
SENATE BILL 5991

State of Washington 52nd Legislature 1991 1st Special Session

By Senators Conner and McMullen.

Read first time June 14, 1991. Referred to Committee on Governmental Operations.

1 AN ACT Relating to veterans; and amending RCW 41.04.005 and
2 41.06.150.

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

4 **Sec. 1.** RCW 41.04.005 and 1984 c 36 s 1 are each amended to read
5 as follows:

6 As used in RCW 41.04.005, 41.04.010, 41.16.220, and 41.20.050
7 "veteran" includes every person, who at the time he seeks the benefits
8 of RCW 28B.40.361, 41.04.005, 41.04.010, 41.16.220, 41.20.050,
9 41.40.170, 73.04.110, or 73.08.080 has received an honorable discharge
10 or received a discharge for physical reasons with an honorable record
11 and: (1) Has served in any branch of the armed forces of the United
12 States between World War I and World War II or during any period of
13 war; or (2) has served in any branch of the armed forces of the United
14 States and has received the armed forces expeditionary medal, or Marine
15 Corps and Navy expeditionary medal, for opposed action on foreign soil.

1 A "period of war" includes World War I, World War II, the Korean
2 conflict, the Vietnam era, the period beginning on August 2, 1990, to
3 a date specified by an agency of the federal government as the end of
4 "Desert Storm" or any operation following from it, and the period
5 beginning on the date of any future declaration of war by the congress
6 and ending on the date prescribed by presidential proclamation or
7 concurrent resolution of the congress. The "Vietnam era" means the
8 period beginning August 5, 1964, and ending on May 7, 1975.

9 **Sec. 2.** RCW 41.06.150 and 1990 c 60 s 103 are each amended to read
10 as follows:

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

15 (1) The reduction, dismissal, suspension, or demotion of an
16 employee;

17 (2) Certification of names for vacancies, including departmental
18 promotions, with the number of names equal to four more names than
19 there are vacancies to be filled, such names representing applicants
20 rated highest on eligibility lists: PROVIDED, That when other
21 applicants have scores equal to the lowest score among the names
22 certified, their names shall also be certified;

23 (3) Examinations for all positions in the competitive and
24 noncompetitive service;

25 (4) Appointments;

26 (5) Training and career development;

27 (6) Probationary periods of six to twelve months and rejections
28 therein, depending on the job requirements of the class, except that

1 entry level state park rangers shall serve a probationary period of
2 twelve months;

3 (7) Transfers;

4 (8) Sick leaves and vacations;

5 (9) Hours of work;

6 (10) Layoffs when necessary and subsequent reemployment, both
7 according to seniority;

8 (11) Determination of appropriate bargaining units within any
9 agency: PROVIDED, That in making such determination the board shall
10 consider the duties, skills, and working conditions of the employees,
11 the history of collective bargaining by the employees and their
12 bargaining representatives, the extent of organization among the
13 employees, and the desires of the employees;

14 (12) Certification and decertification of exclusive bargaining
15 representatives: PROVIDED, That after certification of an exclusive
16 bargaining representative and upon the representative's request, the
17 director shall hold an election among employees in a bargaining unit to
18 determine by a majority whether to require as a condition of employment
19 membership in the certified exclusive bargaining representative on or
20 after the thirtieth day following the beginning of employment or the
21 date of such election, whichever is the later, and the failure of an
22 employee to comply with such a condition of employment constitutes
23 cause for dismissal: PROVIDED FURTHER, That no more often than once in
24 each twelve-month period after expiration of twelve months following
25 the date of the original election in a bargaining unit and upon
26 petition of thirty percent of the members of a bargaining unit the
27 director shall hold an election to determine whether a majority wish to
28 rescind such condition of employment: PROVIDED FURTHER, That for
29 purposes of this clause, membership in the certified exclusive
30 bargaining representative is satisfied by the payment of monthly or

1 other periodic dues and does not require payment of initiation,
2 reinstatement, or any other fees or fines and includes full and
3 complete membership rights: AND PROVIDED FURTHER, That in order to
4 safeguard the right of nonassociation of public employees, based on
5 bona fide religious tenets or teachings of a church or religious body
6 of which such public employee is a member, such public employee shall
7 pay to the union, for purposes within the program of the union as
8 designated by such employee that would be in harmony with his or her
9 individual conscience, an amount of money equivalent to regular union
10 dues minus any included monthly premiums for union-sponsored insurance
11 programs, and such employee shall not be a member of the union but is
12 entitled to all the representation rights of a union member;

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

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

25 (15) Adoption and revision of a comprehensive classification plan
26 for all positions in the classified service, based on investigation and
27 analysis of the duties and responsibilities of each such position;

28 (16) Allocation and reallocation of positions within the
29 classification plan;

1 (17) Adoption and revision of a state salary schedule to reflect
2 the prevailing rates in Washington state private industries and other
3 governmental units but the rates in the salary schedules or plans shall
4 be increased if necessary to attain comparable worth under an
5 implementation plan under RCW 41.06.155, such adoption and revision
6 subject to approval by the director of financial management in
7 accordance with the provisions of chapter 43.88 RCW;

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

12 (19) Providing for veteran's preference as required by existing
13 statutes, with recognition of preference in regard to layoffs and
14 subsequent reemployment for veterans and their widows by giving such
15 eligible veterans and their widows additional credit in computing their
16 seniority by adding to their unbroken state service, as defined by the
17 board, the veteran's service in the military not to exceed five years.
18 For the purposes of this section, "veteran" means any person who has
19 one or more years of active military service in any branch of the armed
20 forces of the United States or who has less than one year's service and
21 served in operation "Desert Shield," "Desert Storm," or any operation
22 following from these or is discharged with a disability incurred in the
23 line of duty or is discharged at the convenience of the government and
24 who, upon termination of such service has received an honorable
25 discharge, a discharge for physical reasons with an honorable record,
26 or a release from active military service with evidence of service
27 other than that for which an undesirable, bad conduct, or dishonorable
28 discharge shall be given: PROVIDED, HOWEVER, That the widow of a
29 veteran is entitled to the benefits of this section regardless of the
30 veteran's length of active military service: PROVIDED FURTHER, That

1 for the purposes of this section "veteran" does not include any person
2 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) Permitting agency heads to delegate the authority to appoint,
6 reduce, dismiss, suspend, or demote employees within their agencies if
7 such agency heads do not have specific statutory authority to so
8 delegate: PROVIDED, That the board may not authorize such delegation
9 to any position lower than the head of a major subdivision of the
10 agency;

11 (21) Assuring persons who are or have been employed in classified
12 positions under chapter 28B.16 RCW will be eligible for employment,
13 reemployment, transfer, and promotion in respect to classified
14 positions covered by this chapter;

15 (22) Affirmative action in appointment, promotion, transfer,
16 recruitment, training, and career development; development and
17 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.