

# Director's Meeting Minutes

State Human Resources, Office of Financial Management

May 13, 2021

## Opening

The State Human Resources Director's meeting was called to order at 8:30 a.m. on Thursday, May 13, 2021, 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. Items modified after the first printing and publishing of the Director's meeting agenda notice (20-Day Notice), appeared in an agenda publication available at the meeting. All other items were adopted as printed on the Director's meeting agenda or agenda unless otherwise noted below.

## Present

Staff:

- Franklin Plaistowe, Assistant Director of the SHR Division
- Mindy Portschy, SHR Classification and Compensation Specialist
- Brandy Chinn, SHR Rules and Legislative Relations Manager

## 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

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## Introduction

Franklin Plaistowe, SHR Assistant Director: The Thursday, May 13, 2021 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 take 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, February 11, 2021 Director's meeting minutes. Staff recommended final adoption as printed.

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, the February 11, 2021 Director's meeting minutes were adopted as presented, with an effective date of May 14, 2021.

## Section B: Exempt Compensation

Mindy Portschy, SHR Classification and Compensation Specialist: In section B of the agenda were items 1 through 6. Staff recommended adoption as presented with an effective date of May 14, 2021.

- Item 1 B1656 Deputy Director, Human Resources Division, OOS – DSHS
- Item 2 B2020 Assistant Sec., Develop. Disabilities Services Admin. – DSHS
- Item 3 B3350 Deputy Director, Criminal Justice Training Commission
- Item 4 B5908 EPA Grant Coordinator-PSP
- Item 5 B7913 Policy and External Affairs Director – LCB
- Item 6 B8212 Assistant Director of Human Resources

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, items 1 through 6 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: In section D of the agenda, item 7 was a University of Washington special pay item for Diagnostic Imaging-related job classes. Staff recommended adoption as presented effective May 16, 2021.

Item 7 UW Special Pay for Diagnostic Imaging related classes

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

## Section E: Rule Amendments

Brandy Chinn, SHR Rules and Legislative Relations Manager: There were two items presented for consideration.

### Rule Item 1 Minimum Wage Act

*Explanation:* The first rule item regarded recent changes to the Washington State Minimum Wage Act. Effective January 1, 2021, the Department of Labor and Industries (LNI) had 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 were more favorable than the federal threshold of \$684/week (\$35,568/year), Washington employers must adhere to the state thresholds as of 2021.

The proposed amendment to WAC 357-01-220 was to clarify that an overtime eligible employee was an employee who was 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 was 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 aligned with recent rulemaking by LNI modifying the state standards defining exempt employees.

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

The proposed amendment to WAC 357-58-120 was to clarify if a disciplinary demotion resulted 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 clarified the language and made clear that the requirements of state law must also be followed.

Staff proposed permanent adoption effective July 1, 2021.

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### Rule Item 2 Leave for COVID-19 Immunization & Leave W/O Pay for COVID-19 Reasons

*Explanation:* The second rule item addressed leave with pay for COVID-19 immunization and leave without pay for COVID-19 reasons. The proposed amendment to WAC 357-31-325 required a general government employer to grant leave with pay 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 was not offered at the workplace. The proposed amendment to WAC 357-31-326(5) allowed 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 was offered at the workplace. The proposed amendment to WAC 357-31-326(6) allowed 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 was not available at the workplace. Employers could authorize leave in excess of one day in extraordinary circumstances, such as to accommodate travel where the vaccine was unavailable locally. Employers could require that the request for leave be supported by documentation. If state or federal law provided paid leave specifically to receive the COVID-19 vaccination, the provisions concerning leave for immunization no longer applied.

The proposed amendment to WAC 357-31-330 allowed 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 proposed permanent adoption effective July 1, 2021.

Franklin Plaistowe, SHR Assistant Director: Hearing no comments, Rule items 1 and 2 will be summarized and presented to the OFM Director for final adoption.

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## Adjournment

Mindy Portschy, SHR Classification and Compensation Specialist: The business concluded and the meeting was adjourned. A special Director's meeting was announced for Thursday, June 10, 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

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

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Date