

Director's Meeting Agenda  
State Human Resources  
**Office of Financial Management**

Revised

Meeting Date:	Thursday, February 8, 2018
Meeting Time:	8:30 a.m.
Location:	• Capitol Court Building 1110 Capitol Way South, Suite 120 Conference Room 110 Olympia, Washington 98501-2251 • Limited Parking
Important Note(s):	The Exempt, Classification, Compensation, and Rules items on the following pages have been submitted to staff for study and presentation to the State Human Resources Director at the next quarterly scheduled meeting.

Section A: Previous Minutes Approval

- Meeting Minutes – November 9, 2017
- Special Meeting Minutes – January 10, 2018

Section B: Exempt Compensation

- Item 1 B4119 Deputy HR Director – DOT/WSF ..... B1-B2
- Item 2 B4192 I-405/SR 167 Program Administrator – DOT ..... B3-B4
- Item 3 B5151 Legal Services Director - DRS..... B5-B6

Section C: Classification

- Item 4 344F Rehabilitation Technician 2..... C1-C2
- Item 4a 283E Long Term Care Surveyor **Emergency**..... C3-C4

Section D: Compensation

- Item 5 Group B Assignment Pay..... D1-D2
- Item 6 University of Washington Special Pay ..... D3-D4
- Item 7 Washington State University Special Pay – Vancouver ..... D5-D6

Section E: Rule Amendments

- Rules Item 1 Initiative 1433 implementation rules ..... E1-E6

**Website Information**

This publication and other State Human Resources Director's meeting related information is available at <http://hr.ofm.wa.gov/meetings/directors-meetings>.

**Proposal Package Submittals**

All proposal packages should be routed to your assigned classification analyst. Classification and compensation email address [classandcomp@ofm.wa.gov](mailto:classandcomp@ofm.wa.gov).

**Meeting Coordinator**

For question and concerns, contact the Meeting Coordinator at [classandcomp@ofm.wa.gov](mailto:classandcomp@ofm.wa.gov).

### **Individuals with Disabilities**

If you are a person with a disability and require accommodation for attendance, contact the Meeting Coordinator no later than the first Thursday of the month.

### **Alternate Publication Formats**

This publication will be made available in alternate formats upon request.

### **What is a Revision**

When changes occur to an exhibit after the original Director's meeting agenda has been posted to the State HR website, a *revised exhibit* is created which reflects the most up-to-date information proposed for adoption. The revised exhibit appears in a separate Revised Agenda that will be available on the day of the meeting.

## Section B: Exempt Compensation

Positions in this listing are under the State Human Resources Director for the setting of salaries and fringe benefits, but are otherwise exempt from civil service.

<b>Item 1</b>	
<b>Requester (Agency/Institution)</b> Department of Transportation	<b>Analyst</b> Marty Graf
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B4119 Deputy HR Director – DOT/WSF	<b>Proposed EMS Band/Rate</b> EMS Band III (\$65,496 - \$116,736)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.070(3) – Governor’s Pool...(directing and controlling program operations of...a major administrative division...)
<b>Effective Date</b> 2/9/2018	

### Scope

Reporting to the Director, Human Resources for the Department of Transportation (DOT), the Deputy HR Director – DOT/WSF, is a member of the DOT Human Resources and Washington State Ferries (WSF) leadership teams and manages all human resource management programs for WSF. This includes serving as the senior HR leader for all WSF human resources issues and directs the activities of the WSF Human Resources Office. This position is responsible for all WSF human resources strategic policy and program development to include the development of negotiation strategies and studies.

### Explanation

The Department of Transportation is requesting the establishment of an exempt Deputy HR Director – DOT/WSF class to manage all human resource functions within WSF, under RCW 41.06.070(3)- Governor’s Pool. DOT currently has a Washington Management Service Band IV position performing this work but has determined the position is more appropriate in the Exempt Management Service structure.

## Section B: Exempt Compensation

Positions in this listing are under the State Human Resources Director for the setting of salaries and fringe benefits, but are otherwise exempt from civil service.

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State Human Resources staff evaluated the position description for this exempt class with a JVAC rating of C3X/768, which would place it at the EMS Band III level. A Fiscal Impact Statement was submitted and approved by OFM Budget, confirming the agency can absorb all costs associated with this request.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 2/8/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 10/23/2017
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148587 At-Will Governor's Pool	<b>Total Number of Approved Position(s)</b> 1

## Section B: Exempt Compensation

Positions in this listing are under the State Human Resources Director for the setting of salaries and fringe benefits, but are otherwise exempt from civil service.

<b>Item 2</b>	
<b>Requester (Agency/Institution)</b> Department of Transportation	<b>Analyst</b> Marty Graf
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B4192 I-405/SR 167 Program Administrator – DOT	<b>Proposed EMS Band/Rate</b> EMS Band V (\$95,328 - \$154,908)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.070(3) – Governor’s Pool...(directing and controlling program operations of an agency)
<b>Effective Date</b> 2/9/2018	

### Scope

Reporting to the Chief Engineer - DOT, the I-405/SR 167 Program Administrator manages, directs and controls all aspects of the I-405/SR 167 program. This includes establishing and implementing program management policies, developing and implementing strategic program delivery initiatives, developing and sustaining effective internal and external partnerships to finance and fund program implementation and successfully meet program objectives. This position is responsible for working with legislators and legislative staff, other elected officials and key stakeholders to resolve policy and funding issues, develop transportation system plans, financial strategies and agreements, environmental streamlining initiatives, and implement design-build and innovation construction methodologies.

## Section B: Exempt Compensation

Positions in this listing are under the State Human Resources Director for the setting of salaries and fringe benefits, but are otherwise exempt from civil service.

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### Explanation

The Department of Transportation (DOT) is requesting the establishment of an exempt I-405/SR 167 Program Administrator under RCW 41.06.070(3)-Governor's Pool. Through a reorganization of their Region/Division operations, DOT has created the Mega Programs organization which comprises all of the major state transportation projects. The I-405/SR 167 corridor is one of these major transportation projects.

State Human Resources staff evaluated the position description for this exempt class with a JVAC rating of D5Z/1256, which would place it at the EMS Band V level. A Fiscal Impact Statement was submitted and approved by OFM Budget, confirming the agency can absorb all costs associated with this request.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 2/8/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 10/10/2017
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148587 At-Will Governor's Pool	<b>Total Number of Approved Position(s)</b> 1

## Section B: Exempt Compensation

Positions in this listing are under the State Human Resources Director for the setting of salaries and fringe benefits, but are otherwise exempt from civil service.

<b>Item 3</b>	
<b>Requester (Agency/Institution)</b> Department of Retirement Systems	<b>Analyst</b> Melissa Bovenkamp
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B5151 Legal Services Director - DRS	<b>Proposed EMS Band/Rate</b> EMS IV (\$78,504 - \$135,264)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.070 (1) (v) "In each agency with fifty or more employees....Division Director..."
<b>Effective Date</b> 2/9/2018	

### Scope

The Legal Services Director will report to the Director of the Department of Retirement Systems (DRS) and serves as the strategic legal counsel for the Director on all legal matters affecting the agency; the retirement systems/plans it administers; members, retirees and beneficiaries, participants and employers of the state's retirement system. The position will be responsible for all legal services for DRS as well as the following programs: petitions, public disclosure, contracts compliance, and all contracting and rulemaking for the agency. Responsible for decisions regarding the agency's legal strategy and approach on legislation and policy issues, final petition decisions, public disclosure dispositions, contracting and rule making for the agency.

This position will be a member of the agency's Executive Leadership Team and participates in setting overall policy and strategic direction.

## Section B: Exempt Compensation

Positions in this listing are under the State Human Resources Director for the setting of salaries and fringe benefits, but are otherwise exempt from civil service.

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### Explanation

The Department of Retirement Systems (DRS) is requesting the establishment of an exempt class, Legal Services Director, under RCW 41.06.070 (1)(v). The basis for this request is to separate the current EMS position, Legislative and Legal Services Director (B5150) and devote dedicated resources for the legal services work of the agency as well as for the legislative and stakeholder relations work for the agency.

The agency can absorb the costs associated with this request and OFM Budget has approved the Fiscal Impact Statement.

State Human Resources staff evaluated this position as D4X (976), EMS Band IV.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 2/8/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 9/22/2017
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 1



## Section C: Classification

Item 4	
<b>Requester (Agency/Institution)</b> Department of Social and Health Services	<b>Analyst</b> Yvonne Poe
<b>Actions</b> <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Revision <input type="checkbox"/> Salary Adjustment	<b>If Revision, check all that apply:</b> <input type="checkbox"/> Title Change <input type="checkbox"/> Class Series Concept <input checked="" type="checkbox"/> Definition <input checked="" type="checkbox"/> Distinguishing Characteristics
<b>Current Class Code/Title</b> 344F Rehabilitation Technician 2	<b>Current Salary Range/Rate</b> 41
<b>Proposed Class Code/Title</b> N/A	<b>Proposed Salary Range/Rate</b> N/A
<b>Effective Date</b> 2/9/2018	

### Definition

~~Within the Department of Social and Health Services, Division of Vocational Rehabilitation, or the Department of Services for the Blind, P~~ provides support and direct assistance to individuals clients with severe significant disabilities. Provides guidance and case management for a limited scope of services to a small caseload of clients referred by Vocational Rehabilitation Counselors (VRC) such as: vocational services, calculation of benefits analysis, job readiness preparation, and/or job search assistance, and makes recommendations regarding the eligibility and vocational rehabilitation needs of individuals with disabilities.

### Distinguishing Characteristics

~~For the Division of Vocational Rehabilitation (DVR), t~~ this class is distinguished from the Rehabilitation Technician 1 by having limited case management responsibilities involving direct service delivery to referred clients. Under ~~close~~ direct supervision and with the approval of a ~~v~~Vocational ~~r~~Rehabilitation ~~e~~Counselor or supervisory staff, the Rehabilitation Technician 2 performs limited case management responsibilities with referred customers by assisting referred customers in either:

- 1) assisting clients in conducting self-directed job searches including resume development, identifying and applying for job openings, and practicing for job interviews; in collaboration with WorkSource Business Services Teams, conducting outreach and providing information to employers who recruit and/or hire DVR clients; or

## Section C: Classification

- 2) calculating how clients' Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI) benefits will be affected by earned income when the individual client goes to work; providing a standardized written benefits analysis report to the Vocational Rehabilitation Counselor and client that shows the results of this calculation, which the VRC uses to provide VR counseling to the client on their choice of employment and salary goals, hours of work, as well as other key vocational decisions.~~makes recommendations regarding eligibility and vocational rehabilitation needs; develops individual plans for employment; meets with clients to assess progress and provide needed guidance; and prepares case closure reports.~~

~~Cases are pre-screened by the supervisor and are limited in number. Because this is a bridge class to the Vocational Rehabilitation Counselor series, employees receive extensive on-the-job and structured training.~~

For the Department of Services for the Blind, this class is distinguished from the Rehabilitation Technician 1 by often making independent judgments and applying knowledge of agency vocational rehabilitation and independent living processes, administrative policies and "good practices" in performing direct services and administrative support functions necessary for the successful vocational rehabilitation and increased independence of agency participants. The Rehabilitation Technician 2 may be given responsibility for a small caseload of participants within the vocational rehabilitation process.

### Explanation

This is a request from the Department of Social and Health Services for Class Plan Maintenance with updates to the Definition and Distinguishing Characteristics that will provide clarity to the duties performed by this classification as it relates to the Division of Vocational Rehabilitation and the Department of Services for the Blind. These changes are a result of the 2017-2019 Collective Bargaining Negotiations and Budget Process.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 2/8/2018	
<b>Management Type</b> N/A	<b>Workforce Indicator</b> 80148588 Classified WA General Service
<b>EEOC Code</b> 42 Professionals	<b>Number of Position(s) Affected</b> 34

## Section C: Classification

### Emergency

<b>Item 4a</b>	
<b>Requester (Agency/Institution)</b> Department of Social and Health Services	<b>Analyst</b> Yvonne Poe
<b>Actions</b> <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Revision <input type="checkbox"/> Salary Adjustment	<b>If Revision, check all that apply:</b> <input type="checkbox"/> Title Change <input type="checkbox"/> Class Series Concept <input checked="" type="checkbox"/> Definition <input type="checkbox"/> Distinguishing Characteristics
<b>Current Class Code/Title</b> 283E Long Term Care Surveyor	<b>Current Salary Range/Rate</b> 53
<b>Proposed Class Code/Title</b> N/A	<b>Proposed Salary Range/Rate</b> N/A
<b>Effective Date</b> 2/9/2018	

#### Definition

~~Within Nursing Home Services in the Department of Social and Health Services, conducts surveys of long term care facilities, including facilities which serve residents with developmental disabilities. Evaluates Intermediate Care Facilities for the Mentally Retarded (ICF-MR), and/or nursing homes for conformity to federal and state standards.~~

Positions conduct quality assurance and monitoring activities such as surveys, licensing, and investigates complaints at licensed and certified long term care facilities including but not limited to: Nursing Homes (NH), Assisted Living Facilities (ALF), Adult Family Homes (AFH), Enhanced Services Facilities (ESF), Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID), and the Certified Community Residential Support (CCRS) to ensure compliance to federal and state standards.

#### Explanation

This request is from the Department of Social and Health Services for class plan maintenance to revise the specification definition. Changes will better reflect the work being performed and will include any new federal requirements. These changes are a result of the 2017-2019 Collective Bargaining Negotiations and Budget Process.

## Section C: Classification

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 2/8/2018	
<b>Management Type</b> N/A	<b>Workforce Indicator</b> 80148588 Classified WA General Service
<b>EEOC Code</b> 42 Professionals	<b>Number of Position(s) Affected</b> 53

## Section D: Compensation

### Assignment Pay Request Group A and Group B

<b>Item 5</b>	
<b>Requester (Agency)</b> Office of Financial Management	<b>Analyst</b> Barb Ursini
<b>Actions</b> <input checked="" type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input type="checkbox"/> Revision	<b>Effective Date</b> 2/9/2018

**WAC 357-28-175**

Assignment pay is a premium added to base salary to recognize specialized skills, assigned duties, and/or unique circumstances that exceed the ordinary. Assignment pay is intended to be used only as long as skills, duties, or circumstances it is based on are in effect.

**Reference # 61**

**Reference Description**

~~Basic salary plus two (2) ranges shall be paid to trained and qualified employees who are assigned members of the designated Department of Corrections Critical Incident Stress Management (CISM) specialty team. Assignment pay under this reference shall be paid on an hour for hour basis for every hour worked during an authorized team related assignment or training. (Eff. 7/17)~~

Group A Class Title(s)	Class Code(s)	Premium	Reference #(s)
N/A	N/A	N/A	N/A

Group B Assigned Duty	Premium	Reference #
CISM Specialty Team (DOC)	Two (2) Ranges	61

**Explanation**

The Department of Corrections is requesting to abolish Assignment Pay Reference #61, which is listed under Group B.

This request is housekeeping in nature based on a memorandum of understanding (MOU) between the Department of Corrections and the Washington Federation of State Employees (WFSE). This request will abolish Reference #61; as similar language appears in Reference #59.

## Section D: Compensation

Staff recommends adoption as proposed, effective February 9, 2018.

<i>Internal Use Only</i>	
<b>Director's Meeting Date</b> 2/8/2018	<b>Reference Type</b> Group B

## Section D: Compensation

### Higher Education Special Pay Request

<b>Item 6</b>					
<b>Requester (Higher Education Institution)</b> University of Washington					
<b>Analyst</b> Yvonne Poe			<b>Effective Date</b> 2/16/2018		
<b>WAC 357-28-025</b> The director may adopt special pay salary ranges for positions based upon pay practices found in private industry or other governmental units. This includes special pay salary ranges and/or compensation practices for higher education institutions and related higher education boards as authorized in RCW 41.06.133. The classes or positions assigned special pay ranges and the associated special salary schedule must be specified in the compensation plan.					
Class Title(s)	Class Code(s)	Number of Positions	Current Salary Range	Proposed Salary Range	Proposed Special Pay Increase
Anatomic Pathology Technician Trainee	315E	0	U2-B4	C3-J4	8.3%
Anatomic Pathology Technician	315F	0	J3-Q4	R3-Y4	8.3%
Anatomic Pathology Technologist	315G	0	U3-B5	C4-J5	8.3%
Anatomic Pathology Laboratory Lead	315H	0	B4-I5	J4-Q5	8.3%
Anatomic Pathology Laboratory Supervisor	315I	1	J4-Q5	R4-Y5	8.2%
Speech Pathologist/Audiologist Specialist 1	308E	21	Y4-F6	A5-H6	2.0%
Speech Pathologist/Audiologist Specialist 2	308F	15	C5-J6	E5-L6	2.0%
Speech Pathologist/Audiologist Specialist 3	308G	1	K5-R6	M5-T6	2.0%
Physician Asst-Adv Reg Nurse Pract	291E	34	S5-I7	X5-N7	5.1%
Physician Asst Cert-Adv RN Pract Lead	291F	5	C6-S7	H6-X7	5.1%

**Category (select all that apply):**

- Unique Skills/Duties  
  Recruitment/Retention  
  Effective Operations  
  Salary Compression/Inversion

**Explanation**

The University of Washington (UW) is requesting special pay increases for 10 classes in three (3) of their benchmark clusters. The proposal affects 77 FTEs.

The basis for this request is effective operations and has been substantiated by data from the 2017 Milliman Inc. Northwest Health Care Salary Survey. The January 1, 2017 survey data was aged to November 1, 2017. The annual aging factor used for the salary range was 3.0% (Source: 2017 Milliman Northwest Health Care Salary Survey).

## Section D: Compensation

The proposal represents a total FY 2017 cost to the UW of approximately \$222,472 including the marginal benefit cost. The UW has certified the increases will come from local funds (i.e. grants and contracts, self-sustaining funds, designated local UW and gift funds). This identified funding does not include state funds or tuition dollars.

The University of Washington is requesting an effective date of February 16, 2018.

Contact Yvonne Poe at 360-407-4116 or [Yvonne.Poe@ofm.wa.gov](mailto:Yvonne.Poe@ofm.wa.gov) if you have any questions.

<i>Internal Use Only</i>
<b>Director's Meeting Date</b> 2/9/2018



## Section D: Compensation

### Higher Education Special Pay Request

<b>Item 7</b>				
<b>Requester (Higher Education Institution)</b> Washington State University – Vancouver		<b>Analyst</b> Melissa Bovenkamp		
<b>Actions</b> <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Revision		<b>Effective Date</b> 2/9/2018		
<b>WAC 357-28-025</b> The director may adopt special pay salary ranges for positions based upon pay practices found in private industry or other governmental units. This includes special pay salary ranges and/or compensation practices for higher education institutions and related higher education boards as authorized in RCW 41.06.133. The classes or positions assigned special pay ranges and the associated special salary schedule must be specified in the compensation plan.				
<b>Class Title(s)</b>	<b>Class Code(s)</b>	<b>Current Salary Range or Special Pay Range</b>	<b>Proposed Special Pay Range</b>	<b>Proposed Special Pay Increase</b>
Campus Police Officer	387E	53	61	Approx. 20%

**Category (select all that apply):**

- Unique Skills/Duties  
  Recruitment/Retention  
  Effective Operations  
 Salary Compression/Inversion

**Explanation**

This request by the Washington State University (WSU) Vancouver campus provides an eight (8) range Special Pay increase for the Campus Police Officer. The increase is based on effective operations for the safety of the campus, students, faculty and staff. Additionally, the planned growth of the campus and students will need to be met with increased police officer staffing. In order to recruit for additional staff, salaries will need to be competitive to the local market in order to attract qualified candidates. This salary increase will also bring the salary for the Campus Police Officer class into compliance with RCW 41.06.133(1)(j) which requires salary ranges at institutions of higher education to be competitive for positions of a similar nature in the locality in which the institution is located.

WSU Vancouver Police classes are currently approved for Special Pay at Range 53. This Special Pay has been approved since February 12, 2001.

## Section D: Compensation

The WSU Vancouver campus is requesting Special Pay increases for one classification in one benchmark cluster affecting a total of two (2) employees. This classification will be assigned to the special pay ranges as reflected in the table above. The institution states it can absorb the funding associated with this request. A Fiscal Impact Statement (FIS) has been approved by OFM Budget and the institution has confirmed within the FIS that tuition dollars will not be used to fund this request.

*Internal Use Only*

**Director's Meeting Date**

2/8/2018

## Section E: Rule Amendments

### **Rules Item #1**

**Explanation:** Initiative 1433 (I-1433) which was approved by Washington voters in November 2016, requires employers to provide paid sick leave to most employees effective January 1, 2018. This initiative modified Chapter 49.46 RCW to include paid sick leave provisions (1 hour for every 40 hours worked).

There has been one change to WAC 357-31-121 from the initial filing on January 3, 2018, WSR 18-02-108. This change adds language to WAC 357-31-121 to clarify that sick leave accruals must not exceed eight hours in a month.

The following proposed rule changes are necessary to comply with the requirements for I-1433. These rules were filed for emergency adoption effective January 1, 2018, we are now proposing permanent adoption effective March 16, 2018.

#### **AMENDATORY SECTION**

**WAC 357-01-072 Child.** A biological, adopted, ~~((or))~~ foster child, ~~((or a))~~ stepchild, ~~((a))~~ legal ward, or a child of a person standing *in loco parentis*, a child of a legal guardian, or a child of a de facto parent, regardless of age or dependency status.

#### **AMENDATORY SECTION**

**WAC 357-01-172 Family members.** Individuals considered to be members of the family are parent, ~~((step-parent, sister, brother))~~ sibling, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, minor/dependent child, and child. For the purpose of domestic violence, sexual assault, or stalking provisions within Title 357 WAC family member also includes a domestic partner as defined in RCW 26.60.020 or a person with whom the employee has a dating relationship as defined in RCW 26.50.010.

#### **AMENDATORY SECTION**

**WAC 357-01-202 Minor/dependent child.** A biological, adopted, ~~((or))~~ foster child, ~~((a))~~ stepchild, ~~((a))~~ legal ward, a child of a de facto parent, regardless of age or dependency status, or a child of a person standing *in loco parentis*, *who is:*

- Under eighteen years of age, or
- Eighteen years of age or older and incapable of self-care because of a mental or physical disability.

Persons who are *in loco parentis* are those with day-to-day responsibilities to care for and financially support a child.

## Section E: Rule Amendments

### AMENDATORY SECTION

**WAC 357-01-227 Parent.** A biological ~~((or))~~, adoptive ~~((parent))~~, de facto, or foster parent, step-parent, or legal guardian of an employee or ~~((an individual))~~ the employee's spouse or registered domestic partner, or a person who stood *in loco parentis* to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when ~~((he or she was))~~ they were a child is considered to have stood *in loco parentis* to the employee.

### AMENDATORY SECTION

**WAC 357-01-228 Parent-in-law.** A biological ~~((or))~~, adoptive ~~((parent))~~, de facto, or foster parent, step-parent, or legal guardian of an employee's spouse or an employee's registered domestic partner or ~~((an individual))~~ a person who stood *in loco parentis* to an employee's spouse or to an employee's registered domestic partner when the employee's spouse or the employee's registered domestic partner was a child. A person who had day-to-day responsibilities to care for and financially support the employee's spouse or the employee's registered domestic partner when ~~((he or she was))~~ they were a child is considered to have stood *in loco parentis* to the employee's spouse or to the employee's registered domestic partner.

### AMENDATORY SECTION

**WAC 357-31-100 Must an employer have a policy for requesting and approving leave?** Each employer must develop a leave policy which specifies the procedure for requesting and approving all leave, as provided in the civil service rules. The employer's policy must:

(1) Allow an employee to use vacation leave without advance approval when the employee is requesting to use vacation leave to respond to family care emergencies, or for an emergency health condition as provided in WAC 357-31-200 (1)(b);

(2) Allow an employee to use a reasonable amount of accrued leave or unpaid leave when the employee is a victim, or has a family member, as defined in chapter 357-01 WAC, who is a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76.020;

(3) Address advance notice from the employee when the employee is seeking leave under subsection (2) of this section. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or the

## Section E: Rule Amendments

employee's designee must give notice to the employer no later than the end of the first day that the employee takes such leave; ~~((and))~~

(4) Allow an employee to use sick leave for qualifying absences under the Family and Medical Leave Act (FMLA) for parental leave for the purpose of baby bonding with his/her newborn, adoptive, or foster child in accordance with WAC 357-31-495. The policy must state the maximum amount of sick leave allowed to be used during the twelve-week FMLA period;

(5) Address overtime eligible employees that are required to provide medical certification or verification to their employer for the use of paid sick leave under chapter 296-128 WAC; and

(6) Address overtime eligible employees that are required to provide reasonable notice to their employer for an absence from work for the use of paid sick leave under chapter 296-128 WAC.

### AMENDATORY SECTION

#### **WAC 357-31-120 Do overtime exempt employees accrue sick leave if they have taken leave**

**without pay during the month?** (1) Full-time overtime exempt general government employees who are in pay status for less than eighty nonovertime hours in a month do not earn a monthly accrual of sick leave. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

(2) Full-time and part-time overtime exempt higher education employees (~~((who have more than ten working days of))~~ with leave without pay exceeding eighty hours in a month (prorated for part-time) do not earn a monthly accrual of sick leave. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

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### NEW SECTION

**WAC 357-31-121 Do overtime eligible employees accrue sick leave if they have taken leave without pay during the month?** (1) Full-time overtime eligible general government employees who are in pay status for less than eighty hours in a month, earn a monthly accrual proportionate to the number of hours in pay status, in the month to that required for full-time employment. Sick leave accruals must not exceed eight hours in a month. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this section.

(2) Full-time and part-time overtime eligible higher education employees with leave without pay exceeding eighty hours in a month (prorated for part-time) will accrue a minimum of one hour for every forty hours worked.

### AMENDATORY SECTION

**WAC 357-31-125 For general government part-time employees, how is leave accrual prorated?** Vacation and sick leave accruals for part-time general government employees will be proportionate to the number of hours in pay status, in the month to that required for full-time employment. Sick leave accruals must not exceed eight hours in a month. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this section.

### AMENDATORY SECTION

**WAC 357-31-130 When can an employee use accrued sick leave?** The employer may require medical verification or certification of the reason for sick leave use in accordance with the employer's leave policy and in compliance with chapter 296-128 WAC.

(1) Employers **must** allow the use of accrued sick leave under the following conditions:

(a) ~~((Because of and during))~~ An employee's mental or physical illness, disability, ((or)) injury, or health condition that has incapacitated the employee from performing required duties; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care.

(b) By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.

(c) ~~((To care for a minor/dependent child with a health condition requiring treatment or supervision.~~

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~~(d) To care for a spouse, registered domestic partner, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency health condition.))~~ When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such reason.

(d) To allow an employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care.

(e) For family care emergencies per WAC 357-31-290, 357-31-295, 357-31-300, and 357-31-305.

~~(f) ((For personal health care appointments.~~

~~(g) For family members' health care appointments when the presence of the employee is required if arranged in advance with the employing official or designee.~~

~~((h))~~ When an employee is required to be absent from work to care for members of the employee's household or relatives of the employee or relatives of the employee's spouse/registered domestic partner who experience an illness or injury, not including situations covered by subsection (1)(d) of this section.

(i) The employer must approve up to five days of accumulated sick leave each occurrence. Employers may approve more than five days.

(ii) For purposes of this subsection, "relatives" is limited to spouse, registered domestic partner, child, grandchild, grandparent or parent.

~~((f))~~ (g) If the employee or the employee's family member, as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.

~~((f))~~ (h) In accordance with WAC 357-31-373, for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

~~((k))~~ (i) For qualifying absences under the Family and Medical Leave Act for parental leave for the purpose of bonding with ~~((his/her))~~ their newborn, adoptive, or foster child in accordance with WAC 357-31-495. The amount of sick leave allowed to be used must be addressed in the employer's leave policy in accordance with WAC 357-31-100.

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(2) Employers **may** allow the use of accrued sick leave under the following conditions:

(a) For condolence or bereavement.

(b) When an employee is unable to report to work due to inclement weather in accordance with the employer's policy on inclement weather as described in WAC 357-31-255.