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HOUSE BILL 2685

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Kenney, Jarrett, Fromhold, Tokuda and Lantz; by request of University of Washington

Read first time 01/23/2002. Referred to Committee on Higher Education.

1 AN ACT Relating to probationary periods of campus police officer  
2 appointees; and 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 1999 c 297 s 3 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~~)) as follows:

7 (a) Entry level state park rangers shall serve a probationary  
8 period of twelve months;

9 (b) The probationary period of campus police officer appointees who  
10 are required to attend the Washington state criminal justice training  
11 commission basic law enforcement academy shall extend from the date of  
12 appointment until twelve months from the date of successful completion  
13 of the basic law enforcement academy, or twelve months from the date of  
14 appointment if academy training is not required. The board shall adopt  
15 rules to ensure that employees promoting to campus police officer who  
16 are required to attend the Washington state criminal justice training  
17 commission basic law enforcement academy shall have the trial service  
18 period extend from the date of appointment until twelve months from the  
19 date of successful completion of the basic law enforcement academy, or  
20 twelve months from the date of appointment if academy training is not  
21 required;

22 (7) Transfers;

23 (8) Sick leaves and vacations;

24 (9) Hours of work;

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

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

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

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

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

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

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

38 (a) The board shall not adopt job classification revisions or class  
39 studies unless implementation of the proposed revision or study will

1 result in net cost savings, increased efficiencies, or improved  
2 management of personnel or services, and the proposed revision or study  
3 has been approved by the director of financial management in accordance  
4 with chapter 43.88 RCW.

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

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

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

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

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

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

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

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

34 (16) Allocation and reallocation of positions within the  
35 classification plan;

36 (17) Adoption and revision of a state salary schedule to reflect  
37 the prevailing rates in Washington state private industries and other  
38 governmental units but the rates in the salary schedules or plans shall  
39 be increased if necessary to attain comparable worth under an

1 implementation plan under RCW 41.06.155 and that, for institutions of  
2 higher education and related boards, shall be competitive for positions  
3 of a similar nature in the state or the locality in which an  
4 institution of higher education or related board is located, such  
5 adoption and revision subject to approval by the director of financial  
6 management in accordance with the provisions of chapter 43.88 RCW;

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

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

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

1 military service and whose military retirement pay is in excess of five  
2 hundred dollars per month;

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

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

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

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

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