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SENATE BILL 5911

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State of Washington

64th Legislature

2015 Regular Session

By Senators Hobbs, Hatfield, Benton, and Conway

Read first time 02/10/15. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to veterans' preferences; and reenacting and  
2 amending RCW 41.06.133.

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

4 **Sec. 1.** RCW 41.06.133 and 2011 1st sp.s. c 43 s 407 and 2011 1st  
5 sp.s. c 39 s 5 are each reenacted and amended to read as follows:

6 (1) The director shall adopt rules, consistent with the purposes  
7 and provisions of this chapter and with the best standards of  
8 personnel administration, regarding the basis and procedures to be  
9 followed for:

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

12 (b) Training and career development;

13 (c) Probationary periods of six to twelve months and rejections  
14 of probationary employees, depending on the job requirements of the  
15 class, except as follows:

16 (i) Entry-level state park rangers shall serve a probationary  
17 period of twelve months; and

18 (ii) The probationary period of campus police officer appointees  
19 who are required to attend the Washington state criminal justice  
20 training commission basic law enforcement academy shall extend from  
21 the date of appointment until twelve months from the date of

1 successful completion of the basic law enforcement academy, or twelve  
2 months from the date of appointment if academy training is not  
3 required. The director shall adopt rules to ensure that employees  
4 promoting to campus police officer who are required to attend the  
5 Washington state criminal justice training commission basic law  
6 enforcement academy shall have the trial service period extend from  
7 the date of appointment until twelve months from the date of  
8 successful completion of the basic law enforcement academy, or twelve  
9 months from the date of appointment if academy training is not  
10 required;

11 (d) Transfers;

12 (e) Promotional preferences;

13 (f) Sick leaves and vacations;

14 (g) Hours of work;

15 (h) Layoffs when necessary and subsequent reemployment, except  
16 for the financial basis for layoffs;

17 (i) The number of names to be certified for vacancies;

18 (j) Subject to RCW 41.04.820, adoption and revision of a state  
19 salary schedule to reflect the prevailing rates in Washington state  
20 private industries and other governmental units. The rates in the  
21 salary schedules or plans shall be increased if necessary to attain  
22 comparable worth under an implementation plan under RCW 41.06.155  
23 and, for institutions of higher education and related boards, shall  
24 be competitive for positions of a similar nature in the state or the  
25 locality in which an institution of higher education or related board  
26 is located. Such adoption and revision is subject to approval by the  
27 director of financial management in accordance with chapter 43.88  
28 RCW;

29 (k) Increment increases within the series of steps for each pay  
30 grade based on length of service for all employees whose standards of  
31 performance are such as to permit them to retain job status in the  
32 classified service. From February 18, 2009, through June 30, 2013, a  
33 salary or wage increase shall not be granted to any exempt position  
34 under this chapter, except that a salary or wage increase may be  
35 granted to employees pursuant to collective bargaining agreements  
36 negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, and  
37 except that increases may be granted for positions for which the  
38 employer has demonstrated difficulty retaining qualified employees if  
39 the following conditions are met:

40 (i) The salary increase can be paid within existing resources;

1 (ii) The salary increase will not adversely impact the provision  
2 of client services; and

3 (iii) For any state agency of the executive branch, not including  
4 institutions of higher education, the salary increase is approved by  
5 the director of the office of financial management;

6 Any agency granting a salary increase from February 15, 2010,  
7 through June 30, 2011, to a position exempt under this chapter shall  
8 submit a report to the fiscal committees of the legislature no later  
9 than July 31, 2011, detailing the positions for which salary  
10 increases were granted, the size of the increases, and the reasons  
11 for giving the increases;

12 Any agency granting a salary increase from July 1, 2011, through  
13 June 30, 2013, to a position exempt under this chapter shall submit a  
14 report to the fiscal committees of the legislature by July 31, 2012,  
15 and July 31, 2013, detailing the positions for which salary increases  
16 were granted during the preceding fiscal year, the size of the  
17 increases, and the reasons for giving the increases;

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

28 (m) Providing for veteran's preference as required by existing  
29 statutes, with recognition of preference in regard to layoffs and  
30 subsequent reemployment for veterans and their surviving spouses by  
31 giving such eligible veterans and their surviving spouses additional  
32 credit in computing their seniority by adding to their unbroken state  
33 service, as defined by the director, the veteran's service in the  
34 military not to exceed five years. For the purposes of this section,  
35 "veteran" means any person who has one or more years of active  
36 military service in any branch of the armed forces of the United  
37 States or who has less than one year's service and is discharged with  
38 a disability incurred in the line of duty or is discharged at the  
39 convenience of the government and who, upon termination of such  
40 service, has received an honorable discharge, a discharge for

1 physical reasons with an honorable record, or a release from active  
2 military service with evidence of service other than that for which  
3 an undesirable, bad conduct, or dishonorable discharge shall be  
4 given. However, the surviving spouse of a veteran is entitled to the  
5 benefits of this section regardless of the veteran's length of active  
6 military service. (~~For the purposes of this section, "veteran" does  
7 not include any person who has voluntarily retired with twenty or  
8 more years of active military service and whose military retirement  
9 pay is in excess of five hundred dollars per month.~~)

10 (2) Rules adopted under this section by the director shall  
11 provide for local administration and management by the institutions  
12 of higher education and related boards, subject to periodic audit and  
13 review by the director.

14 (3) Rules adopted by the director under this section may be  
15 superseded by the provisions of a collective bargaining agreement  
16 negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The  
17 supersession of such rules shall only affect employees in the  
18 respective collective bargaining units.

19 (4)(a) The director shall require that each state agency report  
20 annually the following data:

21 (i) The number of classified, Washington management service, and  
22 exempt employees in the agency and the change compared to the  
23 previous report;

24 (ii) The number of bonuses and performance-based incentives  
25 awarded to agency staff and the base wages of such employees; and

26 (iii) The cost of each bonus or incentive awarded.

27 (b) A report that compiles the data in (a) of this subsection for  
28 all agencies will be provided annually to the governor and the  
29 appropriate committees of the legislature and must be posted for the  
30 public on the office of financial management's agency web site.

31 (5) From February 15, 2010, until June 30, 2013, no monetary  
32 performance-based awards or incentives may be granted by the director  
33 or employers to employees covered by rules adopted under this  
34 section. This subsection does not prohibit the payment of awards  
35 provided for in chapter 41.60 RCW.

36 From July 1, 2011, until June 30, 2013, no performance-based  
37 awards or incentives may be granted by the director or employers to

1 employees pursuant to a performance management confirmation granted  
2 by the department of personnel under WAC 357-37-055.

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