

1 AN ACT Relating to veterans lay-off and reemployment rights; and  
2 amending RCW 41.06.133 and 41..

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:  
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5 **Sec. 1.** RCW 41.06.133 and 2009 c 534 s 2 are each amended to read  
6 as follows:

7 (1) The director shall adopt rules, consistent with the purposes  
8 and provisions of this chapter and with the best standards of  
9 personnel administration, regarding the basis and procedures to be  
10 followed for:

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

13 (b) Training and career development;

14 (c) Probationary periods of six to twelve months and rejections of  
15 probationary employees, depending on the job requirements of the  
16 class, except that entry level state park rangers shall serve a  
17 probationary period of twelve months;

18 (d) Transfers;

19 (e) Promotional preferences;

- 1 (f) Sick leaves and vacations;
- 2 (g) Hours of work;
- 3 (h) Layoffs when necessary and subsequent reemployment, except for  
4 the financial basis for layoffs;
- 5 (i) The number of names to be certified for vacancies;
- 6 (j) Adoption and revision of a state salary schedule to reflect  
7 the prevailing rates in Washington state private industries and other  
8 governmental units. The rates in the salary schedules or plans shall  
9 be increased if necessary to attain comparable worth under an  
10 implementation plan under RCW 41.06.155 and, for institutions of  
11 higher education and related boards, shall be competitive for  
12 positions of a similar nature in the state or the locality in which an  
13 institution of higher education or related board is located. Such  
14 adoption and revision is subject to approval by the director of  
15 financial management in accordance with chapter 43.88 RCW;
- 16 (k) Increment increases within the series of steps for each pay  
17 grade based on length of service for all employees whose standards of  
18 performance are such as to permit them to retain job status in the  
19 classified service. For the twelve months following February 18,  
20 2009, a salary or wage increase shall not be granted to any exempt  
21 position under this chapter;
- 22 (l) Optional lump sum relocation compensation approved by the  
23 agency director, whenever it is reasonably necessary that a person  
24 make a domiciliary move in accepting a transfer or other employment  
25 with the state. An agency must provide lump sum compensation within  
26 existing resources. If the person receiving the relocation payment  
27 terminates or causes termination with the state, for reasons other  
28 than layoff, disability separation, or other good cause as determined  
29 by an agency director, within one year of the date of the employment,  
30 the state is entitled to reimbursement of the lump sum compensation  
31 from the person;
- 32 (m) Providing for veteran's preference (~~as required by existing~~  
33 ~~statutes, with recognition of preference~~) in regard to layoffs and  
34 subsequent reemployment. (~~for veterans and their surviving spouses~~

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

22 (2) Rules adopted under this section by the director shall provide  
23 for local administration and management by the institutions of higher  
24 education and related boards, subject to periodic audit and review by  
25 the director.

26 (3) Rules adopted by the director under this section may be  
27 superseded by the provisions of a collective bargaining agreement  
28 negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The  
29 supersession of such rules shall only affect employees in the  
30 respective collective bargaining units.

31 (4) (a) The director shall require that each state agency report  
32 annually the following data:

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1 (i) The number of classified, Washington management service, and  
2 exempt employees in the agency and the change compared to the previous  
3 report;

4 (ii) The number of bonuses and performance-based incentives  
5 awarded to agency staff and the base wages of such employees; and

6 (iii) The cost of each bonus or incentive awarded.

7 (b) A report that compiles the data in (a) of this subsection for  
8 all agencies will be provided annually to the governor and the  
9 appropriate committees of the legislature and must be posted for the  
10 public on the department of personnel's agency web site.

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13 **Sec. 2.** RCW 41.06.150 and 2002 c 371 s 906 are each amended to  
14 read as follows:

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

19 (1) The reduction, dismissal, suspension, or demotion of an  
20 employee;

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

27 (3) Examinations for all positions in the competitive and  
28 noncompetitive service;

29 (4) Appointments;

30 (5) Training and career development;

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

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

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

17 (7) Transfers;

18 (8) Sick leaves and vacations;

19 (9) Hours of work;

20 (10) Layoffs when necessary and subsequent reemployment, both  
21 according to seniority;

22 (11) Collective bargaining procedures:

23 (a) After certification of an exclusive bargaining representative  
24 and upon the representative's request, the director shall hold an  
25 election among employees in a bargaining unit to determine by a  
26 majority whether to require as a condition of employment membership in  
27 the certified exclusive bargaining representative on or after the  
28 thirtieth day following the beginning of employment or the date of  
29 such election, whichever is the later, and the failure of an employee  
30 to comply with such a condition of employment constitutes cause for  
31 dismissal: PROVIDED FURTHER, That no more often than once in each  
32 twelve-month period after expiration of twelve months following the  
33 date of the original election in a bargaining unit and upon petition  
34 of thirty percent of the members of a bargaining unit the director

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

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

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

29 (d) A collective bargaining agreement entered into under this  
30 subsection before July 1, 2004, covering employees subject to RCW  
31 41.80.001 and 41.80.010 through 41.80.130, that expires after July 1,  
32 2004, shall remain in full force during its duration, or until  
33 superseded by a collective bargaining agreement entered into by the  
34 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  
7 and analysis of the duties and responsibilities of each such position.

8 (a) The board shall not adopt job classification revisions or  
9 class studies unless implementation of the proposed revision or study  
10 will result in net cost savings, increased efficiencies, or improved  
11 management of personnel or services, and the proposed revision or  
12 study has been approved by the director of financial management in  
13 accordance 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  
21 shall 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  
24 positions 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  
34 make a domiciliary move in accepting a transfer or other employment

1 with the state. An agency must provide lump sum compensation within  
2 existing resources. If the person receiving the relocation payment  
3 terminates or causes termination with the state, for reasons other  
4 than layoff, disability separation, or other good cause as determined  
5 by an agency director, within one year of the date of the employment,  
6 the state is entitled to reimbursement of the lump sum compensation  
7 from the person;

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

32 (18) Permitting agency heads to delegate the authority to appoint,  
33 reduce, dismiss, suspend, or demote employees within their agencies if  
34 such agency heads do not have specific statutory authority to so



1 delegate: PROVIDED, That the board may not authorize such delegation  
2 to any position lower than the head of a major subdivision of the  
3 agency;

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

8 (20) Affirmative action in appointment, promotion, transfer,  
9 recruitment, training, and career development; development and  
10 implementation of affirmative action goals and timetables; and  
11 monitoring of progress against those goals and timetables.

12 The board shall consult with the human rights commission in the  
13 development of rules pertaining to affirmative action. The department  
14 of personnel shall transmit a report annually to the human rights  
15 commission which states the progress each state agency has made in  
16 meeting affirmative action goals and timetables.

17 Notwithstanding this section and rules of the board adopted under  
18 this section, agencies may place employees on temporary unpaid leave  
19 during the 2001-2003 fiscal biennium for the purpose of implementing  
20 appropriations reductions enacted in the 2002 supplemental  
21 appropriations act. Mandatory unpaid leave must be approved by the  
22 agency director, and must be, to the greatest extent possible,  
23 mutually agreeable to the employee and employer. Employees taking  
24 mandatory temporary unpaid leave will not lose seniority, leave  
25 accrual, or health insurance benefits.

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