

AMENDATORY SECTION (Amending WSR 14-24-026, filed 11/21/14, effective 12/22/14)

**WAC 357-28-082 Is step M on the salary schedule different than other salary steps?** Step M is a longevity step. An employee cannot be appointed to step M upon initial hire unless for recruitment and retention or other business related reasons in accordance with WAC 357-28-090.

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

**WAC 357-28-084 ((Can)) May an employee be appointed to step M upon demotion (voluntary or involuntary)?** An employee cannot be appointed to step M upon demotion (voluntary or involuntary) unless:

(1) The employee was at step M of the salary range from which the employee is demoting ((or));

(2) The employee was previously at step M in the salary range of the class the employee is demoting to;

(3) The demotion is a result of a reasonable accommodation;

(4) The employee was appointed to a position due to layoff action in accordance with WAC 357-28-135; or

(5) It is for recruitment and retention or other business related reasons in accordance with WAC 357-28-090.

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

**WAC 357-28-086 When may an employee progress to step M of the salary range?** (1) If an employee is currently at step L of a salary range, the employee will progress to step M of that same salary range six years from the date they were advanced or appointed to step L. The progression to step M is regardless of what has transpired in the six years since the employee was appointed to step L, provided that the employee is at step L in the same pay range as the pay range the employee was in at the beginning of the six-year period except in accordance with WAC 357-28-088.

(2) With director approval, higher education institutions may make all movements to step M effective:

(a) The first of the current month for actions occurring between the first and the ~~((fifteenth))~~ 15th of the month; or

(b) The first of the following month for actions occurring between the ~~((sixteenth))~~ 16th and the end of the month.

AMENDATORY SECTION (Amending WSR 14-24-026, filed 11/21/14, effective 12/22/14)

**WAC 357-28-088 If an employee transfers or demotes will the time spent at step L count towards the six years to qualify for step M in the new position?** If an employee transfers to a position the time at step L in the previous position will count towards the six years to qualify for step M in the new position.

If an employee is demoted (voluntary or involuntary), the time at step L in the previous position will not count towards the six years to qualify for step M except if the demotion is a result of a reasonable accommodation or due to layoff action in accordance with WAC 357-28-135((~~2~~)) (4).

AMENDATORY SECTION (Amending WSR 14-24-026, filed 11/21/14, effective 12/22/14)

**WAC 357-28-120 What is the base salary of an employee occupying a position that is reallocated to a class with the same or lower salary range?** An employee occupying a position that is reallocated to a class with the same or lower salary range must be placed within the new salary range at an amount equal to ((~~his/her~~)) their previous base salary. If the previous base salary exceeds the new salary range, the employee's base salary must be set equal to step M of the salary range for the reallocated position. The employee's base salary may be set higher than step M if allowed by the employer's salary determination policy, but not exceeding the previous base salary, ((~~if allowed by the employer's salary determination policy~~)) until such time as the employee vacates the position or their salary falls within the new salary range.

AMENDATORY SECTION (Amending WSR 14-24-026, filed 11/21/14, effective 12/22/14)

**WAC 357-28-135 How is an employee's salary determined when the employee is appointed to a position due to a layoff action?** (1) The base salary of an employee ((appointed to a position due to a layoff action must be)) who accepts a layoff option must have their salary determined as follows:

((~~1~~)) (a) An employee who accepts a layoff option to a different position with the same salary range keeps the same base salary.

((~~2~~)) (b) An employee who ((accepts a demotion in lieu of layoff or)) accepts a layoff option 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 previous base salary exceeds the new range, the employee's base salary must be set equal to step M of the new salary range((~~. If the employee's previous base salary was at step M of the salary range the employee must be placed at step M of the new salary range~~)).

~~((3))~~ (2) The base salary of an employee who is appointed from an internal or statewide layoff list must have their salary determined as follows:

(a) An employee who is appointed to a position with the same range as the position from which the employee was laid off must be placed within the range at a salary equal to the employee's previous base salary.

~~((4))~~ (b) An employee who is appointed (~~from an internal or statewide layoff list~~) to a position with a lower range maximum than the position from which the employee was laid off must have the salary determined by the employer's salary determination policy.

(3) An employee whose previous base salary was at step M of a salary range when accepting a layoff option to a position with a lower salary range maximum at the time of being appointed must be placed at step M of the new salary range.

(4) An employee whose previous base salary was at step L of a salary range when accepting a layoff option to a position with a lower salary range, any previous time spent at step L will count towards the requirement to get to step M of the new salary range.

AMENDATORY SECTION (Amending WSR 05-01-205, filed 12/21/04, effective 7/1/05)

**WAC 357-28-155 How is an employee's salary determined upon demotion?** (1) The base salary of an employee who accepts a demotion in lieu of layoff must be set in accordance with WAC 357-28-135.

(2) If the demotion is a result of a reasonable accommodation, they may be appointed to step M in accordance with WAC 357-28-084.

(3) An employee demoted for any other reason must be paid within the salary range of the class to which the position is allocated. The employee's base salary must be determined in accordance with the employer's salary determination policy.