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In Washington, the Northwest and the United States

Washington Military Department

Request Legislation

2014 Legislative Session



The Washington Military Department collaboratively leads and unifies federal, state and local responsibilities for emergency management, homeland security, defense (federal “go to war” and state domestic emergency response missions) and provide National Guard Youth Education Programs for Washington State Youth.



WASHINGTON NATIONAL GUARD

AMENDING SELECTION OF PROMOTION BOARD

Update the state statutes for the selection of Washington National Guard Officer Promotion Boards



When the men and women of the Washington National Guard are considered for promotion, the WNG uses a rigorous process to review qualifications to ensure the most highly qualified officers are leading our units. This process benefits the individual being promoted, as well as all Washingtonians who rely on the experienced men and women of the Washington National Guard who provide help and protection during emergencies. **To ensure a smooth promotion process that recognizes strong leaders, state IAW need to be amended to align with federal law, regulations so that state promotion selectees also receive federal recognition for promotion to the next higher rank / pay.**

The Officer Career Management Board

- The current statute (RCW 38.12.125) directing the composition of the Officer Career Management Board, which oversees the promotions of officers appointed to the Washington Army National Guard, the Washington Air National Guard, and the Washington State Guard, was adopted nearly 40 years ago.
- At the time of adoption, the law aligned with the force structure and the organization of the Guard units, and the services' rules for promotion boards that were in place during the mid-1970s.
- Nearly four decades later, the policy no longer matches the current organization structure of the Washington National Guard – nor fully aligns with federal promotion policies.

Additionally:

- The mission of the OCMB is to make recommendations to the Adjutant General (TAG) for selection of officers to higher grades, but the TAG currently sits on the board. It is unusual – and inconsistent with federal policy and practice – to have the commander making recommendations for their own review and approval.
- The wording of RCW 38.12.125 creates ambiguity with its interpretation, and has hindered TAG's ability to appoint members to the board. The law requires "five commanders senior in rank and grade" to serve on the board – however, questions have been raised whether this means the commanders of the five largest commands, or the five most senior commanders.

Proposed Revisions to RCW 38.12.125

- Amend RCW 38.12.125 to allow the adjutant general to select at least five voting members of the board that are senior in grade to the individual being considered for promotion. This would eliminate the TAG making a recommendation to him or herself, which would match federal policy and practice, as well as remove any ambiguity that is found in current law.
- Clarify RCW 38.12.125 so that any member of the promotion board will be recused from participating in the consideration of any officer for promotion to whom they are not senior in rank. This is necessary because boards consider multiple levels of officer promotions.
- Add the requirement that for promotion to the grade of O5 (Lieutenant Colonel) and above, that the board shall include at least one general officer appointed by the adjutant general as a voting member. This would bring Washington state law in line with current federal regulations.



WASHINGTON MILITARY DEPARTMENT

Modernizing State's Continuity of Operation Planning

Ensuring Continuity of Government during all major emergencies

Current statutory provisions addressing Continuity of Government were primarily written to address the early 1960s Cold War defense era concerns of an enemy attack. Several decades later, Continuity of Government is now recognized as a broader concept applicable to any emergency or disaster, including an earthquake, wild fire or winter storm. Additionally, Continuity of Operations Planning (COOP) is not currently defined or addressed in any state statute – only in Governor directives. COOP is nationally recognized as a critical Continuity of Government component to ensure Washington citizens receive government assistance during emergencies.



Proposed statutory revisions

- **Washington Constitution Article II, Section 42 Governmental Continuity During Emergency Periods:** Changes/updates made to expand the scope of needing continuity of state and local government **beyond periods of emergency resulting from just enemy attack to periods of emergency, disaster or attack.** Government must be able to continue to provide essential services beyond an attack from an enemy. This amendment ensures that the constitutional need for governmental continuity **also applies to** emergency or disasters caused by **natural hazards** (e.g., tsunami, earthquake, wildland fire, winter storms) and man-made hazards (e.g., terrorism). (Z-0502.1)
- Change 'only enemy attack' to 'any emergency, disaster or attack' in the state's Continuity of Government Act, as well as the Continuity of Government provisions developed for the Office of the Governor, the Legislature, county commissioners and city or town officers. This ensures continuity of government for all domestic natural hazards – like a tsunami, earthquake or flood – as well as man-made hazards, including terrorism. (Z-0503.1)
- Amend the provisions for the governor calling the Legislature into session from 'as soon as practicable or no later than the 30th day after the attack' to 'as soon as practicable.' Additionally, remove provisions that the Legislature convene 'on the 30th day from the attack at the place where the governor has his office' to provide more flexibility to accommodate any scenario. (Z-0503.1)
- Amend the statutory Declaration of Policy and Purpose for emergency management by adding new language expressing the need for the development and exercise of continuity of operations plans by the state. (Z-0503.1)
- Add into statute that state agency directors will be responsible for implementing and conducting a program for interagency coordination of continuity of operations planning by state agencies, boards and commissions. Language should specify that each state agency, board and commission will be responsible for developing an organizational continuity of operations plan that is updated and exercised annually. (Z-0503.1)