
SUBSTITUTE SENATE BILL 5827

State of Washington

69th Legislature

2026 Regular Session

By Senate State Government, Tribal Affairs & Elections (originally sponsored by Senators Gildon, Christian, Dozier, and J. Wilson)

READ FIRST TIME 01/26/26.

1 AN ACT Relating to the definition of a "qualifying discharge" for
2 the Washington state veterans' preference program for civil service;
3 amending RCW 41.04.010 and 73.04.005; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that agencies may
6 deny an applicant's request for veteran preference because the
7 applicant is currently serving in the United States military and does
8 not yet meet the definition of a veteran prior to the applicant's
9 official discharge or release date from military service. The
10 legislature further finds that some applicants are denied the
11 preference despite receipt of an official statement of service
12 memorandum from their commanding officer or delegated authority that
13 includes expected discharge characterization and expected discharge
14 or release from service date. The legislature recognizes the negative
15 impact these actions have on active duty service members who are in
16 the process of securing jobs prior to their separation date from
17 service because service members generally do not receive a DD form
18 214 (military separation paperwork) until their last day of active
19 service and most service members would prefer to have civilian jobs
20 secured prior to their separation date. The legislature intends to

1 clarify the requirements for veteran preference to ensure a smooth
2 transition into civil employment.

3 **Sec. 2.** RCW 41.04.010 and 2024 c 146 s 14 are each amended to
4 read as follows:

5 In all competitive examinations, unless otherwise provided in
6 this section, to determine the qualifications of applicants for
7 public offices, positions, or employment, either the state, and all
8 of its political subdivisions and all municipal corporations, or
9 private companies or agencies contracted with by the state to give
10 the competitive examinations shall give a scoring criteria status to
11 all veterans as defined in RCW 41.04.007, by adding to the passing
12 mark, grade or rating only, based upon a possible rating of one
13 hundred points as perfect a percentage in accordance with the
14 following:

15 (1) Ten percent to a veteran who served during a period of war or
16 in an armed conflict as defined in RCW 41.04.005 and does not receive
17 military retirement. The percentage shall be added to the passing
18 mark, grade, or rating of competitive examinations until the
19 veteran's first appointment. The percentage shall not be utilized in
20 promotional examinations;

21 (2) Five percent to a veteran who did not serve during a period
22 of war or in an armed conflict as defined in RCW 41.04.005 or is
23 receiving military retirement. The percentage shall be added to the
24 passing mark, grade, or rating of competitive examinations until the
25 veteran's first appointment. The percentage shall not be utilized in
26 promotional examinations;

27 (3) Five percent to a veteran who was called to active military
28 service from employment with the state or any of its political
29 subdivisions or municipal corporations. The percentage shall be added
30 to promotional examinations until the first promotion only;

31 (4) All veterans' scoring criteria may be claimed:

32 (a) Upon release from active military service with a qualifying
33 discharge as defined in RCW 73.04.005; (~~or~~)

34 (b) Upon receipt of a United States department of defense
35 discharge document DD form 214, NGB form 22, or their equivalent or
36 successor discharge paperwork, that characterizes his or her
37 discharge as a qualifying discharge as defined in RCW 73.04.005; or

38 (c) (i) Upon receipt of a predischarge certification as defined in
39 RCW 73.04.005, provided that:

1 (A) The predischarge certification was issued not more than 120
2 days prior to the date of submission; and

3 (B) The individual provides the official discharge documentation,
4 such as a DD form 214, NGB form 22, or equivalent or successor
5 discharge paperwork, that characterizes his or her discharge as a
6 qualifying discharge as defined in RCW 73.04.005, within 30 days
7 after the date of discharge.

8 (ii) If official discharge documentation is not provided within
9 30 days of discharge, the employing agency shall notify the
10 individual and afford a reasonable opportunity, a minimum of 15 days,
11 to submit the required documentation.

12 (iii) If official discharge documentation is not provided within
13 that additional period, the agency may rescind any appointment or
14 benefit granted based solely on the predischarge certification.

15 (iv) The predischarge certification shall not be used to
16 determine eligibility for preference beyond the date of discharge,
17 including in layoff or retention actions, unless and until official
18 discharge paperwork is submitted.

19 **Sec. 3.** RCW 73.04.005 and 2024 c 146 s 4 are each amended to
20 read as follows:

21 (1) For purposes of RCW 9.46.070, 28A.230.120, 28B.15.012,
22 28B.15.621, 28B.102.020, 41.04.005, 41.04.007, 41.04.010, 41.06.133,
23 41.08.040, 41.12.040, 43.24.130, 43.70.270, 46.18.270, 46.18.280,
24 46.20.161, 72.36.030, 73.08.005, 73.16.010, and 77.32.480:

25 ~~((1))~~ (a) A "qualifying discharge" means:

26 ~~((a))~~ (i) A discharge with an honorable characterization of
27 service;

28 ~~((b))~~ (ii) A discharge with a general under honorable
29 conditions characterization of service;

30 ~~((c))~~ (iii) A discharge with an other than honorable
31 characterization of service if the applicant provides a letter,
32 administrative decision, or other documentation from the United
33 States department of veterans affairs showing eligibility for or
34 receipt of monetary benefits, such as disability compensation or
35 nonservice-connected pension; or

36 ~~((d))~~ (iv) Any characterization of service if the reason for
37 discharge was listed as solely due to: ~~((i))~~ (A) A person's sexual
38 orientation, gender identity, or gender expression; ~~((ii))~~ (B)
39 statements, consensual sexual conduct, or consensual acts relating to

1 sexual orientation, gender identity, or gender expression unless the
2 statements, conduct, or acts are or were prohibited by the uniform
3 code of military justice on grounds other than the person's sexual
4 orientation, gender identity, or gender expression; or ~~((+iii+))~~ (C)
5 the disclosure of statements, conduct, or acts relating to sexual
6 orientation, gender identity, or gender expression to military
7 officials.

8 ~~((+2+)(a+))~~ (b) (i) To prove a "qualifying discharge" under this
9 section, an individual must provide official documentation that shows
10 the following to the agency administering the sought benefit or
11 protection:

12 ~~((+i+))~~ (A) The individual's characterization of service; and

13 ~~((+ii+))~~ (B) If an individual has a qualifying discharge under
14 ~~((subsection (1)(d) of this section))~~ (a) (iv) of this subsection,
15 also the individual's reason for discharge or narrative reason for
16 separation.

17 ~~((+b+))~~ (ii) Proof may include, but is not limited to, a
18 department of defense DD form 214, NGB form 22, or equivalent or
19 successor official paperwork stating the required information from a
20 government agency. Copies of official documents are acceptable as
21 proof.

22 (2) (a) For purposes of RCW 41.04.010 and 73.16.010, proof may
23 also include a predischarge certification.

24 (b) A "predischarge certification" means a written statement
25 issued by an individual's branch of service that: (i) States the
26 individual is expected to be discharged or released from active duty
27 under a qualifying discharge; (ii) includes the expected date of
28 discharge; and (iii) includes the characterization of service.

29 (c) Agencies shall:

30 (i) Develop written procedures to verify the characterization of
31 service and expected discharge date as stated in a predischarge
32 certification; and

33 (ii) Track and document the receipt of official discharge
34 documentation and ensure that any appointment made on the basis of a
35 predischarge certification is confirmed only upon receipt of such
36 documentation.

37 (d) Agencies shall not take adverse actions, such as termination
38 or rescission of offer, based on a discrepancy between a predischarge
39 certification and official discharge documents without first
40 providing notice and an opportunity for the individual to be heard.

1 (e) A predischarge certification may be used to establish
2 eligibility for veterans' preference for initial appointment, but
3 must not be used to determine retention or layoff preference unless
4 the individual has provided official discharge documentation
5 confirming the qualifying discharge.

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