

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6157

Chapter 330, Laws of 2024

68th Legislature
2024 Regular Session

CIVIL SERVICE—COMPETITIVE EXAMINATION ADVANTAGE AND DEFERRED ACTION
FOR CHILDHOOD ARRIVALS RECIPIENTS

EFFECTIVE DATE: June 6, 2024

Passed by the Senate March 5, 2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 27, 2024
Yeas 83 Nays 11

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 28, 2024 10:52 AM

JAY INSLEE

Governor of the State of Washington

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.

SARAH BANNISTER

Secretary

FILED

March 29, 2024

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6157

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)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to reforming civil service to permit deferred
2 action for childhood arrivals recipients to apply for civil service
3 and incorporate civil service advantage for bilingual and
4 multilingual applicants, applicants with higher education, and
5 applicants with prior work experience in social services; amending
6 RCW 9.41.060, 9.41.171, 41.08.070, 41.12.070, 41.14.100, 77.15.075,
7 43.101.095, and 41.06.157; adding new sections to chapter 41.04 RCW;
8 and adding a new section to chapter 10.93 RCW.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.04
11 RCW to read as follows:

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

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

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

7 (c) Five percent to a candidate with two or more years of
8 professional experience or volunteer experience in the peace corps,
9 AmeriCorps, domestic violence counseling, mental or behavioral health
10 care, homelessness programs, or other social services professions;
11 and

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

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

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

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

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

30 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.93
31 RCW to read as follows:

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

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

12 **Sec. 3.** RCW 9.41.060 and 2019 c 231 s 1 are each amended to read
13 as follows:

14 The provisions of RCW 9.41.050 shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

23 **Sec. 4.** RCW 9.41.171 and 2009 c 216 s 2 are each amended to read
24 as follows:

25 It is a class C felony for any person who is not a citizen of the
26 United States to carry or possess any firearm, unless the person: (1)
27 Is a lawful permanent resident; (2) has obtained a valid alien
28 firearm license pursuant to RCW 9.41.173; (~~(or)~~) (3) is a deferred
29 action for childhood arrivals recipient lawfully employed as a peace
30 officer as defined in RCW 10.120.010 or a corrections officer as
31 defined in RCW 43.101.010; or (4) meets the requirements of RCW
32 9.41.175.

33 **Sec. 5.** RCW 41.08.070 and 2018 c 32 s 1 are each amended to read
34 as follows:

35 An applicant for a position of any kind under civil service under
36 the provisions of this chapter, must be a citizen of the United
37 States of America (~~(or)~~), a lawful permanent resident (~~(who can)~~), or
38 a deferred action for childhood arrivals recipient. An applicant for

1 a position of any kind under civil service under the provisions of
2 this chapter must be able to speak, read, and write the English
3 language.

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

9 **Sec. 6.** RCW 41.12.070 and 2018 c 32 s 2 are each amended to read
10 as follows:

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

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

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

29 **Sec. 7.** RCW 41.14.100 and 2018 c 32 s 3 are each amended to read
30 as follows:

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

37 An application for a position with a law enforcement agency may
38 be rejected if the law enforcement agency deems that it does not have

1 the resources to conduct the background investigation required
2 pursuant to chapter 43.101 RCW. Resources means materials, funding,
3 and staff time. Nothing in this section impairs an applicant's rights
4 under state antidiscrimination laws.

5 **Sec. 8.** RCW 77.15.075 and 2020 c 38 s 1 are each amended to read
6 as follows:

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

11 (2) An applicant for a fish and wildlife officer position must be
12 a citizen of the United States of America (~~(or)~~), a lawful permanent
13 resident (~~(who can)~~), or a deferred action for childhood arrivals
14 recipient. An applicant for a fish and wildlife officer position must
15 be able to speak, read, and write the English language. Before a
16 person may be appointed to act as a fish and wildlife officer, the
17 person shall meet the minimum standards for employment with the
18 department, including successful completion of a psychological
19 examination and polygraph examination or similar assessment procedure
20 administered in accordance with the requirements of RCW
21 43.101.095(2).

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

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

30 NEW SECTION. **Sec. 9.** A new section is added to chapter 41.04
31 RCW to read as follows:

32 Any agency that employs a deferred action for childhood arrivals
33 recipient under RCW 41.08.070, RCW 41.12.070, RCW 41.14.100, or RCW
34 77.15.075 may not be held liable for any breach of contract resulting
35 from changes in federal law that would prohibit the agency from
36 employing a deferred action for childhood arrivals recipient.

1 **Sec. 10.** RCW 43.101.095 and 2023 c 168 s 3 are each amended to
2 read as follows:

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

8 (2)(a) Any applicant who has been offered a conditional offer of
9 employment as a peace officer or reserve officer, offered a
10 conditional offer of employment as a corrections officer after July
11 1, 2021, or offered a conditional offer of employment as a limited
12 authority Washington peace officer who if hired would qualify as a
13 peace officer as defined by RCW 43.101.010 after July 1, 2023, must
14 submit to a background investigation to determine the applicant's
15 suitability for employment. This requirement applies to any person
16 whose certification has lapsed as a result of a break of more than 24
17 consecutive months in the officer's service for a reason other than
18 being recalled into military service. Employing agencies may only
19 make a conditional offer of employment pending completion of the
20 background check and shall verify in writing to the commission that
21 they have complied with all background check requirements prior to
22 making any nonconditional offer of employment.

23 (b) The background check must include:

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

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

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

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

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

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

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

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

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

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

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

36 (b) The commission shall certify peace officers who are limited
37 authority Washington peace officers employed on or before July 1,
38 2023. Thereafter, the commission may revoke certification pursuant to
39 this chapter.

1 (4) As a condition of certification, a peace officer or
2 corrections officer must, on a form devised or adopted by the
3 commission, authorize the release to the employing agency and
4 commission of the officer's personnel files, including disciplinary,
5 termination, civil or criminal investigation, or other records or
6 information that are directly related to a certification matter or
7 decertification matter before the commission. The peace officer or
8 corrections officer must also consent to and facilitate a review of
9 the officer's social media accounts, however, consistent with RCW
10 49.44.200, the officer is not required to provide login information.
11 The release of information may not be delayed, limited, or precluded
12 by any agreement or contract between the officer, or the officer's
13 union, and the entity responsible for the records or information.

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

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

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

29 **Sec. 11.** RCW 41.06.157 and 2015 3rd sp.s. c 1 s 315 are each
30 amended to read as follows:

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

36 (a) Be simple and streamlined;

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

1 (c) Value workplace diversity;

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

4 (e) Enhance mobility and career advancement opportunities;
5 ((and))

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

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

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

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

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

Passed by the Senate March 5, 2024.

Passed by the House February 27, 2024.

Approved by the Governor March 28, 2024.

Filed in Office of Secretary of State March 29, 2024.

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