

SENATE BILL REPORT

SB 6157

As Reported by Senate Committee On:
State Government & Elections, January 30, 2024

Title: An act relating to reforming civil service to permit deferred action for childhood arrivals recipients to apply for civil service and incorporate civil service advantage for bilingual and multilingual applicants, applicants with higher education, and applicants with prior work experience in social services.

Brief Description: Reforming civil service to permit deferred action for childhood arrivals recipients to apply for civil service and incorporate civil service advantage for bilingual and multilingual applicants, applicants with higher education, and applicants with prior work experience in social services.

Sponsors: Senators Lovick, Hasegawa, Hunt, Kuderer, Saldaña, Salomon, Torres, Trudeau, Valdez and Wilson, C..

Brief History:

Committee Activity: State Government & Elections: 1/26/24, 1/30/24 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Grants the agency head in public employment hiring agencies the discretion to add a maximum of 15 percent to the passing mark, or rating, of applicants with specific qualifications including language fluency, education, and experience.
- Provides that law enforcement agencies that employ a lawful permanent resident or a Deferred Action for Childhood Arrival (DACA) status recipient must ensure that a written firearms policy is in place authorizing the possession and carry of firearms by officers.
- Permits DACA recipients to apply for civil service positions as city firefighters, city police, fish and wildlife officers, peace and corrections officers, and for positions within the sheriff's office.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6157 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member; Dozier, Hasegawa and Kuderer.

Minority Report: That it be referred without recommendation.

Signed by Senator Fortunato.

Staff: Danielle Creech (786-7412)

Background: Deferred Action for Childhood Arrival Status. Deferred Action for Childhood Arrival (DACA) status is an administrative relief, established in 2012, that protects eligible immigrants who came to the United States as children. DACA gives undocumented immigrants protection from deportation as well as a work permit. DACA status and employment authorization documents are valid for two years from the date of issuance and must be renewed every two years.

In 2017 the United States Department of Homeland Security (Homeland Security) issued a memorandum rescinding the DACA program. In January 2018 a United States district court judge ordered that DACA recipients be allowed to continue submitting renewal applications pending final decision on the litigation. In 2022 the Fifth Circuit Court of Appeals declared the DACA program unlawful. Currently, DACA recipients are able to keep their work permits and can continue to renew them pending final decision on the litigation. Homeland Security will accept new applications but is not able to approve them at this time.

To qualify for DACA status, a person must:

- have entered the country before the age of 16 and be under the age of 31 on June 15, 2012;
- have continuously resided in the United States since June 15, 2007;
- be at least 15 years of age and be in school, have graduated from high school, received a GED, or have been honorably discharged from military service; and
- not have been convicted of a felony offense, a significant misdemeanor, nor multiple misdemeanor offenses.

Washington ranks among the top ten states of residence for individuals with DACA status. As of March 31, 2023, there are 14,270 DACA recipients residing in Washington State.

Civil Service Positions. State civil service laws establish a system of employment for professions including city firefighters, city police, and county sheriff's offices. Civil service applicants for city police, city firefighters, or with a county sheriff's offices must be a citizen of the United States or a lawful permanent resident who can read and write the English language. Depending on the civil service position, other requirements may apply,

including possessing good moral character and ordinary good health. Information concerning an applicant's eligibility may be ascertained in a manner deemed advisable by the civil service commission. Where an applicant has applied for a position with a law enforcement agency, an application may be rejected if the agency does not have the resources to conduct a background investigation pursuant to Criminal Justice Training Commission requirements.

Fish and Wildlife Officers. Department of Fish and Wildlife officers are general authority peace officers, and generally possess the same powers and duties as sheriffs and peace officers. Applicants for these positions must be a United States citizen or lawful permanent resident and read and write the English language.

Lawful Permanent Residents. Under federal law, a lawful permanent resident—sometimes known as a green card holder—is a person who is legally authorized to reside permanently in the United States. A lawful permanent resident has many of the same rights as a United States citizen, including the ability to accept employment, own property, and join the United States armed forces.

Summary of Bill (First Substitute): Civil Service Advantage. In all competitive examinations, the agency head within the hiring organization has discretion to add a maximum of 15 percent to the passing mark, or rating, of applicants with specific qualifications. For candidates who have full professional proficiency, or are completely fluent as a native speaker in two languages other than English, 10 percent may be awarded. Five percent may be awarded to: candidates who have full professional proficiency or are completely fluent as a native speaker in one language other than English; candidates with two or more years of professional experience or volunteer experience in the Peace Corps, AmeriCorps, domestic violence counseling, mental or behavioral health care, homelessness programs, or other social services professions; and candidates who have obtained an associate degree or higher. These percentage points must be added to the passing mark, grade, or rating of competitive examinations until the candidate's first appointment and may not be used in promotional examinations.

Deferred Action for Childhood Arrival Recipients and Civil Service. DACA recipients are qualified to apply for any kind of city firefighter, city police, sheriff's office, or Fish and Wildlife officer civil service position. Peace officers and corrections officers employed by a general authority Washington law enforcement agency, or a limited authority Washington law enforcement agency have the authority to possess and carry firearms, subject to the written firearms policy created by the agency employing the officer. A law enforcement agency that employs a person who is a lawful permanent resident or a DACA recipient must ensure that it has a written firearms policy authorizing the possession and carry of firearms by individuals employed as officers.

EFFECT OF CHANGES MADE BY STATE GOVERNMENT & ELECTIONS COMMITTEE (First Substitute):

- Removes sole discretion in adding percent points to passing marks for the chief executive officer.
- Exchanges the terms "chief executive officer" and "hiring agency" for "agency head" and "hiring organization."

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We have a work shortage and we have a huge need for bilingual and multilingual applicants. Those entitled to work in this state with a work permit should also be able to work in civil service positions. It is a significant priority for cities right now to increase the number of law enforcement officers, and more importantly for the police force to fully represent the diverse communities that they serve. We want officers to be bilingual or multilingual and to have experience in things like the peace corps and social services. We believe this improves the quality of policing in this state. Law enforcement officers need to be able to carry a firearm, and this bill follows federal requirements by requiring agencies to have a policy in place. The bill does not alter existing background check requirements; it simply allows a DACA recipient who is otherwise eligible to move forward. There have been cities that have gone through the initial stages of the hiring process with interested candidates but had to stop due to their DACA status. This costs the state nothing but sending a strong message about the type of law enforcement departments we are trying to build.

OTHER: The Office of Financial Management has reviewed the bill and requests language changes regarding the terms "chief executive officer" and "hiring agency," as well as the removal of the language that gives sole discretion to the chief executive officer. It may also be worth clarifying whether this is additive to veteran preferences.

Persons Testifying: PRO: Lindsey Hueer, Association of Washington Cities; James McMahan, WA Assoc Sheriffs & Police Chiefs; Bob Hasegawa, Senator District 11.

OTHER: Katie Linehan, Office of Financial Management.

Persons Signed In To Testify But Not Testifying: No one.