CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6157**

68th Legislature

2024 Regular Session

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| Passed by the Senate March 5, 2024  Yeas 49 Nays 0  **President of the Senate**  Passed by the House February 27, 2024  Yeas 83 Nays 11  **Speaker of the House of Representatives** | CERTIFICATE  I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6157** as passed by the Senate and the House of Representatives on the dates hereon set forth.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SUBSTITUTE SENATE BILL 6157**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

**State of Washington 68th Legislature 2024 Regular Session**

**By** Senate State Government & Elections (originally sponsored by Senators Lovick, Hasegawa, Hunt, Kuderer, Saldaña, Salomon, Torres, Trudeau, Valdez, and C. Wilson)

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; amending RCW 9.41.060, 9.41.171, 41.08.070, 41.12.070, 41.14.100, 77.15.075, 43.101.095, and 41.06.157; adding new sections to chapter 41.04 RCW; and adding a new section to chapter 10.93 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 41.04 RCW to read as follows:

(1) In all competitive examinations, unless otherwise provided in this section, to determine the qualifications of applicants for public offices, positions, or employment, either the state, and all of its political subdivisions and all municipal corporations, or private companies or agencies contracted with by the state to give the competitive examinations may, at the discretion of the agency head within the hiring organization, add a maximum of 15 percent to the passing mark, grade, or rating only, based upon a possible rating of 100 as a perfect percentage in accordance with any of the following qualifications:

(a) Ten percent to a candidate who has obtained full professional proficiency or who is completely fluent as a native speaker in two or more languages other than English;

(b) Five percent to a candidate who has obtained full professional proficiency or who is completely fluent as a native speaker in one language other than English;

(c) Five percent to a candidate 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

(d) Five percent to a candidate who has obtained an associate of arts or science degree or higher degree.

(2) Preference points under this section may not be aggregated to exceed more than 15 percent of the applicant's examination score.

(3) The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the candidate's first appointment. No preference points under this subsection may be used in promotional examinations.

(4) For purposes of this section, "full professional fluency" means the ability to have advanced discussions on a wide range of topics about personal life, current events, and technical topics, including but not limited to law enforcement, emergency services, and public safety-related protocols. Candidates with this level of fluency should demonstrate an extensive vocabulary and be able to carry on a conversation with ease, making only minor mistakes.

(5) For purposes of this section, "native speaker" means a person who was either raised speaking the language or has been speaking it for such a duration that the person is completely fluent.

NEW SECTION. **Sec.**  A new section is added to chapter 10.93 RCW to read as follows:

(1) A peace officer as defined in RCW 10.120.010 or corrections officer as defined in RCW 43.101.010 employed by a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency, as those terms are defined in RCW 10.93.020, shall have the authority to possess and carry firearms, subject to the written firearms policy created by the agency employing the peace officer or corrections officer.

(2) A law enforcement agency that employs a person who is a lawful permanent resident as defined in RCW 41.04.899 or a person who is a deferred action for childhood arrivals recipient shall ensure that it has a written firearms policy authorizing the possession and carry of firearms by persons employed by that agency as a peace officer as defined in RCW 10.120.010 or a corrections officer as defined in RCW 43.101.010. A firearms policy must comply with any federal law or regulation promulgated by the United States department of justice, bureau of alcohol, tobacco, firearms, and explosives, or any successor agency, governing possession of a firearm and any related exceptions.

**Sec.**  RCW 9.41.060 and 2019 c 231 s 1 are each amended to read as follows:

The provisions of RCW 9.41.050 shall not apply to:

(1)(a) Marshals, sheriffs, prison or jail wardens or their deputies, correctional personnel and community corrections officers as long as they are employed as such who have completed government-sponsored law enforcement firearms training and have been subject to a background check within the past five years, or other law enforcement officers of this state or another state.

(b) Nothing in this subsection permits possession of a firearm by a deferred action for childhood arrivals recipient lawfully employed as a peace officer as defined in RCW 10.120.010 or a corrections officer as defined in RCW 43.101.010 beyond the authority granted under section 2 of this act;

(2) Members of the armed forces of the United States or of the national guard or organized reserves, when on duty;

(3) Officers or employees of the United States duly authorized to carry a concealed pistol;

(4) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of the person, if possessing, using, or carrying a pistol in the usual or ordinary course of the business;

(5) Regularly enrolled members of any organization duly authorized to purchase or receive pistols from the United States or from this state;

(6) Regularly enrolled members of clubs organized for the purpose of target shooting, when those members are at or are going to or from their places of target practice;

(7) Regularly enrolled members of clubs organized for the purpose of modern and antique firearm collecting, when those members are at or are going to or from their collector's gun shows and exhibits;

(8) Any person engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area;

(9) Any person while carrying a pistol unloaded and in a closed opaque case or secure wrapper; or

(10) Law enforcement officers retired for service or physical disabilities, except for those law enforcement officers retired because of mental or stress-related disabilities. This subsection applies only to a retired officer who has: (a) Obtained documentation from a law enforcement agency within Washington state from which he or she retired that is signed by the agency's chief law enforcement officer and that states that the retired officer was retired for service or physical disability; and (b) not been convicted or found not guilty by reason of insanity of a crime making him or her ineligible for a concealed pistol license.

**Sec.**  RCW 9.41.171 and 2009 c 216 s 2 are each amended to read as follows:

It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm, unless the person: (1) Is a lawful permanent resident; (2) has obtained a valid alien firearm license pursuant to RCW 9.41.173; ((~~or~~)) (3) is a deferred action for childhood arrivals recipient lawfully employed as a peace officer as defined in RCW 10.120.010 or a corrections officer as defined in RCW 43.101.010; or (4) meets the requirements of RCW 9.41.175.

**Sec.**  RCW 41.08.070 and 2018 c 32 s 1 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States of America ((~~or~~)), a lawful permanent resident ((~~who can~~)), or a deferred action for childhood arrivals recipient. An applicant for a position of any kind under civil service under the provisions of this chapter must be able to speak, read, and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

**Sec.**  RCW 41.12.070 and 2018 c 32 s 2 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States of America ((~~or~~)), a lawful permanent resident ((~~who can~~)), or a deferred action for childhood arrivals recipient. An applicant for a position of any kind under civil service under the provisions of this chapter must be able to speak, read, and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

**Sec.**  RCW 41.14.100 and 2018 c 32 s 3 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States ((~~or~~)), a lawful permanent resident ((~~who can~~)), or a deferred action for childhood arrivals recipient. An applicant for a position of any kind under civil service under the provisions of this chapter must be able to speak, read, and write the English language.

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

**Sec.**  RCW 77.15.075 and 2020 c 38 s 1 are each amended to read as follows:

(1) Fish and wildlife officers shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. Fish and wildlife officers are general authority Washington peace officers.

(2) An applicant for a fish and wildlife officer position must be a citizen of the United States of America ((~~or~~)), a lawful permanent resident ((~~who can~~)), or a deferred action for childhood arrivals recipient. An applicant for a fish and wildlife officer position must be able to speak, read, and write the English language. Before a person may be appointed to act as a fish and wildlife officer, the person shall meet the minimum standards for employment with the department, including successful completion of a psychological examination and polygraph examination or similar assessment procedure administered in accordance with the requirements of RCW 43.101.095(2).

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) The department may utilize the services of a volunteer chaplain as provided under chapter 41.22 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 41.04 RCW to read as follows:

Any agency that employs a deferred action for childhood arrivals recipient under RCW 41.08.070, RCW 41.12.070, RCW 41.14.100, or RCW 77.15.075 may not be held liable for any breach of contract resulting from changes in federal law that would prohibit the agency from employing a deferred action for childhood arrivals recipient.

**Sec.**  RCW 43.101.095 and 2023 c 168 s 3 are each amended to read as follows:

(1) As a condition of employment, all Washington peace officers and corrections officers are required to obtain certification as a peace officer or corrections officer or exemption therefrom and maintain certification as required by this chapter and the rules of the commission.

(2)(a) Any applicant who has been offered a conditional offer of employment as a peace officer or reserve officer, offered a conditional offer of employment as a corrections officer after July 1, 2021, or offered a conditional offer of employment as a limited authority Washington peace officer who if hired would qualify as a peace officer as defined by RCW 43.101.010 after July 1, 2023, must submit to a background investigation to determine the applicant's suitability for employment. This requirement applies to any person whose certification has lapsed as a result of a break of more than 24 consecutive months in the officer's service for a reason other than being recalled into military service. Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in writing to the commission that they have complied with all background check requirements prior to making any nonconditional offer of employment.

(b) The background check must include:

(i) A check of criminal history, any national decertification index, commission records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and the reason for separation from employment. Law enforcement or correctional agencies that previously employed the applicant shall disclose employment information within 30 days of receiving a written request from the employing agency conducting the background investigation, including the reason for the officer's separation from the agency. Complaints or investigations of misconduct must be disclosed regardless of the result of the investigation or whether the complaint was unfounded;

(ii) Inquiry to the local prosecuting authority in any jurisdiction in which the applicant has served as to whether the applicant is on any potential impeachment disclosure list;

(iii) Inquiry into whether the applicant has any past or present affiliations with extremist organizations, as defined by the commission;

(iv) A review of the applicant's social media accounts;

(v) Verification of immigrant or citizenship status as either a citizen of the United States of America ((~~or a~~)), lawful permanent resident, or deferred action for childhood arrivals recipient;

(vi) A psychological examination administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission;

(vii) A polygraph or similar assessment administered by an experienced professional with appropriate training and in compliance with standards established in rules of the commission; and

(viii) Except as otherwise provided in this section, any test or assessment to be administered as part of the background investigation shall be administered in compliance with standards established in rules of the commission.

(c) The commission may establish standards for the background check requirements in this section and any other preemployment background check requirement that may be imposed by an employing agency or the commission.

(d) The employing law enforcement agency may require that each person who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or $400, whichever is less. Employing agencies may establish a payment plan if they determine that the person does not readily have the means to pay the testing fee.

(3)(a) The commission shall allow a peace officer or corrections officer to retain status as a certified peace officer or corrections officer as long as the officer: (i) Timely meets the basic training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (ii) timely meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (iii) is not denied certification by the commission under this chapter; and (iv) has not had certification suspended or revoked by the commission.

(b) The commission shall certify peace officers who are limited authority Washington peace officers employed on or before July 1, 2023. Thereafter, the commission may revoke certification pursuant to this chapter.

(4) As a condition of certification, a peace officer or corrections officer must, on a form devised or adopted by the commission, authorize the release to the employing agency and commission of the officer's personnel files, including disciplinary, termination, civil or criminal investigation, or other records or information that are directly related to a certification matter or decertification matter before the commission. The peace officer or corrections officer must also consent to and facilitate a review of the officer's social media accounts, however, consistent with RCW 49.44.200, the officer is not required to provide login information. The release of information may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information.

(5) The employing agency and commission are authorized to receive criminal history record information that includes nonconviction data for any purpose associated with employment or certification under this chapter. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

(6) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

(7) Prior to certification, the employing agency shall certify to the commission that the agency has completed the background check, no information has been found that would disqualify the applicant from certification, and the applicant is suitable for employment as a peace officer or corrections officer.

**Sec.**  RCW 41.06.157 and 2015 3rd sp.s. c 1 s 315 are each amended to read as follows:

(1) To promote the most effective use of the state's workforce and improve the effectiveness and efficiency of the delivery of services to the citizens of the state, the director shall adopt and maintain a comprehensive classification plan for all positions in the classified service. The classification plan must:

(a) Be simple and streamlined;

(b) Support state agencies in responding to changing technologies, economic and social conditions, and the needs of its citizens;

(c) Value workplace diversity;

(d) Facilitate the reorganization and decentralization of governmental services;

(e) Enhance mobility and career advancement opportunities; ((~~and~~))

(f) Consider rates in other public employment and private employment in the state; and

(g) Recognize that persons legally authorized to work in the United States under federal law, including deferred action for childhood arrivals recipients, are eligible for employment unless prohibited by other state or federal law.

(2) An appointing authority and an employee organization representing classified employees of the appointing authority for collective bargaining purposes may jointly request the director of financial management to initiate a classification study.

(3) For institutions of higher education and related boards, the director may adopt special salary ranges to be competitive with positions of a similar nature in the state or the locality in which the institution of higher education or related board is located.

(4) The director may undertake salary surveys of positions in other public and private employment to establish market rates. Any salary survey information collected from private employers which identifies a specific employer with salary rates which the employer pays to its employees shall not be subject to public disclosure under chapter 42.56 RCW.

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