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SENATE BILL 5544

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State of Washington

58th Legislature

2003 Regular Session

By Senators Winsley, Fraser, Prentice and Kohl-Welles

Read first time 01/29/2003. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to bereavement leave for state employees; amending  
2 RCW 41.06.133; reenacting and amending RCW 41.06.150; providing an  
3 effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 41.06.150 and 2002 c 371 s 906, 2002 c 354 s 202, and  
6 2002 c 110 s 1 are each reenacted and amended to read as follows:

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

11 (1) The reduction, dismissal, suspension, or demotion of an  
12 employee;

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

1 (3) Examinations for all positions in the competitive and  
2 noncompetitive service;

3 (4) Appointments;

4 (5) Training and career development;

5 (6) Probationary periods of six to twelve months and rejections of  
6 probationary employees, depending on the job requirements of the class,  
7 except as follows:

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

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

23 (7) Transfers;

24 (8)(a) Sick leaves and vacations; and

25 (b) Bereavement leave of three working days, not to be deducted  
26 from vacation or sick leave, for a death in the family;

27 (9) Hours of work;

28 (10) Layoffs when necessary and subsequent reemployment, both  
29 according to seniority;

30 (11) Collective bargaining procedures:

31 (a) After certification of an exclusive bargaining representative  
32 and upon the representative's request, the director shall hold an  
33 election among employees in a bargaining unit to determine by a  
34 majority whether to require as a condition of employment membership in  
35 the certified exclusive bargaining representative on or after the  
36 thirtieth day following the beginning of employment or the date of such  
37 election, whichever is the later, and the failure of an employee to  
38 comply with such a condition of employment constitutes cause for

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

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

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

33 (d) A collective bargaining agreement entered into under this  
34 subsection before July 1, 2004, covering employees subject to RCW  
35 41.80.001 and 41.80.010 through 41.80.130, that expires after July 1,  
36 2004, shall remain in full force during its duration, or until  
37 superseded by a collective bargaining agreement entered into by the  
38 parties under RCW 41.80.001 and 41.80.010 through 41.80.130. However,

1 an agreement entered into before July 1, 2004, may not be renewed or  
2 extended beyond July 1, 2005. This subsection (11) does not apply to  
3 collective bargaining negotiations or collective bargaining agreements  
4 entered into under RCW 41.80.001 and 41.80.010 through 41.80.130;

5 (12) Adoption and revision of a comprehensive classification plan  
6 for all positions in the classified service, based on investigation and  
7 analysis of the duties and responsibilities of each such position.

8 (a) The board shall not adopt job classification revisions or class  
9 studies unless implementation of the proposed revision or study will  
10 result in net cost savings, increased efficiencies, or improved  
11 management of personnel or services, and the proposed revision or study  
12 has been approved by the director of financial management in accordance  
13 with chapter 43.88 RCW.

14 (b) Reclassifications, class studies, and salary adjustments are  
15 governed by (a) of this subsection and RCW 41.06.152;

16 (13) Allocation and reallocation of positions within the  
17 classification plan;

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

28 (15) Increment increases within the series of steps for each pay  
29 grade based on length of service for all employees whose standards of  
30 performance are such as to permit them to retain job status in the  
31 classified service;

32 (16) Optional lump sum relocation compensation approved by the  
33 agency director, whenever it is reasonably necessary that a person make  
34 a domiciliary move in accepting a transfer or other employment with the  
35 state. An agency must provide lump sum compensation within existing  
36 resources. If the person receiving the relocation payment terminates  
37 or causes termination with the state, for reasons other than layoff,

1 disability separation, or other good cause as determined by an agency  
2 director, within one year of the date of the employment, the state is  
3 entitled to reimbursement of the lump sum compensation from the person;

4 (17) Providing for veteran's preference as required by existing  
5 statutes, with recognition of preference in regard to layoffs and  
6 subsequent reemployment for veterans and their surviving spouses by  
7 giving such eligible veterans and their surviving spouses additional  
8 credit in computing their seniority by adding to their unbroken state  
9 service, as defined by the board, the veteran's service in the military  
10 not to exceed five years. For the purposes of this section, "veteran"  
11 means any person who has one or more years of active military service  
12 in any branch of the armed forces of the United States or who has less  
13 than one year's service and is discharged with a disability incurred in  
14 the line of duty or is discharged at the convenience of the government  
15 and who, upon termination of such service has received an honorable  
16 discharge, a discharge for physical reasons with an honorable record,  
17 or a release from active military service with evidence of service  
18 other than that for which an undesirable, bad conduct, or dishonorable  
19 discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse  
20 of a veteran is entitled to the benefits of this section regardless of  
21 the veteran's length of active military service: PROVIDED FURTHER,  
22 That for the purposes of this section "veteran" does not include any  
23 person who has voluntarily retired with twenty or more years of active  
24 military service and whose military retirement pay is in excess of five  
25 hundred dollars per month;

26 (18) Permitting agency heads to delegate the authority to appoint,  
27 reduce, dismiss, suspend, or demote employees within their agencies if  
28 such agency heads do not have specific statutory authority to so  
29 delegate: PROVIDED, That the board may not authorize such delegation  
30 to any position lower than the head of a major subdivision of the  
31 agency;

32 (19) Assuring persons who are or have been employed in classified  
33 positions before July 1, 1993, will be eligible for employment,  
34 reemployment, transfer, and promotion in respect to classified  
35 positions covered by this chapter;

36 (20) Affirmative action in appointment, promotion, transfer,  
37 recruitment, training, and career development; development and

1 implementation of affirmative action goals and timetables; and  
2 monitoring of progress against those goals and timetables.

3 The board shall consult with the human rights commission in the  
4 development of rules pertaining to affirmative action. The department  
5 of personnel shall transmit a report annually to the human rights  
6 commission which states the progress each state agency has made in  
7 meeting affirmative action goals and timetables.

8 Notwithstanding this section and rules of the board adopted under  
9 this section, agencies may place employees on temporary unpaid leave  
10 during the 2001-2003 fiscal biennium for the purpose of implementing  
11 appropriations reductions enacted in the 2002 supplemental  
12 appropriations act. Mandatory unpaid leave must be approved by the  
13 agency director, and must be, to the greatest extent possible, mutually  
14 agreeable to the employee and employer. Employees taking mandatory  
15 temporary unpaid leave will not lose seniority, leave accrual, or  
16 health insurance benefits.

17 **Sec. 2.** RCW 41.06.133 and 2002 c 354 s 204 are each amended to  
18 read as follows:

19 The director shall adopt rules, consistent with the purposes and  
20 provisions of this chapter and with the best standards of personnel  
21 administration, regarding the basis and procedures to be followed for:

- 22 (1) The reduction, dismissal, suspension, or demotion of an  
23 employee;
- 24 (2) Training and career development;
- 25 (3) Probationary periods of six to twelve months and rejections of  
26 probationary employees, depending on the job requirements of the class,  
27 except that entry level state park rangers shall serve a probationary  
28 period of twelve months;
- 29 (4) Transfers;
- 30 (5) Promotional preferences;
- 31 (6)(a) Sick leaves and vacations; and
- 32 (b) Bereavement leave of three working days, not to be deducted  
33 from vacation or sick leave, for a death in the family;
- 34 (7) Hours of work;
- 35 (8) Layoffs when necessary and subsequent reemployment, except for  
36 the financial basis for layoffs;
- 37 (9) The number of names to be certified for vacancies;

1 (10) Adoption and revision of a state salary schedule to reflect  
2 the prevailing rates in Washington state private industries and other  
3 governmental units. 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 and, for institutions of higher  
6 education and related boards, shall be competitive for positions of a  
7 similar nature in the state or the locality in which an institution of  
8 higher education or related board is located. Such adoption and  
9 revision is subject to approval by the director of financial management  
10 in accordance with chapter 43.88 RCW;

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

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

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

1 dishonorable discharge shall be given. However, the surviving spouse  
2 of a veteran is entitled to the benefits of this section regardless of  
3 the veteran's length of active military service. For the purposes of  
4 this section, "veteran" does not include any person who has voluntarily  
5 retired with twenty or more years of active military service and whose  
6 military retirement pay is in excess of five hundred dollars per month.

7 Rules adopted under this section by the director shall provide for  
8 local administration and management by the institutions of higher  
9 education and related boards, subject to periodic audit and review by  
10 the director.

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

16 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1, 2004.

17 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,  
18 2004.

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