

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.

(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.

~~((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 (Amending WSR 19-11-136, filed 5/22/19, effective 7/1/19)

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 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 (Amending WSR 14-06-007, filed 2/20/14, effective 3/24/14)

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 (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

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.

AMENDATORY SECTION (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

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 (Amending WSR 19-11-136, filed 5/22/19, effective 7/1/19)

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.