

Special Director's Meeting Agenda

State Human Resources

Office of Financial Management

Meeting Date: Wednesday, January 10, 2018

Meeting Time: 9:00 a.m.

Location: • State Human Resources, Raad Building
128 10th Avenue SW
4th Floor, LRD Conference Room 429
Olympia, Washington 98504
• 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 - None

Section B: Exempt Compensation - None

Section C: Classification - None

Section D: Compensation - None

Section E: Rule Amendments

Rules Item(s) 1 Veterans' In-state Service and Uniformed Service Shared Leave PoolsE1

Rules Item(s) 2 Foster Parent Shared Leave Pool E1-E6

Rules Item(s) 3 Correct reference from "*employer*" to "*agency head or higher education...*"E7

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.

Meeting Coordinator

For question and concerns, contact the Meeting Coordinator at 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 E: Rule Amendments

ITEM #1

Staff Note: The proposed new rules clarify which leave types an eligible employee must first use before receiving shared leave from the Uniformed Services Shared Leave Pool (USSLP) and the Veterans' In-State Service Shared Leave Pool (VISSLP). An eligible employee must first use all of their accrued compensatory time, recognition leave, personal holiday, vacation leave, and paid military leave before receiving shared leave from the USSLP and an eligible employee must first use all of their accrued compensatory time, recognition leave, personal holiday, sick leave, and vacation leave before receiving shared leave from the VISSLP.

Staff is proposing permanent adoption effective February 16, 2018.

NEW SECTION

WAC 357-31-687 Must employees use their own leave before receiving shared leave from the uniformed service shared leave pool? Employees who are eligible to receive shared leave from the uniformed service shared leave pool must first use all accrued compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, vacation leave, and paid military leave allowed under RCW 38.40.060 before receiving shared leave from the uniformed service shared leave pool.

NEW SECTION

WAC 357-31-797 Must employees use their own leave before receiving shared leave from the veterans' in-state service shared leave pool? Employees who are eligible to receive shared leave from the veterans' in-state service shared leave pool must first use all accrued compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, sick leave, and vacation leave before receiving shared leave from the veterans' in-state service shared leave pool.

ITEM #2

Staff Note: Second Engrossed Substitute Senate Bill 5890 was passed during the 2017 Legislative session with an effective date of October 19, 2017. This bill creates the Foster Parent Shared Leave Pool, which allows state employees to donate accrued leave to a pool so that employees who are licensed foster parents, pursuant to RCW 74.15.040, may receive shared leave to care for a foster child or prepare to accept a foster child in their home.

These rules were filed on an emergency basis effective October 19, 2017. Staff is proposing permanent adoption effective February 16, 2018.

Section E: Rule Amendments

NEW SECTION

WAC 357-31-835 What is the purpose of the foster parent shared leave pool? The foster parent shared leave pool was created to allow state employees to voluntarily donate their leave to be used by any eligible employee who is a licensed foster parent pursuant to RCW 74.15.040 so they may:

- (1) Care for a foster child; and/or
- (2) Prepare to accept a foster child in their home.

NEW SECTION

WAC 357-31-840 Who shall administer the foster parent shared leave pool? The department of social and health services, in consultation with office of financial management, shall administer the foster parent shared leave pool.

NEW SECTION

WAC 357-31-845 What definitions apply to the foster parent shared leave pool? The following definitions apply to the foster parent shared leave pool:

"Caring for" means taking a foster child to health care appointments, court appointments, visitation with family members and/or any other reasons that sick leave may be used for in WAC 357-31-130.

"Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained as defined in RCW 41.04.655.

"Monthly salary" means the monthly salary and special pay and shift differential, or the monthly equivalent for hourly employees. Monthly salary does not include overtime pay, callback pay, standby pay or performance bonuses.

"Preparing for" means arranging a foster child's living space, enrolling in school, and/or enrolling in child care.

Section E: Rule Amendments

NEW SECTION

WAC 357-31-850 Must employers have a written policy regarding the foster parent shared leave pool? Each employer must have a written policy regarding the foster parent shared leave pool which at a minimum addresses:

- (1) Amount of leave that may be withdrawn from the pool;
- (2) Eligibility requirements for use of the pool;
- (3) Donation of leave to the pool;
- (4) Use of foster parent shared leave; and
- (5) Misuse of pool.

NEW SECTION

WAC 357-31-855 Is participation in the foster parent shared leave pool voluntary? Participation in the foster parent shared leave pool must at all times be voluntary on the part of the donating and receiving employee.

NEW SECTION

WAC 357-31-860 Which employees are eligible to request shared leave from the foster parent shared leave pool? Employees who are licensed foster parents pursuant to RCW 74.15.040 are eligible to request shared leave from the foster parent shared leave pool.

NEW SECTION

WAC 357-31-865 How must employees who are receiving shared leave from the foster parent shared leave pool be treated during their absence? An employee using shared leave under the foster parent shared leave pool receives the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued vacation leave or sick leave.

Section E: Rule Amendments

NEW SECTION

WAC 357-31-870 May the receiving employee's employer restrict the amount of shared leave an eligible employee may receive, per occurrence, to care for a foster child? The receiving employee's employer may limit the amount of shared leave their eligible employee receives, per occurrence, under the foster parent shared leave pool to care for a foster child.

NEW SECTION

WAC 357-31-873 Is there a limit to the amount of shared leave an eligible employee may receive, per occurrence, to prepare to accept a foster child in their home? An eligible employee may receive up to five days of shared leave, per occurrence, from the foster parent shared leave pool to prepare to accept a foster child in their home.

NEW SECTION

WAC 357-31-875 What is the total amount of shared leave an eligible employee may receive under the foster parent shared leave pool? An eligible employee may receive up to five hundred twenty-two days of shared leave under the foster parent shared leave pool during their total state employment.

NEW SECTION

WAC 357-31-880 Is shared leave received under the foster parent shared leave pool included in the shared leave limits specified in RCW 41.04.665? Shared leave received under the foster parent shared leave pool is separate from and not included in the five hundred twenty-two day total specified in RCW 41.04.665.

NEW SECTION

WAC 357-31-885 May employees donating leave for the purpose of the foster parent shared leave pool direct the donation to a specific individual? Leave donated under this section is donated to the foster parent shared leave pool and cannot be directed to a specific individual. Foster parent shared leave is withdrawn from the pool by eligible employees according to priorities established by the department of social and health services. All employees who donate must specifically direct their leave donation to the foster parent shared leave pool.

Section E: Rule Amendments

NEW SECTION

WAC 357-31-890 What types of leave may an employee donate to the foster parent shared leave pool? An employee may donate vacation leave, sick leave, and all or part of a personal holiday to the foster parent shared leave pool as follows:

(1) Vacation leave: The donating employee's employer approves the employee's request to donate a specified amount of vacation leave to the foster parent shared leave pool. The full-time employee's request to donate leave will not cause their vacation leave balance to fall below eighty hours after the transfer. For part-time employees, requirements for vacation leave balances are prorated.

(2) Sick leave: The donating employee's employer approves the employee's request to donate a specified amount of sick leave to the foster parent shared leave pool. The employee's request to donate leave will not cause their sick leave balance to fall below one hundred seventy-six hours after the transfer.

(3) Personal holiday: The donating employee's employer approves the employee's request to donate all or part of their personal holiday to the foster parent shared leave pool.

NEW SECTION

WAC 357-31-895 Must employees use their own leave before receiving shared leave from the foster parent shared leave pool? Employees who are eligible to receive shared leave from the foster parent shared leave pool must first use all accrued compensatory time, recognition leave as described in WAC 357-31-565, and personal holiday before requesting shared leave from the foster parent shared leave pool. The employee is not required to deplete all of their accrued vacation leave and sick leave and can maintain up to forty hours of vacation leave and forty hours of sick leave.

NEW SECTION

WAC 357-31-900 What salary will an eligible employee receive when withdrawing shared leave from the foster parent shared leave pool? Shared leave paid under the foster parent shared leave pool must not exceed the level of the employee's state monthly salary as defined in WAC 357-31-845.

Section E: Rule Amendments

NEW SECTION

WAC 357-31-905 What documentation is an employee seeking shared leave under the foster parent shared leave pool required to submit to their current employer? Employees seeking shared leave under the foster parent shared leave pool must provide proof of a current foster parent license to their current employer.

NEW SECTION

WAC 357-31-910 What happens if the foster parent shared leave pool does not have a sufficient balance to cover shared leave requests? Foster parent shared leave may not be granted unless the pool has a sufficient balance to fund the requested shared leave.

NEW SECTION

WAC 357-31-915 May an agency head or higher education president establish restrictions on the amount of leave an employee may donate to the foster parent shared leave pool? An agency head or higher education president may limit the amount of leave an employee may donate to the foster parent shared leave pool.

NEW SECTION

WAC 357-31-920 When an employer and/or the department of social and health services has determined that abuse of the foster parent shared leave pool has occurred will the employee be required to repay the shared leave drawn from the pool? Employers and/or the department of social and health services must investigate any alleged abuse of the foster parent shared leave pool and on a finding of wrongdoing the employee may be required to repay all of the shared leave received from the foster parent shared leave pool. The only time an employee will have to repay leave credits is when there is a finding of wrongdoing.

Section E: Rule Amendments

ITEM #3

Staff Note: The proposed rule amendment to WAC 357-31-447 is to correct the reference from “employer” to “agency head or higher education institution president” to align with RCW 41.04.665.

The proposed rule amendment to WAC 357-31-447(1) is to clarify that if an employee has a need to use shared leave due to the same condition that has been previously approved, they must be employed with the same employer that approved the original shared leave request in order for the closed account to be reopened.

Staff is proposing permanent adoption effective February 16, 2018.

AMENDATORY SECTION

WAC 357-31-447 When must an ~~((employer))~~ agency head or higher education institution president approve a shared leave request for an employee? An ~~((employer))~~ agency head or higher education institution president must approve a shared leave request for an employee:

(1) If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account and the employee is employed with the same employer that approved the original shared leave request; or

(2) To allow employees that are veterans as defined under RCW 41.04.005, and employees that are spouses of veterans who are required to provide assistance for their spouses to attend medical appointments or treatments for a service connected injury or disability, to access shared leave from the veterans' in-state service shared leave pool.