

SSB 5089 - S AMD 486
By Senator Gildon

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature believes the diversity of
4 the police force is essential to maintaining public trust and
5 confidence in the criminal justice system. With this act, the
6 legislature intends to provide for a diverse workforce with a variety
7 of experiences and backgrounds that will ensure officers have the
8 maturity and empathy to serve the citizens of Washington. The
9 legislature is persuaded by research evidencing that adolescent brain
10 development continues until a person reaches the age of 26. Law
11 enforcement officers are entrusted with the tools and ability to
12 effect life and liberty. We believe that increasing the qualification
13 age of an officer to age 23 will help ensure the requisite maturity
14 for these responsibilities.

15 **Sec. 2.** RCW 41.12.070 and 2018 c 32 s 2 are each amended to read
16 as follows:

17 (1) An applicant for a position of any kind under civil service
18 under the provisions of this chapter(~~(7)~~) must be a citizen of the
19 United States of America or a lawful permanent resident who can read
20 and write the English language(~~(7~~

21 ~~An applicant for a position of any kind under civil service must~~
22 ~~be)); and of an age suitable for the position applied for, in~~
23 ordinary good health, of good moral character, and of temperate and
24 industrious habits; these facts to be ascertained in such manner as
25 the commission may deem advisable.

26 (2) An application for a position with a law enforcement agency
27 may be rejected if the law enforcement agency deems that it does not
28 have the resources to conduct the background investigation required
29 pursuant to chapter 43.101 RCW. Resources means materials, funding,
30 and staff time.

1 (3) (a) Consistent with the scoring scheme outlined in RCW
2 41.04.010, a hiring law enforcement agency shall add a maximum of 10
3 percent to the passing mark, grade, or rating of any applicant for
4 any of the following qualifications:

5 (i) Proficiency, as defined by the local jurisdiction, in a
6 language other than English; or

7 (ii) Two or more years of professional or volunteer experience in
8 the peace corps, AmeriCorps, domestic violence counseling, mental or
9 behavioral health care, homelessness programs, or other social
10 services professions;

11 (iii) Having an associate of arts or science degree;

12 (iv) Completing an associate of arts or science degree prior to
13 the end of the person's probationary period as provided in RCW
14 41.12.100; or

15 (v) Having two years' full-time experience working in domestic
16 violence services, mental or behavioral health care, homelessness
17 programs, crisis intervention services, or other social services
18 professions.

19 (b) Preference points under this subsection and RCW 41.04.010 may
20 not be aggregated to exceed more than 10 percent of the applicant's
21 examination score.

22 (4) Nothing in this section impairs an applicant's rights under
23 state antidiscrimination laws.

24 **Sec. 3.** RCW 41.12.100 and 2007 c 218 s 15 are each amended to
25 read as follows:

26 (1) Whenever a position in the classified service becomes vacant,
27 the appointing power, if it desires to fill the vacancy, shall make
28 requisition upon the commission for the name and address of a person
29 eligible for appointment thereto. The commission shall certify the
30 name of the person highest on the eligible list for the class to
31 which the vacant position has been allocated, who is willing to
32 accept employment. If there is no appropriate eligible list for the
33 class, the commission shall certify the name of the person standing
34 highest on said list held appropriate for such class. If more than
35 one vacancy is to be filled an additional name shall be certified for
36 each additional vacancy. The appointing power shall forthwith appoint
37 such person to such vacant position.

38 (2) Whenever requisition is to be made, or whenever a position is
39 held by a temporary appointee and an eligible list for the class of

1 such position exists, the commission shall forthwith certify the name
2 of the person eligible for appointment to the appointing power, and
3 said appointing power shall forthwith appoint the person so certified
4 to said position. No person so certified shall be laid off,
5 suspended, or given leave of absence from duty, transferred or
6 reduced in pay or grade, except for reasons which will promote the
7 good of the service, specified in writing, and after an opportunity
8 to be heard by the commission and then only with its consent and
9 approval.

10 (3) To enable the appointing power to exercise a choice in the
11 filling of positions, no appointment, employment or promotion in any
12 position in the classified service shall be deemed complete until
13 after the expiration of a period of ~~((three to six months!))~~
14 probationary service, as may be provided in the rules of the civil
15 service commission during which the appointing power may terminate
16 the employment of the person certified to him or her, or it, if
17 during the performance test thus afforded, upon observation or
18 consideration of the performance of duty, the appointing power deems
19 him or her unfit or unsatisfactory for service in the department,
20 whereupon the appointing power shall designate the person certified
21 as standing next highest on any such list and such person shall
22 likewise enter upon said duties until some person is found who is
23 deemed fit for appointment, employment or promotion for the
24 probationary period provided therefor, whereupon the appointment,
25 employment or promotion shall be deemed to be complete. The
26 probationary period of a person appointed or hired:

27 (a) As a new law enforcement officer, must be no less than 24
28 months from the date of successful completion of the basic law
29 enforcement academy;

30 (b) In any other position, must be between three and 12 months
31 from the date of appointment or hire.

32 **Sec. 4.** RCW 41.14.100 and 2018 c 32 s 3 are each amended to read
33 as follows:

34 (1) An applicant for a position of any kind under civil service
35 under the provisions of this chapter, must be a citizen of the United
36 States or a lawful permanent resident who can read and write the
37 English language.

38 (2) An application for a position with a law enforcement agency
39 may be rejected if the law enforcement agency deems that it does not

1 have the resources to conduct the background investigation required
2 pursuant to chapter 43.101 RCW. Resources means materials, funding,
3 and staff time.

4 (3) (a) Consistent with the scoring scheme outlined in RCW
5 41.04.010, a hiring law enforcement agency shall add a maximum of 10
6 percent to the passing mark, grade, or rating of any applicant for
7 any of the following qualifications:

8 (i) Proficiency, as defined by the local jurisdiction, in a
9 language other than English;

10 (ii) Two or more years of professional or volunteer experience in
11 the peace corps, AmeriCorps, domestic violence counseling, mental or
12 behavioral health care, homelessness programs, or other social
13 services professions;

14 (iii) Having an associate of arts or science degree;

15 (iv) Completing an associate of arts or science degree prior to
16 the end of the person's probationary period as provided in RCW
17 41.14.130; or

18 (v) Having two years' full-time experience working in domestic
19 violence services, mental or behavioral health care, homelessness
20 programs, crisis intervention services, or other social services
21 professions.

22 (b) Preference points under this subsection and RCW 41.04.010 may
23 not be aggregated to exceed more than 10 percent of the applicant's
24 examination score.

25 (4) Nothing in this section impairs an applicant's rights under
26 state antidiscrimination laws.

27 **Sec. 5.** RCW 41.14.130 and 2020 c 14 s 2 are each amended to read
28 as follows:

29 (1) Whenever a position in the classified service becomes vacant,
30 the 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 five persons highest on the eligible list for the class
38 to which the vacant position has been allocated, who are willing to
39 accept employment. If there is no appropriate eligible list for the

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

7 (2) To enable the appointing power to exercise a greater degree
8 of 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. The probationary
24 period of a person appointed or hired:

25 (a) As a new law enforcement officer, must be no less than 24
26 months from the date of successful completion of the basic law
27 enforcement academy;

28 (b) In any other position, must be no less than one year from the
29 date of appointment or hire.

30 **Sec. 6.** RCW 43.43.020 and 2005 c 434 s 4 are each amended to
31 read as follows:

32 (1) The governor, with the advice and consent of the senate,
33 shall appoint the chief of the Washington state patrol, determine his
34 compensation, and may remove him at will.

35 (2)(a) The chief shall appoint a sufficient number of competent
36 persons to act as Washington state patrol officers, may remove them
37 for cause, as provided in this chapter, and shall make promotional
38 appointments, determine their compensation, and define their rank and
39 duties, as hereinafter provided.

1 **(b)** Before a person may be appointed to act as a Washington state
2 patrol officer, the person shall meet the minimum standards for
3 employment with the Washington state patrol, including successful
4 completion of a psychological examination and polygraph examination
5 or similar assessment procedure administered by the chief or his or
6 her designee in accordance with the requirements of RCW
7 43.101.095(2).

8 **(3)(a)** Consistent with the scoring scheme outlined in RCW
9 41.04.010, a hiring law enforcement agency shall add a maximum of 10
10 percent to the passing mark, grade, or rating of any applicant for
11 any of the following qualifications:

12 **(i)** Proficiency, as defined by the local jurisdiction, in a
13 language other than English;

14 **(ii)** Two or more years of professional or volunteer experience in
15 the peace corps, AmeriCorps, domestic violence counseling, mental or
16 behavioral health care, homelessness programs, or other social
17 services professions;

18 **(iii)** Having an associate of arts or science degree;

19 **(iv)** Completing an associate of arts or science degree prior to
20 the end of the person's probationary period as provided in RCW
21 43.43.360; or

22 **(v)** Having two years' full-time experience working in domestic
23 violence services, mental or behavioral health care, homelessness
24 programs, crisis intervention services, or other social services
25 professions.

26 **(b)** Preference points under this subsection and RCW 41.04.010 may
27 not be aggregated to exceed more than 10 percent of the applicant's
28 examination score.

29 **(4)** The chief may appoint employees of the Washington state
30 patrol to serve as special deputies, with such restricted police
31 authority as the chief shall designate as being necessary and
32 consistent with their assignment to duty. Such appointment and
33 conferral of authority shall not qualify said employees for
34 membership in the Washington state patrol retirement system, nor
35 shall it grant tenure of office as a regular officer of the
36 Washington state patrol.

37 **(5)** The chief may personally appoint, with the consent of the
38 state treasurer, employees of the office of the state treasurer who
39 are qualified under the standards of the criminal justice training
40 commission, or who have comparable training and experience, to serve

1 as special deputies. The law enforcement powers of any special
2 deputies appointed in the office of the state treasurer shall be
3 designated by the chief and shall be restricted to those powers
4 necessary to provide for statewide security of the holdings or
5 property of or under the custody of the office of the state
6 treasurer. These appointments may be revoked by the chief at any time
7 and shall be revoked upon the written request of the state treasurer
8 or by operation of law upon termination of the special deputy's
9 employment with the office of the state treasurer or thirty days
10 after the chief who made the appointment leaves office. The chief
11 shall be civilly immune for the acts of such special deputies. Such
12 appointment and conferral of authority shall not qualify such
13 employees for membership in the Washington state patrol retirement
14 system, nor shall it grant tenure of office as a regular officer of
15 the Washington state patrol.

16 **Sec. 7.** RCW 43.43.360 and 1984 c 141 s 5 are each amended to
17 read as follows:

18 All newly appointed (~~or promoted~~) officers shall serve a
19 probationary period of (~~one year after appointment or promotion~~) 24
20 months from the date of successful completion of the basic law
21 enforcement academy and all promoted officers shall serve a
22 probationary period of 12 months from the date of promotion,
23 whereupon their probationary status shall terminate, and they shall
24 acquire regular status in the particular grade, unless given notice
25 in writing to the contrary by the chief prior to the expiration of
26 the probationary period.

27 NEW SECTION. **Sec. 8.** Any provision in a collective bargaining
28 agreement or other agreement entered into or amended after the
29 effective date of this section that is contrary to the provisions of
30 this act is void and unenforceable. No jurisdiction's law, policies,
31 rules, contracts, or other agreements may contravene any of this act.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 41.56
33 RCW to read as follows:

34 Notwithstanding any provisions of this chapter, the provisions of
35 chapter . . ., Laws of 2021 (this act) and the implementation thereof
36 do not constitute personnel matters, working conditions, or any other
37 change that requires collective bargaining.

1 NEW SECTION. **Sec. 10.** Subject to the amounts appropriated for
2 this specific purpose, the Washington State University division of
3 governmental studies and services must convene a work group of
4 appropriate stakeholders to study chapters 41.12, 41.14, and 43.43
5 RCW, and submit recommendations for reforms to civil service for law
6 enforcement to provide greater access for more diverse candidates
7 into the law enforcement profession and enable sheriffs and police
8 chiefs greater flexibility to hire and promote law enforcement
9 officers who are best suited to carry out the agency's mission."

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10 On page 1, line 1 of the title, after "certification;" strike the
11 remainder of the title and insert "amending RCW 41.12.070, 41.12.100,
12 41.14.100, 41.14.130, 43.43.020, and 43.43.360; adding a new section
13 to chapter 41.56 RCW; and creating new sections."

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