
HOUSE BILL 1750

State of Washington

66th Legislature

2019 Regular Session

By Representatives Mosbrucker and Lovick

Read first time 01/30/19. Referred to Committee on Local Government.

1 AN ACT Relating to filling vacancies in county sheriff offices;
2 and amending RCW 41.14.060 and 41.14.130.

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

4 **Sec. 1.** RCW 41.14.060 and 2012 c 117 s 12 are each amended to
5 read as follows:

6 It shall be the duty of the civil service commission:

7 (1) To make suitable rules and regulations not inconsistent with
8 the provisions hereof. Such rules and regulations shall provide in
9 detail the manner in which examinations may be held, and
10 appointments, promotions, reallocations, transfers, reinstatements,
11 demotions, suspensions, and discharges shall be made, and may also
12 provide for any other matters connected with the general subject of
13 personnel administration, and which may be considered desirable to
14 further carry out the general purposes of this chapter, or which may
15 be found to be in the interest of good personnel administration. The
16 rules and regulations and any amendments thereof shall be printed,
17 mimeographed, or multigraphed for free public distribution. Such
18 rules and regulations may be changed from time to time.

19 (2) To give practical tests which shall consist only of subjects
20 which will fairly determine the capacity of persons examined to
21 perform duties of the position to which appointment is to be made.

1 Such tests may include tests of physical fitness or manual skill or
2 both.

3 (3) To make investigations concerning and report upon all matters
4 touching the enforcement and effect of the provisions of this
5 chapter, and the rules and regulations prescribed hereunder; to
6 inspect all departments, offices, places, positions, and employments
7 affected by this chapter, and ascertain whether this chapter and all
8 such rules and regulations are being obeyed. Such investigations may
9 be made by the commission or by any commissioner designated by the
10 commission for that purpose. Not only must these investigations be
11 made by the commission as aforesaid, but the commission must make
12 like investigation on petition of a citizen, duly verified, stating
13 that irregularities or abuses exist, or setting forth in concise
14 language, in writing, the necessity for such investigation. In the
15 course of such investigation the commission or designated
16 commissioner, or chief examiner, may administer oaths, subpoena and
17 require the attendance of witnesses and the production by them of
18 books, papers, documents, and accounts appertaining to the
19 investigation and also cause the deposition of witnesses residing
20 within or without the state to be taken in the manner prescribed by
21 law for like depositions in civil actions in the superior court; and
22 the oaths administered and the subpoenas issued hereunder shall have
23 the same force and effect as the oaths administered and subpoenas
24 issued by a superior court judge in his or her judicial capacity; and
25 the failure of any person so subpoenaed to comply with the provisions
26 of this section shall be deemed a violation of this chapter, and
27 punishable as such.

28 (4) To conduct hearings and investigations in accordance with
29 this chapter and by the rules of practice and procedure adopted by
30 the commission, and in the conduct thereof neither the commission,
31 nor designated commissioner shall be bound by technical rules of
32 evidence. No informality in any proceedings or hearing, or in the
33 manner of taking testimony before the commission or designated
34 commissioner, shall invalidate any order, decision, rule, or
35 regulation made, approved, or confirmed by the commission: PROVIDED,
36 That no order, decision, rule, or regulation made by any designated
37 commissioner conducting any hearing or investigation alone shall be
38 of any force or effect whatsoever unless and until concurred in by at
39 least one of the other two members.

1 (5) To hear and determine appeals or complaints respecting the
2 allocation of positions, the rejection of an examinee, and such other
3 matters as may be referred to the commission.

4 (6) To provide for, formulate, and hold competitive tests to
5 determine the relative qualifications of persons who seek employment
6 in any class or position and as a result thereof establish eligible
7 lists for the various classes of positions, and provide that persons
8 laid off, or who have accepted voluntary demotion in lieu of layoff,
9 because of curtailment of expenditures, reduction in force, and for
10 like causes, head the list in the order of their seniority, to the
11 end that they shall be the first to be reemployed or reinstated in
12 their former job class.

13 (7) To certify to the appointing authority, when a vacant
14 position is to be filled, on written request, the names of the
15 (~~three~~) five persons highest on the eligible list for the class. If
16 there is no such list, to authorize a provisional or temporary
17 appointment list for such class. A temporary appointment expires
18 after four months. However, the appointing authority may extend the
19 temporary appointment beyond the four-month period up to one year if
20 the commission continues to advertise and test for the position. If,
21 after one year from the date the initial temporary appointment was
22 first made, there are less than (~~three~~) five persons on the
23 eligible list for the class, then the appointing authority may fill
24 the position with any person or persons on the eligible list.

25 (8) To keep such records as may be necessary for the proper
26 administration of this chapter.

27 **Sec. 2.** RCW 41.14.130 and 1984 c 199 s 2 are each amended to
28 read as follows:

29 Whenever a position in the classified service becomes vacant, the
30 appointing power, if it desires to fill the vacancy, shall
31 requisition the commission for the names and addresses of persons
32 eligible for appointment thereto. Before a requisition can be made,
33 the appointing authority shall give employees of the appointing
34 authority who are in layoff status or who have been notified of an
35 intended layoff an opportunity to qualify for any class within the
36 office of the appointing authority. The commission shall certify the
37 names of the (~~three~~) five persons highest on the eligible list for
38 the class to which the vacant position has been allocated, who are
39 willing to accept employment. If there is no appropriate eligible

1 list for the class, the commission shall certify the names of the
2 (~~three~~) five persons standing highest on the list held appropriate
3 for such class. If more than one vacancy is to be filled an
4 additional name shall be certified for each additional vacancy. The
5 appointing power shall forthwith appoint a person from those
6 certified to the vacant position.

7 To enable the appointing power to exercise a greater degree of
8 choice in the filling of positions, no appointment, employment, or
9 promotion in any position in the classified service shall be deemed
10 complete until after the expiration of a period of one year's
11 probationary service, as may be provided in the rules of the civil
12 service commission, during which the appointing power may terminate
13 the employment of the person appointed, if during the performance
14 test thus afforded, upon observation or consideration of the
15 performance of duty, the appointing power deems such person unfit or
16 unsatisfactory for service in the office of county sheriff. Thereupon
17 the appointing power shall again requisition the commission for the
18 names and addresses of persons eligible for appointment in the manner
19 provided by this section and the person appointed in the manner
20 provided by this section shall likewise enter upon said duties for
21 the probationary period, until some person is found who is deemed fit
22 for appointment, employment, or promotion whereupon the appointment,
23 employment, or promotion shall be deemed complete.

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