
SENATE BILL 5489

State of Washington 55th Legislature 1997 Regular Session

By Senators Winsley, Fraser, Haugen and Kohl

Read first time 01/28/97. Referred to Committee on Ways & Means.

1 AN ACT Relating to bereavement leave for state employees; and
2 amending RCW 41.06.150.

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

4 **Sec. 1.** RCW 41.06.150 and 1996 c 319 s 2 are each amended to read
5 as follows:

6 The board shall adopt rules, consistent with the purposes and
7 provisions of this chapter, as now or hereafter amended, and with the
8 best standards of personnel administration, regarding the basis and
9 procedures to be followed for:

10 (1) The reduction, dismissal, suspension, or demotion of an
11 employee;

12 (2) Certification of names for vacancies, including departmental
13 promotions, with the number of names equal to six more names than there
14 are vacancies to be filled, such names representing applicants rated
15 highest on eligibility lists: PROVIDED, That when other applicants
16 have scores equal to the lowest score among the names certified, their
17 names shall also be certified;

18 (3) Examinations for all positions in the competitive and
19 noncompetitive service;

1 (4) Appointments;

2 (5) Training and career development;

3 (6) Probationary periods of six to twelve months and rejections of
4 probationary employees, depending on the job requirements of the class,
5 except that entry level state park rangers shall serve a probationary
6 period of twelve months;

7 (7) Transfers;

8 (8)(a) Sick leaves and vacations; and
9 (b) Bereavement leave of three working days, not to be deducted
10 from vacation or sick leave, for a death in the family;

11 (9) Hours of work;

12 (10) Layoffs when necessary and subsequent reemployment, both
13 according to seniority;

14 (11) Determination of appropriate bargaining units within any
15 agency: PROVIDED, That in making such determination the board shall
16 consider the duties, skills, and working conditions of the employees,
17 the history of collective bargaining by the employees and their
18 bargaining representatives, the extent of organization among the
19 employees, and the desires of the employees;

20 (12) Certification and decertification of exclusive bargaining
21 representatives: PROVIDED, That after certification of an exclusive
22 bargaining representative and upon the representative's request, the
23 director shall hold an election among employees in a bargaining unit to
24 determine by a majority whether to require as a condition of employment
25 membership in the certified exclusive bargaining representative on or
26 after the thirtieth day following the beginning of employment or the
27 date of such election, whichever is the later, and the failure of an
28 employee to comply with such a condition of employment constitutes
29 cause for dismissal: PROVIDED FURTHER, That no more often than once in
30 each twelve-month period after expiration of twelve months following
31 the date of the original election in a bargaining unit and upon
32 petition of thirty percent of the members of a bargaining unit the
33 director shall hold an election to determine whether a majority wish to
34 rescind such condition of employment: PROVIDED FURTHER, That for
35 purposes of this clause, membership in the certified exclusive
36 bargaining representative is satisfied by the payment of monthly or
37 other periodic dues and does not require payment of initiation,
38 reinstatement, or any other fees or fines and includes full and
39 complete membership rights: AND PROVIDED FURTHER, That in order to

1 safeguard the right of nonassociation of public employees, based on
2 bona fide religious tenets or teachings of a church or religious body
3 of which such public employee is a member, such public employee shall
4 pay to the union, for purposes within the program of the union as
5 designated by such employee that would be in harmony with his or her
6 individual conscience, an amount of money equivalent to regular union
7 dues minus any included monthly premiums for union-sponsored insurance
8 programs, and such employee shall not be a member of the union but is
9 entitled to all the representation rights of a union member;

10 (13) Agreements between agencies and certified exclusive bargaining
11 representatives providing for grievance procedures and collective
12 negotiations on all personnel matters over which the appointing
13 authority of the appropriate bargaining unit of such agency may
14 lawfully exercise discretion;

15 (14) Written agreements may contain provisions for payroll
16 deductions of employee organization dues upon authorization by the
17 employee member and for the cancellation of such payroll deduction by
18 the filing of a proper prior notice by the employee with the appointing
19 authority and the employee organization: PROVIDED, That nothing
20 contained herein permits or grants to any employee the right to strike
21 or refuse to perform his or her official duties;

22 (15) Adoption and revision of a comprehensive classification plan
23 for all positions in the classified service, based on investigation and
24 analysis of the duties and responsibilities of each such position.

25 (a) The board shall not adopt job classification revisions or class
26 studies unless implementation of the proposed revision or study will
27 result in net cost savings, increased efficiencies, or improved
28 management of personnel or services, and the proposed revision or study
29 has been approved by the director of financial management in accordance
30 with chapter 43.88 RCW.

31 (b) Beginning July 1, 1995, through June 30, 1997, in addition to
32 the requirements of (a) of this subsection:

33 (i) The board may approve the implementation of salary increases
34 resulting from adjustments to the classification plan during the 1995-
35 97 fiscal biennium only if:

36 (A) The implementation will not result in additional net costs and
37 the proposed implementation has been approved by the director of
38 financial management in accordance with chapter 43.88 RCW;

1 (B) The implementation will take effect on July 1, 1996, and the
2 total net cost of all such actions approved by the board for
3 implementation during the 1995-97 fiscal biennium does not exceed the
4 amounts specified by the legislature specifically for this purpose; or

5 (C) The implementation is a result of emergent conditions.
6 Emergent conditions are defined as emergency situations requiring the
7 establishment of positions necessary for the preservation of the public
8 health, safety, or general welfare, which do not exceed \$250,000 of the
9 moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp.
10 sess.

11 (ii) The board shall approve only those salary increases resulting
12 from adjustments to the classification plan if they are due to
13 documented recruitment and retention difficulties, salary compression
14 or inversion, increased duties and responsibilities, or inequities.
15 For these purposes, inequities are defined as similar work assigned to
16 different job classes with a salary disparity greater than 7.5 percent.

17 (iii) Adjustments made to the higher education hospital special pay
18 plan are exempt from (b)(i) through (ii) of this subsection.

19 (c) Reclassifications, class studies, and salary adjustments to be
20 implemented during the 1997-99 and subsequent fiscal biennia are
21 governed by (a) of this subsection and RCW 41.06.152;

22 (16) Allocation and reallocation of positions within the
23 classification plan;

24 (17) Adoption and revision of a state salary schedule to reflect
25 the prevailing rates in Washington state private industries and other
26 governmental units but the rates in the salary schedules or plans shall
27 be increased if necessary to attain comparable worth under an
28 implementation plan under RCW 41.06.155 and that, for institutions of
29 higher education and related boards, shall be competitive for positions
30 of a similar nature in the state or the locality in which an
31 institution of higher education or related board is located, such
32 adoption and revision subject to approval by the director of financial
33 management in accordance with the provisions of chapter 43.88 RCW;

34 (18) Increment increases within the series of steps for each pay
35 grade based on length of service for all employees whose standards of
36 performance are such as to permit them to retain job status in the
37 classified service;

38 (19) Providing for veteran's preference as required by existing
39 statutes, with recognition of preference in regard to layoffs and

1 subsequent reemployment for veterans and their surviving spouses by
2 giving such eligible veterans and their surviving spouses additional
3 credit in computing their seniority by adding to their unbroken state
4 service, as defined by the board, the veteran's service in the military
5 not to exceed five years. For the purposes of this section, "veteran"
6 means any person who has one or more years of active military service
7 in any branch of the armed forces of the United States or who has less
8 than one year's service and is discharged with a disability incurred in
9 the line of duty or is discharged at the convenience of the government
10 and who, upon termination of such service has received an honorable
11 discharge, a discharge for physical reasons with an honorable record,
12 or a release from active military service with evidence of service
13 other than that for which an undesirable, bad conduct, or dishonorable
14 discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse
15 of a veteran is entitled to the benefits of this section regardless of
16 the veteran's length of active military service: PROVIDED FURTHER,
17 That for the purposes of this section "veteran" does not include any
18 person who has voluntarily retired with twenty or more years of active
19 military service and whose military retirement pay is in excess of five
20 hundred dollars per month;

21 (20) Permitting agency heads to delegate the authority to appoint,
22 reduce, dismiss, suspend, or demote employees within their agencies if
23 such agency heads do not have specific statutory authority to so
24 delegate: PROVIDED, That the board may not authorize such delegation
25 to any position lower than the head of a major subdivision of the
26 agency;

27 (21) Assuring persons who are or have been employed in classified
28 positions before July 1, 1993, will be eligible for employment,
29 reemployment, transfer, and promotion in respect to classified
30 positions covered by this chapter;

31 (22) Affirmative action in appointment, promotion, transfer,
32 recruitment, training, and career development; development and
33 implementation of affirmative action goals and timetables; and
34 monitoring of progress against those goals and timetables.

35 The board shall consult with the human rights commission in the
36 development of rules pertaining to affirmative action. The department
37 of personnel shall transmit a report annually to the human rights

1 commission which states the progress each state agency has made in
2 meeting affirmative action goals and timetables.

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