

Director's Meeting Minutes

State Human Resources, Office of Financial Management

November 12, 2020

Opening

The State Human Resources Director's meeting was called to order at 8:30 a.m. on Thursday, November 12, 2020, via conference call session only due to the COVID-19 pandemic. Meeting proceedings were recorded at the Office of Financial Management, State Human Resources; RAAD Building, 5th Floor, Room 512; 128 10th Avenue Southwest, Olympia, Washington 98504.

The results of this meeting are summarized below. All items were adopted as printed on the Director's meeting agenda unless otherwise noted below.

Present

Staff:

- Franklin Plaistowe, Assistant Director of the State Human Resources Division
- Mindy Portschy, Classification and Compensation Specialist, State HR
- Brandy Chinn, Rules Manager, State HR

Logistics and Information

This publication and related materials are available on the Internet at the following web address:

<http://hr.ofm.wa.gov/meetings/directors-meetings>

Comments and suggestions regarding the meeting process and related publications; requests for alternate formats are welcomed and may be forwarded to:

Logistics Coordinator
State Human Resources
Office of Financial Management
128 10th Avenue SW
PO Box 47500
Olympia, Washington 98501

Email classandcomp@ofm.wa.gov
Fax (360) 407- 4148

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Introduction

Franklin Plaistowe, SHR Assistant Director: The Thursday, November 12, 2020 SHR Director's meeting came to order at 8:30 a.m. Franklin Plaistowe, Assistant Director for SHR with the OFM, chaired the meeting. Franklin stated he would be taking action on all the items presented with the exception of the proposed rule amendments. He would hear rules presentations and comments, and in turn, summarize them for consideration by the OFM Director. A letter would be generated the first part of the following week outlining the decision on the proposed rule amendments.

Section A: Previous Minutes Approval

Mindy Portschy, SHR Classification and Compensation Specialist: The first item of business was the adoption of the Thursday, August 13, 2020 Director's meeting minutes. Staff recommended final adoption as printed.

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, the August 13, 2020 Director's meeting minutes were adopted as presented, with an effective date of November 13, 2020.

Section B: Exempt Compensation

Mindy Portschy, SHR Classification and Compensation Specialist: In section B of the revised agenda were items 1 through 4. Staff recommended adoption as presented with an effective date of November 13, 2020.

- Item 1 B2210 Director, Residential Care Services Division
- Item 2 B2930 Director-BRPELS
- Item 3 B4191 Budget Director – DOT
- Item 4 B7016 Director of Provider Supports – DCYF

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, items 1 through 4 were adopted as presented.

Section C: Classification

Mindy Portschy, SHR Classification and Compensation Specialist: There were no classified items for this period.

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Section D: Compensation

Mindy Portschy, SHR Classification and Compensation Specialist: The Compensation items were located in Section D of the revised agenda.

Item 5 was the Washington State School for the Blind's V-range Salary Schedule adjustment for Certificated Teachers. Staff recommended adoption as presented with an effective date of September 1, 2020.

Item 5 State School for the Blind, V-Range Salary Schedule

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, item 5 was adopted as presented.

Mindy Portschy, SHR Classification and Compensation Specialist: Also in Section D of the revised agenda, was Emergency Item 6 which was a University of Washington special request for the Vascular Technologist Trainee job class. Staff recommended adoption as presented with an effective November 16, 2020

Item 6 University of Washington Special Pay Requests [Emergency](#)
Vascular Technologist Trainee

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, item 6 was adopted as presented.

Mindy Portschy, SHR Classification and Compensation Specialist: In Section D of the revised agenda, was Emergency Item 7 which was a University of Washington special request for the Program Coordinator job class. Staff recommended adoption as presented with an effective November 16, 2020

Item 7 University of Washington Special Pay Request [Emergency](#)
Program Coordinator

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, item 7 was adopted as presented

Mindy Portschy, SHR Classification and Compensation Specialist: In Section D of the revised agenda, was Emergency Item 8 which was a University of Washington special request for the Nuclear Medicine Technologist job class series. Staff recommended adoption as presented with an effective November 16, 2020

Item 8 University of Washington Special Pay Request [Emergency](#)
Nuclear Medicine Technologist series (298E-I)

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Franklin Plaistowe, SHR Assistant Director: Hearing no comments, item 8 was adopted as presented.

Mindy Portschy, SHR Classification and Compensation Specialist: In Section D of the revised agenda, was Emergency Item 9 which was a University of Washington special request for the Diagnostic Medical Sonographer job class series. Staff recommended adoption as presented with an effective November 16, 2020

Item 9 University of Washington Special Pay Request Emergency
Diagnostic Medical Sonographer series (301E-G)

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, item 9 was adopted as presented.

Section E: Rule Amendments

Brandy Chinn, SHR Rules Manager: There were five items presented for consideration.

Rules Item 1 Shared Leave

Explanation: House Bill 2739 was passed during the 2020 legislative session. The Bill made several changes to the state shared leave program by amending RCW 41.04.655 (effective June 11, 2020), RCW 41.04.665 (effective March 17, 2020) and adding a new section to chapter 41.04 RCW (effective June 11, 2020). Staff proposed amendments as reflected in the item to align with changes to the law. Staff proposed permanent adoption effective December 28, 2020.

Rules Item 2 Organ Donation and Emergency Amendments to Leave With Pay

Explanation: Senate Bill 6123 was passed during the 2020 legislative session effective June 11, 2020. The bill added language to chapter 41.06 RCW and required all executive agencies to allow employees to take paid leave, not exceeding 30 days, in a 2-year period, as needed to participate in life-giving procedures. For the purpose of the bill "life-giving procedures" included organ donation but did not include donation of blood or plasma. The proposed amendment to WAC 357-31-326(1) and subsection (2) was to distinguish between the term "life-giving procedures" and donation of blood and plasma for general government and higher education. The emergency amendments to WACs 357-31-325(5) and 357-31-326(4) were filed with the Office of the Code Reviser effective March 11, 2020. WAC 357-31-325(5) required a general government employer to grant leave with pay when an employee was required by Centers for Disease Control and Prevention guidelines to self-quarantine due to COVID-19, but was otherwise healthy and had not tested positive for COVID-19, and the employer determined the employee did not have the option to telework. The amendment to WAC 357-31-326 gave higher education employers the option to approve LWP for the circumstances. The amendment remained in effect until the Governor's COVID-19 State of Emergency declaration, or any amendments there to expires. Staff proposed permanent adoption effective December 28, 2020.

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Rules Item 3 Agency's Sexual Harass. Policy, Records of Harassment or Stalking

Explanation: Engrossed Substitute House Bill 1692 passed during the 2019 legislative session with an effective date of July 1, 2020. The bill adds new sections to Chapter 42.56 RCW, Public Records Act. The sections were codified as RCW 42.56.660, 42.56.665 and 42.56.675. The bill prevented an employer from disclosing records of harassment or stalking. If the requestor was a different party (not the person alleged to have been involved) requesting records of an employee, who notified the employer of harassment or stalking, the employer must immediately notify the employee. If the employee sought an injunction the employee must in turn notify the employer. Staff proposed permanent adoption effective December 28, 2020.

Rules Item 4 Written Certific. Reason. Accommod. for the Express. of Breast Milk

Explanation: HB 2266 passed during the 2020 legislative session effective June 11, 2020. The bill amended RCW 43.10.005 by adding language to state an employer may not require an employee to provide written certification from a health care professional when an employee requests a reasonable accommodation for the expression of breast milk. State HR staff proposed the rule amendments to reflect the change. In addition, State HR staff proposed to add the reasons in which an employer must provide a reasonable pregnancy accommodation back into WAC 357-26-035. Staff proposed permanent adoption effective December 28, 2020.

Rules Item 5 COVID-19 Response

As a result of the COVID-19 response effort, state organizations had seen a rise in the need for flexibility with employee's schedules due to childcare needs, elder care needs and other circumstances created by the pandemic. State HR staff proposed to amend WAC 357-28-190(8) to state employee who voluntarily request to work a shift will not be eligible for shift premium.

An emergency amendment to WAC 357-31-130 was filed on an emergency basis with the Office of the Code Reviser on June 2, 2020 to allow an employer to approve an employee to use their accrued sick leave to care for a family member's or a household member's child when a child's school or place of care had been closed. This amendment remained in effect until the Governor's COVID-19 State of Emergency declaration, or any amendments thereto expired.

On June 17, 2020 Governor Jay Inslee announced the cancellation of some state employee raises and the need for furloughs. In this announcement, the Governor directed state agencies under his authority to proceed furloughing over 40,000 state employees one day per week through July 25, 2020 and one furlough day per month from August through at least the fall. In addition, Governor Inslee added that employees would also be allowed to take additional voluntary unpaid furloughs. Employees may spread out the furloughs to accommodate operational needs and the interest of affected employees as long as the employee took eight hours of furlough during the week in which they were furloughed. Due to the flexibility and the economic downturn, staff proposed to amend WAC 357-46-064 to allow employers to furlough employees up to sixty days in a calendar year to help prevent permanent layoffs.

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State HR staff proposed to amend WAC 357-46-066 to state that an employer would normally provide an employee with seven calendar days' notice of a temporary layoff and an employer may provide less than 7 calendars' days' notice if urgent budget or operational issues were present. Employers must make a reasonable effort to provide as much time as possible for temporary layoff notification. The change would allow employers to have some flexibility with the notice requirements for temporary layoffs.

Staff proposed permanent adoption effective December 28, 2020.

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, rules items 1 through 5 would be summarized and presented to the OFM Director for final adoption.

Adjournment

Mindy Portschy, SHR Classification and Compensation Specialist: The business concluded and the meeting was adjourned. The next regularly scheduled Director's meeting was announced as Thursday, February 11, 2021, beginning at 8:30 a.m., and located at OFM, SHR; RAAD Building, 5th Floor, Room 512; 128 10th Avenue Southwest, Olympia, Washington 98504 unless otherwise specified.

Minutes Approved By

Franklin Plaistowe, Assistant Director
State Human Resources
Office of Financial Management

Date