Commission requires proof of United States citizenship as a requirement for applicants of positions as commissioned peace officers or fully commissioned reserve peace officers.

A "lawful permanent resident" is an immigration status of an individual that is authorized to live and work in the United States permanently. Proof of permanent residency is commonly referred to as a "green card." Green cards are issued by the United States Citizenship and Immigration Services within the Department of Homeland Security. Green cards are valid for 10 years for permanent residents, or two years for conditional permanent residents, and must be renewed before expiration. There are several different ways to become a permanent resident, but the most common methods are sponsorship by a family member or employer in the United States. Generally, a lawful permanent resident can apply for United States citizenship after five years of residency, or three years if the individual is married to a United States citizen.

Summary of Bill (Recommended Substitute): As an alternative to being a United States citizen, applicants for city firefighter, city police, and county sheriff civil service positions may be lawful permanent residents of the United States. The requirements for city firefighter, city police, and county sheriff civil service applicants only apply to those respective civil service laws and do not apply to other civil service laws.

Verification of immigration or citizenship status is added as part of the background investigation that law enforcement agencies must conduct, and applicants must submit to, for individuals who receive conditional offers of employment as fully commissioned peace officers or fully commissioned reserve peace officers. Law enforcement agencies may reject the application of a lawful permanent resident if the agency deems it does not have the resources to conduct the background investigation required under the law. "Resources" means only materials, funding, and staff time. If a law enforcement agency rejects an applicant, it cannot process any further applications until after a material change in resources has occurred.

A "lawful permanent resident" is defined as having the status of being lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with

immigration laws. This definition of "lawful permanent resident" is the same as the federal definition of "lawfully admitted for permanent residence."

EFFECT OF CHANGES MADE BY COMMERCE & LABOR COMMITTEE (Recommended Substitute): Law enforcement agencies may reject the application of a lawful permanent resident if the agency deems it does not have the resources to conduct the background investigation required under the law. "Resources" means only materials, funding, and staff time. If a law enforcement rejects an applicant, it cannot process any further applications until after a material change in resources has occurred.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill increases the pool of eligible candidates, which can help the shortage of Washington State troopers and firefighters. The United States military allows lawful permanent residents to serve, we should let them come back and serve their communities. Other states are allowing permanent residents to serve as civil servants as well. Successful law enforcement needs to reflect the diversity of the community.

CON: The bill could have an adverse effect on departments with fewer resources because they do not have the resources to conduct the required background investigation. This could expose these departments to civil liability.

Persons Testifying: PRO: Senator Jayapal, prime sponsor; Chris Helm, citizen; Ellicott Dandy, OneAmerica; John Urquhart; King County Sheriff.

CON: James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: No one.