

**SSB 5089 - S AMD 122**  
By Senator Wagoner

**NOT CONSIDERED 04/26/2021**

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."

EFFECT: Changes the probationary period from 24 months to between  
3 months and 12 months, depending on the type of promotion or hiring  
action. Strikes 23 year old age requirement. Moves associates degree  
requirement to bonus preference points section.

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