

**Director's Meeting Agenda**  
**State Human Resources**  
**Office of Financial Management**

Meeting Date:	August 9, 2018
Meeting Time:	8:30 a.m.
Location:	<ul style="list-style-type: none"> <li>• Capitol Court Building</li> <li>1110 Capitol Way South,</li> <li>Conference Room 110</li> <li>Olympia, Washington 98501-2251</li> <li>• Limited Parking</li> </ul>
Important Note:	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 the next quarterly scheduled meeting.

Section A: Previous Minutes Approval  
Meeting Minutes – May 17, 2018

Section B: Exempt Compensation

Item 1	B5053 Clinical Care and Compliance Director – DVA .....	B1-B2
Item 2	B5561 Communications Director – MIL .....	B3-B4
Item 3	B5562 Deputy Director, Emergency Management Division – MIL.....	B5-B6
Item 4	B5563 Deputy Director, Washington Youth Academy – MIL .....	B7-B8
Item 5	B7007 Dir of the Off of Innovation, Align & Account – DCYF <span style="border: 1px solid blue; padding: 2px;">Perm Adopt</span> .....	B9-B10
Item 6	B7013 Director of Child Welfare Programs – DCYF <span style="border: 1px solid blue; padding: 2px;">Perm Adopt</span> .....	B11-B12
Item 7	B7014 Assistant Secretary, Licensing – DCYF <span style="border: 1px solid blue; padding: 2px;">Perm Adopt</span> .....	B13-B14
Item 8	B7015 Director of Administrative Services – DCYF .....	B15-B16
Item 9	B9531 Chief Information Privacy Officer - CTS .....	B17-B18
Item 10	B9634 Senior Strategist, Electronic Media & Digital Content - CTS .....	B19-B20
Item 11	B9635 Director, Legislative Affairs - CTS .....	B21-B22
Item 12	B9636 Organization Development Services Director - DES .....	B23-B24
Item 13	B9637 Assistant Director of Capital Security & Visitor Services – DES.....	B25-B26
Item 14	B9722 Deputy CIO – LCB .....	B27-B28

Abolishment

Item 15	B7941 Director, Pub. Rec. and Support Services Division – LCB .....	B29
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Section C: Classification

Item 16	158A Audit Specialist – DOT 1 .....	C1
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Section D: Compensation

Item 17	Group “A” Assignment Pay Request.....	D1-D2
Item 18	Higher Education Special Pay Request.....	D3-D4
Item 19	Basic Shift Premium Rate Request .....	D5

## Section E: Rule Amendments

Rules Item 1	Background Investigation Consultation for Considered for DCYF Positions. E1-E4
Rules Item 2	Expands Shared Leave Use; Sick, Pregnancy Disability, Parental Leave.... E4-E8
Rules Item 3	Employer Expect. Related to Disclose. of Sexual Harass. and/or Assault .... E8-E9
Rules Item 4	Clarify Calculation of Military Leave for Work Shifts Spanning... ..... E9-E10
Rules Item 5	Housekeeping: Holiday Compensation, & GG Rate of Vac. Leave Accrual ... E10-E12

### **Website Information**

This publication and other State Human Resources Director's meeting related information is available at <http://hr.ofm.wa.gov/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](mailto:classandcomp@ofm.wa.gov).

### **Meeting Coordinator**

For question and concerns, contact the Meeting Coordinator at [classandcomp@ofm.wa.gov](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.

<b>Item 1</b>	
<b>Requester (Agency/Institution)</b> Department of Veterans Affairs (DVA)	<b>Analyst</b> Tina Cooley
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B5053 Clinical Care and Compliance Director – DVA	<b>Proposed EMS Band/Rate</b> EMS Band III (\$66,804 - \$119,076)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.070(3) Governor’s pool “...involving directing and controlling program operations of an agency...”
<b>Effective Date</b> 8/10/2018	

### Scope

The Clinical Care and Compliance Director will report to the Deputy Director of the Department of Veterans Affairs and will manage agency-wide clinical and nursing compliance programs for all four DVA facilities. This class will be responsible for oversight, planning, development and operations of all clinical compliance within each DVA veteran’s home in accordance with federal and state regulations. This class will be responsible to implement standards of nursing practice through the formulation of policies and procedures and promote consistency of applications of regulatory requirements and enforcement to enhance the quality of life for residents.

### Explanation

The Department of Veterans Affairs (DVA) is requesting the establishment of an exempt Clinical Care and Compliance Director class under RCW 41.06.070(3)-Governor’s Pool. This exempt class will be involved in the directing and monitoring of program operations of a major administrative division, which has direct impact on the quality of life for 500 plus long term care residents. The agency states this exempt class is critical to meet new mega rule and complex quality program requirements as outlined by the Centers for Medicare and Medicaid (CMS).

## 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.

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State HR staff reviewed the position description for this exempt class and determined a rating of C2X-704, which is consistent with the rating the agency determined at the EMS Band III level.

The agency can absorb the costs associated with this request and a Fiscal Impact Statement has been approved by OFM Budget.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Policy	<b>Date of Exempt Position Description on File</b> 5/21/2018
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148587 At-Will Governor's Pool	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 2</b>	
<b>Requester (Agency/Institution)</b> Military Department (MIL)	<b>Analyst</b> Tricia Mackin
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B5561 Communications Director - MIL	<b>Proposed EMS Band/Rate</b> EMS Band II (\$57,600 - \$105,708)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> 41.06.070 (1) (v) "in each agency with fifty or more employees: Deputy agency heads, assistant directors..."
<b>Effective Date</b> 8/10/2018	

### Scope

The Communications Director reports directly to The Adjutant General and is responsible for directing, planning and organizing all communication programs that support the Military Department including oversight of all military and state public information communications efforts. This exempt class is responsible for developing, implementing and administering statewide goals, objectives, strategies and policies. This exempt class advises The Adjutant General and executive management on controversial and complex issues, and recommends and carries out strategic communication responses to higher level/controversial issues.

### Explanation

The Military Department (MIL) is requesting the establishment of an exempt class, Communications Director, at the EMS II level. MIL currently has a Washington Management Service Band III position performing this work, but has determined the position is more appropriate in the Exempt Management Service (EMS). This exempt class will act on behalf of The Adjutant General to direct essential and extensive statewide public information/public affairs work for the agency.

## 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.

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State Human Resources scored this exempt class at B3X-586, which meets the EMS Band II level. OFM Budget has reviewed their fiscal impact statement and verified there is no impact associated with this establishment; the agency can absorb all costs associated.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 1/27/2017
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 3</b>	
<b>Requester (Agency/Institution)</b> Military Department (MIL)	<b>Analyst</b> Tricia Mackin
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B5562 Deputy Director, Emergency Management Division - MIL	<b>Proposed EMS Band/Rate</b> EMS Band III (\$66,804 - \$119,076)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> 41.06.070 (1) (v) "in each agency with fifty or more employees: Deputy agency heads, assistant directors..."
<b>Effective Date</b> 8/10/2018	

### Scope

The Deputy Director, Emergency Management Division reports directly to the Director, Emergency Management Division. This exempt class is critical to the agency as the principal assistant and is responsible for the daily operational management and control of the division and assumes responsibility for all divisional activities in the absence of the Director. This exempt class plans, manages and directs the administration of the division's infrastructure, including operational functions, division budget development and monitoring, and economic forecasting. This exempt class formulates the division's strategic direction and decisions through participation in establishment of goals and objectives, operating directives and long-range planning.

### Explanation

The Military Department (MIL) is requesting the establishment of an exempt class, Deputy Director, Emergency Management Division at the EMS III level. MIL currently has a Washington Management Service Band IV position performing this work, but has determined the position is more appropriate in the Exempt Management Service (EMS). This exempt class will act on behalf of the Director, Emergency Management Division to help assure the expeditious deployment of resources to respond to and recover from the effects of natural, manmade and technological disasters statewide.

## 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.

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State Human Resources scored this exempt class at C5X-828, which meets the EMS Band III level. OFM Budget has reviewed their fiscal impact statement and verified there is no impact associated with this establishment; the agency can absorb all costs associated.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 11/15/2016
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 4</b>	
<b>Requester (Agency/Institution)</b> Military Department (MIL)	<b>Analyst</b> Tricia Mackin
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B5563 Deputy Director, Washington Youth Academy- MIL	<b>Proposed EMS Band/Rate</b> EMS Band II (\$57,600 - \$105,708)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> 41.06.070 (1) (v) "in each agency with fifty or more employees: Deputy agency heads, assistant directors..."
<b>Effective Date</b> 8/10/2018	

### Scope

The Deputy Director, Washington Youth Academy reports directly to the Director, Washington Youth Academy. This exempt class is responsible for the day-to-day operations of the Academy residential program to provide intervention and education to at risk youth. This exempt class directs and coordinates all aspects of the program in the absence of the Director. This exempt class is responsible for the oversight of a 24/7 residential operations statewide program with multiple overlapping residential and post-residential class cycles. This exempt class coordinates with the Bremerton School District Principal and Lead Teacher to address and jointly resolve policies, procedures, programs or problems that can negatively affect the academic program or learning environment.

### Explanation

The Military Department (MIL) is requesting the establishment of an exempt class, Deputy Director, Washington Youth Academy at the EMS II level. MIL currently has a Washington Management Service Band II position performing this work, but has determined the position is more appropriate in the Exempt Management Service (EMS). This exempt class will act on behalf of the Director, Washington Youth Academy to provide intervention, academic, and mentoring objectives to at risk youth.

## 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.

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State Human Resources scored this exempt class at B2W-546, which meets the EMS Band II level. OFM Budget has reviewed their fiscal impact statement and verified there is no impact associated with this establishment; the agency can absorb all costs associated.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 7/29/2015
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

### Permanent Adoption

<b>Item 5</b>	
<b>Requester (Agency/Institution)</b> Department of Children, Youth and Families	<b>Analyst</b> Brett Alongi
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B7007 Director of the Office of Innovation, Alignment and Accountability - DCYF	<b>Proposed EMS Band/Rate</b> EMS Band IV (\$80,076 - \$137,964)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.070 (1)(v) "In each agency with fifty or more employees . . . division directors . . ."
<b>Effective Date</b> 7/1/2018	

### Scope

The Director of the Office of Innovation, Alignment and Accountability (OIAA) reports directly to the Secretary of the Department of Children, Youth and Families (DCYF) and is a member of the DCYF executive leadership team. This exempt class is responsible for directing and implementing the innovation, alignment, integration, collaboration and partnerships with stakeholders. This involves reviewing and recommending implementation of advancements in research, conducting quality assurance and evaluation of programs and services in order to develop and maintain measurable outcomes for children, youth and families. This exempt class will work closely with state and partner agencies as well as tribal governments and state-funded organizations to use data-driven, research-based methods to effectively intervene in the lives of at-risk youth and align systems that serve children, youth and families.

### Explanation

As a result of the passage of the Second Engrossed Second Substitute House Bill 1661 the Department of Children, Youth and Families (DCYF) was created. This exempt class will focus on continuous improvement efforts in partnership with state and tribal entities to align and measure outcomes for agencies, which serve children and families.

## 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.

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State HR staff evaluated the position description with a score of D4Y-1012, which meets the EMS Band IV level.

This item was adopted on an emergency basis at the May 17, 2018 Director's meeting and returns to the August 9, 2018 Director's meeting for permanent adoption.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 1/5/2018
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

### Permanent Adoption

<b>Item 6</b>	
<b>Requester (Agency/Institution)</b> Department of Children, Youth and Families	<b>Analyst</b> Brett Alongi
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B7013 Director of Child Welfare Programs - DCYF	<b>Proposed EMS Band/Rate</b> EMS Band III (\$66,804 - \$119,076)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.070 (1)(v) "In an agency with fifty or more employees . . . division directors . . ."
<b>Effective Date</b> 7/1/2018	

### Scope

The Director of Child Welfare Programs reports to the Deputy Secretary of Programs of the Department of Children, Youth and Families. This exempt class is responsible for the design, delivery and implementation of services to children, youth and families to promote child safety. Programs and services include but are not limited to child protective services, foster care recruitment and retention, kinship caregiver support and foster care health. This exempt class is tasked with designing and redesigning state programs to increase capacity of the state to deliver measurably improved outcomes for children.

### Explanation

As a result of the passage of the Second Engrossed Second Substitute House Bill 1661 the Department of Children, Youth and Families (DCYF) will be created effective July 1, 2018. This position is responsible for managing multiple agency core programs, which support the health, safety and well-being of children, youth and families. The establishment of the Director of Child Welfare Programs will ensure the delivery of services and measurable outcomes for children and their families.

## 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.

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State HR staff evaluated the position description with a score of C3X-768, which meets the EMS Band III level.

This item was adopted on an emergency basis at the May 17, 2018 Director's meeting and returns to the August 9, 2018 Director's meeting for permanent adoption.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 5/4/2018
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

### Permanent Adoption

<b>Item 7</b>	
<b>Requester (Agency/Institution)</b> Department of Children, Youth and Families	<b>Analyst</b> Brett Alongi
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B7014 Assistant Secretary, Licensing - DCYF	<b>Proposed EMS Band/Rate</b> EMS Band IV (\$80,076 – \$137,694)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.0971 “this chapter does not apply . . . to the . . . assistant . . . secretaries . . .”
<b>Effective Date</b> 7/1/2018	

### Scope

The Assistant Secretary of Licensing reports to the Deputy Secretary of Operations within the Department of Children, Youth and Families. This exempt class is responsible for planning, implementing and monitoring the quality of care and sufficiency of licensed foster care resources and childcare providers in the state. This exempt class is responsible for the administration and licensing of the following, which includes, but is not limited to, foster homes, Child Placing Agency, Group Care Facilities, Crisis Nurseries and early learning and childcare licensing. Additional responsibilities include the development and implementation of policies and procedures, which govern health and safety standards related to investigations involving child abuse, neglect and facility licensing violations.

### Explanation

As a result of the passage of the Second Engrossed Second Substitute House Bill 1661 the Department of Children, Youth and Families (DCYF) will be created effective July 1, 2018. This exempt class is responsible for administering multiple core licensing functions which support the health, safety and quality of care standards, which impact children, youth and families. The establishment of the Assistant Secretary of Licensing will ensure licensing requirements are in line with federal and state laws.

## 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.

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State HR staff evaluated the position description with a score of D5Y-1136, which meets the EMS Band IV level.

This item was adopted on an emergency basis at the May 17, 2018 Director's meeting and returns to the August 9, 2018 Director's meeting for permanent adoption.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 5/10/2018
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 8</b>	
<b>Requester (Agency/Institution)</b> Department of Children, Youth, and Families	<b>Analyst</b> Brett Alongi
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B7015 Director, Administrative Services - DCYF	<b>Proposed EMS Band/Rate</b> EMS Band III (\$66,804 - \$119,076)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.070 (1)(v) "In each agency with fifty or more employees. . . division directors. . ."
<b>Effective Date</b> 8/10/2018	

### Scope

The Director of Administrative Services reports directly to the Deputy Secretary of Operations and is responsible for providing direction and administrative leadership for Policy and Rules, Public Records and Privacy, Contracts, Quality Assurance and Continuous Quality Improvement. This exempt class plans, coordinates and directs the day-to-day operations of these programs and ensures the proper and effective delivery of services, in order to guide the work of child care licensors and child welfare workers. This exempt class is accountable for developing and implementing policies related to tort litigation, tort settlement, and risk and records management. This exempt class is responsible for ensuring the consistent application of federal and state regulations regarding public disclosure and privacy laws.

### Explanation

As a result of the passage of the Second Engrossed Second Substitute House Bill 1661 the Department of Children, Youth, and Families (DCYF) will be created effective July 1, 2018. This exempt class supports the mission of the agency through the timely and accurate release of public records in support of child welfare and childcare systems.

## 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.

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State HR staff evaluated the position description for this exempt class and determined a rating of C3X-768, which is an EMS Band III.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 6/11/2018
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 9</b>	
<b>Requester (Agency/Institution)</b> Consolidated Technology Services (CTS)	<b>Analyst</b> Mindy Portschy
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B9531 Chief Information Privacy Officer - CTS	<b>Proposed EMS Band/Rate</b> EMS Band IV (\$80,076 - \$137,964)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.070 (1) (v) The provisions of this chapter do not apply to...In each agency with fifty or more employees... division directors....
<b>Effective Date</b> 8/10/2018	

### Scope

The Chief Information Privacy Officer (CIPO) reports to the Chief Deputy Director. This exempt class directs the Privacy Office and has state and local government impacts on public policy; and will direct the OCIO to define new information privacy policy, standards and best practices. The CIPO is responsible for creating the strategic vision for privacy in Washington State relating to data protection practices in state and local government. Initiates and manages initiatives intended to further the objectives of the Office of the Chief Information Officer (OCIO) and the State of Washington.

Performs duties as a Statewide Change Agent, Policy Manager and/or a Public Ambassador inside and outside the state government. Responsible for the development of statewide policy that will lead the state's implementation of a program and policy area around Information Privacy and key elements of statewide telecommunications policy. This exempt class is a critical influence on major policies and services such as advising the Governor's Office on policies relating to new technologies and their impact on privacy and data protection; consults with Legislature on bills relating to privacy; develops privacy modeling for distribution to state agencies to use in product development design.

## 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.

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### Explanation

Consolidated Technology Services is requesting to establish an exempt class titled Chief Information Privacy Officer of the Office of Chief Information Officer. This is a result of the legislature passing Engrossed Second Substitute Senate Bill 5315, relating to the alignment of the Consolidated Technology Services. This bill transferred the Office of the Chief Information Officer (OCIO) from the Office of Financial Management to Consolidated Technology Services on July 1, 2015. Staff reviewed the position description and evaluated the work with a score of D5Y-1136, which is within the EMS Band IV level. A Fiscal Impact Statement has been reviewed and approved by OFM Budget for this action.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Policy	<b>Date of Exempt Position Description on File</b> 12/13/2017
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 10</b>	
<b>Requester (Agency/Institution)</b> Consolidated Technology Services (CTS)	<b>Analyst</b> Tricia Mackin
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B9634 Senior Strategist, Electronic Media & Digital Content – CTS	<b>Proposed EMS Band/Rate</b> EMS Band II (\$57,600 - \$105,708)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> 41.06.070 (1) (aa) "Officers and employees of the consolidated technology services agency created in RCW 43.105.006..."
<b>Effective Date</b> 8/10/2018	

### Scope

The Senior Strategist, Electronic Media & Digital Content reports directly to the Deputy Director, Business and Digital Media Services. This exempt class is responsible for creating new and transformative information and communications technology services and products for building a value-added and sustainable service for the enterprise. This exempt class serves as the expert and the policy and business development advisor to the State Chief Information Officer. This exempt class is responsible for leading the development of new services that help agencies tell their story to employees and constituents with new digital media technology and practices for state agencies, city, county and non-profits.

## 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.

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### Explanation

Consolidated Technology Services is requesting to establish an exempt class titled Senior Strategist, Electronic Media & Digital Content. This is a result of the legislature passing Engrossed Second Substitute Senate Bill 5315, relating to the alignment of the Consolidated Technology Services. This bill transferred the Office of the Chief Information Officer (OCIO) from the Office of Financial Management to Consolidated Technology Services on July 1, 2015. State Human Resources reviewed the position description and scored this exempt class at B4W-580, which meets the EMS Band II level. A Fiscal Impact Statement has been reviewed and approved by OFM Budget for this action.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Policy	<b>Date of Exempt Position Description on File</b> 8/1/2017
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 11</b>	
<b>Requester (Agency/Institution)</b> Consolidated Technology Services (CTS)	<b>Analyst</b> Tricia Mackin
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B9635 Director, Legislative Affairs – CTS	<b>Proposed EMS Band/Rate</b> EMS Band III (\$66,804 - \$119,076)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> 41.06.070 (1) (v) “in each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors...”
<b>Effective Date</b> 8/10/2018	

### Scope

The Director, Legislative Affairs reports directly to the State Chief Information Officer and Director of Consolidated Technology Services (CTS). This exempt class is responsible for developing policies and strategies to convey values and needs for statewide technology services and solutions. This exempt class oversees and manages the Government Affairs Office and is the agency’s primary point of contact with legislatures, legislative staff and external partners. This exempt class is responsible for directing legislative strategy, developing or managing the development of agency requested legislation and guiding agency legislation through the legislative process. This exempt class helps ensure strategic decision-making and direction are incorporated into budget development, agency initiatives, agency requested legislation and performance measures.

### Explanation

Consolidated Technology Services is requesting to establish an exempt class titled Director, Legislative Affairs. This is a result of the legislature passing Engrossed Second Substitute Senate Bill 5315, relating to the alignment of the Consolidated Technology Services. This bill transferred the Office of the Chief Information Officer (OCIO) from the Office of Financial Management to Consolidated Technology Services on July 1, 2015. State Human Resources reviewed the position description and scored this exempt class at C4W-776, which meets the EMS Band III level. A Fiscal Impact Statement has been reviewed and approved by OFM Budget for this action.

## 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.

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<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Policy	<b>Date of Exempt Position Description on File</b> 8/1/2017
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 12</b>	
<b>Requester (Agency/Institution)</b> Department of Enterprise Services	<b>Analyst</b> Melissa Bovenkamp
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B9636 Assistant Director, Organization Development Services - DES	<b>Proposed EMS Band/Rate</b> EMS Band III (\$66,804-\$119,076)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 43.19.011 (2)(c) "...the director shall...Appoint deputy and assistant directors....to administer the department. These employees are exempt from the provisions of 41.06 RCW..."
<b>Effective Date</b> 8/10/2018	

### Scope

The Assistant Director, Organization Development Services (ODS) Division will report to the Deputy Director of the Department of Enterprise Systems (DES). Serves as a member of the agency's broader Executive Leadership Team, and the Corporate Council, and will participate in setting overall policy and strategic direction for the agency. This exempt class is responsible for leading and managing the ODS Division which provides organizational development and change management programs and services to DES, other state agencies and local governments.

Provides industry expert leadership and collaboration with Results Washington, a Governor's Office staffed and supported by the Office of Financial Management, to identify and provide a Lean culture development curriculum for state government. Due to the agency's enterprise capacity, this role sets the standard for other state government Lean leadership, operations, theory and practice.

## 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.

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### Explanation

The Department of Enterprise Systems (DES) is requesting the establishment of an exempt class, Assistant Director, Organization Development Services, under RCW 43.19.011 (2)(c). This request is a result of organizational changes. The agency has formed a Corporate Council consisting of multiple agency executives to include the Assistant Director, Organization Development Services to target shared resources to business planning initiatives designed to improve the agency's pursuit of a culture of customer satisfaction, team member satisfaction and financial health.

Portions of the duties are currently being performed within a Washington Management Service (WMS) position evaluated by the agency as a WMS Band III level. Transitioning the duties of the WMS position to Exempt Management Service (EMS) will align with the other EMS assistant director positions within DES that serve on the agency's broader Executive Management Team and newly formed Corporate Council. The agency's intent is to abolish the current WMS Band III Lean Program Manager position and transition the employee to this EMS class, as the work will be transferred to the new EMS position.

DES evaluated this exempt class with a JVAC of C4Y-888, Band III. State Human Resources staff evaluated this position as C3X-768, EMS Band III.

The agency can absorb the costs associated with this request and OFM Budget has approved the Fiscal Impact Statement.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 4/30/2018
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 13</b>	
<b>Requester (Agency/Institution)</b> Department of Enterprise Services	<b>Analyst</b> Susan Miles
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B9637 Assistant Director, Capitol Security & Visitor Services - DES	<b>Proposed EMS Band/Rate</b> EMS Band IV (\$80,076 - \$137,964)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 43.19.011 (2) (c), "...the director shall...Appoint deputy and assistant directors....to administer the department. These employees are exempt from the provisions of 41.06 RCW..."
<b>Effective Date</b> 8/10/2018	

### Scope

Reporting to the agency Director, the Assistant Director of Capitol Security and Visitor Services will direct and manage Capitol Campus security and visitor services. This exempt class serves as a strategic leader in the development and operations of visitor services that provide tours, issues land use permits, coordinates organized events, and provides visitor services to the various historic sites on the Capital Campus and five public parks. This position provides strategic operations and leadership of the division with responsibility of security services for the public, employees, contractors, and public officials within 5 public parks, Capitol Campus facilities, and 4 parking garages that includes various state agencies. Security services include strategic planning, contracting services, and detailed security operations and response plans for the Capitol Campus that involves 28 tenant agencies, Legislature, State Supreme Court and State elected officials' offices.

## 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.

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### Explanation

The Department of Enterprise Services is requesting to establish an exempt class, Assistant Director, Capitol Security and Visitor Services – DES under RCW 43.19.11 (2) (c). Through reorganization of the Division of Capitol campus services, DES has created a new division combining security and visitor services programs.

Staff reviewed the proposed position description and evaluated the work with a JVAC score of C5Y-948, which is within the EMS Band IV level. A Fiscal Impact Statement has been reviewed and approved by OFM Budget for this action.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 4/27/2018
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 14</b>	
<b>Requester (Agency/Institution)</b> Washington State Liquor and Cannabis Board	<b>Analyst</b> Terri Parker
<b>Primary Action (check all that apply)</b> <input type="checkbox"/> Abolishment <input checked="" type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> N/A	<b>Current EMS Band/Rate</b> N/A
<b>Proposed Code/Title</b> B9722 Deputy Chief Information Officer - LCB	<b>Proposed EMS Band/Rate</b> EMS Band III (\$66,804 - \$119,076)
<b>Current RCW Exemption (indicate number and description)</b> N/A	<b>Proposed RCW Exemption (indicate number and description)</b> RCW 41.06.070(3) Governor's Pool "...a senior expert in enterprise information technology infrastructure, engineering, or systems ..."
<b>Effective Date</b> 8/10/2018	

### Scope

Reporting to the Chief Information Officer, the Deputy Chief Information Officer is responsible to provide day-to-day and strategic direction for the Washington State Liquor and Cannabis Board technology operations. The Deputy leads the Information Services Division Architecture and Standards Committee and serves as the primary customer engagement specialist to ensure division services support the development of internal and external service level agreements to meet the agency's mission activities. The Deputy oversees staff with direct management of agency-wide standard operating procedures for data management, security, architecture, and technology procurement services, and service/product standards. The Deputy will act on behalf of the Chief Information Officer when delegated to do so and/or in their absence.

### Explanation

The Washington State Liquor and Cannabis Board requests establishment of the exempt Deputy Chief Information Officer to support internal operations and achievement of the agency's strategic objectives, and in accordance with RCW 41.06.070(3).

## 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.

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State Human Resources scored this exempt class at C3W-748, 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 establishment.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 6/4/2018
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> N/A
<b>Workforce Indicator</b> 80148587 At-Will Governor's Pool	<b>Total Number of Approved Position(s)</b> 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.

<b>Item 15</b>	
<b>Requester (Agency/Institution)</b> Washington State Liquor and Cannabis Board	<b>Analyst</b> Terri Parker
<b>Primary Action (check all that apply)</b> <input checked="" type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input type="checkbox"/> Exemption Change <input type="checkbox"/> Substantial Scope Change	
<b>Secondary Action - As a result of Primary Action (check all that apply)</b> <input type="checkbox"/> Add Position <input type="checkbox"/> Band Change <input type="checkbox"/> Minor Scope Change <input type="checkbox"/> Pay Outside Band <input type="checkbox"/> Title Change <input type="checkbox"/> Remove Position	
<b>Current Code/Title</b> B7941 Director, Public Records and Support Services Division - LCB	<b>Current EMS Band/Rate</b> EMS Band III (\$66,804 - \$119,076)
<b>Proposed Code/Title</b> N/A	<b>Proposed EMS Band/Rate</b> N/A
<b>Current RCW Exemption (indicate number and description)</b> RCW 41.06.070(1)(v) In each agency with fifty or more employees: ...or division directors...	<b>Proposed RCW Exemption (indicate number and description)</b> N/A
<b>Effective Date</b> 8/10/2018	

### Explanation

The Washington State Liquor and Cannabis Board is requesting the abolishment of exempt class Director, Public Records and Support Services. This exempt class was originally established in August 2015 and the agency no longer utilizes due to reorganization. All of the duties assigned to this exempt class have been dispersed to several different positions within the agency.

The Office of Financial Management, State Human Resources supports abolishment of this exempt class. No fiscal impact statement was required.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director's Meeting Date</b> 8/9/2018	
<b>Management Type</b> Management	<b>Date of Exempt Position Description on File</b> 5/11/2015
<b>EEOC Code</b> 41 Officials & Administrators	<b>Current Number of Approved Position(s)</b> 1
<b>Workforce Indicator</b> 80148586 At-Will	<b>Total Number of Approved Position(s)</b> N/A

## Section C: Classification

<b>Item 16</b>	
<b>Requester (Agency/Institution)</b> Office of Financial Management	<b>Analyst</b> Kris Brophy
<b>Actions</b> <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Revision <input type="checkbox"/> Salary Adjustment	<b>If Revision, check all that apply:</b> <input type="checkbox"/> Title Change <input type="checkbox"/> Class Series Concept <input checked="" type="checkbox"/> Definition <input checked="" type="checkbox"/> Distinguishing Characteristics
<b>Current Class Code/Title</b> Audit Specialist - DOT 1	<b>Current Salary Range/Rate</b> 37 (\$32,484 – \$43,104)
<b>Proposed Class Code/Title</b> N/A	<b>Proposed Salary Range/Rate</b> N/A
<b>Effective Date</b> 8/10/2018	

### Definition ~~Distinguishing Characteristics~~

This is the entry level of the series. As an entry-level auditor under close supervision, assists with risk based audits and consulting engagements for the agency, and audits of private organizations, local governments or non-profits. Assists higher level auditors in performing risk based audit and consulting work in accordance with applicable professional standards including the Institute of Internal Audit Standards, and Government Auditing Standards, as well as federal and state laws, and regulations.

### Explanation

This is a correction of an error. The Audit Specialist – DOT 1 job class specification section title “Distinguishing Characteristics” was adopted in error, the correct section title is “Definition.” The language following this section title remains unchanged.

<b>This information is entered into the Human Resources Management System (HRMS) and CC Jobs.</b>	
<b>Director’s Meeting Date</b> 8/9/2018	
<b>Management Type</b> N/A	<b>Workforce Indicator</b> 80148588 Classified WA General Service
<b>EEOC Code</b> 42 Professionals	<b>Number of Position(s) Affected</b> 0



## Section D: Compensation

### Assignment Pay Request Group A

<b>Item 17</b>			
<b>Requester (Agency)</b> Department of Labor and Industries		<b>Analyst</b> Susan Miles	
<b>Actions</b> <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Revision		<b>Effective Date</b> 8/10/2018	
<b>WAC 357-28-175</b> Assignment pay is a premium added to base salary to recognize specialized skills, assigned duties, and/or unique circumstances that exceed the ordinary. Assignment pay is intended to be used only as long as skills, duties, or circumstances it is based on are in effect.			
<b>Reference # 56</b>			
<b>Reference Description</b> Within the Department of Labor and Industries, conditional to <u>serious hazardous exposure as defined by RCW 49.17.180(6)</u> ; Industrial Hygienists and Safety & Health Specialists are paid base salary <u>plus</u> <del>and</del> four (4) ranges for each hour they are required to use personal protective equipment (excluding hard hat, boots, hearing and eye protection) to enter a hazardous <u>workspace worksite to consult</u> , inspect or investigate <del>a fatality or where serious incident that still has the hazards are present. and is unsecured.</del>			
<b>Group A</b>	<b>Class</b>	<b>Premium</b>	<b>Reference #(s)</b>
<b>Class Title(s)</b>	<b>Code(s)</b>		
Safety & Health Specialist 1	392E	4 range	56
Safety & Health Specialist 2	392F	4 range	56
Safety & Health Specialist 3	392G	4 range	56
Safety & Health Specialist 4	392H	4 range	56
Industrial Hygienist 2	394E	4 range	56
Industrial Hygienist 3	394F	4 range	56
Industrial Hygienist 4	394G	4 range	56

<b>Group B</b>	<b>Premium</b>	<b>Reference #</b>
<b>Assigned Duty</b>		
N/A	N/A	N/A

#### Explanation

The Department of Labor and Industries is requested a change to assignment pay reference #56 written into the 2017-2019 Collective Bargaining Agreement. The original reference was identified as needing clarification to meet the business needs to avoid future conflict with the implementation of the reference. Labor and Industries has negotiated with Washington Federation of State Employees to address the confusion that could negatively affect the Safety & Health Specialists.

## Section D: Compensation

The proposed changes to the reference language was a result of a Memorandum of Understanding negotiated between the Department of Labor and Industries and Washington Federation of State Employees, facilitated by the Office of Financial Management, Labor Relations Section, effective July 1, 2018. State Human Resources is supportive of modifying the assignment pay reference for the Safety & Health Specialist 1, 2, 3 and 4 and Industrial Hygienist 2, 3 and 4 classifications that are assigned to enter a hazardous worksite to consult, inspect or investigate as specifically outlined in the reference.

<b><i>Internal Use Only</i></b>	
<b>Director's Meeting Date</b> 8/9/2018	<b>Reference Type</b> Group A

## Section D: Compensation

### Higher Education Special Pay Request

<b>Item 18</b>				
<b>Requester (Higher Education Institution)</b> University of Washington		<b>Analyst</b> Brett Alongi		
<b>Actions</b> <input type="checkbox"/> Abolishment <input type="checkbox"/> Establishment <input checked="" type="checkbox"/> Revision		<b>Effective Date</b> 8/16/2018		
<b>WAC 357-28-025</b> 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.				
<b>Class Title(s)</b>	<b>Class Code(s)</b>	<b>Current Salary Range or Special Pay Range</b>	<b>Proposed Special Pay Range</b>	<b>Proposed Special Pay Increase</b>
Polysomnographic Technologist	297Q	Z3-G5	M4-T5	13.8%
Polysomnographic Technician 1	297O	I3-P4	V3-C5	13.9%
Polysomnographic Technician 2	297P	S3-Z4	F4-M5	13.9%
Pulmonary Function Technologist 1	297E	H3-R4	U3-E5	13.8%
Pulmonary Function Technologist 2	297F	T3-D5	G4-Q5	13.8%
Pulmonary Function Technologist Lead	297G	F4-P5	S4-C6	13.8%
Respiratory Care Specialist	309H	Y4-V6	L5-V6	13.8%

**Category (select all that apply):**

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

**Explanation**

The University of Washington (UW) is requesting a special pay increase for the job classes identified above. The basis of this request is effective operations and has been substantiated by data from the 2018 Milliman Inc. Northwest Health Care Salary Survey, which was purchased and provided by UW. The data is from January 1, 2018 and has been aged to June 1, 2018 at an annual rate of three (3) percent.

## Section D: Compensation

State HR staff supports this special pay request, which would increase the median monthly pay for each job class by approximately 14 percent, but would not exceed the market average. Currently, the Respiratory Care Specialist is the only job class included with this request with positions filled. The remainder of the job classes are currently vacant, however, the approximate 14 percent increase will better align UW to the market, which will aid in their efforts to recruit and retain highly skilled and critical positions. UW has certified the funding does not include tuition dollars and they have identified local funds to support these health care special pay salary increases. UW is requesting an effective date of August 16, 2018.

<b><i>Internal Use Only</i></b>
<b>Director's Meeting Date</b> 8/9/2018

## Section D: Compensation

### Item: 19

**OFFICE OF FINANCIAL MANAGEMENT  
STATE HUMAN RESOURCES  
BASIC SHIFT PREMIUM RATE**  
Effective August 10, 2018

#### Basic Shift Premium Rate

Non-represented Employees: \$1.00 an hour for ~~full-time~~ employees who are regularly scheduled evening and night shifts employees. \$.65 an hour for ~~full-time~~ employees who are regularly scheduled day shift employees.

**Explanation:** The intent of the shift premium rules is to pay all employees, both full-time and part-time, working in compliance with WAC 357-28-190, the amounts specified in the compensation plan. The compensation plan's shift premium rate exhibit item approved June 30, 2017 and effective July 1, 2017, inadvertently stated the rates were specific to full-time employees. The above language corrects this error.

<b><i>Internal Use Only</i></b>
<b>Director's Meeting Date</b> 8/9/2018

## Section E: Rule Amendments

### ITEM #1

#### Staff Note:

Second Engrossed Second Substitute House Bill 1661, creating the Department of Children, Youth, and Families (DCYF), was passed during the 2017 Legislative session. Section 807 of this bill amends RCW 41.06.475 to say that the Office of Financial Management shall adopt rules in consultation with the DCYF for the background investigation of current employees and individuals that are being considered for positions with DCYF that will or may have unsupervised access to children. We are proposing the following rule amendments to reflect this change.

These rules were filed on an emergency basis effective July 1, 2018. Staff is proposing permanent adoption effective September 21, 2018.

#### AMENDATORY SECTION

**WAC 357-19-183 Must ~~((DEL))~~ DCYF conduct background checks on all employees in covered positions and individuals being considered for a covered position?** (1) The ~~((director))~~ secretary of the department of ~~((early learning ~~((DEL))~~))~~ children, youth and families (DCYF) or designee must conduct background checks on all employees in covered positions and individuals being considered for a covered position.

(2) The requirement for background checks must include the following:

(a) Current employees in covered positions.

(b) Any employee considered for a covered position because of a layoff, reallocation, transfer, promotion, demotion, or other actions that result in the employee being in a covered position.

(c) Any individual being considered for positions which are covered positions.

(3) Considered for positions includes decisions about:

(a) Initial hiring, layoffs, reallocations, transfers, promotions, demotions, or

(b) Other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

#### AMENDATORY SECTION

**WAC 357-19-184 Besides the ~~((DEL))~~ DCYF, may other employers conduct background checks on applicants or employees and what is the requirement to notify applicants or employees?**

(1) Employers may conduct background checks on applicants and/or employees if required by state or federal law, or if the employer identifies the need for a background check to verify that the applicant or employee satisfies the position requirements.

## Section E: Rule Amendments

(2) Employers who conduct background checks must develop procedures regarding how and when background checks will be conducted. The procedures must include notification to applicants and/or employees if a background check is required.

### AMENDATORY SECTION

**WAC 357-19-186 For purposes of WAC 357-19-183, what information is considered in a background check conducted by ~~((DELETED))~~ DCYF and what are the results of the background check used for?** (1) The background check information considered by the ~~((director))~~ secretary of the ~~((DELETED))~~ DCYF will include but not be limited to conviction records, pending charges, and disciplinary board final decisions.

(2) The results of the background check must be used solely for the purpose of determining the character, suitability and competence of the applicant and/or employee.

### AMENDATORY SECTION

**WAC 357-19-187 For purposes of WAC 357-19-183, must an employee and/or individual being considered for a covered position authorize the ~~((director))~~ secretary of the ~~((DELETED))~~ DCYF or designee to conduct a background check and what happens if the employee or individual being considered for a covered position does not provide authorization?** An employee and/or individual applying for or being considered to remain in a covered position must authorize the ~~((director))~~ secretary of the ~~((DELETED))~~ DCYF or designee to conduct a background check. Failure to authorize the ~~((director))~~ secretary of the ~~((DELETED))~~ DCYF or designee to conduct a background check disqualifies an employee or individual from consideration for any covered position including their current covered position.

### AMENDATORY SECTION

**WAC 357-19-188 What happens when a permanent ~~((DELETED))~~ DCYF employee is disqualified because of a background check?** (1) A permanent employee with a background check disqualification may be subject to any of the following actions in no specific order:

- (a) Voluntary demotion;
- (b) Job restructuring;
- (c) Voluntary resignation;
- (d) Job reassignment;
- (e) Nondisciplinary separation in accordance with WAC 357-46-195; or
- (f) Disciplinary action in accordance with WAC 357-40-010.

## Section E: Rule Amendments

(2) An appointing authority may use the following interim measures while exploring the availability of actions (not to exceed thirty calendar days except in cases where there are investigations of pending charges):

- (a) Voluntary use of accrued vacation, exchange, and/or compensatory time;
- (b) Authorized leave without pay, if there is no paid leave available, or if the employee chooses not to use paid leave; and/or
- (c) Reassignment to another work location.
- (d) When considering the above actions, the agency will consider the least restrictive means necessary to prevent unsupervised access.

(3) Before a permanent employee may be separated due to a background check disqualification, the search for a noncovered position will occur over a period of thirty calendar days.

### AMENDATORY SECTION

**WAC 357-19-189 What are the responsibilities of the ((director)) secretary of the ((DEL)) DCYF in carrying out the requirement to conduct background checks?** (1) In order to implement the

requirements of WAC 357-19-183, the ((director)) secretary of the ((DEL)) DCYF or designee must:

- (a) Notify employees and individuals being considered for covered positions that a background check is required for covered positions; and
- (b) Develop policies and procedures pertaining to background checks.

(2) Information contained in background checks must be used solely for the purpose of determining the character, suitability and competence of the employee and/or individual being considered for covered positions. The information must not be disseminated further. Dissemination and use of such information is governed by the criminal records privacy act, chapter 10.97 RCW. Unlawful dissemination of information protected by the criminal records privacy act is a criminal offense and may result in prosecution and/or disciplinary action as provided in chapter 357-40 WAC. However, results of a background check may be discoverable pursuant to the rules of civil discovery, or subject to disclosure pursuant to a public records request.

### AMENDATORY SECTION

**WAC 357-19-191 Does a permanent employee of ((DEL)) DCYF who is disqualified from a covered position as a result of a background check have the right to request a review of the disqualification?** A permanent employee of ((DEL)) DCYF who is disqualified from a covered position as a result of a background check has the right to present to the ((director)) secretary of the



## Section E: Rule Amendments

~~((DEL))~~ DCYF or designee evidence that mitigates convictions, pending charges, and disciplinary board final decisions including, but not limited to:

- (1) The employee's background check authorization and disclosure form;
- (2) The employee's age at the time of conviction, charge, or disciplinary board final decision;
- (3) The nature and severity of the conviction, charge, or disciplinary board final decision;
- (4) The length of time since the conviction, charge, or disciplinary board final decision;
- (5) The nature and number of previous offenses;
- (6) Vulnerability of the child to which the employee will or may have unsupervised access; and
- (7) The relationship between the potentially disqualifying event and the duties of the employee.

### ITEM #2

#### Staff note:

Engrossed Substitute House Bill 1434 was passed during the 2018 Legislative session with an effective date of July 1, 2018. This bill expands the use of shared leave to employees who are sick or temporarily disabled because of a pregnancy disability and for the purposes of parental leave. This bill also allows an employee to maintain up to forty hours of vacation leave and forty hours of sick leave while using shared leave. We are proposing the following rule amendments to reflect this change. We are also proposing to clean up these WACs by condensing language and making other amendments that are housekeeping in nature.

These rules were filed on an emergency basis effective July 1, 2018. Staff is proposing permanent adoption effective September 21, 2018.

### AMENDATORY SECTION

**WAC 357-31-380 What is the purpose of the state leave sharing program?** The purpose of the state leave sharing program is to permit state employees, at no significantly increased cost to the state for providing leave, to come to the aid of another state employee who is likely to take leave without pay or terminate ~~((his or her))~~ employment ~~((because:~~

- ~~(1) The employee has been called to service in the uniformed services;~~
- ~~(2) The employee is volunteering with a governmental agency or a nonprofit organization when a state of emergency has been declared within the United States;~~
- ~~(3) The employee or a relative or household member is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition; or~~
- ~~(4) The employee is a victim of domestic violence, sexual assault, or stalking as defined in RCW 41.04.655)).~~

## Section E: Rule Amendments

### AMENDATORY SECTION

**WAC 357-31-390 What criteria does an employee have to meet to be eligible to receive shared leave?** An employee may be eligible to receive shared leave if the agency head or higher education institution president has determined the employee meets the following criteria:

(1) The employee:

(a) Suffers from, or has a relative or household member suffering from, an illness, injury, impairment(~~(,;))~~ or physical or mental condition which is of an extraordinary or severe nature;

(b) ~~((The employee))~~ Has been called to service in the uniformed services;

(c) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has the needed skills to assist in responding to the emergency or its aftermath and volunteers their services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(d) ~~((The employee))~~ Is a victim of domestic violence, sexual assault(~~(,;))~~ or stalking as defined in RCW 41.04.655;

(e) ~~((The employee))~~ Is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability; (~~(or)~~)

(f) ~~((The employee))~~ Is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointments or treatments;

(g) Needs the time for parental leave as defined in WAC 357-31-395(3); or

(h) Is sick or temporarily disabled because of a pregnancy disability as defined in WAC 357-31-395(4).

(2) The ~~((illness, injury, impairment, condition, call to service, emergency volunteer service, consequence of domestic violence, sexual assault, or stalking, or))~~ condition(s) listed in subsection (1) of this section is likely to cause, the employee to(~~(:~~

~~(a))~~ go on leave without pay status(~~(;))~~ or (~~((b))~~) terminate state employment.

(3) The employee's absence and the use of shared leave are justified.

(4) The employee has depleted or will shortly deplete ~~((their:~~

~~(a) Compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, accrued vacation leave, and accrued sick leave if the employee qualifies under subsection (1)(a) of this section; or~~

~~(b) Compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, accrued vacation leave, and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (1)(b) of this section; or~~

~~(c) Compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, and accrued vacation leave if the employee qualifies under (1)(c) of this section))~~ leave in accordance with WAC 357-31-435. If the employee qualifies under subsection (1)(g) or (h) of this section the employee is not required to deplete all of their vacation leave or sick leave in accordance with WAC 357-31-435.

(5) The employee has abided by employer rules regarding:

(a) Sick leave use if the employee qualifies under subsection (1)(a), (d), (g), or (h) of this section; or

(b) Military leave if the employee qualifies under subsection (1)(b) of this section.

## Section E: Rule Amendments

(6) If the illness or injury is work-related and the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (1)(a) of this section.

### AMENDATORY SECTION

**WAC 357-31-395 What definitions apply to shared leave?** (1) As defined in RCW 41.04.655, "employee" means any employee of the state, including employees of school districts and educational service districts, who ((is)) are entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(2) "Employee's relative" normally must be limited to the employee's spouse, registered domestic partner, child, grandchild, grandparent((;)) or parent.

(3) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to sixteen weeks after the birth or placement.

(4) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(5) "Severe" or "extraordinary" condition is defined as serious ((or)), extreme ((and/or)) or life threatening.

~~((4))~~ (6) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty((;)) and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

~~((5))~~ (7) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard((;)) and any other category of persons designated by the President of the United States in time of war or national emergency.

### AMENDATORY SECTION

**WAC 357-31-405 What documentation may an employee seeking shared leave be required to submit?** An employee may be required to submit the following documentation before the employer approves or disapproves the employee's request for shared leave:

(1) For employees seeking shared leave under WAC 357-31-390 (1)(a), the employer may require the employee to submit a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition ~~((before the employer approves or disapproves the request)).~~

(2) For employees seeking shared leave under WAC 357-31-390 (1)(b), the employer may require the employee to submit a copy of the military orders verifying the employee's required ~~((absence before the employer approves or disapproves the request)).~~

(3) For employees seeking shared leave under WAC 357-31-390 (1)(c), proof of acceptance of an employee's offer to volunteer for either a governmental agency or a nonprofit organization during a declared state of emergency.

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(4) For employees seeking shared leave under WAC 357-31-390 (1)(d), the employer may require that the request be supported by documentation. An employee may satisfy the verification requirement by providing the employer with one or more of the following:

(a) A police report indicating that the employee was a victim of domestic violence, sexual assault((;)) or stalking;

(b) A court order protecting or separating the employee from the perpetrator of the act of domestic violence, sexual assault((;)) or stalking;

(c) Evidence from the court or prosecuting attorney that the employee appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault((;)) or stalking;

(d) An employee's written statement that the employee is a victim of domestic violence, sexual assault((;)) or stalking; or

(e) Documentation that the employee is a victim of domestic violence, sexual assault((;)) or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault((;)) or stalking: An advocate for victims of domestic violence, sexual assault((;)) or stalking; an attorney; a member of the clergy; or a medical or other professional.

(5) Employees seeking shared leave under WAC 357-31-390 (1)(e) or (f), the employee must provide documentation in accordance with WAC 357-31-805.

(6) Employees seeking shared leave under WAC 357-31-390 (1)(g), the employer may require verification of the birth or adoption of the child or proof of a current foster parent license or a court document for foster care or placement.

(7) Employees seeking shared leave under WAC 357-31-390 (1)(h), the employer may require a medical certification from a licensed physician or health care practitioner verifying that the employee has a pregnancy disability.

### AMENDATORY SECTION

**WAC 357-31-415 Can donated leave be used for any purpose?** Vacation leave, sick leave, or all or part of a personal holiday transferred from a donating employee under these rules must be used solely for the purpose stated in WAC ((357-31-380)) 357-31-390.

### AMENDATORY SECTION

**WAC 357-31-435 Must employees use their own leave before using shared leave?** (1)

Employees who qualify for shared leave under WAC 357-31-390 (1)(a) must first use all compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, sick leave((;)) and vacation leave that they have accrued before using shared leave.

(2) Employees who qualify for shared leave under WAC 357-31-390 (1)(b) must first use all of their compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, accrued vacation leave((;)) and paid military leave allowed under RCW 38.40.060 before using shared leave.

(3) Employees who qualify for shared leave under WAC 357-31-390 (1)(c) and (d) must first use all compensatory time, recognition leave as described in WAC 357-31-565, personal holiday((;)) and vacation leave that they have accrued before using shared leave.

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(4) Employees who qualify for shared leave under WAC 357-31-390 (1)(e) or (f) must first use all leave as described in WAC 357-31-797.

(5) Employees who qualify for shared leave under WAC 357-31-390 (1)(g) and/or (h) must first use all accrued compensatory time, recognition leave as described in WAC 357-31-565 and personal holiday before using shared leave. The employee is not required to deplete all of their accrued vacation leave and sick leave and can maintain up to forty hours of vacation leave and forty hours of sick leave.

### **ITEM #3**

#### **Staff note:**

Substitute Senate Bill 5996 was passed during the 2018 Legislation session with an effective date of June 7, 2018. This bill states that an employer may not require an employee, as defined in chapter 49.44 RCW, 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. We are proposing the following amendment to place new provisions in Title 357 WAC.

These rules were filed on an emergency basis effective June 7, 2018. Staff is proposing permanent adoption effective September 21, 2018.

### **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) State 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;
- (9) State that the complainant shall be informed of the status and the outcome of an investigation;
- (10) Identify the agency's investigation or response procedure;

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(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) State that confidentiality cannot be guaranteed;

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

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

(15) 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

(16) State 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.

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

### **ITEM #4**

#### **Staff note:**

House Bill 2851 passed during the 2018 Legislative session with an effective date of June 7, 2018. This bill amends RCW 38.40.060 and clarifies the calculation of military leave for officers and employees that work shifts spanning more than one calendar day. We are proposing the following rule amendment to reflect this change. In addition, a housekeeping change was made in subsection (1).

This rule was filed on an emergency basis effective June 7, 2018. Staff is proposing permanent adoption effective September 21, 2018.

### **AMENDATORY SECTION**

**WAC 357-31-360 Must employees who have been ordered to required military duty, training, drills, or required to appear for a physical examination be granted paid military leave? (1)**

Employees must be granted military leave with pay not to exceed twenty-one working days during each year, beginning October 1st and ending the following September 30th, in order to report for required military duty, training duty in the Washington National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps reserves of the United States or any organized reserve or armed

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forces of the United States, or to report for drills including those in the National Guard under Titles 10 and 32 U.S.C., or state active status.

(2) The employee is charged military leave only for the days that ~~((they are))~~ the employee is scheduled to work. If the employee is scheduled to work a shift that begins on one calendar day and ends on the next calendar day, the employee is charged military leave only for the first calendar day. If the employee is scheduled to work a shift that begins on one calendar day and ends later than the next calendar day, the employee is charged military leave for each calendar day except the calendar day on which the shift ends.

~~((2))~~ (3) Military leave with pay is in addition to any vacation and sick leave to which an employee is entitled and does not reduce benefits, performance ratings, privileges~~((r))~~ or pay.

~~((3))~~ (4) During paid military leave, the employee must receive the normal base salary.

~~((4))~~ (5) Employees required to appear during working hours for a physical examination to determine physical fitness for military service must receive full pay for the time required to complete the examination.

Employees who are not yet in the military may use paid miscellaneous leave for this purpose.

Employees who are already in the military may use paid military leave as described in this section. An employee who is currently in the military may use paid miscellaneous leave for this purpose if they do not have paid military leave available.

### ITEM #5

#### Staff note:

The proposed rule changes to WAC 357-31-010 and WAC 357-31-165 are housekeeping in nature.

Staff is proposing permanent adoption effective September 21, 2018.

### AMENDATORY SECTION

#### **WAC 357-31-010 Which employees qualify for holiday compensation?**

(1) Full-time general government employees who work full monthly schedules qualify for holiday compensation if they are employed before the holiday and are in pay status:

- (a) For at least eighty nonovertime hours during the month of the holiday; or
- (b) For the entire work shift preceding the holiday.

(c) Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

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(2) Full-time higher education employees and cyclic year position employees who work full monthly schedules qualify for holiday compensation if they are in pay status for the entire work shift preceding the holiday. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

(3) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day before the holiday(s) in that month. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

(4) Part-time general government employees who are in pay status during the month of the holiday qualify for holiday pay on a pro rata basis in accordance with WAC 357-31-020, except that part-time employees hired during the month of the holiday will not receive compensation for holidays that occur prior to their hire date.

(5) Part-time higher education employees who satisfy the requirements of subsection ~~((4))~~ (2) of this section are entitled to the number of paid hours on a holiday that their monthly schedule bears to a full-time schedule. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

### 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 minutes per month;
- (b) During the third year of current continuous state employment - Ten hours per month;
- (c) During the fourth year of current continuous state employment - Ten hours, forty minutes per month;
- (d) During the fifth and sixth years of total state employment - Eleven hours, twenty minutes per month;
- (e) During the seventh, eighth and ninth years of total state employment - Twelve hours per month;
- (f) During the tenth, eleventh, twelfth, thirteenth and fourteenth years of total state employment - Thirteen hours, twenty minutes per month;
- (g) During the fifteenth, sixteenth, seventeenth, eighteenth and nineteenth years of total state employment - Fourteen hours, forty minutes per month;



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- (h) During the twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth years of total state employment - Sixteen hours per month; and
- (i) During the twenty-fifth and succeeding years of total state employment - Sixteen hours, forty minutes per month.
- (2) As provided in WAC 357-58-175, an employer may authorize a lump-sum accrual of vacation leave or accelerate the vacation leave accrual rate to support the recruitment and/or retention of a candidate or incumbent 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)(k)-(1)(i)))~~ ((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.
  - (c) Exempt employment with a general government employer is credited, other than that specified in WAC 357-04-055 which is excluded.