

4 June 2024

Substitute Senate Bill 6157

Civil Service



Office of Financial Management

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JUNE 2024

COMPETITIVE EXAMINATION ADVANTAGE & DEFERRED ACTION FOR CHILDHOOD ARRIVALS RECIPIENTS

HR Managers Meeting



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OVERVIEW

The bill reforms civil service to allow Deferred Action for Childhood Arrivals (DACA) recipients to apply for civil service positions. It also introduces a competitive examination preference, which can be granted at the discretion of each agency head or higher education institution president for certain qualifications. This bill will become effective on June 6, 2024.



State HR Actions

Rulemaking Process

Updating Title
357 WAC – Civil
Service Rules

Specifications Update

Updating job class
specifications

Preference Guidance

Considerations for
implementation

Rulemaking Process

The Rules Team at State HR has initiated the process of amending Title 357 WAC, Civil Service Rules, to align with Chapter 330, Laws of 2024.

The proposed amendment includes adding language that allows agency heads or higher education institution presidents to grant preference to eligible applicants in the hiring process if an examination is administered prior to certification. Additionally, the employer's certification procedure must address when the employer will consider granting preference under this section.

The draft rules were presented at the May 14, 2024 Rules Meeting, and the Rules team will continue to seek feedback and communicate with stakeholders through the monthly Rules Review Meetings. The Rules team plans to propose permanent adoption at the August 8, 2024 Director's Meeting.

SSB 6157 Impacts to State HR Class and Comp



All job class specifications tied to RCW 77.15.075 and RCW 43.101.095 will need updating to include the Deferred Action for Childhood Arrivals eligibility.



The state classification plan will need to recognize DACA eligibility.

State HR Class and Comp Plan to Address Impacts

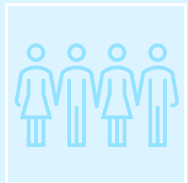
A two-phase approach has been developed to address class and comp impacts:

- Phase 1 will address Sec 8(2) and Sec 10 of the bill.
- Phase 2 will address Sec 11 of the bill.

SSB 6157 Section 8(2)



Amends RCW 77.15.075 (2) to read *“Applicant for a fish and wildlife officer position must be a citizen of the United States of America, a lawful permanent resident, 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...”*

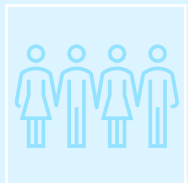


The change to the RCW requires State Human Resources, Classification and Compensation to update the job class specifications that specifically state citizenship requirements and/or RCW 77.15.075 with the additional DACA language provided in the bill.

SSB 6157 Section 10



Amends RCW 43.101.095 (2)(v) to read *“Verification of immigrant or citizenship status as either a citizen of the United States of America, lawful permanent resident, or deferred action for childhood arrivals recipient.”*



The change to RCW requires State Human Resources, Classification and Compensation to update the job class specifications that specifically state citizenship requirements and/or are tied to RCW 43.101.095 with the additional DACA language provided in the bill.



Phase 1 Implementation

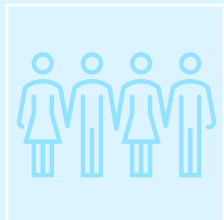
All job class specifications tied to RCW 77.15.075 and RCW 43.101.095 will be updated with stated language either in the legal requirements or the desirable qualifications before the bill effective date June 6, 2024.

- Five job class series (fourteen job class specs) were identified as part of this phase.
 - Fish & Wildlife Enforcement Officer series (388A, B, & 388E-H)
 - Natural Resource Police Officer series (387R and 387S)
 - Campus Security/Safety Supervisor (385H)
 - Campus Police Officer (387E-G)
 - Public Health & Epidemiologist series (289B, D) *(removing the citizenship requirement from the job specification as there is no legal reason to have this in the specification.)*

SSB 6157 Section 11



Amends RCW 41.06.175 by adding sub section (1) (g) to read “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.”



This addition to the RCW requires the state classification plan to recognize DACA eligibility. To address this change State HR Classification and Compensation will be updating the Legal Requirements section of all the current and future job class specifications.



Phase 2 Implementation

Updating the Legal Requirements section of all the current and future job class specifications to include the following standard language.

“Persons legally authorized to work in the U.S. under federal law including Deferred Action for Childhood Arrivals recipients, are eligible for employment unless prohibited by other state or federal law.”

This phase will start after the bill effective date of June 6, 2024.




Competitive Examination Preference Guidance

The Workforce Strategies Team at State HR has initiated the process of creating a set of instructions for agencies and higher education institutions about Chapter 330, Laws of 2024. As each agency head or higher education institution president has the discretion to implement the preference, State HR does not recommend widespread policy or system alterations. The preference guidelines will primarily provide a list of items to consider for organizations that choose to implement the preference.




Preference Points Criteria

Criteria for Awarding Additional Points During Competitive Examinations

10% Additional Points

-  Candidates with full professional proficiency or native fluency in **two or more languages** other than English

5% Additional Points

-  Candidates with full professional proficiency or native fluency in **one language** other than English
-  Candidates with **two or more years** of professional or volunteer experience
-  Candidates who have obtained an **associate degree or higher**

Note:

The total percentage added to the passing mark, grade, or rating is capped at a **maximum of 15%**, based on a possible rating of 100 as a perfect score.

Overarching Guidance

Each agency head or higher education institution president is responsible for deciding whether to apply the preference. State HR recommends that each entity carefully review the relevant Collective Bargaining Agreements and Civil Service Rules. They should also consult with their designated Labor Negotiator, Rules Specialist, and Labor & Personnel Assistant Attorney General (L&P AAG) before making any modifications to their hiring policies and practices to include competitive examination preference.

Questions



For more information:

Contacts:

Rulemaking Process – rules@ofm.wa.gov

Class and Comp – classandcomp@ofm.wa.gov

Guidance – shrplanning@ofm.wa.gov



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