

Director's Meeting Agenda

State Human Resources

Office of Financial Management

Meeting Date: Thursday, May 13, 2021
Meeting Time: 8:30 a.m.
Hosted By: State Human Resources
Office of Financial Management
Special Note: Due to current COVID-19 safety and health recommendations, this meeting is via conference call only.
Audio Conferencing Only: · Dial-in: (888) 285-8919
· Enter pin: 8101730
· Code (if asked): 415
Exhibits: 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 a quarterly scheduled public meeting.

Section A: Previous Minutes Approval

Meeting Minutes – February 11, 2021

Section B: Exempt Compensation

Item 1	B1656 Deputy Director, Human Resources Division, OOS – DSHS	B1-B2
Item 2	B2020 Assistant Sec., Develop. Disabilities Services Admin. – DSHS.....	B3-B4
Item 3	B3350 Deputy Director, Criminal Justice Training Commission.....	B5-B6
Item 4	B5908 EPA Grant Coordinator-PSP	B7-B8
Item 5	B7913 Policy and External Affairs Director – LCB	B9-B10
Item 6	B8212 Assistant Director of Human Resources.....	B11-B12

Section C: Classification

None

Section D: Compensation

Item 7	UW Special Pay for Diagnostic Imaging related classes	D1-D2
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Section E: Rule Amendments

Rules Item 1	Minimum Wage Act.....	E1-E2
Rules Item 2	Leave for COVID-19 Immunization & Leave W/O Pay for COVID-19 Reasons	E3-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.

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 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.

Item 1	
Requester (Agency/HE Institution) Department of Social and Health Services	Analyst Mindy Portschy
Primary Action (check all that apply) <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Secondary Action - As a result of Primary Action (check all that apply) <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B1656 - Deputy Director, Human Resources Division, OOS - DSHS	Proposed EMS Band/Rate EMS Band III (\$72,276 - \$128,856)
Current RCW Exemption (indicate number and description) N/A	Proposed RCW Exemption (indicate number and description) 41.06.070 (3) Governor's Pool: "...involving substantial responsibility for the formulation of basic agency or executive policy..."
Effective Date 5/14/2021	

Scope

Reporting to the Senior Director, Human Resources Division, the Deputy Director has full executive authority to act on the Senior Director's behalf, including appointing authority delegation. The Deputy Director is a key senior leadership team member working in direct partnership with the Senior Director and other senior level department staff, including the assistant secretaries and appointing authorities. This exempt class resolves complex issues within a broad context of division operations and cross-agency business needs.

The Deputy Director is responsible for leading teams and supervising administrators in the areas of developing, revising and maintaining a broad array of policies necessary to ensure alignment, adherence and compliance to federal and state statutes and rules; directing the administration and investigation of complaints related to violations of civil rights and employee misconduct, including coordination of investigations with the Washington State Patrol; and workforce and compliance strategy related to personnel data stewardship, including ensuring data integrity.

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.

Explanation

The Department of Social and Health Services is requesting establishment of the exempt job class Deputy Director, Human Resources Division, OOS. This request is in response to the changing business needs of the agency and the reorganization of the human resources division.

State HR staff reviewed the position description, dated February 10, 2021, and evaluated the work with a JVAC evaluation of C4X – 800, which is within the EMS Band III level. This exempt class meets the proposed exemption due to the responsibility of formulation of basic agency or executive policy. This is accomplished by directing policy and rules development for the division and aligning policies with legislative mandates and changes in WAC and business need. A fiscal impact statement has been reviewed and approved by OFM budget for this action.

This information is entered into the Human Resources Management System (HRMS) and CC Jobs.	
Director's Meeting Date 5/13/2021	
Management Type Management	Date of Exempt Position Description on File 02/10/2021
EEOC Code 41 Officials & Administrators	Current Number of Approved Position(s) N/A
Workforce Indicator 80148587 At-Will Governor's Pool	Total Number of Approved Position(s) 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.

Item 2	
Requester (Agency/HE Institution) Department of Social and Health Services	Analyst Barb Ursini
Primary Action (check all that apply) <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Secondary Action - As a result of Primary Action (check all that apply) <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input checked="" type="checkbox"/> Minor Scope Change <input checked="" type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
Current Code/Title B2020 Assistant Secretary, Developmental Disabilities Services Administration - DSHS	Current EMS Band/Rate EMS Band V (\$105,216 - \$170,976)
Proposed Code/Title B2020 Assistant Secretary, Developmental Disabilities Administration - DSHS	Proposed EMS Band/Rate N/A
Current RCW Exemption (indicate number and description) RCW 41.06.070(1)(v) ...in each agency with fifty or more employees: ...assistant directors or...	Proposed RCW Exemption (indicate number and description) Agency enabling statute: RCW 41.06.076 ...provisions of this chapter shall ...not exceed six assistant secretaries
Effective Date 5/14/2021	

Scope

~~This position is responsible for all administrative aspects of managing the state's developmental disabilities program which includes: Operating four Residential Habilitation Centers (RHCs) and responsibility for our State Operated Living Alternative (SOLA) programs. Providing direct case management for all eligible persons through the three regional offices, six hub offices and 23 outstation offices. Responsible for contracting, 1) residential support services for approximately 4400 DD clients and about 1560 clients in Adult Family Homes, 2) contracting with 39 counties to provide employment day program services and increased community access, 3) contracting with approximately 19,000 individual and agency providers to deliver a variety of supports and services to DD clients. Sets policy and standards for all programs operated by the Administration.~~

Reporting to the Secretary of the Department of Social and Health Services, the Assistant Secretary of the Development Disabilities Administration is responsible for administering Washington State's systems for providing in-home, community residential, and institutional services to individuals with intellectual and developmental disabilities and their families, and determining eligibility for major federal and state programs which includes Medicaid. These services are provided through the Division of Field Services, State Operated Residential Services Division, Strategic Planning and Quality Compliance Monitoring Division, and DDA's Residential Habilitation Centers.

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.

The Assistant Secretary has discretionary control and leadership responsibility for development and management of strategic direction; strategic planning, to include DDA's goals and priorities; public policy; budget; service delivery; workforce development and mobilization to improve practice and management; development of strategic partnerships and coalitions; performance management and program accountability. Ensures policies, procedures and internal controls comply with appropriate laws, regulations and guidelines.

Explanation

The Department of Social and Health Services is requesting an exemption, minor scope, and title change as part of housekeeping for B2020 Assistant Secretary, Developmental Disabilities Services Administration -DSHS. This position reports to the Secretary of the Developmental Disabilities Administration and is responsible for all aspects of the Developmental Disability program within the Administration.

State Human Resources staff evaluated and supports the proposed title of Assistant Secretary, Developmental Disabilities Administration, DDA - DSHS and proposed scope based on the updated position description. Staff supports the proposed exemption change from RCW 41.06.070(1)(v) "...In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors..." to the agency's enabling statute RCW 41.06.076 "...not to exceed six assistant secretaries.." Currently, DSHS has two (2) Assistant Secretaries out of six (6) Assistant Secretaries allotted.

State HR staff evaluated the position with a JVAC rating of D5Z (1256), which supports maintaining this exempt class at the EMS V level. The incumbent's salary will remain the same. There is no fiscal impact with this action.

This information is entered into the Human Resources Management System (HRMS) and CC Jobs.	
Director's Meeting Date 5/13/2021	
Management Type Management	Date of Exempt Position Description on File 2/24/2021
EEOC Code 41 Officials & Administrators	Current Number of Approved Position(s) 1
Workforce Indicator 80148586 At-Will	Total Number of Approved Position(s) 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.

Item 3	
Requester (Agency/HE Institution) Washington State Criminal Justice Training Commission	Analyst Lynley Coffman
Primary Action (check all that apply) <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Exemption Change <input checked="" type="checkbox"/> Substantial Scope Change	
Secondary Action - As a result of Primary Action (check all that apply) <input type="checkbox"/> Add Position <input checked="" type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input checked="" type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
Current Code/Title B3350 Deputy Director, Criminal Justice Training Commission	Current EMS Band/Rate EMS Band III (\$72,276 - \$128,856)
Proposed Code/Title B3350 Deputy Director - CJTC	Proposed EMS Band/Rate EMS Band IV (\$86,640 - \$149,292)
Current RCW Exemption (indicate number and description) 41.06.070(3): "In addition to exemptions specifically provided in this chapter...one involving directing and controlling program operations of an agency or major administrative division..."	Proposed RCW Exemption (indicate number and description) 41.06.070(1)(v): "In an agency with fifty or more employees: Deputy agency heads...who report directly to the agency head..."
Effective Date 5/14/2021	

Scope

~~Reporting to the Director, directs and manages all agency training programs including: law enforcement and corrections in-service, technical and advanced skills, supervisory and management, corrections officers academies and law enforcement academies. Responsible for the budget, personnel, and other management activities in administering the programs and facilities of the 40 acre, 150,000 square foot Criminal Justice Training Center, including 200 bed dormitories and 300 seat cafeteria.~~

Reporting to the agency Executive Director, the Deputy Director is responsible for the development and implementation of policy and administration of the agency, is responsible for the development and implementation of policy and operating procedures within the agency, in cooperation and coordination with the Director and Assistant Director ensures that plans and projects are implemented an executed to achieve legislative, strategic and agency goals. Responsible for developing a continuity of training from beginning law enforcement to management that is consistent with public need, providing agency budget projection and planning, attaining cultural changes within law enforcement, and continue to build public trust of law enforcement. The Deputy Director is the delegated authority of the Executive Director when absent.

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.

Explanation

The Washington State Criminal Justice Training Commission is requesting an exemption, substantial scope, and band change for the Deputy Director – CJTC. This exempt job class was established in 1979 as Assistant Director under RCW 41.069.070 (19) Governor’s pool, at that time there was not a recorded scope. In 1996, the exempt class underwent a title, scope, and salary (range) change, at this time the scope was recorded. This exempt class was placed in the EMS Band III in 2000, at the time a JVAC was performed by the agency but had not been reviewed or approved by OFM. Since the establishment of this exempt position the agency has grown to over 50 employees and now meets the exemption 41.06.070(1)(v). The agency states that over the last 20 years CJTC received additional training and certification responsibilities including crisis intervention training, peace officer and correction officer certification, expansion of required peace officer and correctional officer training hours, development of training to prevent racial profiling, and all of the trainings required by Initiative 940/HB 1064 in 2019, making it necessary for this exempt class to be updated.

State HR staff reviewed the updated position description, dated March 20, 2020, and evaluated the work with a JVAC of D5Y-1136, which is within the EMS Band IV level. The agency is providing a salary increase to the current incumbent with this action, the salary increase is within both EMS Band III and EMS Band IV. OFM Budget has reviewed their fiscal impact statement and verified the agency can absorb all costs associated with this request.

This information is entered into the Human Resources Management System (HRMS) and CC Jobs.	
Director’s Meeting Date 5/13/2021	
Management Type Management	Date of Exempt Position Description on File 3/20/2021
EEOC Code 41 Officials & Administrators	Current Number of Approved Position(s) 1
Workforce Indicator 80148586 At-Will	Total Number of Approved Position(s) 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.

Item 4	
Requester (Agency/HE Institution) Puget Sound Partnership	Analyst Shawn Flanagan
Primary Action (check all that apply) <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Secondary Action - As a result of Primary Action (check all that apply) <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B5908 EPA Grant Coordinator - PSP	Proposed EMS Band/Rate EMS Band II (\$62,328-114,396)
Current RCW Exemption (indicate number and description) N/A	Proposed RCW Exemption (indicate number and description) RCW 41.06.098– “this chapter shall not apply...to all professional staff...”
Effective Date 5/14/2021	

Scope

Reporting to the Chief Operating Officer of the Partnership, the EPA Grant Coordinator is responsible for compliance with the requirements in the cooperative agreements. This exempt class is the lead for developing the cooperative agreements, negotiating amendments to the agreements, coordinating activities with other NEPs in EPA Region 10 and nationally as needed, providing sub-contract oversight, meeting EPA award reporting requirements, coordinating with other agencies and entities that receive NEP funds, and other related activities. Also collaborates with the Deputy Director, the Partnership’s work planning and business planning activities related to achieving the Partnership’s strategic plan and identifying and planning existing funding for salmon and ecosystem recovery work including and legislative budget decision package submittals and EPA awards.

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.

Explanation

The Puget Sound Partnership is requesting to establish the exempt class titled B5908 EPA Grant Coordinator-PSP. The agency states this request is based on the business need to consolidate all work planning within the agency under one unified approach and process. More specifically, the intent of this request is to differentiate the higher-level duties performed by position 71032139 from the other two approved positions in the existing exempt class B5907 Policy Specialist-PSP. The agency believes that the additional duties assigned to 71032139 elevate the position from an EMS Band I to an EMS Band II. If approved, the agency is also requesting that they retain the three approved positions under B5907 Policy Specialist-PSP. The agency is requesting the exemption of this exempt class under RCW 41.06.098 Puget Sound partnership—Certain personnel exempted from chapter.

State HR staff supports the establishment of B5908 EPA Grant Coordinator- PSP. State HR staff reviewed the position description, submitted by the agency and the proposed exempt class meets the exemption criteria within RCW 41.06.098. Additionally, State HR staff evaluated the proposed class at B2W-596, which is at the EMS Band II level. A Fiscal Impact Statement was submitted and approved by OFM Budget, confirming the agency can absorb all costs associated with this request.

This information is entered into the Human Resources Management System (HRMS) and CC Jobs.	
Director's Meeting Date 5/13/2021	
Management Type Consultant	Date of Exempt Position Description on File 12/1/2020
EEOC Code 42 Professionals	Current Number of Approved Position(s) N/A
Workforce Indicator 80148586 At-Will	Total Number of Approved Position(s) 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.

Item 5	
Requester (Agency/HE Institution) Liquor and Cannabis Board	Analyst Tricia Mackin
Primary Action (check all that apply) <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Secondary Action - As a result of Primary Action (check all that apply) <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B7913 Policy and External Affairs Director - LCB	Proposed EMS Band/Rate EMS Band IV (\$86,640 – \$149,292)
Current RCW Exemption (indicate number and description) N/A	Proposed RCW Exemption (indicate number and description) RCW 41.06.070(1)(v) “in each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors...”
Effective Date 5/14/2021	

Scope

Serving as the Policy and External Affairs Director, reporting to the Director, this exempt class is responsible for managing and overseeing statewide efforts related to interpretation of laws and rules, stakeholder outreach, and agency rule and policy development involving liquor, cannabis, tobacco and vapor products. This exempt class directs and manages the Policy and External Affairs Division to implement the board’s statewide public safety mission of protecting the public from the misuse/abuse of alcohol, cannabis, tobacco and vapor products. They are responsible for developing programs, policies and procedures pertaining to operational mandate and providing strategic direction, oversight and guidance to agency rule making and interpretation.

Explanation

The Liquor and Cannabis Board is requesting the establishment of an exempt class, Policy and External Affairs Director-LCB. Due to concerns brought forward in the last legislative session, a reorganization was needed that includes non-commissioned employees to focus on education rather than enforcement. This exempt class serves as the Policy and External Affairs Director to implement the board’s statewide public safety mission of protecting the public from the misuse/abuse of alcohol, cannabis, tobacco and vapor products. They are responsible for leading efforts to improve internal operations and external relationships to provide a greater level of policy coordination and outreach with licensees and the public. Based on the roles and responsibilities, this exempt class meets the criteria for RCW 41.06.070(1)(v) “in each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors...”.

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.

State Human Resources and the agency scored this exempt class at C5Y-948, which meets the EMS Band IV level. A Fiscal Impact Statement was submitted and approved by OFM Budget, confirming the agency can absorb all costs associated with this request.

This information is entered into the Human Resources Management System (HRMS) and CC Jobs.	
Director's Meeting Date 5/13/2021	
Management Type Management	Date of Exempt Position Description on File 2/18/2021
EEOC Code 41 Officials & Administrators	Current Number of Approved Position(s) N/A
Workforce Indicator 80148586 At-Will	Total Number of Approved Position(s) 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.

Item 6	
Requester (Agency/HE Institution) Health Care Authority	Analyst Shelby Sheldon
Primary Action (check all that apply) <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Secondary Action - As a result of Primary Action (check all that apply) <input type="checkbox"/> Add Position <input checked="" type="checkbox"/> Band Change <input checked="" type="checkbox"/> Minor Scope Change <input checked="" type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
Current Code/Title B8212 Assistant Director of Human Resources	Current EMS Band/Rate EMS Band III (\$72,276 – \$128,856)
Proposed Code/Title B8212 Assistant Director, Employee Resources Division - HCA	Proposed EMS Band/Rate EMS Band IV (\$86,640 - \$149,292)
Current RCW Exemption (indicate number and description) RCW 41.06.070(1)(v) – “In an agency with fifty or more employees: Assistant Director . . .” *Updated current exemption to reflect the current subsection.	Proposed RCW Exemption (indicate number and description) Agency enabling statute RCW 41.05.021(1) “The director may employ...as such assistant directors...as may be needed to administer the authority...”
Effective Date 5/14/2021	

Scope

~~This position is the key advisor to the Director, Deputy Director, and Executive Management and is directly responsible for all matters related to Human Resources and Labor Relations, Facilities, Mail Services, Safety and Wellness, Ergonomics, Purchasing, and Employment Risk Management issues relative to these areas providing overall leadership, strategic direction, and management of the merging agencies’ human resources. The position provides guidance and counsel to the Director and Deputy Director on legal and employment risk management matters affecting the agency with authority to settle disputes, tort claims, and lawsuits related to Human Resources and Labor Relations issues.~~

The Assistant Director, Employee Resources Division reports to the Administrative Services Director. This exempt class is the key advisor to the Director, Deputy Director, and Executive management on all matters relating to human resource and labor relations and is responsible for the development of policies and procedures related to diversity, equity and inclusion, facilities management, employment risk management, safety and security. This exempt class provides overall leadership, strategic direction and management of the agencies’ people resources. This exempt class provides critical strategic guidance and consultation to executive management in human resource management, ensuring compliance with personnel policy, state and federal statutes and collective bargaining agreements, as well as employment risk management and litigation. Sets strategic direction of mail and imaging practices, procedures, systems, and services within diverse disciplines.

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.

Explanation

The Health Care Authority is requesting to revise the title from Assistant Director for Human Resources - HCA to Assistant Director, Employee Resources Division and band change to B8212. This request is a result of increased responsibilities for the agency's diversity, equity, and inclusion program, agency-wide imaging services, and implementation of an in-house security team. This exempt class was last reviewed in August 2011 and placed in the EMS band III; HCA is requesting to re-band the EMS Band III to an EMS Band IV level.

State HR staff evaluated this class and concurs with the agency's JVAC rating of D4X-976, which meets the EMS Band IV level.

This exempt class is exempt from civil service in accordance with: Agency enabling statute RCW 41.05.021(1) "The director may employ...as such assistant directors...as may be needed to administer the authority..."

OFM Budget has reviewed the fiscal impact statement and verified the agency can absorb all costs associated with this request.

This information is entered into the Human Resources Management System (HRMS) and CC Jobs.	
Director's Meeting Date 5/13/2021	
Management Type Management	Date of Exempt Position Description on File 02/24/2021
EEOC Code 41 Officials & Administrators	Current Number of Approved Position(s) N/A
Workforce Indicator 80148586 At-Will	Total Number of Approved Position(s) 1

Section C: Classification

There are no classified items for this period.

Section D: Compensation

Higher Education Special Pay

Item 7				
Requester (HE Institution) University of Washington		Analyst Shelby Sheldon		
Action <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Revision		Effective Date 5/16/2021		
WAC 357-28-025 - 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 Cod e(s)	Current Salary Range or Special Pay Range	Proposed Special Pay Range	Proposed Special Pay Increase
Diagnostic Imaging related classifications See attached list.				

Category (select all that apply):

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

Explanation

The University of Washington is requesting to increase the standby premium pay for non-represented employees in multiple diagnostic imaging related classifications (see attached list) from \$3/hour to \$3.75/hour. In addition, UW is requesting to add a 2-hour minimum callback pay for these non-represented employees. The basis for this request is effective operations.

This request for increasing the standby premium pay and adding a 2-hour minimum callback pay will aid in the efforts to recruit and retain highly skilled and critical positions who provide direct patient care.

UW has identified local funds to support the standby premium pay and 2-hour minimum when called in for standby, which does not include tuition dollars. UW is requesting an effective date of May 16, 2021.

Internal Use Only
Director's Meeting Date 5/13/2021

Section D: Compensation

Item 7 (continued)

University of Washington Impacted Classifications

Job Class Code	Job Class	Total Headcount (2/28/2021)
301K	Cardiac Sonographer 1	0
301L	Cardiac Sonographer 2	0
301N	Cardiac Sonographer Lead	0
301M	Cardiac Sonographer Specialist	0
301P	Cardiac Sonographer Supervisor	2
301E	Diagnostic Medical Sonographer	0
301G	Diagnostic Medical Sonographer Clin Inst	2
301H	Diagnostic Medical Sonographer Lead	0
301F	Diagnostic Medical Sonographer Spec	0
301I	Diagnostic Medical Sonographer Supv	1
300I	Imaging Tech-Computed Tomogr Mammogra	0
300N	Imaging Tech-Education Quality Assurance	0
300F	Imaging Technologist 1	1
300G	Imaging Technologist 2	0
300E	Imaging Technologist Trainee	0
300J	Imaging Technologist – Angiography	0
300M	Imaging Technologist – Lead	1
300K	Imaging Technologist – Mag Resonance Imaging	0
300P	Imaging Technologist – Supervisor	3
298G	Nuclear Medicine P.E.T. Technologist	0
298E	Nuclear Medicine Technologist 1	0
298F	Nuclear Medicine Technologist 2	0
298H	Nuclear Medicine Technologist Lead	0
298I	Nuclear Medicine Technologist Supervisor	0
302F	Radiation Therapy Specialist	0
302E	Radiation Therapy Technologist	0
302H	Radiation Therapy Technologist Lead	0
302I	Radiation Therapy Technologist Supv	1
299F	Vascular Technologist	0
299G	Vascular Technologist Lead	0
299H	Vascular Technologist Supervisor	1
299E	Vascular Technologist Trainee	0

Section E: Rule Amendments

ITEM #1

Staff note: Effective January 1, 2021, the Washington State Department of Labor & Industries (LNI) updated the minimum weekly standard salary level required to exempt executive, administrative or professional employees from Washington State's overtime pay requirements. The new state thresholds are more favorable than the federal threshold of \$684/week (\$35,568/year), Washington employers must to adhere to the state thresholds as of 2021.

The proposed amendment to WAC 357-01-220 is to clarify an overtime eligible employee is an employee who is not exempt from the overtime provisions of either chapter 49.46 RCW (state law) or the Fair Labor Standards Act (federal law) and WAC 357-01-225 to clarify an overtime-exempt employee is an employee who is exempt from the overtime provisions of both chapter 49.46 RCW and the Fair Labor Standards Act. The amendments to chapter 357-01 WAC align with recent rulemaking by LNI modifying the state standards defining exempt employees.

The proposed amendment to WAC 357-19-260 is to refer to "overtime eligibility" instead of "work period designation" to align with both federal and state law because the term "work period designation" is outdated terminology that is no longer relevant.

The proposed amendment to WAC 357-58-120 is to clarify if a disciplinary demotion results in a salary decrease, the overtime status of the position may be impacted and must comply with the salary basis test of both the state and federal law. The amendment to WAC 357-58-120 clarifies the language and makes clear that the requirements of state law must also be followed.

Staff is proposing permanent adoption effective July 1, 2021.

AMENDATORY SECTION

WAC 357-01-220 Overtime eligible employee.

An employee who is ~~((covered by))~~ not exempt from the overtime provisions of either chapter 49.46 RCW or the Fair Labor Standards Act.

AMENDATORY SECTION

WAC 357-01-225 Overtime-exempt employee.

An employee who is ~~((not covered by))~~ exempt from the overtime provisions of both chapter 49.46 RCW and the Fair Labor Standards Act.

Section E: Rule Amendments

AMENDATORY SECTION

WAC 357-19-260 While an employee is in an in-training appointment, what class is used to determine the employee's salary, (~~(work period designation)~~) overtime eligibility, and performance evaluation?

For each in-training step, the training plan must identify the job class to which the employee's work is being allocated. The employee's salary, (~~(work period designation)~~) overtime eligibility, and performance evaluation must be based upon the allocated class of the in-training step.

AMENDATORY SECTION

WAC 357-58-120 What is a disciplinary demotion and what changes may occur in salary?

Demotion for cause is a disciplinary demotion. A disciplinary demotion results in the:

(1) Assignment of responsibilities which results in a lower salary standard and/or lower evaluation points for the same position or results in the position being placed in the WGS with a lower base salary, or

(2) Movement to a different position that has a lower salary standard and/or lower evaluation points or to a WGS position with a lower base salary.

A disciplinary demotion may result in a salary decrease. (~~(Any)~~) If a disciplinary demotion results in a salary decrease, the overtime status of the position may be impacted and must comply with the salary basis test of both chapter 49.46 RCW and the Fair Labor Standards Act.

Section E: Rule Amendments

ITEM #2

Staff note: The proposed amendment to WAC 357-31-325 requires a general government employer to grant leave with pay (LWP) to allow an employee to take a reasonable amount of leave with pay for an employee to travel and receive each dose of COVID-19 immunization if the vaccine is not offered at the workplace. The proposed amendment to WAC 357-31-326(5) allows a general government employer to grant a reasonable amount of LWP for an employee to receive each dose of COVID-19 immunization if the vaccine is offered at the workplace. The proposed amendment to WAC 357-31-326(6) allows a higher education employer to grant a reasonable amount of LWP for an employee to receive each dose of COVID-19 immunization if the vaccine is not available at the workplace. Employers may authorize leave in excess of one day in extraordinary circumstances, such as to accommodate travel where the vaccine is unavailable locally. Employers may require that the request for leave be supported by documentation. If state or federal law provides paid leave specifically to receive the COVID-19 vaccination, the provisions concerning leave for immunization no longer apply.

The proposed amendment to WAC 357-31-330 allows an employer to grant leave without pay for an employee to protect themselves, or a relative or household member, from risks related to COVID-19. The amendment to this WAC was inadvertently left off the permanent rule making for previous COVID-19 rule amendments.

The emergency rule amendments to WAC 357-31-325, WAC 357-31-326 and WAC 357-31-330 were filed with the Office of the Code Reviser effective March 1, 2021.

Staff is proposing permanent adoption effective July 1, 2021.

AMENDATORY SECTION

WAC 357-31-325 When must an employer grant leave with pay for other miscellaneous reasons?

Leave with pay **must** be granted to an employee in accordance with WAC 357-31-320 and for the following reasons:

- (1) To allow an employee to receive assessment from the employee assistance program.
- (2) When an employee is scheduled to take an examination or participate in an interview for a position with a state employer during scheduled work hours.
 - (a) Employers may limit the number of occurrences or the total amount of paid leave that will be granted to an employee to participate in an interview or take an examination during scheduled work hours.
 - (b) Employers may deny an employee's request to participate in an interview or take an examination during scheduled work hours based upon operational necessity.
- (3) When an employee is required to appear during working hours for a physical examination to determine physical fitness for military service.
- (4) To allow a general government employee to take paid leave, not to exceed thirty days in a two-year period to participate in life-giving procedures, such as medical procedures, including testing, sampling, or donation of organs, tissues, and other body components for the purpose of donation,

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without compensation. For this subsection blood or plasma donations are not considered life-giving procedures.

(a) General government employers may take operational necessity into account and require the employee to provide reasonable advance notice.

(b) Employees must provide written proof from an accredited medical institution, physician, or other medical professional that the employee will or has participated in a life-giving procedure.

(5) When a general government employee is required by Centers for Disease Control and Prevention guidelines to self-quarantine due to novel coronavirus disease 2019 (COVID-19), but is otherwise healthy and has not tested positive for COVID-19, and the employer has determined the employee does not have the option to telework. An employer may subsequently determine that a telework option exists for the employee and direct the employee to telework. If the employee is directed to telework under this subsection and declines to do so, the employee must use other available leave options. The employee may receive up to fourteen days of leave with pay under this subsection. This subsection is effective until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring an emergency in the state of Washington, or any amendment thereto, whichever is later. An employer may require written verification, including verification submitted electronically, confirming the circumstances warranting the self-quarantine or inability to telework, which may include a signed affidavit from the employee or any other information requested by the employer.

(6) To allow a general government employee to take a reasonable amount of leave with pay for the employee to travel and receive each dose of COVID-19 immunization if the vaccine is not offered at the workplace. An employer may authorize leave in excess of one day in extraordinary circumstances, such as to accommodate travel where the vaccine is unavailable locally. The employer may require that the request for leave be supported by documentation, which may include proof of the vaccination. This subsection is effective until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring an emergency in the state of Washington, or any amendment thereto, whichever is later. This subsection no longer applies if state or federal law otherwise provides paid leave specifically for employees to receive the COVID-19 immunization.

AMENDATORY SECTION

WAC 357-31-326 When may an employer grant leave with pay?

(1) A general government employer **may** grant leave with pay for an employee to perform civil duties as a volunteer including, but not limited to, firefighting, search and rescue efforts, or donating blood. Leave granted to participate in blood and plasma donations must not exceed five days in a two-year period.

(2) A higher education employer may grant leave with pay for an employee to perform civil duties as a volunteer including, but not limited to, firefighting, search and rescue efforts, participating in life-giving procedures, or donating blood. Leave granted to participate in life-giving procedures must not exceed five days in a two-year period.

(3) In the department of natural resources, leave with pay equivalent to one regular workshift **may** be allowed for the purpose of rest and recuperation after ten consecutive calendar days performing emergency work under an incident command system, defined in RCW 38.52.010. The employer may grant one additional day of leave with pay for rest and recuperation after twenty-one consecutive calendar days performing emergency work under an incident command system.

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(4) When a higher education employee is required by Centers for Disease Control and Prevention guidelines to self-quarantine due to novel coronavirus disease 2019 (COVID-19), but is otherwise healthy and has not tested positive for COVID-19, and the employer has determined the employee does not have the option to telework. An employer may subsequently determine that a telework option exists for the employee and direct the employee to telework. If the employee is directed to telework under this subsection and declines to do so, the employee must use other available leave options. The employee may receive up to fourteen days of leave with pay under this subsection. This subsection is effective until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring an emergency in the state of Washington, or any amendment thereto, whichever is later. An employer may require written verification, including verification submitted electronically, confirming the circumstances warranting the self-quarantine or inability to telework, which may include a signed affidavit from the employee or any other information requested by the employer.

(5) A general government employer may grant a reasonable amount of leave with pay for an employee to receive each dose of COVID-19 immunization if the vaccine is offered at the workplace. An employer may authorize leave in excess of one day for receipt of the vaccine in extraordinary circumstances, such as to accommodate travel where the vaccine is unavailable locally. The employer may require that the request for leave be supported by documentation, which may include proof of the vaccination. This subsection is effective until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring an emergency in the state of Washington, or any amendment thereto, whichever is later. This subsection no longer applies if state or federal law otherwise provides paid leave specifically for employees to receive the COVID-19 immunization.

(6) A higher education employer may grant a reasonable amount of leave with pay for an employee to receive each dose of COVID-19 immunization if the vaccine is not offered at the workplace. An employer may authorize leave in excess of one day for receipt of the vaccine in extraordinary circumstances, such as to accommodate travel where the vaccine is unavailable locally. The employer may require that the request for leave be supported by documentation, which may include proof of the vaccination. This subsection is effective until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring an emergency in the state of Washington, or any amendment thereto, whichever is later. This subsection no longer applies if state or federal law otherwise provides paid leave specifically for employees to receive the COVID-19 immunization.

AMENDATORY SECTION

WAC 357-31-330 For what reasons may an employer grant leave without pay?

Leave without pay may be allowed for any of the following reasons in accordance with the employer's leave policy:

- (1) For any reason leave with pay may be granted, as long as the conditions for leave with pay are met;
- (2) Educational leave;
- (3) Leave for government service in the public interest;
- (4) Military leave of absence as required by WAC 357-31-370;
- (5) Parental leave as required by WAC 357-31-460;
- (6) Family care emergencies as required by WAC 357-31-295;
- (7) Bereavement or condolence;

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(8) Absence due to inclement weather as provided in WAC 357-31-255;

(9) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 357-19-295;

(10) Serious health condition of an eligible employee's child, spouse, registered domestic partner, or parent as required by WAC 357-31-525;

(11) Leave taken voluntarily to reduce the effect of an employer's layoff;

(12) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability; ~~((or))~~

(13) Employees receiving time loss compensation; or

(14) For an employee to protect themselves, or a relative or household member, from risks related to coronavirus disease 2019 (COVID-19). In determining whether to grant leave, an employer may consider whether the employee is needed to provide essential services because the employee is a health care provider, an emergency responder or otherwise necessary to maintain public safety. This subsection is effective until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring an emergency in the state of Washington, or any amendment thereto, whichever is later.