

2 SHB 1282 - S COMM AMD

3 By Committee on Labor & Workforce Development

4 ADOPTED 4/12/99

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that recruiting and  
8 retaining a highly qualified work force is essential to deliver high  
9 quality public programs. One factor that impairs recruitment or  
10 transfer of public employees is the housing cost differential between  
11 the rural and urban areas of the state. This housing cost differential  
12 can cause state employees to decline promotional or transfer  
13 opportunities if the costs associated with such moves are not  
14 compensated.

15 Therefore, the legislature finds that it is in the interest of the  
16 citizens of the state of Washington to authorize an employing agency to  
17 offer assistance to state employees to relocate from one part of the  
18 state to another. This assistance is referred to as relocation  
19 compensation and is commonplace with private and federal government  
20 employers.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.03 RCW  
22 to read as follows:

23 An agency may, within existing resources, authorize lump sum  
24 relocation compensation when it determines it is necessary to  
25 successfully recruit and retain qualified candidates who will have to  
26 make a domiciliary move in order to accept the position. It is lawful  
27 for a state office, commission, department, or institution to, within  
28 existing resources, authorize lump sum relocation compensation as  
29 authorized by rule under chapter 41.06 RCW and in accordance with the  
30 provisions of chapter 43.88 RCW. If the person receiving the  
31 relocation payment terminates or causes termination with the state, for  
32 reasons other than layoff, disability separation, or other good cause  
33 as determined by an agency director, within one year of the date of the  
34 employment, the state is entitled to reimbursement of the lump sum  
35 compensation.

1       **Sec. 3.** RCW 41.06.150 and 1996 c 319 s 2 are each amended to read  
2 as follows:

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

7       (1) The reduction, dismissal, suspension, or demotion of an  
8 employee;

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

15       (3) Examinations for all positions in the competitive and  
16 noncompetitive service;

17       (4) Appointments;

18       (5) Training and career development;

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

23       (7) Transfers;

24       (8) Sick leaves and vacations;

25       (9) Hours of work;

26       (10) Layoffs when necessary and subsequent reemployment, both  
27 according to seniority;

28       (11) Determination of appropriate bargaining units within any  
29 agency: PROVIDED, That in making such determination the board shall  
30 consider the duties, skills, and working conditions of the employees,  
31 the history of collective bargaining by the employees and their  
32 bargaining representatives, the extent of organization among the  
33 employees, and the desires of the employees;

34       (12) Certification and decertification of exclusive bargaining  
35 representatives: PROVIDED, That after certification of an exclusive  
36 bargaining representative and upon the representative's request, the  
37 director shall hold an election among employees in a bargaining unit to  
38 determine by a majority whether to require as a condition of employment  
39 membership in the certified exclusive bargaining representative on or

1 after the thirtieth day following the beginning of employment or the  
2 date of such election, whichever is the later, and the failure of an  
3 employee to comply with such a condition of employment constitutes  
4 cause for dismissal: PROVIDED FURTHER, That no more often than once in  
5 each twelve-month period after expiration of twelve months following  
6 the date of the original election in a bargaining unit and upon  
7 petition of thirty percent of the members of a bargaining unit the  
8 director shall hold an election to determine whether a majority wish to  
9 rescind such condition of employment: PROVIDED FURTHER, That for  
10 purposes of this clause, membership in the certified exclusive  
11 bargaining representative is satisfied by the payment of monthly or  
12 other periodic dues and does not require payment of initiation,  
13 reinstatement, or any other fees or fines and includes full and  
14 complete membership rights: AND PROVIDED FURTHER, That in order to  
15 safeguard the right of nonassociation of public employees, based on  
16 bona fide religious tenets or teachings of a church or religious body  
17 of which such public employee is a member, such public employee shall  
18 pay to the union, for purposes within the program of the union as  
19 designated by such employee that would be in harmony with his or her  
20 individual conscience, an amount of money equivalent to regular union  
21 dues minus any included monthly premiums for union-sponsored insurance  
22 programs, and such employee shall not be a member of the union but is  
23 entitled to all the representation rights of a union member;

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

29 (14) Written agreements may contain provisions for payroll  
30 deductions of employee organization dues upon authorization by the  
31 employee member and for the cancellation of such payroll deduction by  
32 the filing of a proper prior notice by the employee with the appointing  
33 authority and the employee organization: PROVIDED, That nothing  
34 contained herein permits or grants to any employee the right to strike  
35 or refuse to perform his or her official duties;

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

1 (a) The board shall not adopt job classification revisions or class  
2 studies unless implementation of the proposed revision or study will  
3 result in net cost savings, increased efficiencies, or improved  
4 management of personnel or services, and the proposed revision or study  
5 has been approved by the director of financial management in accordance  
6 with chapter 43.88 RCW.

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

9 (i) The board may approve the implementation of salary increases  
10 resulting from adjustments to the classification plan during the 1995-  
11 97 fiscal biennium only if:

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

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

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

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

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

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

36 (16) Allocation and reallocation of positions within the  
37 classification plan;

38 (17) Adoption and revision of a state salary schedule to reflect  
39 the prevailing rates in Washington state private industries and other

1 governmental units but the rates in the salary schedules or plans shall  
2 be increased if necessary to attain comparable worth under an  
3 implementation plan under RCW 41.06.155 and that, for institutions of  
4 higher education and related boards, shall be competitive for positions  
5 of a similar nature in the state or the locality in which an  
6 institution of higher education or related board is located, such  
7 adoption and revision subject to approval by the director of financial  
8 management in accordance with the provisions of chapter 43.88 RCW;

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

13 (19) Optional lump sum relocation compensation approved by the  
14 agency director, whenever it is reasonably necessary that a person make  
15 a domiciliary move in accepting a transfer or other employment with the  
16 state. An agency must provide lump sum compensation within existing  
17 resources. If the person receiving the relocation payment terminates  
18 or causes termination with the state, for reasons other than layoff,  
19 disability separation, or other good cause as determined by an agency  
20 director, within one year of the date of the employment, the state is  
21 entitled to reimbursement of the lump sum compensation from the person;

22 (20) Providing for veteran's preference as required by existing  
23 statutes, with recognition of preference in regard to layoffs and  
24 subsequent reemployment for veterans and their surviving spouses by  
25 giving such eligible veterans and their surviving spouses additional  
26 credit in computing their seniority by adding to their unbroken state  
27 service, as defined by the board, the veteran's service in the military  
28 not to exceed five years. For the purposes of this section, "veteran"  
29 means any person who has one or more years of active military service  
30 in any branch of the armed forces of the United States or who has less  
31 than one year's service and is discharged with a disability incurred in  
32 the line of duty or is discharged at the convenience of the government  
33 and who, upon termination of such service has received an honorable  
34 discharge, a discharge for physical reasons with an honorable record,  
35 or a release from active military service with evidence of service  
36 other than that for which an undesirable, bad conduct, or dishonorable  
37 discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse  
38 of a veteran is entitled to the benefits of this section regardless of  
39 the veteran's length of active military service: PROVIDED FURTHER,

1 That for the purposes of this section "veteran" does not include any  
2 person who has voluntarily retired with twenty or more years of active  
3 military service and whose military retirement pay is in excess of five  
4 hundred dollars per month;

5 ~~((20))~~ (21) Permitting agency heads to delegate the authority to  
6 appoint, reduce, dismiss, suspend, or demote employees within their  
7 agencies if such agency heads do not have specific statutory authority  
8 to so delegate: PROVIDED, That the board may not authorize such  
9 delegation to any position lower than the head of a major subdivision  
10 of the agency;

11 ~~((21))~~ (22) Assuring persons who are or have been employed in  
12 classified positions before July 1, 1993, will be eligible for  
13 employment, reemployment, transfer, and promotion in respect to  
14 classified positions covered by this chapter;

15 ~~((22))~~ (23) Affirmative action in appointment, promotion,  
16 transfer, recruitment, training, and career development; development  
17 and implementation of affirmative action goals and timetables; and  
18 monitoring of progress against those goals and timetables.

19 The board shall consult with the human rights commission in the  
20 development of rules pertaining to affirmative action. The department  
21 of personnel shall transmit a report annually to the human rights  
22 commission which states the progress each state agency has made in  
23 meeting affirmative action goals and timetables."

24 **SHB 1282** - S COMM AMD  
25 By Committee on Labor & Workforce Development

26 ADOPTED 4/12/99

27 On page 1, beginning on line 2 of the title, after "assistance;"  
28 strike the remainder of the title and insert "amending RCW 41.06.150;  
29 adding a new section to chapter 43.03 RCW; and creating a new section."

--- END ---