

HOUSE BILL REPORT

SSB 6157

As Passed House - Amended:

February 27, 2024

Title: 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.

Brief Description: 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.

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

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/14/24, 2/21/24 [DP].

Floor Activity:

Passed House: 2/27/24, 83-11.

Brief Summary of Substitute Bill (As Amended by House)

- Grants the agency head in public employment hiring agencies the discretion to add a maximum of 15 percent to the passing mark, grade, or rating, of a competitive examination for applicants with specific qualifications including language fluency, education, and experience.
- Permits individuals with Deferred Action for Childhood Arrival (DACA) status to apply for positions with sheriff offices and city firefighter, city

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

police, and fish and wildlife officer positions

- Provides that law enforcement agencies that employ a lawful permanent resident or an individual with DACA status must ensure that a written firearms policy is in place authorizing the possession and carry of firearms by those officers.
- Specifies that the classified service classification plans must recognize that persons legally authorized to work under federal law, including individuals with DACA status, are eligible for employment unless prohibited by other state or federal law.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 4 members: Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

Minority Report: Do not pass. Signed by 1 member: Representative Christian, Assistant Ranking Minority Member.

Minority Report: Without recommendation. Signed by 2 members: Representatives Cheney, Ranking Minority Member; Low.

Staff: Connor Schiff (786-7093).

Background:

Civil Service Positions.

State civil service laws establish a system of employment for professions including city firefighter, city police, and county sheriff offices positions. Civil service applicants for city police, city firefighter, or county sheriff offices positions must be a citizen of the United States (US) or a lawful permanent resident who can read and write the English language. Applicants for these positions must also take an examination that tests the applicant's capacity to perform duties of the position.

Fish and Wildlife Officers.

Department of Fish and Wildlife officers are general authority peace officers, and generally possess the same powers and duties as sheriffs and peace officers. Applicants for these positions must be a US citizen or lawful permanent resident and read and write the English language.

Peace Officers.

A general authority peace officer is an individual commissioned to enforce the criminal laws of the state generally. A limited authority peace officer is an individual empowered by

the officer's employing agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which the officer's employing agency is responsible.

All general authority peace officers must be certified by the Criminal Justice Training Commission as a condition of employment. The certification process includes a background check that includes a criminal history and misconduct check, inquiry with local prosecutors regarding impeachment disclosure, inquiry into affiliations with extremist organizations, review of social media accounts, verification of citizenship or lawful permanent resident status, a psychological examination, and a polygraph or similar assessment.

Lawful Permanent Residents.

Under federal law, a lawful permanent resident, sometimes known as a "green card" holder, is a person who is legally authorized to reside permanently in the United States. A lawful permanent resident has many of the same rights as a US citizen, including the ability to accept employment, own property, and join the US armed forces.

Deferred Action for Childhood Arrival Status.

"Deferred action" is a discretionary decision by the United States Citizenship and Immigration Services (USCIS) to not initiate deportation proceedings against an individual. Deferred Action for Childhood Arrivals (DACA), established in 2012, temporarily delays the deportation of eligible individuals without documentation who came to the United States as children. Individuals with DACA status are also eligible for work permits, known as Employment Authorization Documents (EADs). An individual's DACA status is renewable every two years.

To qualify for DACA status, an individual must:

- have entered the United States before the age of 16 and before June 15, 2007;
- have been physically present in the United States, been under the age of 31, and had no lawful immigration status on June 15, 2012;
- be enrolled in school, have graduated from high school, obtained a GED, or been honorably discharged from military service; and
- not have been convicted of a felony, certain misdemeanors, or multiple misdemeanors.

On September 13, 2023, the United States District Court for the Southern District of Texas held that DACA is unlawful but maintained a partial stay for individuals who obtained DACA status on or before July 16, 2021. Accordingly, current grants of DACA status and related EADs remain valid. Individuals with DACA status may also renew their status. The USCIS will accept new DACA applications but will not process them.

There are between 16,000 and 17,000 individuals with DACA status residing in Washington.

Possession of Firearms.

Under the federal Gun Control Act, an individual who is illegally or unlawfully in the United States is prohibited from receiving or possessing a firearm unless certain exceptions apply. Accordingly, individuals with DACA status are generally prohibited from receiving or possessing firearms or ammunition. A limited exception exists for firearms and ammunition issued for the use of any federal, state, or local department or agency.

Under state law, 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:

- is a lawful permanent resident;
- obtained a valid alien firearm license; or
- possesses a valid passport and visa, an approved US Department of Justice ATF-6 NIA application and permit for temporary importation of firearms and ammunition, and a valid hunting license or invitation to participate in a trade show or sport shooting event.

Civil Service Classification Plans.

The Office of Financial Management (OFM) maintains a classification plan for all positions in the classified service. Classified employees are those subject to the civil service statute. The classification plan consists of the titles, definitions, typical work, legal requirements, and desirable qualifications for all categories of jobs within the state of Washington.

By statute, the plan must:

- be simple and streamlined;
- support state agencies in responding to changing technologies, economic and social conditions, and the needs of its citizens;
- value workplace diversity;
- facilitate the reorganization and decentralization of governmental services;
- enhance mobility and career advancement opportunities; and
- consider rates in other public employment and private employment in the state.

Summary of Amended Bill:

Civil Service Competitive Examinations.

When scoring public employment competitive examinations, the state, including all of its political subdivisions and municipal corporations, 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 in accordance with the following qualifications:

- 10 percent may be awarded to candidates who have full professional proficiency or who are completely fluent as a native speaker in two or more languages other than English;
- 5 percent may be awarded to candidates who have full professional proficiency or who are completely fluent as a native speaker in one language other than English;
- 5 percent may be awarded to candidates with two or more years of professional or

- volunteer experience in the Peace Corps, AmeriCorps, domestic violence counseling, mental or behavioral health care, homeless programs, or other social services professions; and
- 5 percent may be awarded to candidates who have obtained an associate degree or higher.

The percentage points may be added to the passing mark, grade, or rating of the competitive examination until the candidate's first appointment. No points may be used in promotional examinations.

"Full professional fluency" means the ability to have advanced discussions on a wide range of topics, including personal life, current events, law enforcement, emergency services, and public safety-related protocols. Candidates with this level of fluency must demonstrate an extensive vocabulary and be able to carry on a conversation with ease and only minor mistakes. "Native speaker" means a person who was either raised speaking the language or has been speaking the language for such a duration that the person is completely fluent.

Deferred Action for Childhood Arrivals Status and Civil Service.

Individuals with Deferred Action for Childhood Arrivals (DACA) status are eligible to apply for city firefighter, city police, county sheriff offices, and Fish and Wildlife officer positions. Background checks for peace officers and corrections officers must also include verification of an individual's DACA status, if applicable. These agencies may not be held liable for any breach of contract resulting from changes in federal law that would prohibit the agencies from employing an individual with DACA status.

Peace officers employed by a general or limited authority law enforcement agency have the authority to possess and carry firearms, subject to the agency's written firearms policy. Law enforcement agencies that employ a lawful permanent resident or an individual with DACA status as a peace officer or corrections officer must have a written firearms policy authorizing those individuals with possession and carrying of a firearm. Firearms policies must comply with all federal laws and regulations promulgated by the United States Department of Justice; Bureau of Alcohol, Tobacco, Firearms, and Explosives; or any successor agency.

Possession of Firearms.

An additional exception from the prohibition of gun ownership by individuals who are not United States citizens is created for individuals with DACA status employed as a peace officer or corrections officer.

Civil Service Classification Plans.

Classification plans for positions in the classified service must recognize that persons legally authorized to work under federal law, including individuals with DACA status, are eligible for employment unless prohibited by other state or federal law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Expanding civil service strengthens government stability and addresses the worker shortage. Deferred Action for Childhood Arrival (DACA) recipients are part of our communities and should be allowed to serve our communities. The bill would help increase the diversity of police forces to reflect the communities they serve. The bill would not change background check requirements and would just add verification of DACA status as part of the background check process. Individuals have tried to apply for certain civil service positions but have had to be turned away because of their status as DACA recipients. Other qualifications would not change. The bill would meet the requirements of federal gun laws concerning possession and carrying of firearms by DACA recipients. A letter provided by the Bureau of Alcohol, Tobacco, Firearms, and Explosives confirms that the bill's provisions for possession and carrying of firearms by DACA recipients comply with federal law. Competitive scoring changes would expand diversity in the civil service positions and do not erode veteran status. Bonus points to competitive examinations would be discretionary.

(Opposed) None.

Persons Testifying: Senator John Lovick, prime sponsor; Lindsey Hueer, Association of Washington Cities; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.