

# Special Director's Meeting Minutes

**Revised**

State Human Resources, Office of Financial Management  
November 23, 2021

## Opening

The State Human Resources Special Director's meeting was called to order at 9:30 a.m. on Tuesday, November 23, 2021. Due to the COVID-19 pandemic, the session was via conference call. Meeting recordings are located 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 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:

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## Introduction

Franklin Plaistowe, SHR Assistant Director: The Tuesday, November 23, 2021 State Human Resources Director's meeting, came to order at 9:30 a.m. Franklin Plaistowe, Assistant Director for SHR with the OFM, chaired the meeting. Franklin stated he would listen to the proposed rules and any comment provided and they would be summarized for consideration by the OFM Director. Franklin also indicated a letter will be generated in the first part of next week outlining the decision on the proposed rule amendments.

Mindy Portschy, SHR Classification and Compensation Specialist: There were no exhibits from sections A through D.

The only business was the presentation of the rule amendments in Section E of the agenda. The amendments were presented by Brandy Chinn, State HR Rules and Legislative Relations Manager.

Section A: Previous Minutes Approval - None

Section B: Exempt Compensation - None

Section C: Classification - None

Section D: Compensation - None

## Section E: Rule Amendments

Brandy Chinn, SHR Rules and Legislative Relations Manager: Presented three rule items for consideration.

### Rule Item 1: Leave with Pay and Quarantine

EXPLANATION: Staff proposed to repeal WAC 357-31-325(5) to remove the requirement for a general government employer to grant leave with pay (LWP) when an employee is required by Centers of Disease Control and Prevention (CDC) guidelines to self-quarantine due to the 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. Staff also proposed to repeal WAC 357-31-326(4) to remove the option for a higher education employer to grant LWP when an employee is required by CDC guidelines to self-quarantine due to COVID-19 but is otherwise healthy and has not tested positive for COVID-19 and the employer determined the employee did not have the option to telework.

The proposed amendments are to align chapter 357-31 WAC with the progression of the COVID-19 response including increased availability of testing and vaccines along with updated CDC requirements/guidelines for preventing the spread of COVID-19. Based on the changes in circumstances, leave with pay is no longer needed for individuals to self-quarantine.

Staff proposed permanent adoption effective January 1, 2022.

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Franklin Plaistowe, SHR Assistant Director: See comments below under the heading "Testimony Regarding Rule Amendments.

### **Rule Item 2: House Bill 2669-Higher Education Part-time Holiday/Leave Rules**

EXPLANATION: RCW 41.06.070 previously exempted both part-time and temporary employees, as defined by the Office of Financial Management (OFM), from state civil service rules (Title 357 WAC). In 2018, the legislature amended RCW 41.06.070 by removing part-time employees from the exemption; only temporary employees, as defined by OFM, are now exempt from civil service rules. Title 357 WAC does not distinguish between part-time and temporary employees for higher education employers; therefore, OFM worked with both higher education employers and union organizations to amend Title 357 WAC to align with the new law. The rules were proposed for permanent adoption at the June 10, 2021, Special Director's Meeting. David Schumacher, OFM Director, adopted the rules on a permanent basis with an effective date of January 1, 2022.

Based on the part-time/temporary/non-permanent rule changes mentioned above, it was determined additional rule amendments were required to expand the current civil service rules so part-time higher education employees can accrue holiday credit, personal holiday compensation, sick leave, and vacation leave.

Staff proposed to amend WAC 357-01-229, so it only applies to general government employees to maintain the current state for this workforce. Staff proposed to create a new section, WAC 357-01-2290, to distinguish between two different part-time employment types, scheduled and non-scheduled, at institutions of higher education. The differentiation was needed to maintain the current state for employees who are scheduled and to newly define part-time employment for non-scheduled employees.

Staff proposed to expand rules in chapter 357-31 WAC to ensure part-time hourly employees may accrue holiday and leave.

Staff stated the original Director's Meeting agenda proposed permanent adoption effective January 1, 2022, and a revised agenda was provided with a change in the effective date. Staff proposed permanent adoption effective July 1, 2022.

Franklin Plaistowe, SHR Assistant Director: See comments below under the heading "Testimony Regarding Rule Amendments.

### **Rule Item 3: LWOP Impacts on Service Dates**

EXPLANATION: Staff proposed to amend WACs 357-01-023, 357-01-348, 357-28-055, and 357-31-345 to remove the requirement for a general government employer to adjust an employee's anniversary date, unbroken service date, and periodic increment date (PID) for any period of leave without pay (LWOP) which exceeds fifteen consecutive calendar days. Staff also proposed amending WAC 357-28-056 and repealing WAC 357-31-346 to adjust an employee's PID and vacation leave accrual date for any period of LWOP which exceeds ten working days.

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Staff proposed to amend WAC 357-31-180 stating LWOP does not affect the rate at which employees accrue vacation leave.

Staff proposed to amend WAC 357-28-056(3) clarifying that a PID will be set 12 months from the employee's appointment date if they are hired into the appointment at step L.

Staff proposed permanent adoption effective January 1, 2022.

Franklin Plaistowe, SHR Assistant Director: See comments below under the heading "Testimony Regarding Rule Amendments."

## Testimony Regarding Rule Amendments

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### Rule Item 1

Teresa Parsons, HR Classification Analyst, WFSE: The Federation opposed the rule change indicating the proposal to repeal was premature. Teresa stated while there is increased availability of testing and vaccines, COVID cases are still unpredictable and have been rising due to the increase in COVID variants. Though vaccines are still effective against hospitalization and severe illness, they are less effective against infection. Research has also shown that vaccinated individuals can spread COVID, and it is possible future variants will be more resistant to the vaccine. Also, with the changing COVID landscape, the Federation expects the CDC guidelines for self-quarantine to continue to change. The current requirement for an employer to grant leave with pay when an employee is required by the CDC guidelines to self-quarantine is a critical tool ensuring the health and safety of employees and preventing outbreaks in the workplace. Until COVID is no longer creating a state of emergency in Washington state, this requirement should remain in place.

Franklin Plaistowe, SHR Assistant Director: Franklin indicated comments would be taken under consideration.

### Rule Item 2

Marisa Gaudins, Director, HR Policy and Legislation, UW Human Resources: UW acknowledged the rules represent a significant amount of analysis and the final (proposed) rule amendments reflect the conversations State HR had with stakeholders. The UW extended appreciation of the stakeholder involvement and the attention paid to make these rules workable for their institutions and the consideration to extend the part-time rule implementation effective date from January 1, 2022, to July 1, 2022. The extension allows the UW enough time to collectively bargain with their unions and program their HR payroll system.

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Teresa Parsons, HR Classification Analyst, WFSE: The Federation thanked Franklin and Rules staff for work that went into these rules. The Federation did not oppose a six-month delay. However, the Federation reiterated House Bill 2669 passed in the 2018 Legislative session and the discussions for rule amendments to provide higher education temporary part-time and hourly employees with civil service protection rulemaking began shortly thereafter. Implementation has been delayed twice. The Federation requested assurance that the rules would be implemented on July 1, 2022, and this would be the final delay.

Seamus Petrie, Washington Public Employees' Association (WPEA): WPEA echoed the appreciation for the Rules Team and for the people who participated in the process, especially Brandy for the diligence in the long process. WPEA aligned their comments with the Federation, the law became effective June 2018 and final rulemaking for the original rules was completed in March 2020. WPEA recognized the need for the delay and requested confirmation that the rules will be effective on July 1, 2022, without further delay.

Franklin Plaistowe, SHR Assistant Director: Franklin thanked those who provided comments through testimony. Franklin also shared his appreciation for the (State HR) Team: Brandy, Patricia, and many others. Franklin reiterated that State HR intended to implement what the Legislature had called for through the passage of the Bill by ensuring rulemaking was completed correctly and recognized the realities towards the employees impacted by this change and the organizations required to implement this change. Franklin also noted the pandemic probably compounded the already difficult process and acknowledged the need to complete the work associated with the passage of the bill. All public comments would be captured and considered.

### Rule Item 3

Marisa Gaudins, Director, HR Policy and Legislation, UW Human Resources: The UW indicated the effective date was problematic and flexibility must be afforded to institutions of higher education because some institutions may prefer date adjustments manually while other institutions may have an automated process. While this could be a manual calculation for some institutions it could be an automated calculation for others. UW is supportive of this change, but they will be challenged with disabling the automation for a portion of the workforce by the proposed effective date of January 1, 2022.

Franklin Plaistowe, SHR Assistant Director: Franklin asked Marisa if the concern raised is the timing of the part-time rule changes (proposed under rule item #1 above).

Marisa Gaudins, Director, HR Policy and Legislation, UW Human Resources: Marisa confirmed Franklin's understanding and further explained that UW does not currently have hourly employees that are in classified service. Making these changes before the part-time rule would be complicated and challenging because UW automates the calculation. UW recognized that the institutions that do manual calculations would likely advocate for a January 1, 2022, effective date.

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Franklin Plaistowe, SHR Assistant Director: Franklin acknowledged the desire to find some balance, consistency, and administrative ease for organizations. Franklin asked if there may be unwinding that needs to happen.

Marisa Gaudins, Director, HR Policy and Legislation, UW Human Resources: Marisa confirmed Franklin's understanding and further explained that was true for only one population, the non-represented classified employees. While maintaining it for our represented employees because we are not going to be able to make that change for them within the next month.

Franklin Plaistowe, SHR Assistant Director: Franklin agreed because the rules are not yet captured in the collective bargaining agreement. Franklin asked that while there is not a fundamental policy objection, the concern was regarding the effective date because of other rulemaking.

Marisa Gaudins, Director, HR Policy and Legislation, UW Human Resources: Marisa stated Franklin's understanding was correct.

Teresa Parsons, HR Classification Analyst, WFSE: The Federation stated they support implementation on January 1, 2022. Teresa also stated she was not quite following, since the non-permanent rules will not be available to higher-education employees until July 1, 2022, and in fact the temporary rule here still is a period where higher-education institutions with the rule revision could hire under the 1050-hour rule up to one year. I am not understanding how delaying these rules would have any impact on that.

Franklin Plaistowe, SHR Assistant Director: Franklin stated he wanted to make sure he gives the University a chance to clarify. He understood in part, their concern is unwinding some of the processes that are in place right now. Franklin continued by stating if he was understanding, their concern is part of the group is not covered right now because they do not exist in terms of civil service. Franklin said he thinks he sees it as an overlap of the coordination of all the changes that need to happen, but he didn't want to put words in the mouth of the others testifying on this.

Marisa Gaudins, Director, HR Policy and Legislation, UW Human Resources: Marisa stated, if we were to remove the current calculation then that is making an adjustment for current classified non-union employees. Right now, they do not earn a month of service toward a step increase to accrue a higher vacation accrual rate if the sum of LWOP exceeds the 80-hours period for part-time employment. This removes that effective of January 1, 2022, for current classified non-union employees. Employees will earn a month of service irrespective of their LWOP. These rule changes only affect current employees and the purpose is to ensure that the month of service calculation is the same for hourly-paid employees, who only can apply on July 1, 2022. This applies to classified non-union employees on January 1, 2022, so our work would involve changing something for classified non-union employees and at some point, bargaining with unions to make the change for compact classified employees—that won't happen by January 1, 2022. The UW will have to change our system for one population within a month later bargaining will probably tie in changes for HB 2669. That's how we are looking at the situation.

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Franklin Plaistowe, SHR Assistant Director: Franklin thanked Marisa for the additional detail and for answering Teresa's question as well. Franklin stated, there is a lot of information for us to consider and that he really appreciates the comments and level of thought by all.

Franklin stated he will certainly take all comments under advisement and capture that in the next steps in terms of our final adoption.

Franklin asked Brandy if there was anything else that needed to be covered or addressed.

Brandy Chinn, SHR Rules and Legislative Relations Manager: Brandy stated there was nothing further to address.

### End of Testimony

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### Adjournment

Franklin Plaistowe, SHR Assistant Director: Mindy, are there any other items for consideration?

Mindy Portschy, SHR Classification and Compensation Specialist: Business concluded, and the meeting was adjourned. A special Director's meeting was announced as scheduled for Thursday, December 9, 2021, beginning at 8:30 a.m., via conference call. The agenda will identify the conference line information needed to participate.

### Minutes Approved By

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

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Date