

Director's Meeting Agenda

State Human Resources
Office of Financial Management

- Meeting Date: Thursday, August 8, 2024
- Meeting Time: 8:30 a.m.
- Hosted By: State Human Resources
Office of Financial Management
- Special Notice: This meeting is available via ZOOM (web) with a call-in option. This event is open to the public and may be photographed, videotaped, webcasted, or otherwise recorded. By participating in this event, you are agreeing your image--and anything you say or submit--may be posted indefinitely on one of OFM's publicly available sites.
- Audio Conferencing Only: To join this public meeting, please click on the following link or use the call-in option below. We will have closed captioning available.
- Zoom Meeting [Launch link](#).
 - Meeting ID: 818 8933 6350
 - Passcode: 171240
- Call-In Option: One Tap Mobile:
+12532050468, 81889336350#, *171240# US
+12532158782, 81889336350#, *171240# US (Tacoma)
- Dial by your location
+1-253-205-0468 US
+1-253-215-8782 US (Tacoma)
+1-669-900-9128 US (San Jose)
+1-719-359-4580 US
+1-346-248-7799 US (Houston)
+1-669-444-9171 US
+1-312-626-6799 US (Chicago)
+1-360-209-5623 US
+1-386-347-5053 US
+1-507-473-4847 US
+1-564-217-2000 US
+1-646-558-8656 US (New York)
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+1-301-715-8592 US (Washington DC)
+1-305-224-1968 US
+1-309-205-3325 US
- Find your local number: <https://ofm-wa-gov.zoom.us/j/kC5J9yzl6>
- 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

May 8, 2024

Section B: Exempt Compensation

Item 1	B0378 Director of Strategy and Performance – L&I	B1-B2
Item 2	B1557 Enterprise EHR Executive Program Director – HCA.....	B3-B4
Item 3	B1954 Executive Medical Officer, DDA – DSHS	B5-B6
Item 4	B2331 Executive Officer, DDA – DSHS	B7-B8
Item 5	B3352 Assistant Director, Accountability Bureau – CJTC	B9-B10
Item 6	B3353 Assistant Director, Training Bureau – CJTC.....	B11-B12
Item 7	B4499 Deputy Chief Financial Officer – ESD	B13-B14
Item 8	B5564 Director, Information Technology Division - MIL	B15-B16
Item 9	B5955 Workplace Culture Specialist – PSP	B17-B18
Item 10	B5956 Compliance and Reporting Specialist - PSP	B19-B20
Item 11	B7033 Assistant Secretary, Partnership, Prevention and Services – DCYF.....	B21-B22
Item 12	B7034 Deputy Assistant Secretary, Early Learning – DCYF.....	B23-B24
Item 13	B7036 Deputy Assistant Director, Legal Officer, ASD - DCYF	B25-B26
Item 14	B8520 Director of Communications	B27
Item 15	B9540 Enterprise Innovation Manager – WATECH	B28-B29

Section C: Classification

Item 16	117I Warehouse Operator 1 – Teamsters DES	C1
Item 17	206W Digital Printing Specialist – Teamsters DES.....	C2-C3

Section D: Compensation

Item 18	University of Washington Special Pay – Stationary Engineers	D1-D2
Item 19	University of Washington 1% Salary Grid	D3

Section E: Rule Amendments –

Rule 1:	Nondisclosure and Nondisparagement Provisions	E1-E3
Rule 2:	Redeployment	E4-E22
Rule 3:	Definition of Veteran	E23-E26
Rule 4:	Vacation Leave Accrual	E27-E29
Rule 5:	Civil Service Advantage	E30-E32
Rule 6:	Clean-up (CPC, TLO, WMS and Vacation Leave)	E33-E39

Website Information

This publication and other State Human Resources Director’s meeting related information is available at <https://ofm.wa.gov/state-human-resources/hr-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 <mailto: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	
Agency Department of Labor and Industries	C&C Specialist Cindy Wulff
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B0378 Director of Strategy and Performance – L&I	Proposed EMS Band/Rate EMS Band IV (\$95,832 - \$165,120)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.070 (1)(v) "In an agency with fifty or more employees: Deputy agency heads, assistant director, or division directors".

Scope

The Director of Strategy and Performance reports to the Deputy Director of Strategy and Finance of the Department of Labor and Industries and advises the executive leadership on crucial issues, initiatives and planning that is central to the agency achieving its goals and mission. This exempt class is responsible for the development and implementation of initiatives in support of the agency's strategic plan, portfolio management, performance measures, leadership and organizational development, and risk assessment. Manages the Change Readiness, Business Transformation, Organizational Change Management, and Strategy programs and their agency wide transformation activities.

Explanation

The Department of Labor and Industries is requesting to establish an exempt class, B0378, Director of Strategy and Performance – L&I, EMS Band IV under RCW 41.06.070 (1)(v) "In an agency with fifty or more employees: Deputy agency heads, assistant director, or division directors...". The agency's request is based on the role and responsibilities of the position changing over time to meet the needs of executive leadership and to ensure alignment with other executive level positions. The position is accountable for ensuring the agency achieves their strategic goals and manages the division responsible for agency-wide organizational

Section B: Exempt Compensation

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change readiness efforts. Currently, this position is within a WMS Band III and upon establishment of this exempt class, the agency will abolish the WMS position.

State HR reviewed the position description dated February 14, 2024, and evaluated this class with a JVAC score of D4X-976 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 Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 2/14/2024
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 2	
Agency Health Care Authority	C&C Specialist Chelsea Lee
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B1557 Enterprise EHR Executive Program Director – HCA	Proposed EMS Band/Rate EMS Band IV (\$95,832 - \$165,120)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.05.021(1) State Health Care Authority: "The director may employ...special assistants as may be needed to administer the authority..."

Scope

The Enterprise Electronic Health Record Executive Program Director reports to the Assistant Director, IT Innovation & Customer Experience and has full delegated authority for developing and implementing an Enterprise Electronic Health Record systems solution that meets the various needs of Health and Human Services Coalition agencies and respective providers. This exempt class is responsible for identifying a highly complex technical E-EHR solution and governance structure, and advising the development of the mission-critical E-EHR to support legislated or regulatory requirements for a first of its kind E-EHR solution. This exempt class directs the clinical, technical, and business-centered leadership staff and statewide experts responsible for individual E-EHR projects, initiatives, and components that align with the overall program; and requires significant technical and program expertise in the E-EHR space to successfully navigate the unknown scope, impacts, and risks that accompany a program of this complexity and impact to the statewide population.

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 establishment of exempt class Enterprise Electronic Health Record Executive Program Director – HCA to meet the needs of the state and the requirements of the legislature, HHS Coalition, and E-EHR Steering Committee, and to ensure enterprise-wide strategic alignment and integration across HHS Coalition agencies that leads to the successful development and implementation of a first of its kind statewide program of an Electronic Health Records software as a service system.

This exempt class is exempt from civil service in accordance with RCW 41.05.021(1) State Health Care Authority: *“The director may employ...special assistants as may be needed to administer the authority...”*. This exempt class functions at the level of other Special Assistants in the agency and will focus on providing leadership in strategic planning, financial, operational, and risk management related to electronic health record program design, development, and execution across HCA, DSHS, and DOC, as well as other agencies in future phases of the program.

State HR and the agency evaluated this exempt class at D5Y – 1132, which meets the EMS Band IV level.

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 Human Resources Management System and CC Jobs.	
Director’s Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 12/13/2023
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.

Final Adoption

Item 3	
Agency Department of Social and Health Services	C&C Specialist Brett Alongi
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B1954 Executive Medical Officer, DDA – DSHS	Proposed EMS Band/Rate EMS Medical Band (\$168,732 - \$339,672)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.070(3) – Governor’s Pool “. . . directing and controlling program operations of an agency or a major administrative division. . .”

Scope

The Executive Medical Officer reports to the Executive Officer and is a senior level executive and the highest-level clinical executive at the Lake Burien Transitional Care Facility for Youth. This class is accountable for the administration of effective, efficient, and safe delivery of treatment services to all residents. The EMO plans, organizes, manages, and evaluates all clinical administrative components to assure a supportive environment that ensures the delivery of the highest quality of services. This class leads and supervises a senior medical leadership team and provides clinical and administrative direction to all medical staff and clinical medical services. The EMO demonstrates strategic leadership that fosters high quality patient-centered care.

Explanation

This item was adopted as an emergency item at the May 8, 2024 Director's meeting and is coming forward at this time for final adoption. At the time of the emergency adoption the EMS Medical Band was \$168,732 - \$339,672. Effective July 1, 2024 the salary band minimum and maximum will increase to \$173,796 - \$349,860.

The Department of Social and Health Services is requesting to establish a new exempt class titled, Executive Medical Officer, DDA – DSHS. This exempt class will serve as the Executive Medical Officer at the new Lake Burien Transitional Care Facility for Youth, which is part of the Developmental Disabilities Administration.

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.

This position will also fall under the Governor's Pool as it is responsible for ". . . directing and controlling program operations of an agency or a major administrative division . . ."

State HR staff reviewed the documentation provided by the agency and concurs with the agency on placing this exempt class within the EMS Medical Band. Staff confirmed the position requires the incumbent to hold a valid medical license in the state of Washington.

The agency submitted a fiscal impact statement and OFM budget reviewed and approved confirming the agency can absorb the costs associated with this request.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 2/14/2024
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.

Final Adoption

Item 4	
Agency Department of Social and Health Services	C&C Specialist Brett Alongi
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B2331 Executive Officer, DDA – DSHS	Proposed EMS Band/Rate EMS Band IV (\$93,036 - \$160,308)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.070(3) – Governor’s Pool “. . . directing and controlling program operations of an agency or a major administrative division. . .”

Scope

Reporting to the Director of the Residential Habilitations Centers Division, Developmental Disabilities Administration, this class is responsible for the development and implementation of all aspects of the Lake Burien Transitional Care Facility for Youth, which serves children who are 12 to 18 years old with co-occurring mental health and intellectual or developmental disability. This executive leadership position is responsible for the overall development, operation, strategic direction and oversight of the facility operations and campus. The EO will partner with individuals, families, advocates, community healthcare providers, regional support networks, employee organizations, educational organizations, and local and state government systems to provide treatment and care.

Explanation

This item was adopted as an emergency item at the May 8, 2024 Director's meeting and is coming forward at this time for final adoption. At the time of the emergency adoption EMS Band IV was \$93,036 - \$160,308. Effective July 1, 2024 the salary band minimum and maximum will increase to \$95,832 - \$165,120.

The Department of Social and Health Services is requesting to establish a new exempt class titled, Executive Officer, DDA – DSHS. This exempt class will serve as the Executive Officer at the new Lake Burien Transitional Care Facility for Youth, which is part of the Developmental

Section B: Exempt Compensation

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Disabilities Administration. This class holds broad operational oversight over the day-to-day operations of this facility.

This position will also fall under the Governor's Pool as it is responsible for ". . . directing and controlling program operations of an agency or a major administrative division . . ."

State HR staff reviewed the documentation provided by the agency and concurs with the agency on placing this exempt class within the EMS Band IV with a JVAC score of D4X-976.

The agency submitted a fiscal impact statement and OFM budget reviewed and approved confirming the agency can absorb the costs associated with this request.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 2/14/2024
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 5	
Agency Criminal Justice Training Commission	C&C Specialist Marty Graf
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B3352 Assistant Director, Accountability Bureau – CJTC	Proposed EMS Band/Rate EMS Band IV (\$95,832 - \$165,120)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.70(1)(v) "In each agency with fifty or more employees...assistant directors or division directors..."

Scope

Reporting to the Deputy Director, the Assistant Director, Accountability Bureau carries out the mission of the agency by overseeing the Gender Based Violence Division as well as Policy & Accreditation, Curriculum Development, Instructor Development, Instructor Certification, and Audit & Evaluation programs. This exempt class supervises the creation of model policy and procedure as well as the creation of training to be followed by Washington State Criminal Justice Training Commission staff, all law enforcement agencies and prosecutors' offices throughout the state of Washington in critical public safety areas through oversight of the Policy & Accreditation Unit. This exempt class will ensure the training developed is legally defensible and scientifically valid through oversight of the Audit & Evaluation Unit.

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 Criminal Justice Training Commission is requesting the establishment of an exempt class, Assistant Director, Accountability Bureau at the EMS Band IV level under RCW 41.06.070(1)(v) "In each agency with fifty or more employees...assistant directors or division directors..."

CJTC requested a temporary additional position to EMS B3351 in order to establish a position to begin performing this work immediately. Upon establishment of this exempt class, CJTC will remove the additional position from B3351 and move it under this new exempt class.

State HR reviewed the position description dated April 29, 2024, and evaluated this class with a JVAC of D5Y-1136, which meets the EMS Band IV level.

A Fiscal Impact Statement was submitted and OFM Budget confirmed the agency can absorb the cost of this action.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 4/29/2024
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	
Agency Criminal Justice Training Commission	C&C Specialist Marty Graf
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B3353 Assistant Director, Training Bureau - CJTC	Proposed EMS Band/Rate EMS Band IV (\$95,832 - \$165,120)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.70(1)(v) "In each agency with fifty or more employees...assistant directors or division directors..."

Scope

Reporting to the Deputy Director, this exempt class is a member of the agency Executive Team and will oversee the execution of statewide basic, advanced, skills-based, leadership and other law enforcement training with an emphasis on proper decision making, legal and ethical standards. This exempt class ensures that all Criminal Justice Training Commission training aligns with the needs of the public, is of a high quality, and ensures delivery of this training is done in a manner that builds public trust. It is responsible for ensuring trainers are kept up to date with federal and state laws, policy, and curriculum changes. This exempt class represents the agency to the full Commission, the media, the legislature, and to the people of the State and acts on behalf of the Executive Director and Deputy Director in their absence.

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 Criminal Justice Training Commission is requesting the establishment of an exempt class, Assistant Director, Training Bureau at the EMS Band IV level under RCW 41.06.070(1)(v) "In each agency with fifty or more employees...assistant directors or division directors..."

CJTC requested a temporary additional position to EMS B3351 in order to establish a position to begin performing this work immediately. Upon establishment of this exempt class, CJTC will remove the additional position from B3351 and move it under this new exempt class.

State HR reviewed the position description dated April 29, 2024, and evaluated this class with a JVAC of D5Y-1136, which meets the EMS Band IV level.

A Fiscal Impact Statement was submitted and OFM Budget confirmed the agency can absorb the cost of this action.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 4/29/2024
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 7	
Agency Employment Security Department	C&C Specialist Meiklynn Flannery
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B4499 Deputy Chief Financial Officer – ESD	Proposed EMS Band/Rate EMS Band III (\$79,944 - \$142,512)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description 41.06.070(3) Governor's Pool – "...one involving directing and controlling program operations of an agency or a major administrative division thereof..."

Scope

Serving as the Deputy Chief Financial Officer, reporting to the Chief Financial Officer, this exempt class is responsible for oversight of the agency's financial operations and is tasked with improving the agency's financial operational efficiency. This exempt class acts on behalf of the CFO in administrative functions and has delegated appointing authority over the division when circumstances warrant. As a member of the Financial Services Division leadership team, this exempt class is responsible for the collaborative development and management of the Finance Transformation budget.

Explanation

Employment Security Department is requesting the establishment of exempt class B4499, Deputy Chief Financial Officer. This exempt class has oversight for the agency's financial operations and directs and manages the transformation of agency level accounting operations, which has grown due to the implementation of the Automated Financial System (AFS) and agency execution of the OneWa implementation of Workday ERP. Currently, the agency has a WMS Band 3 position as the Chief of Finance Transformation & Chief Deputy Financial Officer.

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 agency is requesting the establishment of this exempt class to better capture the substantial increase in responsibility, visibility, and decision-making authority. State HR staff reviewed the position description and evaluated it at a JVAC score of C3X-768, which falls within the EMS Band III.

This exempt class falls under the Governor’s Pool as it is responsible for “...directing and controlling of program operations of a major administrative division...”.

A fiscal impact statement was submitted to OFM budget and approved, stating the agency can absorb the costs associated with this request.

This information is entered into Human Resources Management System and CC Jobs.	
Director’s Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 1/1/2024
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 8	
Agency Military Department	C&C Specialist Julie Moultime
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B5564 Director, Information Technology Division - MIL	Proposed EMS Band/Rate EMS Band IV (\$95,832 - \$165,120)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.070(1)(v) "In each agency with fifty or more employees: ...division directors..."

Scope

Serving as the Director, Information Technology Division, reporting to the Adjutant General Director, this exempt class serves as a member of the agency's Executive Management Team and is the highest-level information technology position in the agency and directs activities related to information technology within the agency including strategic planning, security planning, disaster response and recovery planning, IT portfolio management, contracts, budget, development of internet/intranet applications, systems development projects, database administration, distance learning, network, PC and helpdesk technology to optimize the agency's effectiveness and ensuring the continued security and soundness of IT-related functions and operations. Interfaces with federal government organizations to support National Guard and emergency management technology requirements.

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 Military Department is requesting the establishment of an exempt class, Director, Information Technology Division - MIL. The agency states the exempt classification that the Director, Information Technology Division (former working title, Chief Information Officer) is currently classified in does not meet the scope for B5570, Deputy Director – Military and the position should be at the EMS Band IV level instead of the current EMS Band III level. This exempt class meets establishment under RCW 41.06.070(1)(v) “In each agency with fifty or more employees... division directors...” as it is a division director.”

State Human Resources supports the agency’s request to establish an exempt class, Director, Information Technology Division – MIL. State HR staff have reviewed the position description and supporting documents and evaluated with a JVAC of D4X-976, which is within EMS Band IV.

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 Human Resources Management System and CC Jobs.	
Director’s Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 3/8/2024
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 9	
Agency Puget Sound Partnership	C&C Specialist Marty Graf
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B5955 – Workplace Culture Specialist – PSP	Proposed EMS Band/Rate EMS Band I (\$52,236-\$106,548)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.098 "In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff."

Scope

Reporting to the Workplace Culture and Development Manager, this exempt class is responsible for leading, developing, and measuring the technical implementation efforts for agency program initiatives that advance diversity, equity, inclusion, and belonging. This exempt class will assist in executing some human resource responsibilities and employee experience program objectives, such as workforce recruitment, onboarding, retention, employee engagement, professional development, and personal growth focusing on the principles of DEIB.

Explanation

Puget Sound Partnership is requesting the establishment of an exempt class, Workplace Culture Specialist at the EMS Band I level under RCW 41.06.098 "In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff."

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 HR staff reviewed the position description dated March 11, 2024, and evaluated this class with a JVAC score of A1W-422, which meets the EMS Band I level.

A Fiscal Impact Statement was submitted and OFM Budget confirmed the agency can absorb the cost of this action.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Consultant	Date of Exempt Position Description on File 3/11/2024
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 10	
Agency Puget Sound Partnership	C&C Specialist Julie Moutine
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B5956 Compliance and Reporting Specialist - PSP	Proposed EMS Band/Rate EMS Band I (\$52,236 - \$106,548)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.098 "...the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff."

Scope

Serving as the Compliance and Reporting Specialist, reporting to the Chief Operating Officer this exempt class is responsible to accurately manage and submit information to fulfill the agency's reporting requirements. This exempt class is responsible for reporting on the implementation of key Healthy Environment for All (HEAL) Act and Climate Commitment Act mandates within the agency's plans and programs; managing the tracking and reporting elements of the agency's Community Compensation program and serving as the agency's quality assurance assistant.

Explanation

Puget Sound Partnership is requesting to establish a new exempt job class at the EMS Band I level, Compliance and Reporting Specialist – PSP due to additional tracking and reporting responsibilities required by the legislature during the past year for the Climate Commitment Act and the Community Compensation Program. This exempt class meets establishment under RCW 41.06.098 "...the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff."

State HR staff supports the agency's request to establish exempt class, Compliance and Reporting Specialist – PSP at the EMS Band I level. SHR staff have reviewed the position description for the Compliance and Reporting Specialist - PSP and rated it with a JVAC score of A1W-422, which meets the EMS Band I level.

Previously, this work fell under one of the two positions approved for B5909, Environmental

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.

Justice Coordinator – PSP, however due to scope changes to this position, the agency requested establishment of this new exempt class. The agency, in a separate action, is requesting removal of one position under B5909.

A fiscal impact statement was submitted, however, there is no cost associated with this establishment as it is cost neutral due to moving one (of two) approved positions from B5909.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type N/A	Date of Exempt Position Description on File 6/5/2024
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 11	
Agency Department of Children, Youth, and Families	C&C Specialist Chelsea Lee
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B7033 Assistant Secretary, Partnership, Prevention and Services – DCYF	Proposed EMS Band/Rate EMS Band IV (\$95,832 - \$165,120)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.0971 "...does not apply in the department of children, youth, and families to the...deputy, assistant, and regional secretaries..."

Scope

The Assistant Secretary, Partnership, Prevention and Services reports directly to the Secretary of the Department of Children, Youth, and Families, and provides statewide leadership, oversight and advisement on decisions at both the leadership team and agency levels. This exempt class provides executive and operational leadership in strategic planning; formation of public policy; strategic agency partnerships with other state agencies, Tribes, communities, and contracted providers; and the execution of the agency's assigned duties and responsibilities under the law for all of DCYF's Partnership, Prevention, and Services Division, including five major sections. This exempt class is accountable for accomplishing a substantial portion of the agency's strategic priorities, including those related to prevention of entry and re-entry into DCYF systems; child, youth and family wellbeing; educational and homelessness prevention outcomes for young people exiting systems of care; as well as for contributing to the outcomes accomplished by other divisions including Child Welfare and Juvenile Rehabilitation.

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 Children, Youth, and Families is requesting establishment of exempt class Assistant Secretary, Partnership, Prevention and Services – DCYF to address agency need for the formulation of agency policy and controlling program operations within DCYF.

This exempt class is exempt from civil service in accordance with RCW 41.06.0971 as it “...does not apply in the department of children, youth, and families to the...deputy, assistant, and regional secretaries...”.

State HR and the agency evaluated this exempt class at D4Y – 1012, which meets the EMS Band IV level.

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 Human Resources Management System and CC Jobs.	
Director’s Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 3/8/2024
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 12	
Agency Department of Children, Youth and Families	C&C Specialist Mindy Portschy
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B7034, Deputy Assistant Secretary, Early Learning - DCYF	Proposed EMS Band/Rate EMS Band III (\$79,944 – \$142,512)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.0971 Department of children, youth, and families: "In addition to the exemptions under RCW 41.06.070, this chapter does not apply... to... deputy, assistant, and regional secretaries..."

Scope

Reporting to the Assistant Secretary, Early Learning, the Deputy Assistant Secretary is responsible for administering division operations by setting objectives and policies that include systems program planning, project management, program budgets and quality improvement. This exempt class is responsible for providing risk assessment to reduce or limit the agency's exposure to legal liability, promoting regulatory improvement and reviewing and providing expert consultation to ensure alignment with federal and state requirements.

Explanation

The Department of Children, Youth and Families is requesting the establishment of the exempt class titled Deputy Assistant Secretary, Early Learning. Currently, there is an incumbent performing the work proposed in the position description for this exempt class, however, is currently in WMS Band 3. The agency will move the current incumbent into this exempt class once established and abolish the WMS position.

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 position in this exempt class is responsible for providing agency risk assessment to reduce or limit the department's exposure to legal liability, promoting regulatory improvement, and reviewing and providing expert consultation to ensure alignment with federal and state requirements. In addition, is responsible for administering division operations by setting objectives and policies requiring tactical and strategic thinking.

State Human Resources staff and the agency evaluated the position description and materials provided with a JVAC of C3X – 768, which places this exempt class within EMS Band III. State HR staff proposes establishment under agency statute: RCW 41.06.0971 Department of children, youth, and families— “In addition to the exemptions under RCW 41.06.070, this chapter does not apply... to... deputy, assistant, and regional secretaries...” as this is a Deputy Assistant Secretary.

The agency submitted a fiscal impact statement and OFM budget identified the agency can absorb the cost associated with this establishment.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 2/24/2024
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 13	
Agency Department of Children, Youth, and Families	C&C Specialist Barb Ursini
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B7036 Deputy Assistant Director, Legal Officer, ASD - DCYF	Proposed EMS Band/Rate EMS Band III (\$79,944 - \$142,512)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.070(3) – Governor’s Pool “...directing and controlling program operations of an agency or a major administrative division...”

Scope

Within the Department of Children, Youth, and Families, the Deputy Assistant Director, Legal Officer, Administrative Services Division reports directly to the Administrative Services Director within the Administrative Services Division. Directs and controls the work of the LSO and is an appointing authority. The Legal Services Office directly supports the agency's major initiatives that include agency integration efforts and legal strategy development and support in collaboration and coordination with DCYF partners at the Attorney General’s Office. This exempt class provides leadership and vision to address strategic legal resource needs of the organization within a collective labor environment.

This exempt class is responsible for the leadership, management, and oversight of the LSO which directly supports DCYF’s major initiatives. This includes providing critical strategic guidance and consultation to executive management, strategizing around and supporting workforce with appropriate regulatory, legal strategy, and legal support. Serves as the legal expert and directs and oversees litigation, discovery unit, dependency discovery program, hearings office, and other field/program legal supports. Responsible for developing the LSO budget and the overall strategic direction and management of DCYF legal services based upon customer needs and data which align with agency’s mission, federal and state laws, rules, regulations, and administrative requirements.

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 Children, Youth, and Families requests to establish a Deputy Assistant Director, Legal Officer, ASD - DCYF, due to organizational alignment and efficiencies changes. The Administrative Services Division is experiencing growth, and the amount of legal work coming to the agency is increasing in volume and complexity. Currently, this work is being performed by a WMS position. Upon adoption, this WMS job class will be abolished.

This exempt class is appropriate for the Governor's Pool as it is responsible for ". . . directing and controlling program operations of an agency or a major administrative division..."

State HR staff and the agency evaluated the position description and materials provided with a JVAC of C4X – 800, which places this exempt class within EMS Band III.

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 Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 2/28/2024
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 14	
Agency Department of Health	C&C Specialist Cindy Wulff
Director's Meeting Action(s) - select all that apply <input checked="" type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Current Code/Title B8520 Director of Communications	Current EMS Band/Rate EMS Band III (\$79,944 - \$142,512)
Proposed Code/Title N/A	Proposed EMS Band/Rate N/A
Current RCW Exemption number and description RCW 41.06.074 "..., the provisions of this chapter shall not apply in the department of health..."	Proposed RCW Exemption number and description N/A

Explanation

Department of Health requests abolishment of B8520 Director of Communications. This exempt class was established November 9, 1989. The work performed by this exempt class has significantly changed over time and no longer meets the current scope. The agency updated the duties assigned to this exempt class and moved the incumbent into a temporary WMS 4 position while establishing B8245 Deputy Secretary, Chief of Strategic Partnerships – DOH, effective May 9, 2024. The agency no longer needs exempt class B8520 Director of Communications.

State HR supports this request to abolish this exempt class and has confirmed this is a vacant exempt class. There is no cost associated with this request.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Management	Date of Exempt Position Description on File 8/2/1999
EEOC Code 41 Officials & Administrators	Current Number of Approved Position(s) 1
Workforce Indicator 80148586 At-Will	Total Number of Approved Position(s) N/A

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 15	
Agency Washington Technology Solutions	C&C Specialist Chelsea Lee
Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
Administrative Action(s) resulting from Director's Meeting Action(s) - select all that apply <input type="checkbox"/> Adding Position(s) <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Remove Position(s) <input type="checkbox"/> Salary Exception <input type="checkbox"/> Title Change	
Current Code/Title N/A	Current EMS Band/Rate N/A
Proposed Code/Title B9540 Enterprise Innovation Manager – WATECH	Proposed EMS Band/Rate EMS Band III (\$79,944 - \$142,512)
Current RCW Exemption number and description N/A	Proposed RCW Exemption number and description RCW 41.06.070(3) Governor's Pool: "... <i>senior expert in enterprise information technology infrastructure, engineering, or systems...</i> "

Scope

Positions associated with this exempt class report to the State Chief Technology Officer and are responsible for leading and overseeing the use of emerging and innovative technologies within state government. They are tasked with high levels of statewide responsibility, focused on leading a statewide approach to improve state agency services and Washingtonian outcomes through the use of innovative approaches and emerging technology, like artificial intelligence. These roles are responsible for identifying, planning, coordinating, and monitoring the implementation of multiple, concurrent, complex, and highly-visible projects. As leaders for complex initiatives, these roles directly impact strategic decisions, guiding the work of other technical experts, customers, and senior agency management to address major mission-critical business challenges.

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

Washington Technology Solutions is requesting the establishment of a new exempt class B9540 Enterprise Innovation Manager – WATECH to support the creation of two new program manager positions within their Architecture and Innovation Division. RCW 43.105.220(1) directs WaTech to develop an enterprise-based strategy for IT in state government and to develop an ongoing enterprise architecture program to translate this vision into effective change. This exempt class will be responsible for leading and overseeing the use of emerging and innovative technologies within state government, and is tasked with high levels of statewide responsibility, focusing on leading statewide approaches to improving state agency services in the respective areas of focus: identify and access management, and emerging technology.

WaTech requested two temporary additional positions to EMS B9515 in order to establish positions to begin performing this work immediately. Upon establishment of this exempt class, WaTech will remove the two temporary additional positions from B9515 and move them under this new exempt class.

This exempt class is exempt from civil service in accordance with RCW 41.06.070(3) Governor's Pool as it is a "...senior expert in enterprise information technology infrastructure, engineering, or systems...".

State HR and the agency evaluated this exempt class at C3X – 768, which meets the EMS Band III level.

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 Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type Consultant	Date of Exempt Position Description on File 5/8/2024
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) 2

Section C: Classification

Item 16	
Agency/HE Institution Office of Financial Management	Analyst Mindy Portschy
Director's Meeting Action(s) - select all that apply <input checked="" type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input type="checkbox"/> Revision <input type="checkbox"/> Salary Adjustment	If Revision(s) - select all that apply <input type="checkbox"/> Title Change <input type="checkbox"/> Class Series Concept <input type="checkbox"/> Definition <input type="checkbox"/> Distinguishing Characteristics
Current Class Code/Title 117I Warehouse Operator 1 – Teamsters DES	Current Salary Range/Rate 35G
Proposed Class Code/Title N/A	Proposed Salary Range/Rate N/A

Class Series Concept

Positions in this class series either supervise or perform warehouse functions in a central warehouse or a major area within a large warehouse. These positions are located in separate buildings devoted to receiving, storing and shipping supplies, equipment, furnishings or provisions.

Definition

This is the first level of the series. Positions at this level perform manual labor and routine clerical work in warehouse functions such as receiving, storing, and issuing that require heavy lifting and operating material handling equipment such as forklift trucks. Work is performed under general supervision.

Explanation

On May 29, 2024, the Teamsters Local 117, DES Printing union filed a disclaimer of all representation rights concerning the Bindery bargaining units, effective immediately. The job class identified above is one of two shadow classes that was created for this union. The request was granted and the order was signed July 8, 2024, by the Executive Director of the Public Employment Relations Commission, therefore this job class will be abolished and no longer used.

Positions currently assigned this job code will be updated to reflect 117I Warehouse Operator 1.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type N/A	Workforce Indicator 80148588 Classified WA General Service
EEOC Code 48 Service-Maintenance	Number of Position(s) Affected 3

Section C: Classification

Item 17	
Agency/HE Institution Office of Financial Management	Analyst Mindy Portschy
Director's Meeting Action(s) - select all that apply <input checked="" type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input type="checkbox"/> Revision <input type="checkbox"/> Salary Adjustment	If Revision(s) - select all that apply <input type="checkbox"/> Title Change <input type="checkbox"/> Class Series Concept <input type="checkbox"/> Definition <input type="checkbox"/> Distinguishing Characteristics
Current Class Code/Title 206W Digital Printing Specialist – Teamsters DES	Current Salary Range/Rate 37G
Proposed Class Code/Title N/A	Proposed Salary Range/Rate N/A

Definition

At the fully qualified journey level, sets up, operates and maintains high speed production digital printing equipment to produce complete variable and/or copy projects. Operates high speed cut sheet or roll fed digital printing equipment with associated finishing options to produce high quality black and white or color print jobs. Positions utilize equipment hardware and software to set up jobs in accordance with customer specifications.

Distinguishing Characteristics

Positions are distinguished from the Digital Printing Operator by the nature of equipment used. The Digital Printing Operator operates one or more office machines while the Digital Printing Specialist operates equipment capable of higher volume, with faster speeds, and a more advanced computer interface. Positions assign complex print attributes to jobs through a computer interface.

Positions operate high speed production digital printing equipment capable of speeds of 125 or more pages per minute, a volume of 500,000 to 1,000,000 impressions per month, and with duty cycles of up to 5 million impressions. Positions set up digital files and create postscript files.

Positions perform daily/weekly/monthly maintenance on equipment and perform necessary high level service/maintenance to equipment as approved/supported by vendor to ensure optimum output. Positions troubleshoot equipment issues and coordinate with vendor for repair of equipment as needed. Incumbents monitor and manage inventory of supplies and materials. Positions may perform basis finishing tasks.

Section C: Classification

Explanation

On May 29, 2024, the Teamsters Local 117, DES Printing union filed a disclaimer of all representation rights concerning the Bindery bargaining units, effective immediately. The job class identified above is one of two shadow classes that was created for this union. The request was granted and the order was signed July 8, 2024, by the Executive Director of the Public Employment Relations Commission, therefore this job class will be abolished and no longer used.

Positions currently assigned this class code will be updated to reflect 206W Digital Printing Specialist.

This information is entered into Human Resources Management System and CC Jobs.	
Director's Meeting Date 8/8/2024	Effective Date 8/9/2024
Management Type N/A	Workforce Indicator 80148588 Classified WA General Service
EEOC Code 47 Skilled Craft Workers	Number of Position(s) Affected 2

Section D: Compensation

**Higher Education
Special Pay**

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.

Item 16				
Requester (HE Institution) Washington State University		Analyst Julie Moultime		
Action <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Revision		Effective Date 8/9/2024		
Class Title(s)	Class Code(s)	Current Salary Range or Special Pay Range	Proposed Special Pay Range	Proposed Special Pay Increase
Stationary Engineer 1	602J	46G	49G	7.5%
Stationary Engineer 2	602K	50G	53G	7.5%
Stationary Engineer 3	602L	53G	56G	7.5%
Stationary Engineer 4	602M	57G	60G	7.5%

Category (select all that apply):

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

Explanation

State HR staff **supports** the request from Washington State University to provide a three-range special pay increase for the Stationary Engineer 1s and Stationary Engineer 2s at WSU. The increase is based on recruitment and retention difficulties. While WSU does not currently utilize the Stationary Engineer 3 or Stationary Engineer 4 levels, SHR staff are supporting special pay at those levels for any anticipated future growth at WSU and to avoid compression with the Stationary Engineer 1 and Stationary Engineer 2.

WSU is proposing a three-range increase to base pay for the Stationary Engineer classification series based on recruitment and retention issues to help WSU be more competitive with public and private employers hiring similar positions throughout the state.

Section D: Compensation

WSU states they have regular and ongoing vacancies and challenges with attracting skilled pools of applicants. WSU has three vacant Stationary Engineer 1 positions and one vacant Stationary Engineer 2 position. Challenges with filling the vacancies stem from competing agencies with the ability to offer higher wages and applicants being able to relocate to accept those wages.

To address the issue, WSU states they currently have special pay for Stationary Engineer 1 (range 46G) and the Stationary Engineer 2 (range 50G), which was approved on 12/5/2002. The Maintenance Mechanic 1 classification has been utilized to fill skill gaps created by challenges in hiring SE1 positions and address steam plant staffing concerns. In addition, a training program is in place to advance the steam plant Maintenance Mechanic 1 hires into the Stationary Engineer 1 job class once skills are obtained usually over a two-year period. WSU steam plants must be manned 24/7, six months of which requires two operators to be present at any time to allow the simultaneous operation of two plants on opposite sides of the campus.

The institution states it can absorb the funding associated with this request. A Fiscal Impact Statement (FIS) has been approved by OFM Budget and the institution has confirmed within the FIS that tuition dollars will not be used to fund this request.

<i>Internal Use Only</i>
Director's Meeting Date 8/8/2024

Section D: Compensation

Item 17

UNIVERSITY OF WASHINGTON
Medical Centers Special Pay

1% Grid (As calculated by the UW Compensation Office) Rounded to the nearest dollar.

3% adjustment effective July 1, 2024.

STEP																									
AA1	BB1	CC1	DD1	EE1	FF1	GG1	HH1	II1	JJ1	KK1	LL1	MM1	NN1	OO1	PP1	QQ1	RR1	SS1	TT1	UU1	VV1	WW1	XX1	YY1	ZZ1
1908	1930	1948	1966	1982	2006	2026	2047	2067	2087	2108	2131	2149	2172	2194	2217	2237	2260	2281	2305	2330	2351	2375	2401	2422	2446
A1	B1	C1	D1	E1	F1	G1	H1	I1	J1	K1	L1	M1	N1	O1	P1	Q1	R1	S1	T1	U1	V1	W1	X1	Y1	Z1
2473	2497	2522	2547	2572	2599	2624	2650	2681	2702	2733	2757	2785	2815	2840	2870	2896	2928	2955	2988	3015	3048	3077	3108	3138	3169
A2	B2	C2	D2	E2	F2	G2	H2	I2	J2	K2	L2	M2	N2	O2	P2	Q2	R2	S2	T2	U2	V2	W2	X2	Y2	Z2
3202	3235	3268	3298	3332	3367	3401	3435	3467	3503	3536	3574	3608	3646	3678	3717	3755	3792	3833	3871	3909	3946	3987	4025	4067	4107
A3	B3	C3	D3	E3	F3	G3	H3	I3	J3	K3	L3	M3	N3	O3	P3	Q3	R3	S3	T3	U3	V3	W3	X3	Y3	Z3
4148	4188	4230	4273	4316	4358	4402	4447	4492	4535	4582	4627	4676	4719	4768	4816	4864	4910	4962	5013	5063	5113	5165	5216	5268	5319
A4	B4	C4	D4	E4	F4	G4	H4	I4	J4	K4	L4	M4	N4	O4	P4	Q4	R4	S4	T4	U4	V4	W4	X4	Y4	Z4
5376	5429	5481	5537	5592	5649	5704	5759	5817	5877	5935	5995	6056	6114	6179	6239	6304	6364	6429	6492	6560	6622	6691	6757	6827	6897
A5	B5	C5	D5	E5	F5	G5	H5	I5	J5	K5	L5	M5	N5	O5	P5	Q5	R5	S5	T5	U5	V5	W5	X5	Y5	Z5
6963	7035	7103	7173	7246	7318	7388	7462	7537	7613	7689	7765	7843	7923	8001	8080	8163	8243	8329	8410	8494	8578	8667	8751	8840	8925
A6	B6	C6	D6	E6	F6	G6	H6	I6	J6	K6	L6	M6	N6	O6	P6	Q6	R6	S6	T6	U6	V6	W6	X6	Y6	Z6
9019	9105	9197	9293	9384	9476	9573	9669	9765	9862	9960	10062	10162	10262	10367	10469	10574	10681	10785	10894	11003	11114	11224	11336	11449	11564
A7	B7	C7	D7	E7	F7	G7	H7	I7	J7	K7	L7	M7	N7	O7	P7	Q7	R7	S7	T7	U7	V7	W7	X7	Y7	Z7
11678	11798	11914	12032	12153	12275	12397	12522	12647	12773	12903	13031	13161	13293	13426	13559	13694	13831	13971	14111	14252	14392	14541	14686	14832	14978
A8	B8	C8	D8	E8	F8	G8	H8	I8	J8	K8	L8	M8	N8	O8	P8	Q8	R8	S8	T8	U8	V8	W8	X8	Y8	Z8
15130	15280	15434	15587	15745	15901	16061	16221	16382	16547	16712	16878	17049	17217	17389	17564	17740	17916	18097	18276	18460	18645	18831	19021	19212	19404
A9	B9	C9	D9	E9	F9	G9	H9	I9	J9	K9	L9	M9	N9	O9	P9	Q9	R9	S9	T9	U9	V9	W9	X9	Y9	Z9
19598	19794	19991	20191	20393	20597	20803	21011	21221	21433	21648	21864	22082	22303	22526	22752	22979	23209	23441	23676	23912	24151	24392	24637	24883	25132
A10	B10	C10	D10	E10	F10	G10	H10	I10	J10	K10	L10	M10	N10	O10	P10	Q10	R10	S10	T10	U10	V10	W10	X10	Y10	Z10
25383	25637	25893	26152	26413	26677	26944	27214	27486	27761	28039	28319	28602	28888	29177	29468	29763	30061	30361	30665	30972	31282	31595	31911	32231	32553

If you have questions or comments please contact Mindy Portschy at Mindy.Portschy@ofm.wa.gov or (360) 790-1384.

Prepared by UW Human Resources Compensation

Effective July 1, 2024

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Item #1 - Nondisclosure and Nondisparagement Provisions

Staff note: Engrossed Substitute House Bill 1795 passed during the 2022 legislative session (ESHB 1795), Chapter 133, Laws of 2022, effective June 9, 2022. This bill prohibits nondisclosure and nondisparagement provisions from employers regarding illegal acts of discrimination, harassment, retaliation, wage and hour violations, and sexual assault. Section 4 of this bill repeals RCW 49.44.210 which is the statute that previously prohibited an employer from requiring an employee, as a condition of employment, to sign a nondisclosure agreement regarding sexual harassment and sexual assault occurring in the workplace and replaces it with section 2 of this bill, codified as RCW 49.44.211, Prohibited Nondisclosure and Nondisparagement Provisions – Retaliation by Employer Prohibited – Penalties – Construction.

Staff is proposing to repeal existing language in WAC 357-25-027(17) and replace it with new language stemming from RCW 49.44.211. Staff is also proposing to amend WAC 357-25-027(17) to update the “employee” definition reference from RCW 49.44.210 to RCW 49.44.211.

Staff is proposing an October 1, 2024, permanent effective date.

AMENDATORY SECTION

WAC 357-25-027 What must be included in the agency's sexual harassment policy?

Agencies as defined in RCW 41.06.020 must at a minimum include the following in their policy on sexual harassment:

- (1) Indicate who is covered by the policy;
- (2) Provide that the employer is committed to providing a working environment free from sexual harassment of any kind;
- (3) A statement that sexual harassment is an unlawful employment practice prohibited by Title VII of the Civil Rights Act of 1964 and RCW 49.60;
- (4) The definition of sexual harassment as defined by the Equal Employment Opportunity Commission;
- (5) Notify the employee or individual of their right to file a complaint with the Washington State Human Rights Commission under RCW 49.60.230 or the Federal Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964;
- (6) Identify how and to whom employees or individuals may raise concerns or file complaints. The policy should allow multiple avenues for an employee or individual to raise complaints or concerns and should clearly identify the positions or entities charged with receiving these complaints;
- (7) Advise all individuals covered by the policy that the employer is under a legal obligation to respond to allegations concerning a violation of the policy;
- (8) Identify the manner by which the employer will respond to alleged violations of the policy, including a formal investigation if necessary;

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(9) A statement that the complainant shall be informed of the status and the outcome of an investigation;

(10) Identify the agency's investigation or response procedure;

(11) Define the roles and responsibilities of employees, managers, supervisors, and others covered by the policy with respect to the following:

(a) Preventing or not engaging in sexual harassment;

(b) Responding to concerns or allegations of violations of the policy;

(c) Participation in an investigation under the policy; and

(d) The prohibition against retaliation.

(12) A statement that confidentiality cannot be guaranteed;

(13) A statement that responses to public records requests will be provided in accordance with RCW 42.56.660 and 42.56.675;

(14) Advise that retaliation against individuals covered by the policy who report allegations of sexual harassment or who participate in an investigation is prohibited;

(15) Advise that any employee found to have violated the policy will be subject to corrective and/or disciplinary action, up to and including dismissal;

(16) Advise that any employee found to have retaliated against individuals covered by the policy who report allegations of sexual harassment or who participate in an investigation will be subject to corrective and/or disciplinary action, up to and including dismissal; and

(17) A statement that an employer may not require an employee ~~(, as a condition of employment, to sign a nondisclosure agreement, waiver, or other document that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, or between employees, or between an employer and an employee, off the employment premises in accordance with RCW 49.44.210))~~ to sign an agreement that prevents the employee from disclosing or discussing conduct or the existence of a settlement involving conduct described in RCW 49.44.211 and that it is a violation for the employer to discharge or otherwise discriminate or retaliate against the employee for disclosing or discussing such conduct.

For the purposes of this subsection, "employee" has the same meaning as defined in RCW ~~((49.44.210))~~ 49.44.211.

REFERENCE ONLY

RCW 49.44.211 Prohibited nondisclosure and nondisparagement provisions—Retaliation by employer prohibited—Penalties—Construction.

(1) A provision in an agreement by an employer and an employee not to disclose or discuss conduct, or the existence of a settlement involving conduct, that the employee reasonably believed under Washington state, federal, or common law to be illegal discrimination, illegal harassment, illegal retaliation, a wage and hour violation, or sexual assault, or that is recognized as against a clear mandate of public policy, is void and unenforceable. Prohibited nondisclosure and nondisparagement provisions in agreements concern conduct that occurs at the workplace, at work-related events coordinated by or through the employer, between employees, or between an employer and an employee,

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whether on or off the employment premises. Prohibited nondisclosure and nondisparagement provisions include those contained in employment agreements, independent contractor agreements, agreements to pay compensation in exchange for the release of a legal claim, or any other agreement between an employer and an employee.

(2) This section does not prohibit the enforcement of a provision in any agreement that prohibits the disclosure of the amount paid in settlement of a claim.

(3) It is a violation of this section for an employer to discharge or otherwise discriminate or retaliate against an employee for disclosing or discussing conduct that the employee reasonably believed to be illegal harassment, illegal discrimination, illegal retaliation, wage and hour violations, or sexual assault, that is recognized as illegal under state, federal, or common law, or that is recognized as against a clear mandate of public policy, occurring in the workplace, at work-related events coordinated by or through the employer, between employees, or between an employer and an employee, whether on or off the employment premises.

(4) It is a violation of this section for an employer to request or require that an employee enter into any agreement provision that is prohibited by this section.

(5) It is a violation of this section for an employer to attempt to enforce a provision of an agreement prohibited by this section, whether through a lawsuit, a threat to enforce, or any other attempt to influence a party to comply with a provision in any agreement that is prohibited by this section.

(6) This section does not prohibit an employer and an employee from protecting trade secrets, proprietary information, or confidential information that does not involve illegal acts.

(7) An employer who violates this section after June 9, 2022, is liable in a civil cause of action for actual or statutory damages of \$10,000, whichever is more, as well as reasonable attorneys' fees and costs.

(8) For the purposes of this section, "employee" means a current, former, or prospective employee or independent contractor.

(9) A nondisclosure or nondisparagement provision in any agreement signed by an employee who is a Washington resident is governed by Washington law.

(10) The provisions of this section are to be liberally construed to fulfill its remedial purpose.

(11) As an exercise of the state's police powers and for remedial purposes, this section is retroactive from June 9, 2022, only to invalidate nondisclosure or nondisparagement provisions in agreements created before June 9, 2022, and which were agreed to at the outset of employment or during the course of employment. This subsection allows the recovery of damages only to prevent the enforcement of those provisions. This subsection does not apply to a nondisclosure or nondisparagement provision contained in an agreement to settle a legal claim.

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Item #2 – Redeployment

Staff note: During the COVID-19 response, some general government employers encountered shortages of employees in segments of their operations, while other agencies have employees with the capacity and skill sets that can be redeployed to address the staffing shortages. The civil service rules did not address a method to redeploy employees between agencies. As a result, a policy decision was made to amend Title 357 WAC, Civil Service Rules, to address employee impacts when the Director grants approval during an emergency or a disaster to allow a general government employer-initiated movement of an employee with the necessary skills, abilities and/or licensure within or between general government employers in the same or different job class with the same or different salary range maximum for a limited duration to support staffing shortages during an emergency or disaster. Given that redeployment is an employer-initiated movement during an emergency or disaster, the following policy decisions were made to minimize general government employee impacts:

- If a general government employer has received director approval to redeploy an employee, the movement will be treated as a type of nonpermanent appointment and a general government employer must grant return rights to the same position they held prior to the redeployment at the conclusion of the redeployment. Return rights are not required when an employee is in a nonpermanent appointment at the time of redeployment. If there is a need for a general government employer to continue the original nonpermanent appointment, it is allowable in accordance with existing WAC provisions.
- If a general government employee is redeployed while serving a probationary period, upon return from redeployment the employee will resume their probationary period. If the general government employer determines the position the employee was serving a probationary period in and the position the employee was redeployed to are allocated to the same class or classes which are closely related, the general government employer may count the time worked in the nonpermanent appointment toward the probationary period.
- If a general government employee is serving a trial service or WMS review period and is redeployed in a nonpermanent appointment for reason specified in WAC 357-19-360(2), the employer must count time worked in the nonpermanent appointment towards the trial service or WMS review period for the permanent position at the conclusion of the redeployment.
- An employee may be redeployed to a position within a reasonable commute of the employee's domicile without the employee's agreement. If the redeployment is outside of a reasonable commute of the employee's domicile, the employee may only be redeployed with the employee's consent. The general government employer initiating the redeployment defines what is within a reasonable commute.

Staff is proposing the following rule amendments to implement the above policy decisions when an employee is redeployed:

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- Create WAC 357-01-277 to define “redeployment.”
- Create WAC 357-04-124 to address that during an emergency or disaster, a general government employer may request Director approval to redeploy an employee within or between general government employers for the preservation of public health, safety and general welfare. The employee must have the necessary skills, abilities, and/or licensure in order to be redeployed. For purposes of this section, emergency or disaster has the same meaning in RCW 38.52.
- Amend WAC 357-19-073 to create subsection (1) and (3) to reflect existing language and clarify that subsection (1) applies when an employee who is serving a probationary period accepts a nonpermanent appointment for reasons specified in WAC 357-19-360(1). Add subsection (2) to address that if a general government employee who is serving a probationary period is redeployed into a nonpermanent appointment for reasons specified in WAC 357-19-360(2) the employer must agree to return the employee to the same position held prior to the redeployment at the conclusion of the redeployment. Following redeployment, upon return to their previous position, the employee’s base salary must be set at the step the employee would be at if they had not left the position.
- Amend WAC 357-19-080 to create subsection (1) to reflect the existing language. Add subsection (2) to address that if a permanent general government employee is redeployed into a nonpermanent appointment for reasons specified in WAC 357-19-360(2) during a trial service period, the employer must return the employee to the same position held prior to the redeployment and the employer must count time worked in the nonpermanent appointment towards the trial service period for the permanent position. Upon return to their previous position, the employee’s base salary must be set at the step the employee would be at if they had not left the position.
- Amend WAC 357-19-085 to create subsection (1) to reflect existing language and clarify that subsection (1) applies when an employee is subsequently appointed permanently to the same or a similar position for reasons specified in WAC 357-19-360(1). Add subsection (2) to address that if a general government employee in a nonpermanent appointment for reasons specified in WAC 357-19-360(2) is subsequently appointed permanently to the same or similar position, the employer may count time worked in the nonpermanent appointment towards the probationary period and must count time worked in the nonpermanent appointment towards the trial service period for the permanent position.
- Repeal WAC 357-19-165 to remove redundant repetitive language. The existing language was originally intended to clarify the difference between a reassignment and a transfer however, it repeats the definitions defined in WAC 357-01-275 and 357-01-335.
- Create WAC 357-19-179 to address what provisions apply when a general government employee is redeployed to a different geographic area. If the redeployment is within a reasonable commute of the employee’s domicile, the employee may be redeployed

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without their agreement. If the redeployment is outside of a reasonable commute of the employee's domicile, they may only be redeployed with the employee's consent. The general government employer initiating the redeployment defines what is within a reasonable commute.

- Amend WAC 357-19-353 to remove the word "permanent" from the section title, create subsection (1) to reflect the existing language, clarify that subsection (1) applies when an employee who is leaving a WGS position with an employer to accept a WMS acting appointment for reasons specified in WAC 357-19-360(1).and reflect gender-neutral references. Add subsection (2) to clarify that at the conclusion of the redeployment a general government employer must return an employee who was redeployed in accordance with WAC 357-58-265(1)(b) to the same WGS position held prior to the redeployment. Upon return to their previous position, the employee's base salary is set at the step the employee would be at had they not left the position.
- Amend WAC 357-19-360 to re-organize existing language to create subsection (1). Add subsection (2) to address that a general government employer may fill a position with a nonpermanent appointment when they have received director approval to redeploy an employee in accordance with WAC 357-04-125.
- Amend WAC 357-19-365 to reference the updated WAC citation.
- Amend WAC 357-19-370 to clarify subsection (1) applies to existing language. Amend subsection (2) to reference the updated WAC citation. Create subsection (3) to state that a nonpermanent appointment specified in WAC 357-19-360(2) must not exceed three months unless a longer duration is mutually agreed upon between the employee and general government employer(s) and conditions continue to exist in accordance with WAC 357-04-125. Appointments must not exceed twenty-four months unless the director has approved an extension of the appointment.
- Amend WAC 357-19-388 to clarify that the notice requirement between employees and employers when an employee accepts a nonpermanent appointment is limited to reasons specified in WAC 357-19-360(1).
- Amend WAC 357-19-395 to remove the word "permanent" from the section title, create subsection (1) for existing language and clarify subsection (1) applies for nonpermanent appointments made for reasons specified in WAC 357-19-360(1) and to reflect gender-neutral references. Create subsection (2) to address that for nonpermanent appointments made for reasons specified in WAC 357-19-360(2) the general government employee must be returned to the same position held prior to the redeployment. Upon return to a position, the employee's base salary must be set at the step the employee would be at if they had not left the position.
- Amend WAC 357-19-430 to reference the updated WAC citations.
- Create WAC 357-28-148 to address how a general government employee's salary is determined when the employee is redeployed for reasons specified in WAC 357-19-360(2). An employee who is redeployed to a position with the same salary range keeps the same base salary. An employee who is redeployed to a position with a lower salary range maximum must be placed within the new range at a salary equal to the

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employee's previous base salary. If the employee's previous base salary exceeds the new salary range, the employee's base salary may be set higher than step M but not exceeding their prior base salary. An employee who is redeployed to a position with a higher salary range must have their salary set in accordance with WAC 357-28-110.

- Amend WAC 357-58-065 to add subsection (12) to define "Redeployment" and renumber associated WACs.
- Create WAC 357-58-128 to address how a WMS employee's salary is determined when the employee is redeployed for reasons specified in WAC 357-58-265(2)). A WMS employee who is redeployed to a position with the same salary standard keeps the same base salary. A WMS employee who is redeployed to a position with a lower salary standard maximum must be placed within the new salary standard at a salary equal to the employee's previous base salary. If the previous base salary exceeds the new salary standard, the employee's salary may be set higher than the associated salary standard but not exceeding their prior base salary. A WMS employee who is redeployed to a position with a higher salary standard must receive a salary increase nearest to five percent or up to the minimum of the new salary standard, whichever is greatest, not to exceed the new management band maximum.
- Amend WAC 357-58-225 to remove the word "permanent" and from the section title, create subsection (1) for existing language, clarify that subsection (1) applies for nonpermanent appointments for reasons specified in WAC 357-19-360(1) and reference the updated WAC citations. Add subsection (2) to address that nonpermanent appointments made for reasons listed in WAC 357-19-360(2) the employee must be returned to the same position held prior to redeployment at the conclusion of the nonpermanent appointment. Upon return to their previous position, the employee's base salary is set as if the employee had not left the position.
- Amend WAC 357-58-226 to remove "the same or different" from the section title, create subsection (1) for existing language and clarify subsection (1) applies for nonpermanent appointments made for reasons specified in WAC 357-19-360(1). Add subsection (2) to address that if a WMS employee who was serving a review period is redeployed into a WGS nonpermanent appointment in accordance with WAC 357-19-360(2), the employer must return the employee to the same position held prior to the redeployment at the conclusion of the redeployment and require the employer to count time worked in the nonpermanent appointment towards the completion of the review period for the permanent position.
- Amend WAC 357-58-265 to re-organize the layout of the section for clarity. Create subsection (1) for existing language and clarify that subsection (1)(a) allows an agency to make an acting WMS appointment when necessary to meet organizational needs. Add subsection (1)(b) to address that an agency may make an acting appointment when approval has been granted by the Director to redeploy an employee in accordance with WAC 357-04-125.
- Amend WAC 357-58-270 to create subsection (1) for existing language and clarify that subsection (1) applies for acting WMS appointments for reasons specified in WAC 357-

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58-265(1)(a). Add subsection (2) to address that when an individual is in an acting WMS appointment for reasons specified in WAC 357-58-265(1)(b) is subsequently appointed to the same or similar permanent WMS position, time spent in the acting appointment must count towards the review period for the permanent WMS position.

- Amend WAC 357-58-275 to remove the word “permanent” from the section title, create subsection (1) for existing language and .clarify that subsection (1) applies for acting WMS appointments. Create subsection (2) to clarify when a WMS employee has been redeployed into an acting WMS appointment the employee must be returned to the same position held prior to the redeployment at the conclusion of the acting appointment. Upon return to their previous position, the employees base salary is set as if the employee had not left the position.

Staff is proposing an October 1, 2024, permanent effective date.

NEW SECTION

WAC 357-01-277 Redeployment.

A general government employer-initiated movement of an employee within or between general government employers in the same or different job class with the same or different salary range maximum for a limited duration to support staffing shortages during an emergency or disaster in accordance with WAC 357-04-124.

NEW SECTION

WAC 357-04-124 When may a general government employer request director approval to redeploy an employee during an emergency or disaster?

During an emergency or a disaster, a general government employer may request director approval to redeploy an employee within or between general government employers for the preservation of public health, safety, or general welfare. The employee must have the necessary skills, abilities, and/or licensure in order to be redeployed. For purposes of this section, emergency or disaster has the same meaning as in RCW 38.52.010.

AMENDATORY SECTION

WAC 357-19-073 What happens if an employee who is serving a probationary period accepts a nonpermanent appointment?

(1) If an employee who is serving a probationary period accepts a nonpermanent appointment for reasons specified in WAC 357-19-360(1), the probationary period will end and the employee will not be granted permanent status unless the employer agrees to return the employee to a position at the conclusion of the nonpermanent appointment. Any return rights granted by the employer must be to a vacant position in the class in which the employee was serving a

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probationary period. If the employer chooses to grant the employee a return right, the employer must notify the employee in writing.

(2) If a general government employee who is serving a probationary period is redeployed into a nonpermanent appointment for reasons specified in WAC 357-19-360(2), the employer must return the employee to the same position held prior to the redeployment at the conclusion of the redeployment. Upon return to their previous position, the employee's base salary must be set at the step the employee would be at if they had not left the position.

(3) Upon return from a nonpermanent appointment the employee will resume their probationary period. If the employer determines the position the employee was serving a probationary period in and the position the employee was appointed to on a nonpermanent basis are allocated to classes which are closely related, the employer may count the time worked in the nonpermanent appointment towards the probationary period.

AMENDATORY SECTION

WAC 357-19-080 What happens if a permanent employee accepts a nonpermanent appointment during a trial service period?

(1) If a permanent employee accepts a nonpermanent appointment for reasons specified in WAC 357-19-360(1) during a trial service period and the employer has agreed to return the employee to a position at the conclusion of the nonpermanent appointment, the employer may:

~~((1))~~ (a) Suspend the trial service period and allow the employee to resume the trial service period when the employee returns from the nonpermanent appointment;

~~((2))~~ (b) Require the trial service period to start over when the employee returns from the nonpermanent appointment; or

~~((3))~~ (c) Count the time worked in the nonpermanent appointment towards the trial service period.

(2) If a permanent general government employee is redeployed into a nonpermanent appointment for reasons specified in WAC 357-19-360(2) during a trial service period, the employer must return the employee to the same position held prior to the redeployment at the conclusion of the redeployment and the employer must count time worked in the nonpermanent appointment towards the trial service period for the permanent position. Upon return to their previous position, the employee's base salary must be set at the step the employee would be at if they had not left the position.

AMENDATORY SECTION

WAC 357-19-085 Does time worked in a nonpermanent appointment count towards the probationary or trial service period for a permanent position?

(1) If an employee in a nonpermanent appointment for reasons specified in WAC 357-19-360(1) is subsequently appointed permanently to the same or a similar position, the employer may

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count time worked in the nonpermanent appointment towards the probationary or trial service period for the permanent position.

(2) If a general government employee in a nonpermanent appointment for reasons specified in WAC 357-19-360(2) is subsequently appointed permanently to the same or similar position, the employer may count time worked in the nonpermanent appointment towards the probationary period and must count time worked in the nonpermanent appointment towards the trial service period for the permanent position.

REPEALER

~~WAC 357-19-165 What is the difference between reassignment and transfer?~~

~~A reassignment is an employer-initiated move of an employee from one position to a comparable position in the same class. A transfer is an employee-initiated move from one position within or between employers in the same class or a different class with the same salary range maximum.~~

NEW SECTION

WAC 357-19-179 What provisions apply when a general government employee in classified service is redeployed to a different geographic area?

When a general government employee in classified service is redeployed to a position in a different geographic area, the following applies:

(1) If the redeployment is within a reasonable commute of the employee's domicile, they may be redeployed without the employee's agreement.

(2) If the redeployment is outside of a reasonable commute of the employee's domicile, they may only be redeployed with the employee's consent.

For purposes of this section, the general government employer initiating the redeployment defines what is within a reasonable commute.

AMENDATORY SECTION

WAC 357-19-353 What return rights must an employer provide to a ((permanent)) WGS employee who accepts an acting WMS appointment?

(1) At a minimum, the employer must provide the permanent employee who is leaving a WGS position with the employer to accept a WMS acting appointment for reasons specified in WAC 357-58-265 (1)(a) access to the employer's internal layoff list at the conclusion of the acting appointment. If the employer agrees to return the employee to a position, the employee must notify the employer of ((his/her)) their intent to return to a permanent position at least ((fourteen (14))) 14 calendar days in advance of return unless the employee and employer agree otherwise. Failure of the employee to provide proper written notice to the employer may

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result in forfeiture of any return rights. Upon return to a permanent position, the employee's salary must be determined by the employer's salary determination policy.

(2) A general government employer must return an employee who was redeployed for reasons specified in WAC 357-58-265 (1)(b) to the same WGS position held prior to the redeployment at the conclusion of the redeployment. Upon return to their previous position, the employee's base salary is set at the step the employee would be at if they had not left the position.

AMENDATORY SECTION

WAC 357-19-360 For what reasons may an employer make nonpermanent appointments?

(1) An employer may fill a position with a nonpermanent appointment when any of the following conditions exist:

~~((1))~~ (a) A permanent employee is absent from the position;

~~((2))~~ (b) The employer is recruiting to fill a vacant position with a permanent appointment;

~~((3))~~ (c) The employer needs to address a short-term immediate workload peak or other short-term needs;

~~((4))~~ (d) The employer is not filling a position with a permanent appointment due to the impending or actual layoff of a permanent employee(s); or

~~((5))~~ (e) The nature of the work is sporadic and does not fit a particular pattern.

(2) A general government employer may fill a position with a nonpermanent appointment when the director has given approval to redeploy an employee in accordance with WAC 357-04-124.

AMENDATORY SECTION

WAC 357-19-365 When is it inappropriate for an employer to fill a position with a nonpermanent appointment to address a short-term immediate workload peak or other short-term needs?

Employers **must not** fill a position with a nonpermanent appointment under the provisions of WAC 357-19-360~~((3))~~ (1)(c) when the work of the position is scheduled, ongoing and permanent in nature. If at any time during a nonpermanent appointment, a short-term workload peak or other short-term need becomes ongoing and permanent in nature, the employer must take action to fill the position on a permanent basis.

AMENDATORY SECTION

WAC 357-19-370 How long may a nonpermanent appointment last?

(1) Employers are encouraged to limit the duration of ~~((a))~~ nonpermanent appointments for reasons specified in WAC 357-19-360(1) to ~~((twelve))~~ 12 months from the appointment date.

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(2) A nonpermanent appointment for a reason specified in WAC 357-19-360 (1) ~~((through (4)))~~ (a) through (d) **must not** exceed ~~((twenty-four))~~ 24 months unless the director has approved an extension of the appointment due to the continued absence of a permanent employee. An employer may choose to not count time spent in formal training programs towards the ~~((twenty-four))~~ 24-month limit. On-the-job training is not considered a formal training program for purposes of this rule.

(3) A nonpermanent appointment specified in WAC 357-19-360(2) must not exceed three months unless a longer duration is mutually agreed upon between the employee and general government employer(s) and conditions continue to exist in accordance with WAC 357-04-124. Appointments must not exceed 24 months unless the director has approved an extension of the appointment.

AMENDATORY SECTION

WAC 357-19-388 What notices must employees and their employers provide each other when an employee accepts a nonpermanent appointment?

Employees who accept a nonpermanent appointment for reasons specified in WAC 357-19-360(1) must give their current employers at least ~~((fourteen))~~ 14 calendar days' notice before moving to a nonpermanent appointment. The current employer and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employee's permanent employer must notify the employee in writing of the employee's return right at the conclusion of the nonpermanent appointment.

For purposes of this rule, written notice may be provided using alternative methods such as email, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

AMENDATORY SECTION

WAC 357-19-395 What return rights must an employer provide to ~~((a permanent))~~ an employee who accepts a nonpermanent appointment?

(1) For nonpermanent appointments made for reasons specified in WAC 357-19-360(1) at a minimum, the employer must provide the permanent employee who is leaving ~~((his/her))~~ their position with the employer to accept a nonpermanent appointment access to the employer's internal layoff list at the conclusion of the nonpermanent appointment. If the employer agrees to return the employee to a position, the employee must notify the employer of ~~((his/her))~~ their intent to return to a permanent position at least ~~((fourteen))~~ 14 calendar days in advance of return unless the employee and employer agree otherwise. Failure of the employee to provide proper written notice to the employer may result in forfeiture of any return rights. Upon return to a permanent position, the employee's salary must be determined by the employer's salary determination policy.

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(2) For nonpermanent appointments made for reasons specified in WAC 357-19-360(2), the general government employee must be returned to the same position held prior to the redeployment at the conclusion of the redeployment. Upon return to their previous position, the employee's base salary must be set at the step the employee would be at if they had not left the position.

AMENDATORY SECTION

WAC 357-19-430 When may the director take remedial action for nonpermanent employees and what does remedial action include?

The director may take remedial action to confer permanent status, set base salary, and establish seniority when it is determined that the following conditions exist:

- (1) The employer has made an appointment that does not comply with rules on nonpermanent appointment; or
- (2) The duration of a nonpermanent appointment as defined in WAC 357-19-360 (1)(a) through ~~((4))~~ (d) and 357-19-360(2) has exceeded ~~((twenty-four))~~ 24 months without director approval.

NEW SECTION

WAC 357-28-148 How is a general government employee's salary determined when the employee is redeployed for reasons specified in WAC 357-19-360(2)?

The base salary of a general government employee appointed to a position for reasons specified in WAC 357-19-360(2) must be determined as follows:

- (1) An employee who is redeployed to a position with the same salary range keeps the same base salary.
- (2) An employee who is redeployed to a position with a lower salary range maximum must be placed within the new range at a salary equal to the employee's previous base salary. If the employee's previous base salary exceeds the new salary range, the employee's base salary may be set higher than step M but not exceeding their prior base salary.
- (3) An employee who is redeployed to a position with a higher salary range must have their salary set in accordance with WAC 357-28-110.

AMENDATORY SECTION

WAC 357-58-065 Definitions for WMS.

The following definitions apply to chapter 357-58 WAC:

- (1) **Break in service.** An employee has a break in continuous state service if the employee is separated, dismissed or resigns from state service. A furlough for the purposes of

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temporary layoff as provided in WAC 357-58-550 is not considered a break in continuous state service.

(2) **Choice performance confirmation.** Approval granted by the director to an employer allowing the employer to factor in individual employee performance when granting recognition leave.

(3) **Competencies.** Those measurable or observable knowledge, skills, abilities and behaviors critical to success in a key job role or function.

(4) **Director.** State human resources director within the office of financial management.

(5) **Dismissal.** The termination of an individual's employment for disciplinary reasons.

(6) **Employee.** An individual working in the classified service. Employee business unit members are defined in WAC 357-43-001.

(7) **Evaluation points.** The points resulting from an evaluation of a position using the managerial job value assessment chart.

(8) **Layoff unit.** A clearly identified structure within an employer's organization within which layoff options are determined in accordance with the employer's layoff procedure. Layoff units may be a series of progressively larger units within an employer's organization.

(9) **Management bands.** A series of management levels included in the WMS. Placement in a band reflects the nature of management, decision-making environment and policy impact and scope of management accountability and control assigned to the position.

(10) **Premium.** Pay added to an employee's base salary on a contingent basis in recognition of special requirements, conditions or circumstances associated with the job.

(11) **Reassignment.** An employer-initiated movement of:

(a) A WMS employee from one position to a different position within WMS with the same salary standard and/or evaluation points; or

(b) A WMS position and the employee in that position from one section, department or geographical location to another section, department or geographical location.

(12) **Redeployment.** An employer-initiated movement of a WMS employee within or between general government employers to a position in the same or different salary standard and/or evaluation points for a limited duration to support staffing shortages during an emergency or disaster in accordance with WAC 357-04-124.

(13) **Review period.** A period of time that allows the employer an opportunity to ensure the WMS employee meets the requirements and performance standards of the position.

~~((13))~~ (14) **Salary standard.** Within a management band a salary standard is the maximum dollar amount assigned to a position in those agencies that use a salary standard in addition to, or in place of, evaluation points.

~~((14))~~ (15) **Separation.** Separation from state employment for nondisciplinary reasons.

~~((15))~~ (16) **Suspension.** An absence without pay for disciplinary reasons.

~~((16))~~ (17) **Transfer.** An employee-initiated movement from one position to a different position with the same salary standard and/or same evaluation points.

~~((17))~~ (18) **Veterans placement program.** A program that is designated to grant transitioning service members and veterans additional support to attain state employment.

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~~((18))~~ (19) **Washington general service (WGS)**. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW which do not meet the definition of manager found in RCW 41.06.022.

~~((19))~~ (20) **Washington management service (WMS)**. The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500.

NEW SECTION

WAC 357-58-128 How is a WMS employee's salary determined when the employee is redeployed for reasons specified in WAC 357-58-265(2)?

The base salary of a WMS employee appointed to a position for reasons specified in WAC 357-58-265(2) must be determined as follows:

(1) A WMS employee who is redeployed to a position with the same salary standard keeps the same base salary.

(2) A WMS employee who is redeployed to a position with a lower salary standard maximum must be placed within the new salary standard at a salary equal to the employee's previous base salary. If the previous base salary exceeds the new salary standard, the employee's base salary may be set higher than associated salary standard but not exceeding their prior base salary.

(3) A WMS employee who is redeployed to a position with a higher salary standard must receive a salary increase nearest to five percent or up to the minimum of the new salary standard, whichever is greatest, not to exceed the new management band maximum.

AMENDATORY SECTION

WAC 357-58-225 What return rights must an employer provide to a ~~((permanent))~~ WMS employee who accepts a nonpermanent appointment to a WGS position?

(1) For nonpermanent appointments made for reasons specified in WAC 357-19-360(1) the following applies:

(a) When a permanent WMS employee has accepted a nonpermanent appointment to a WGS position within the **same** agency and the nonpermanent appointment ends, the agency must at a minimum provide the employee the layoff rights of the employee's permanent WMS position. If returning to a permanent WMS position the employee's salary must not be less than the salary of the previously held permanent WMS position.

~~((2))~~ (b) When a permanent WMS employee has accepted a nonpermanent appointment to a WGS position within a **different** agency, the original agency must provide layoff rights as specified in ~~((subsection (1)))~~ (a) of this ~~((section))~~ subsection for six months from the time the employee is appointed. Any return right after six months is negotiable between the employee and agency and must be agreed to prior to the employee accepting the nonpermanent appointment. If the employee does not return on the agreed upon date, the

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employee can request placement in the general government transition pool per WAC 357-46-095.

~~((3))~~ (c) In lieu of the rights provided in ~~((subsection (1) or (2)))~~ (a) or (b) of this ~~((section))~~ subsection, the agency and the employee may agree to other terms.

(2) For nonpermanent appointments made for reasons listed in WAC 357-19-360(2), the employee must be returned to the same position held prior to the redeployment at the conclusion of the nonpermanent appointment. Upon return to their previous position, the employee's base salary is set as if the employee had not left the position.

AMENDATORY SECTION

WAC 357-58-226 What happens when a WMS employee who was serving a review period and was appointed to a WGS nonpermanent position returns to ~~((the same or different))~~ a WMS position?

(1) If a WMS employee was serving a review period ~~((and accepted))~~ accepts a nonpermanent appointment for reasons specified in WAC 357-19-360(1) to a WGS position and ~~((returned))~~ returns to the same or different WMS position, the employer may allow the prior time served in the WMS review period to count towards the completion of the review period.

(2) If a WMS employee who was serving a review period is redeployed into a WGS nonpermanent appointment in accordance with WAC 357-19-360(2), the employer must return the employee to the same position held prior to the redeployment at the conclusion of the redeployment. The employer must count time worked in the nonpermanent appointment towards the completion of the review period for the permanent position.

AMENDATORY SECTION

WAC 357-58-265 When may an agency make an acting WMS appointment and what actions are required? ~~((When necessary to meet organizational needs,))~~

(1) An agency may make nonpermanent appointments in WMS ~~((These appointments))~~ which are called acting appointments. Acting WMS appointments can be made when any of the following conditions exist:

(a) When necessary to meet organization needs; or

(b) When approval has been granted by the director to redeploy an employee in accordance with WAC 357-04-124.

(2) Prior to the acting appointment, the appointing authority must communicate in writing to the employee the anticipated length, intent, salary, and other conditions of the appointment.

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AMENDATORY SECTION

WAC 357-58-270 Does time in an acting appointment count as time in the review period?

(1) When an individual who is in an acting WMS appointment for reasons specified in WAC 357-58-265 (1)(a) is subsequently appointed to a permanent WMS position, time spent in the acting appointment may count towards the review period for the permanent WMS position at the discretion of the appointing authority.

(2) When an individual who is in an acting WMS appointment for reasons specified in WAC 357-58-265 (1)(b) is subsequently appointed to the same or similar permanent WMS position, time spent in the acting appointment must count towards the review period for the permanent WMS position.

AMENDATORY SECTION

WAC 357-58-275 May a ~~((permanent))~~ WMS employee accept an acting WMS appointment and what are the employee's return rights at the conclusion of the acting appointment?

(1) Permanent WMS employees may accept acting appointments to WMS positions for reasons specified in WAC 357-58-265 (1)(a).

~~((1))~~ (a) When a permanent WMS employee has accepted an acting appointment within the **same** agency and the acting appointment ends the following applies:

~~((a))~~ (i) The agency may agree to return the employee to a permanent WMS position. If returning to a permanent WMS position, the employee's salary must not be less than the salary of the previously held permanent WMS position.

~~((b))~~ (ii) The agency at a minimum must provide the employee the layoff rights of the employee's permanent WMS position in accordance with WAC 357-58-465.

~~((2))~~ (b) When a permanent WMS employee has accepted an acting appointment within a **different** agency, the original agency must provide layoff rights as specified in ~~((subsection (1))~~ (a) of this ~~((section))~~ subsection for six months from the time the employee is appointed. Any return right after six months is negotiable between the employee and agency and must be agreed to prior to the employee accepting the nonpermanent appointment. If the employee does not return on the agreed upon date, the employee can request placement in the general government transition pool per WAC 357-46-095.

~~((3))~~ (c) In lieu of the rights provided in ~~((subsections (1) and (2))~~ (a) and (b) of this ~~((section))~~ subsection, the agency and the employee may agree to other terms.

(2) When a WMS employee has been redeployed into an acting WMS position for reasons specified in WAC 357-58-265 (1)(b), the employee must be returned to the same position held prior to the redeployment at the conclusion of the acting appointment. Upon return to their previous position, the employee's base salary is set as if the employee had not left the position.

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REFERENCE ONLY

RCW 38.52.010 Definitions.

As used in this chapter:

(1) "911 emergency communications system" means a public 911 communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, location, and telephone number of incoming 911 voice and data at the appropriate public safety answering point.

(2) "Automatic location identification" means information about a caller's location that is part of or associated with an enhanced or next generation 911 emergency communications system as defined in this section and RCW **82.14B.020** and intended for the purpose of display at a public safety answering point with incoming 911 voice or data, or both.

(3) "Automatic number identification" means a method for uniquely associating a communication device that has accessed 911 with the incoming 911 voice or data, or both, and intended for the purpose of display at a public safety answering point.

(4) "Baseline level of 911 service" means access to 911 dialing from all communication devices with service from a telecommunications provider within a county's jurisdiction so that incoming 911 voice and data communication is answered, received, and displayed on 911 equipment at a public safety answering point designated by the county.

(5) "Broadcaster" means a person or entity that holds a license issued by the federal communications commission under 47 C.F.R. Part 73, 74, 76, or 78.

(6)(a) "Catastrophic incident" means any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, or government functions.

(b) "Catastrophic incident" does not include an event resulting from individuals exercising their rights, under the first amendment, of freedom of speech, and of the people to peaceably assemble.

(7) "Communication plan," as used in RCW **38.52.070**, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

(8) "Continuity of government planning" means the internal effort of all levels and branches of government to provide that the capability exists to continue essential functions and services following a catastrophic incident. These efforts include, but are not limited to, providing for: (a) Orderly succession and appropriate changes of leadership whether appointed or elected; (b) filling vacancies; (c) interoperability communications; and (d) processes and procedures to reconvene government following periods of disruption that may be caused by a catastrophic incident. Continuity of government planning is intended to preserve the constitutional and statutory authority of elected officials at the state and local level and provide

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for the continued performance of essential functions and services by each level and branch of government.

(9) "Continuity of operations planning" means the internal effort of an organization to provide that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

(10) "Department" means the state military department.

(11) "Director" means the adjutant general.

(12) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(13)(a) "Emergency or disaster" as used in all sections of this chapter except RCW **38.52.430** means an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW **43.06.010**.

(b) "Emergency" as used in RCW **38.52.430** means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW **38.52.430**.

(14) "Emergency response" as used in RCW **38.52.430** means a public agency's use of emergency services during an emergency or disaster as defined in subsection (13)(b) of this section.

(15) "Emergency services communication system" means a multicounty or countywide communications network, including an enhanced or next generation 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(16) "Emergency services communications system data" includes voice or audio; multimedia, including pictures and video; text messages; telematics or telemetrics; or other information that is received or displayed, or both, at a public safety answering point in association with a 911 access.

(17) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

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(18) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

(19) "Expense of an emergency response" as used in RCW **38.52.430** means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(20) "First informer broadcaster" means an individual who:

(a) Is employed by, or acting pursuant to a contract under the direction of, a broadcaster; and

(b)(i) Maintains, including repairing or resupplying, transmitters, generators, or other essential equipment at a broadcast station or facility; or (ii) provides technical support services to broadcasters needed during a period of proclaimed emergency.

(21) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

(22) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(23) "Interconnected voice over internet protocol service provider" means a provider of interconnected voice over internet protocol service as defined by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

(24) "Life safety information" means information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

(25) "Local director" means the director of a local organization of emergency management or emergency services.

(26) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

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(27) "Next generation 911" means an internet protocol-based system comprised of managed emergency services internet protocol networks, functional elements (applications), and databases that replicate enhanced 911 features and functions as defined in RCW **82.14B.020**(4) that provide additional capabilities designed to provide access to emergency services from all connected communications sources and provide multimedia data capabilities for public safety answering points.

(28) "Next generation 911 demarcation point" means the location and equipment that separates the next generation 911 network from:

(a) A telecommunications provider's network, known as the ingress next generation 911 demarcation point; and

(b) A public safety answering point, known as the egress next generation 911 demarcation point.

(29) "Next generation 911 emergency communications system" means a public communications system consisting of networks, databases, and public safety answering point 911 hardware, software, and technology that is accessed by the public in the state through 911. The system includes the capability to: Route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area; answer incoming 911 voice and data; and receive and display incoming 911 voice and data, including automatic location identification and automatic number identification, at a public safety answering point. "Next generation 911 emergency communications system" includes future modernizations to the 911 system.

(30) "Next generation 911 emergency services internet protocol network" means a managed internet protocol network used for 911 emergency services communications that is managed and maintained, including security and credentialing functions, by the state 911 coordination office to provide next generation 911 emergency communications from the ingress next generation 911 demarcation point to the egress next generation 911 demarcation point. It provides the internet protocol transport infrastructure upon which application platforms and core services are necessary for providing next generation 911 services. Next generation 911 emergency services internet protocol networks may be constructed from a mix of dedicated and shared facilities and may be interconnected at local, regional, state, federal, national, and international levels to form an internet protocol-based inter-network (network of networks).

(31) "Next generation 911 service" means public access to the next generation 911 emergency communications system and its capabilities by accessing 911 from communication devices to report police, fire, medical, or other emergency situations to a public safety answering point.

(32) "Political subdivision" means any county, city or town.

(33) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

(34) "Public safety answering point" means the public safety location that receives and answers 911 voice and data originating in a given area as designated by the county. Public safety answering points must be equipped with 911 hardware, software, and technology that is

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accessed through 911 and is capable of answering incoming 911 calls and receiving and displaying incoming 911 data.

(a) "Primary public safety answering point" means a public safety answering point, as designated by the county, to which 911 calls and data originating in a given area and entering the next generation 911 network are initially routed for answering.

(b) "Secondary public safety answering point" means a public safety answering point, as designated by the county, that only receives 911 voice and data that has been transferred by other public safety answering points.

(35) "Radio communications service company" means every corporation, company, association, joint stock, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular communications services for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio paging providers.

(36) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human-caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter **47.68** RCW.

(37) "Telecommunications provider" means a telecommunications company as defined in RCW **80.04.010**, a radio communications service company as defined in RCW **38.52.010**, a commercial mobile radio service provider as defined in 47 C.F.R. Sec. 20.3, providers of interconnected voice over internet protocol service as defined in RCW **38.52.010**, and providers of data services.

(38) "Washington state patrol public safety answering points" means those designated as primary or secondary public safety answering points by the counties in which they provide service.

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Item #3 – Definition of Veteran

Staff note: Second Substitute House Bill 2014 passed during the 2024 legislative session, 2SHB 2014, Chapter 146, Laws of 2024, effective June 6, 2024 for sections 1 through 24. This bill intends to align the federal and state definitions of “veteran” expanding state veterans benefits to any veteran who is already eligible for federal Department of Veterans Affairs monetary benefits. Section 4 adds a new section to chapter 73.04 RCW (RCW 73.04.005) to define “qualifying discharge” and “honorable discharge” is replaced with “qualifying discharge” throughout this bill.

Staff is proposing to:

- Amend WAC 357-01-170 to repeal language stating veteran’s scoring criteria is only added to passing scores since there is more than one way for an eligible candidate to receive preference credits. For example, Substitute Senate Bill 6157 effective June 6, 2024, allows for employers to consider granting civil service advantage for bilingual and multilingual applicants, applicants with higher education, and applicants with prior work experience in social services.
- Create WAC 357-01-267 to provide a definition of “qualifying discharge” and clarify it has the same meaning as RCW 73.04.005.
- Amend WAC 357-16-110(1) to clarify veterans’ scoring criteria is only added to passing scores. This language was removed from WAC 357-01-170 since there is more than one way for an eligible candidate to receive preference credits. Amend WAC 357-16-110(2) to replace “honorably discharge” with “qualifying discharge” and clarify that veterans must have a qualifying discharge.
- Amend WAC 357-46-060(2)(b) and 357-58-475(2)(b) to remove “honorable discharge” and instead reference that upon termination of such service the permanent employee has received a qualifying discharge.
- Amend WAC 357-46-060(3) and WAC 357-58-475(3) to align with the WAC style guide.

Staff is proposing an October 1, 2024, permanent effective date.

AMENDATORY SECTION

WAC 357-01-170 Examination results.

An eligible candidate's final score on an examination, plus any veteran's scoring criteria or other applicable credits. (~~Veterans scoring criteria is only added to passing scores.~~)

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NEW SECTION

WAC 357-01-267 Qualifying discharge.

"Qualifying discharge" has the same meaning as in RCW 73.04.005.

AMENDATORY SECTION

WAC 357-16-110 Do veterans receive any preference in the hiring process?

(1) If an employer is administering an examination prior to certification, the employer must grant preference to veterans in accordance with the veterans scoring criteria provisions of RCW 41.04.010. Veterans' scoring criteria is only added to passing scores.

(2) If no examination is administered prior to certification, the employer must refer the following individuals to the employing official under the provisions of RCW 73.16.010 as long as the individual meets the competencies and other position requirements:

(a) Eligible veterans with a qualifying discharge;

(b) Surviving spouses or registered domestic partners of eligible veterans with a qualifying discharge; or

(c) Spouses or registered domestic partners of (~~honorably discharged~~) veterans with a qualifying discharge who have a service-connected permanent and total disability.

AMENDATORY SECTION

WAC 357-46-060 Does a veteran receive any preference in layoff?

(1) An eligible veteran receives a preference in layoff by having their seniority increased for total active military service, not to exceed five years.

(2) An eligible veteran is defined as any permanent employee who:

(a) Has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government; and

(b) (~~Has received,~~) Upon termination of such service(~~;~~

~~(i) An honorable discharge;~~

~~(ii) A discharge for physical reasons with an honorable record; or~~

~~(iii) A release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given)~~ has received a qualifying discharge.

(3) "An eligible veteran" does not include any person who as a veteran voluntarily retired, as evidenced by the "DD Form 214" or other official military records, with (~~twenty~~) 20 or more years' active military service and has military retirement pay in excess of (~~five hundred dollars~~) \$500 per month.

(4) The surviving spouse or surviving registered domestic partner of an eligible veteran is entitled to veteran's seniority preference for up to five years as outlined in subsections (1) and

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(2) of this section regardless of whether the veteran had at least one year of active military service.

AMENDATORY SECTION

WAC 357-58-475 Does a veteran receive any preference in layoff?

(1) An eligible veteran receives a preference in layoff by having their seniority increased for total active military service, not to exceed five years.

(2) An eligible veteran is defined as any permanent employee who:

(a) Has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government; and

(b) ~~((Has received,))~~ Upon termination of such service~~((:~~

~~(i) An honorable discharge;~~

~~(ii) A discharge for physical reasons with an honorable record; or~~

~~(iii) A release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given))~~ has received a qualifying discharge.

(3) "An eligible veteran" does not include any person who as a veteran voluntarily retired with ~~((twenty))~~ 20 or more years' active military service and has military retirement pay in excess of ~~((five hundred dollars))~~ \$500 per month.

(4) The surviving spouse or surviving registered domestic partner of an eligible veteran is entitled to veteran's seniority preference for up to five years as outlined in subsections (1) and (2) of this section regardless of whether the veteran had at least one year of active military service.

REFERENCE ONLY

RCW 73.04.005 "Qualifying discharge"—Definition—Proof.

For purposes of RCW 9.46.070, 28A.230.120, 28B.15.012, 28B.15.621, 28B.102.020, 41.04.005, 41.04.007, 41.04.010, 41.06.133, 41.08.040, 41.12.040, 43.24.130, 43.70.270, 46.18.270, 46.18.280, 46.20.161, 72.36.030, 73.08.005, and 77.32.480:

(1) A "qualifying discharge" means:

(a) A discharge with an honorable characterization of service;

(b) A discharge with a general under honorable conditions characterization of service;

(c) A discharge with an other than honorable characterization of service if the applicant provides a letter, administrative decision, or other documentation from the United States department of veterans affairs showing eligibility for or receipt of monetary benefits, such as disability compensation or nonservice-connected pension; or

(d) Any characterization of service if the reason for discharge was listed as solely due to:

(i) A person's sexual orientation, gender identity, or gender expression; (ii) statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity, or gender expression unless the statements, conduct, or acts are or were prohibited by the uniform code of military justice on grounds other than the person's sexual orientation, gender

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identity, or gender expression; or (iii) the disclosure of statements, conduct, or acts relating to sexual orientation, gender identity, or gender expression to military officials.

(2)(a) To prove a "qualifying discharge" under this section, an individual must provide official documentation that shows the following to the agency administering the sought benefit or protection:

(i) The individual's characterization of service; and

(ii) If an individual has a qualifying discharge under subsection (1)(d) of this section, also the individual's reason for discharge or narrative reason for separation.

(b) Proof may include, but is not limited to, a department of defense DD form 214, NGB form 22, or equivalent or successor official paperwork stating the required information from a government agency. Copies of official documents are acceptable as proof.

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Item #4 – Vacation Leave Accrual

Staff note: House Bill 2246, passed during the 2024 legislative session (HB 2246), Chapter 151, Laws of 2024, effective June 6, 2024. Section 1 of this bill amends RCW 43.01.040 to increase the annual cap on the accrual of unused vacation leave for state employees from 240 hours to 280 hours. Section 2 changes the annual cap found in RCW 43.01.044 from 240 hours to 280 hours.

Staff is proposing to amend:

- WAC 357-01-022 to increase the amount of unused vacation hours higher education employees may accumulate before it is lost on their anniversary date and other housekeeping amendments.
- WAC 357-01-023 to increase the amount of unused vacation hours higher education and general government employees may accumulate before it is lost on their anniversary date.
- WAC 357-31-210 to replace “can” with “may in the title to align with the body of the WAC and to update the maximum number of hours of vacation leave an employee may accumulate from 240 hours to 280 hours without an exception. WAC 357-31-215 to address when an employee may accumulate vacation leave above the maximum amount of 280 hours, housekeeping amendments, and to reflect gender neutral pronouns.

Staff is proposing an October 1, 2024, permanent effective date.

AMENDATORY SECTION

WAC 357-01-022 Anniversary date (higher education).

For employees of higher education institutions or related higher education boards, anniversary date is the most recent date of hire into state service. The anniversary date is used to determine when vacation leave over ~~((two hundred forty (240)))~~ 280 hours is lost. Higher education employers may make the anniversary date the first calendar day of the month in which the date of hire occurred. A higher education employee receives a new anniversary date when that employee is rehired following a break in state service, but not when the employee ~~((promotes, demotes, or transfers))~~ is promoted, demoted, or transferred to another higher education employer.

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AMENDATORY SECTION

WAC 357-01-023 Anniversary date (general government).

For employees of general government agencies, anniversary date is the unbroken service date plus prior state service. The anniversary date is used to determine when vacation leave over ~~((two hundred forty))~~ 280 hours is lost and for computing the rate of vacation leave accrual beginning with the fifth year of total state employment.

AMENDATORY SECTION

WAC 357-31-210 What is the maximum number of hours of vacation leave that an employee ~~((can))~~ may accumulate?

Vacation leave may be accumulated to a maximum of ~~((two hundred forty))~~ 280 hours. Exceptions to this maximum are described in WAC 357-31-215.

AMENDATORY SECTION

WAC 357-31-215 When may vacation leave be accumulated above the maximum ~~((two hundred forty))~~ 280 hours?

There are two circumstances in which vacation leave may be accumulated above the maximum of ~~((two hundred forty))~~ 280 hours.

(1) If an employee's request for vacation leave is denied by the employer, and the employee is close to the maximum vacation leave ~~((two hundred forty))~~ 280 hours, the employer must grant an extension for each month that the employer defers the employee's request for vacation leave. The employer must maintain a statement of necessity justifying the extension.

(2) As an alternative to subsection (1) of this section, employees may also accumulate vacation leave in excess of ~~((two hundred forty))~~ 280 hours as follows:

(a) An employee may accumulate the vacation leave hours between the time the ~~((two hundred forty))~~ 280 hours is accrued and ~~((his/her))~~ their next anniversary date of state employment.

(b) Leave accumulated above ~~((two hundred forty))~~ 280 hours must be used by the next anniversary date and in accordance with the employer's leave policy. If such leave is not used before the employee's anniversary date, the excess leave is automatically lost and considered to have never existed.

(c) A statement of necessity, as described in subsection (1) of this section, can only defer leave that the employee has not accrued as of the date of the statement of necessity. Any accrued leave in excess of ~~((two hundred forty))~~ 280 hours as of the date of the statement of necessity cannot be deferred regardless of circumstances. For example:

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On June 15th, an employee is assigned to work on a special project. It is expected that the assignment will last six months. Due to an ambitious timeline and strict deadlines, the employee will not be able to take any vacation leave during that time.

- On June 15th, the employee's vacation leave balance is (~~two hundred sixty~~) 300 hours.

- The employee accrues (~~ten~~) 10 hours monthly.
- The employee's anniversary date is October 16th.

Because the employee will not be able to use leave from June 15th through December 15th the employee files a statement of necessity asking to defer the leave accrued during this time. This deferred leave will not be lost as long as the employee uses the deferred hours by their next anniversary date (October 16th of the following year).

The (~~twenty~~) 20 hours of excess vacation leave the employee had on June 15th are not covered by the statement of necessity.

REFERENCE ONLY

RCW 43.01.041 Accrued vacation leave—Payment upon termination of employment.

Officers and employees referred to in RCW 43.01.040 whose employment is terminated by their death, reduction in force, resignation, dismissal, or retirement, who have been employed for at least six continuous months, and who have accrued vacation leave as specified in RCW 43.01.040 or 43.01.044, shall be paid therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination. Vacation leave accumulated under RCW 43.01.044 is not to be included in the computation of retirement benefits. From July 1, 2011, through June 29, 2013, the amount of pay received by an employee under the provisions of this section shall not be reduced by any temporary salary reduction.

Should the legislature revoke any benefits or rights provided under chapter 292, Laws of 1985, no affected officer or employee shall be entitled thereafter to receive such benefits or exercise such rights as a matter of contractual right.

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Item #5 – Civil Service Advantage

Staff note: Substitute Senate Bill 6157 (SSB 6157) passed during the 2024 legislative session, Chapter 330, Laws of 2024, effective June 6, 2024. This bill intends to reform civil service by incorporating civil service advantage for bilingual and multilingual applicants, applicants with prior work experience in social services, and applicants with higher education. Section 1 adds a new section to chapter 41.04 RCW (RCW 41.04.012) to state that in all competitive examinations to determine the qualifications of applicants, the agency head within a hiring organization has the discretion to add a maximum of 15% to the passing mark, grade, or rating only in accordance with outlined criteria. Preference points may not be aggregated to exceed more than 15% of an applicant’s examination score, shall be added to the passing mark, grade, or rating of competitive examinations until the candidate's first appointment and may not be used in promotional examinations. The bill also defines “full professional fluency” and “native speaker”.

Staff is proposing to:

- Create WAC 357-16-113 to address when an agency head or higher education institution president may consider granting preference to eligible applicants in the hiring process.
- Amend WAC 357-16-125 to add subsection (9) requiring that an employer’s certification procedure must address when the employer will consider granting preference to eligible applicants under the provisions of WAC 357-16-113.
- Create WAC 357-58-197 to address when an agency head may consider granting preference to eligible WMS applicants in the hiring process.

Staff is proposing an October 1, 2024, permanent effective date.

NEW SECTION

WAC 357-16-113 When may an agency head or higher education institution president consider granting preference to eligible applicants in the hiring process?

(1) An agency head or higher education institution president may consider granting preference to eligible applicants in the hiring process if administering an examination prior to certification for any of the following qualifications in accordance with RCW 41.04.012:

(a) Ten percent to an applicant who has obtained full professional proficiency or who is completely fluent as a native speaker in two or more languages other than English;

(b) Five percent to an applicant who has obtained full professional proficiency or who is completely fluent as a native speaker in one language other than English;

(c) Five percent to an applicant with two or more years of professional experience or volunteer experience in the Peace Corps, AmeriCorps, domestic violence counseling, mental or behavioral health care, homelessness programs, or other social services professions; and

(d) Five percent to an applicant who has obtained an associate of arts or science degree or higher degree.

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(2) The preference granted under this section may not be aggregated to exceed more than 15 percent of the applicant's examination score, shall be added to the passing mark, grade, or rating of competitive examinations until the applicant's first appointment, and may not be used in promotional examinations.

(3) For purposes of this section "full professional fluency" and "native speaker" have the same meaning as in RCW 41.04.012.

AMENDATORY SECTION

WAC 357-16-125 What must be specified in the employer's certification procedure?

The employer's certification procedure must:

(1) Specify how the employer determines the pool of eligible candidates to be certified to the employing official in accordance with WAC 357-16-130;

(2) Specify how the employer determines the number of names certified if the number of eligible candidates certified to the employing official is limited;

(3) Provide for veterans' preference in accordance with WAC 357-16-110;

(4) Provide for supplemental certification of affected group members in accordance with WAC 357-16-135;

(5) Require that employing officials consider all eligible candidates certified;

(6) Provide for optional consideration of employees who have completed employer-approved training programs and are determined by the employer to meet the competencies and other position requirements;

(7) For general government employers, must provide for consideration of transition pool candidates when a certified pool contains eligible candidates other than candidates from the employer's internal or statewide layoff list or the employer's internal promotional eligibles; ~~((and))~~

(8) Address when the employer will certify qualified individuals seeking reemployment under the provisions of WAC 357-19-470; and

(9) Address when the employer will consider granting preference to eligible applicants under the provisions of WAC 357-16-113.

NEW SECTION

WAC 357-58-197 When may an agency head consider granting preference to eligible WMS applicants in the hiring process?

(1) An agency head may consider granting preference to eligible WMS applicants in the hiring process if administering an examination prior to certification for any of the following qualifications in accordance with RCW 41.04.012:

(a) Ten percent to an applicant who has obtained full professional proficiency or who is completely fluent as a native speaker in two or more languages other than English;

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(b) Five percent to an applicant who has obtained full professional proficiency or who is completely fluent as a native speaker in one language other than English;

(c) Five percent to an applicant with two or more years of professional experience or volunteer experience in the Peace Corps, AmeriCorps, domestic violence counseling, mental or behavioral health care, homelessness programs, or other social services professions; and

(d) Five percent to an applicant who has obtained an associate of arts or science degree or higher degree.

(2) The preference granted under this section may not be aggregated to exceed more than 15 percent of the applicant's examination score, shall be added to the passing mark, grade, or rating of competitive examinations until the applicant's first appointment, and may not be used in promotional examinations.

(3) For purposes of this subsection "full professional fluency" and "native speaker" have the same meaning as in RCW 41.04.012.

REFERENCE ONLY

RCW 41.04.012 Competitive examination preference points.

(1) In all competitive examinations, unless otherwise provided in this section, to determine the qualifications of applicants for public offices, positions, or employment, either the state, and all of its political subdivisions and all municipal corporations, or private companies or agencies contracted with by the state to give the competitive examinations may, at the discretion of the agency head within the hiring organization, add a maximum of 15 percent to the passing mark, grade, or rating only, based upon a possible rating of 100 as a perfect percentage in accordance with any of the following qualifications:

(a) Ten percent to a candidate who has obtained full professional proficiency or who is completely fluent as a native speaker in two or more languages other than English;

(b) Five percent to a candidate who has obtained full professional proficiency or who is completely fluent as a native speaker in one language other than English;

(c) Five percent to a candidate with two or more years of professional experience or volunteer experience in the peace corps, AmeriCorps, domestic violence counseling, mental or behavioral health care, homelessness programs, or other social services professions; and

(d) Five percent to a candidate who has obtained an associate of arts or science degree or higher degree.

(2) Preference points under this section may not be aggregated to exceed more than 15 percent of the applicant's examination score.

(3) The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the candidate's first appointment. No preference points under this subsection may be used in promotional examinations.

(4) For purposes of this section, "full professional fluency" means the ability to have advanced discussions on a wide range of topics about personal life, current events, and technical topics, including but not limited to law enforcement, emergency services, and public safety-related protocols. Candidates with this level of fluency should demonstrate an extensive vocabulary and be able to carry on a conversation with ease, making only minor mistakes.

(5) For purposes of this section, "native speaker" means a person who was either raised speaking the language or has been speaking it for such a duration that the person is completely fluent.

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Item #6 - Clean-up (CPC, TLO, WMS and Vacation Leave)

Staff Note: Staff is proposing to amend:

- WAC 357-31-165(1) to align with the WAC style guide. These changes are housekeeping in nature.
- WAC 357-31-165(2) to replace “or” with “and/or” to align with WAC 357-58-175. This was an oversight when WAC 357-31-165 was originally created. Based on research performed in the rule history file there is documentation supporting that the intent was to give flexibility to an employer.
- WAC 357-31-165(3)(b) to mirror the language in WAC 357-31-166(3)(b).
- WAC 357-31-165(3)(c) to state exempt employment with an employer (not just limited to a general government employer as previously stated) is credited when computing a general government employee’s rate of vacation leave accrual.
- WAC 357-31-166(3)(a) to replace language from “full-time faculty and/or administrative exempt” to “exempt academic and professional personnel”. After discussion with higher education institution HR leaders, it was determined this language allows for consistency among higher education institution practice.
- WAC 357-31-166(3)(c) to state employment in the legislative and/or judicial branch except for time spent as an elected official or in a judicial appointment is credited when computing a higher education employee’s rate of vacation leave accrual.
- WAC 357-31-166(3)(d) to state exempt employment with a general government employer is credited when computing a higher education employee’s rate of vacation leave accrual, other than specified in WAC 357-04-055 which is excluded.
- WAC 357-46-067 to remove obsolete language.
- WAC 357-58-175 to replace "can" with "may" and "or" with "and/or" in the WAC title for consistency with the body of the WAC and to meet the original intent of the rule. Based on research performed in the rule history file, there is documentation supporting the intent to give some flexibility to an employer.
- WAC 357-58-180 to replace "the recruitment of a candidate or the retention of an employee" with " the recruitment and/or retention of a candidate or employee" in the WAC title for consistency with the body of the WAC and to meet the original intent of the rule. Based on research performed in the rule history file there is documentation supporting the intent to give flexibility to an employer. Adding “vacation” in front of leave to clarify which type of leave is applicable in these scenarios.
- WAC 357-58-210 to correct the reference from “management band” to “same salary standard and/or same evaluation points” to align with the WMS definition of transfer found in WAC 357-58-065(16).
- WAC 357-58-470 to remove for employers with performance management confirmation the ability to consider properly documented performance in addition to seniority for the employee’s employment retention rating. The amendment to this WAC was inadvertently missed during the 2022 rulemaking.

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- WAC 357-58-554 to remove obsolete language.

Staff is proposing an October 1, 2024, permanent effective date.

AMENDATORY SECTION

WAC 357-31-165 At what rate do general government employees accrue vacation leave?

(1) Full-time general government employees accrue vacation leave at the following rates:

(a) During the first and second years of current continuous state employment - Nine hours, ~~((twenty))~~ 20 minutes per month;

(b) During the third year of current continuous state employment - ~~((Ten))~~ 10 hours per month;

(c) During the fourth year of current continuous state employment - ~~((Ten))~~ 10 hours, ~~((forty))~~ 40 minutes per month;

(d) During the fifth and sixth years of total state employment - ~~((Eleven))~~ 11 hours, ~~((twenty))~~ 20 minutes per month;

(e) During the seventh, eighth, and ninth years of total state employment - ~~((Twelve))~~ 12 hours per month;

(f) During the ~~((tenth, eleventh, twelfth, thirteenth and fourteenth))~~ 10th, 11th, 12th, 13th, and 14th years of total state employment - ~~((Thirteen))~~ 13 hours, ~~((twenty))~~ 20 minutes per month;

(g) During the ~~((fifteenth, sixteenth, seventeenth, eighteenth and nineteenth))~~ 15th, 16th, 17th, 18th, and 19th years of total state employment - ~~((Fourteen))~~ 14 hours, ~~((forty))~~ 40 minutes per month;

(h) During the ~~((twentieth, twenty first, twenty second, twenty third and twenty fourth))~~ 20th, 21st, 22nd, 23rd, and 24th years of total state employment - ~~((Sixteen))~~ 16 hours per month; and

(i) During the ~~((twenty fifth))~~ 25th and succeeding years of total state employment - ~~((Sixteen))~~ 16 hours, ~~((forty))~~ 40 minutes per month.

(2) As provided in WAC 357-58-175, an employer may authorize a lump-sum accrual of vacation leave and/or accelerate the vacation leave accrual rate to support the recruitment and/or retention of a candidate or employee for a WMS position. Vacation leave accrual rates may only be accelerated using the rates established in subsection (1) of this section and must not exceed the maximum listed in subsection (1)(i) of this section.

(3) The following applies for purposes of computing the rate of vacation leave accrual:

(a) Employment in the legislative and/or the judicial branch except for time spent as an elected official or in a judicial appointment is credited.

(b) Employment exempt by the provisions of WAC 357-04-040, 357-04-045, 357-04-050, 357-04-055 is not credited for the purposes of computing the rate of vacation leave accrual.

(c) Exempt employment with ~~((a general government))~~ an employer is credited, other than that specified in WAC 357-04-055 which is excluded.

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AMENDATORY SECTION

WAC 357-31-166 At what rate do higher education employees accrue vacation leave?

- (1) Full-time higher education employees accrue vacation leave at the following rates:
- (a) During the first year of continuous state employment - 12 days (eight hours per month);
 - (b) During the second year of continuous state employment - 13 days (eight hours, 40 minutes per month);
 - (c) During the third and fourth years of continuous state employment - 14 days (nine hours, 20 minutes per month);
 - (d) During the fifth, sixth, and seventh years of total state employment - 15 days (10 hours per month);
 - (e) During the eighth, ninth, and ~~((tenth))~~ 10th years of total state employment - 16 days (10 hours, 40 minutes per month);
 - (f) During the ~~((eleventh))~~ 11th year of total state employment - 17 days (11 hours, 20 minutes per month);
 - (g) During the ~~((twelfth))~~ 12th year of total state employment - 18 days (12 hours per month);
 - (h) During the ~~((thirteenth))~~ 13th year of total state employment - 19 days (12 hours, 40 minutes per month);
 - (i) During the ~~((fourteenth))~~ 14th year of total state employment - 20 days (13 hours, 20 minutes per month);
 - (j) During the ~~((fifteenth))~~ 15th year of total state employment - 21 days (14 hours per month);
 - (k) During the ~~((sixteenth))~~ 16th and succeeding years of total state employment - 22 days (14 hours, 40 minutes per month).
- (2) Higher education employers may establish accrual rates that exceed the rates listed in subsection (1) of this section. This does not apply to individual positions.
- (3) The following applies for purposes of computing the rate of vacation leave accrual:
- (a) Each contract year, or equivalent, of ~~((full-time faculty and/or administrative))~~ exempt academic and professional personnel employment with a higher education employer is credited as one year of qualifying service.
 - ~~((4))~~ (b) Employment exempt by the provisions of WAC 357-04-040, 357-04-045, 357-04-050, and 357-04-055 is not credited for the purposes of computing the rate of vacation leave accrual.
 - (c) Employment in the legislative and/or judicial branch except for time spent as an elected official or in a judicial appointment is credited.
 - (d) Exempt employment with a general government employer is credited, other than that specified in WAC 357-04-055 which is excluded.

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AMENDATORY SECTION

WAC 357-46-067 What is an employee's status during temporary layoff?

- (1) The following applies during a temporary layoff:
 - (a) An employee's anniversary, seniority, and unbroken service dates are not adjusted for periods of time spent on temporary layoff;
 - (b) An employee's vacation and sick leave accruals will not be impacted by periods of time spent on temporary layoff;
 - (c) An employee's holiday compensation will not be impacted by periods of time spent on temporary layoff; and
 - (d) The duration of an employee's probationary period or trial service period shall not be extended for periods of time spent on temporary layoff.
- (2) An employee who is temporarily laid off is not entitled to:
 - (a) Layoff rights, including the ability to bump any other position or be placed on the employer's internal or statewide layoff list;
 - (b) Payment for their vacation leave balance; and
 - (c) Use of their accrued vacation leave for hours the employee is not scheduled to work if the temporary layoff was due to lack of funds. ~~((The only exception is that during the 2009-2011 fiscal biennium if an employee's monthly full-time equivalent base salary is two thousand five hundred dollars or less and the employee's office or institution enacts a temporary layoff as described in chapter 32, Laws of 2010, the employee can use accrued vacation leave during the period of temporary layoff.))~~
- (3) If the temporary layoff was not due to lack of funds, an employer may allow an employee to use accrued vacation leave in lieu of temporary layoff.

AMENDATORY SECTION

WAC 357-58-175 ~~((Can))~~ May an employer authorize lump sum vacation leave and/or accelerate vacation leave accrual rates to support the recruitment and/or retention of an employee or candidate for a WMS position?

In addition to the vacation leave accruals as provided in WAC 357-31-165, an employer may authorize ~~((additional))~~ lump sum vacation leave and/or accelerate vacation leave accrual rates as follows to support the recruitment and/or retention of an employee or candidate for a specific WMS position:

- (1) Employers may authorize an accelerated accrual rate for an employee or candidate. The WMS employee would remain at the accelerated accrual rate until the WMS employee's anniversary date caught up to the accrual rate amount in accordance with WAC 357-31-165; and/or
- (2) Employers may authorize a lump sum accrual of up to ~~((eighty))~~ 80 hours of vacation leave for the employee or candidate.

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Vacation leave accrued under this section must be used in accordance with the leave provisions of chapter 357-31 WAC.

AMENDATORY SECTION

WAC 357-58-180 Must an agency have a policy regarding authorization of additional vacation leave to support the recruitment ~~((of a))~~ and/or retention of an employee or candidate ~~((or the retention of an employee))~~ for a WMS position?

In order to authorize additional vacation leave for the recruitment and/or retention of ~~((a candidate or))~~ an employee or a candidate for a WMS position, an agency must have a written policy that:

(1) Identifies the reasons for which the employer may authorize additional vacation leave; and

(2) Requires that lump sum vacation leave accruals only be granted after services have been rendered in accordance with express conditions established by the employer.

AMENDATORY SECTION

WAC 357-58-210 When may a WMS employee transfer to a WGS position and vice versa?

A permanent employee may transfer from a WMS position to a WGS position if the employee's salary is within the salary range of the WGS position.

A permanent employee may transfer from a WGS position to a WMS position if the employee's salary is within the ~~((management band))~~ same salary standard and/or same evaluation points assigned to the WMS position.

AMENDATORY SECTION

WAC 357-58-470 How does an employer determine an employee's employment retention rating?

The employer determines an employee's employment retention rating using seniority as calculated in WAC 357-46-055. ~~((Employers with performance management confirmation may consider properly documented performance in addition to seniority. If performance is not considered, an employee's employment retention rating is equal to the employee's seniority.))~~

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AMENDATORY SECTION

WAC 357-58-554 What is a WMS employee's status during temporary layoff?

- (1) The following applies during a temporary layoff:
 - (a) An employee's anniversary date, seniority, or unbroken service date is not adjusted for periods of time spent on temporary layoff;
 - (b) An employee's vacation and sick leave accruals will not be impacted by periods of time spent on temporary layoff;
 - (c) An employee's holiday compensation will not be impacted by periods of time spent on temporary layoff; and
 - (d) The duration of an employee's review period shall not be extended for periods of time spent on temporary layoff.
- (2) A WMS employee who is temporarily laid off is not entitled to:
 - (a) Layoff rights, including the ability to bump any other position or be placed on the employer's internal or statewide layoff list;
 - (b) Payment for their vacation leave balance; and
 - (c) Use of their accrued vacation leave for hours the employee is not scheduled to work if the temporary layoff was due to lack of funds. ~~((The only exception is that during the 2009-2011 fiscal biennium if an employee's monthly full-time equivalent base salary is two thousand five hundred dollars or less and the employee's agency enacts a temporary layoff as described in chapter 32, Laws of 2010, the employee can use accrued vacation leave during the period of temporary layoff.))~~
- (3) If the temporary layoff was not due to lack of funds, an employer may allow a WMS employee to use accrued vacation leave in lieu of temporary layoff.

REFERENCE ONLY

WAC 357-01-145 Employer.

A state agency, an institution of higher education, or a related higher education board.

REFERENCE ONLY

WAC 357-58-065 Definitions for WMS.

The following definitions apply to chapter **357-58** WAC:

- (1) **Break in service.** An employee has a break in continuous state service if the employee is separated, dismissed or resigns from state service. A furlough for the purposes of temporary layoff as provided in WAC **357-58-550** is not considered a break in continuous state service.
- (2) **Choice performance confirmation.** Approval granted by the director to an employer allowing the employer to factor in individual employee performance when granting recognition leave.

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(3) **Competencies.** Those measurable or observable knowledge, skills, abilities and behaviors critical to success in a key job role or function.

(4) **Director.** State human resources director within the office of financial management.

(5) **Dismissal.** The termination of an individual's employment for disciplinary reasons.

(6) **Employee.** An individual working in the classified service. Employee business unit members are defined in WAC 357-43-001.

(7) **Evaluation points.** The points resulting from an evaluation of a position using the managerial job value assessment chart.

(8) **Layoff unit.** A clearly identified structure within an employer's organization within which layoff options are determined in accordance with the employer's layoff procedure. Layoff units may be a series of progressively larger units within an employer's organization.

(9) **Management bands.** A series of management levels included in the WMS. Placement in a band reflects the nature of management, decision-making environment and policy impact and scope of management accountability and control assigned to the position.

(10) **Premium.** Pay added to an employee's base salary on a contingent basis in recognition of special requirements, conditions or circumstances associated with the job.

(11) **Reassignment.** An employer initiated movement of:

(a) A WMS employee from one position to a different position within WMS with the same salary standard and/or evaluation points; or

(b) A WMS position and the employee in that position from one section, department or geographical location to another section, department or geographical location.

(12) **Review period.** A period of time that allows the employer an opportunity to ensure the WMS employee meets the requirements and performance standards of the position.

REFERENCE ONLY

WAC 357-46-050 How does an employer determine an employee's employment retention rating?

The employer determines an employee's employment retention rating using seniority as calculated in WAC 357-46-055 for general government employees and 357-46-053 for higher education employees.