

Title 357 WAC

PERSONNEL, DEPARTMENT OF— PERSONNEL RESOURCES BOARD

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**DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLE**

**Chapter 357-55
COMBINED FUND DRIVE**

- 357-55-010 What is the purpose of the combined fund drive rules? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-010, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-020 What is the intent of the combined fund drive rules? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-020, filed 3/17/08, effective 4/18/08; 05-08-132, § 357-55-020, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-030 Is the combined fund drive campaign authorized to collect contributions in state workplaces? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-030, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-040 Do the combined fund drive rules apply to collection of gifts in kind? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-040, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-110 What definitions apply to this chapter of the civil service rules? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-110, filed 3/17/08, effective 4/18/08; 05-08-132, § 357-55-110, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-210 What is the committee's name that is authorized in accordance with RCW 41.04.033 through 41.04.039 and RCW 41.04.230 and Executive Order EO 01-01? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-210, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-215 What does the CFD committee do? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-215, filed 3/17/08, effective 4/18/08; 05-08-132, § 357-55-215, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-220 How are members of the CFD committee appointed? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-220, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-225 When will the CFD committee meet? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-225, filed 3/17/08, effective 4/18/08; 05-08-132, § 357-55-

- 225, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-230 What is a quorum for the CFD committee? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-230, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-235 What are the CFD committee's responsibilities for a charity drive? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-235, filed 3/17/08, effective 4/18/08; 05-08-132, § 357-55-235, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-240 What are the CFD committee's responsibilities for standards and criteria to participate in the fund drive? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-240, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-245 Who completes, evaluates and approves the application printed and distributed by the CFD committee? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-245, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-250 Who develops the official CFD campaign and publicity materials? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-250, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-255 Who determines the CFD committee's administrative expenses and how are they recovered? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-255, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-260 Who establishes the process for handling and depositing employee contributions? [Statutory Authority: Chapter 41.06 RCW. 05-08-132, § 357-55-260, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-265 Who establishes staff and volunteer positions and other groups? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-265, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-270 Who engages the CFD program manager and what are the responsibilities of the program manager? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-270, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-275 How may contributions intended for an organization or federation that is decertified be handled? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-275, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-280 Do members of the CFD committee receive a salary and expense reimbursement? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-280, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-285 When may the CFD committee enter into contracts? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-285, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-310 May state employees volunteer to serve as CFD campaign executives? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-310, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.
- 357-55-320 May state agencies and higher education institutions use state resources to support the CFD campaign? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-320, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-330 What is the role of the department of personnel with the CFD committee? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-330, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-410 How may state employers establish a local CFD campaign? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-410, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-415 When does the annual CFD campaign occur? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-415, filed 3/17/08, effective 4/18/08; 05-08-133, § 357-55-415, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-420 May state employers grant permission for participating organizations to share information during work hours? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-420, filed 3/17/08, effective 4/18/08; 05-08-133, § 357-55-420, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-425 What campaign events may occur during work hours within the campaign calendar? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-425, filed 3/17/08, effective 4/18/08; 05-08-133, § 357-55-425, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-430 Who may be solicited? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-430, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-510 How are campaign expenses recovered? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-510, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-515 May fund-raising expenses be deducted from donations? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-515, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-520 How are campaign expenses divided? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-520, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-610 How does the CFD committee determine eligibility? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-610, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-615 What notice does the CFD committee provide if an organization is not eligible? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-615, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-620 What is the process to request reconsideration of noneligibility? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-620, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-625 May a participating organization be decertified or disqualified from participating in the combined fund drive? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-625, filed 3/17/08, effective 4/18/08; 05-08-133, § 357-55-625, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-630 What notice does the CFD committee provide when a decertification decision is made? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-630, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-635 When is decertification of an organization effective? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-635, filed 3/17/08, effective 4/18/08; 05-08-133, § 357-55-635, filed 4/6/05, effective 7/1/05.]

Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-640 When will payments of contributions cease for a decertified organization? [Statutory Authority: Chapter 41.06 RCW. 08-07-064, § 357-55-640, filed 3/17/08, effective 4/18/08; 05-08-133, § 357-55-640, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

357-55-645 May requests be made for reconsideration of a decertification decision? [Statutory Authority: Chapter 41.06 RCW. 05-08-133, § 357-55-645, filed 4/6/05, effective 7/1/05.] Repealed by 10-11-076, filed 5/14/10, effective 6/15/10. Statutory Authority: Chapter 41.06 RCW.

Chapter 357-01 WAC

DEFINITIONS

WAC

357-01-174 Full-time employee.
357-01-228 Parent-in-law.

WAC 357-01-174 Full-time employee. An employee who is scheduled to work:

- Forty hours in one workweek;
- For hospital personnel assigned to a fourteen-day schedule, eighty hours over a fourteen-day period; or
- For law enforcement positions, one hundred sixty hours in the twenty-eight-day work period.

For the purpose of this definition, time spent on temporary layoff will count towards the hourly requirement.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-01-174, filed 11/10/10, effective 12/13/10; 05-12-093, § 357-01-174, filed 5/27/05, effective 7/1/05.]

WAC 357-01-228 Parent-in-law. A biological or adoptive parent of an employee's spouse or an employee's registered domestic partner or an individual who stood *in loco parentis* to an employee's spouse or to an employee's registered domestic partner when the employee's spouse or the employee's registered domestic partner was a child. A person who had day-to-day responsibilities to care for and financially support the employee's spouse or the employee's registered domestic partner when he or she was a child is considered to have stood *in loco parentis* to the employee's spouse or to the employee's registered domestic partner.

[Statutory Authority: Chapter 41.06 RCW. 10-17-061, § 357-01-228, filed 8/13/10, effective 9/15/10; 09-17-057 and 09-18-112, § 357-01-228, filed 8/13/09 and 9/2/09, effective 12/3/09; 05-12-093, § 357-01-228, filed 5/27/05, effective 7/1/05.]

Chapter 357-04 WAC

GENERAL PROVISIONS

WAC

357-04-045 Which part-time or temporary employees of higher education employers are exempt from civil service rules?

WAC 357-04-045 Which part-time or temporary employees of higher education employers are exempt from civil service rules? Persons employed to work one thousand fifty hours or less in a twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, are exempt from civil service rules.

Employees who are either exempt under this subsection or exceptions authorized under WAC 357-19-440, and who work more than three hundred fifty hours in a twelve consecutive month period from the original date of hire or January 1, 2004, whichever is later, may be included in an appropriate bargaining unit for purposes of collective bargaining, as determined by the public employment relations commission. Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the three hundred fifty hours. For purposes of counting the three hundred fifty hours, the twelve-month period will begin on the employee's original date of hire or January 1, 2004, whichever is later. The next twelve-month period will repeat accordingly. For example:

The employee's original date of hire is June 1, 2009. The twelve-month period would be June 1, 2009, through May 31, 2010. The next twelve-month period would be June 1, 2010, through May 31, 2011. This pattern will continue.

Once the employee works at least three hundred fifty hours in a job classification in the collective bargaining unit the employee remains in that collective bargaining unit until the end of the first twelve-month period (as described in this section) in which the employee does not work at least three hundred fifty hours in a job classification that is in the collective bargaining unit. An employee who has not worked sufficient hours in a bargaining unit job classification to remain in the bargaining unit, is excluded from the bargaining unit until the employee again works at least three hundred fifty hours in a bargaining unit job classification in a twelve-month period (as described in this section).

Temporary appointment under the provisions of this section may be subject to remedial action in accordance with WAC 357-19-450, if the number of hours worked exceeds one thousand fifty hours in a twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the one thousand fifty hours. For purposes of counting the one thousand fifty hours, the twelve-month period will begin on the employee's original date of hire or October 1, 1989, whichever is later. The next twelve-month period will repeat accordingly. For example:

The employee's original date of hire is June 1, 2009. The twelve-month period would be June 1, 2009, through May 31, 2010. The next twelve-month period would be June 1, 2010, through May 31, 2011. This pattern will continue.

[Statutory Authority: RCW 41.06.150. 10-11-021, § 357-04-045, filed 5/10/10, effective 6/10/10. Statutory Authority: Chapter 41.06 RCW. 04-15-016, § 357-04-045, filed 7/8/04, effective 7/1/05.]

**Chapter 357-13 WAC
CLASSIFICATION**

WAC
357-13-085 How is the effective date of a reallocation determined?

WAC 357-13-085 How is the effective date of a reallocation determined? The effective date of a reallocation is determined as follows:

(1) The effective date of a reallocation resulting from the director's implementation or revisions to the classification plan is the effective date of the director's action.

(2) The effective date of an employer-initiated reallocation is determined by the employer. Notice of a reallocation to a class with a lower salary range maximum must be provided in accordance with WAC 357-13-070.

(3) The effective date of a reallocation resulting from an employee request for a position review is the date the request was filed with the employer unless the result of the position review is a reallocation to a class with a lower salary range maximum. Notice of reallocation to a class with a lower salary range maximum must be provided in accordance with WAC 357-13-070.

(4) The effective date of a reallocation to a class with a lower salary range maximum resulting from a director's review determination to reallocate to a lower classification than the employer's determination is thirty calendar days from the date of the director's determination unless the review determination is appealed to the personnel resources board. The effective date of a reallocation to a class with a lower salary range maximum resulting from a board order to reallocate to a lower classification than the employer's determination is thirty calendar days from the date of the board's order.

[Statutory Authority: Chapter 41.06 RCW. 10-23-042, § 357-13-085, filed 11/10/10, effective 12/13/10; 05-01-201, § 357-13-085, filed 12/21/04, effective 7/1/05.]

**Chapter 357-16 WAC
RECRUITMENT, ASSESSMENT, AND
CERTIFICATION**

WAC
357-16-025 How must employers and the department inform prospective applicants of recruitments?
357-16-157 Is an eligible's name removed from applicant and/or candidate pools when he/she is appointed to a position?

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

357-16-100 Must employers make final examination results available to an applicant? [Statutory Authority: Chapter 41.06 RCW. 06-19-065, § 357-16-100, filed 9/19/06, effective 10/20/06; 05-01-200, § 357-16-100, filed 12/21/04, effective 7/1/05.] Repealed by 10-11-072, filed 5/14/10, effective 7/1/10. Statutory Authority: Chapter 41.06 RCW.

WAC 357-16-025 How must employers and the department inform prospective applicants of recruitments? Employers shall determine the appropriate method to solicit job seekers, which may include but not be limited to, public announcements; searching the employer or the department's maintained talent pool. Recruitment announcements shall inform prospective job seekers how to apply for, or express interest in, positions which may come open for recruitment.

[Statutory Authority: Chapter 41.06 RCW. 10-11-072, § 357-16-025, filed 5/14/10, effective 7/1/10; 07-23-009, § 357-16-025, filed 11/8/07, effective 12/11/07; 06-19-065, § 357-16-025, filed 9/19/06, effective 10/20/06; 05-01-200, § 357-16-025, filed 12/21/04, effective 7/1/05.]

WAC 357-16-157 Is an eligible's name removed from applicant and/or candidate pools when he/she is appointed to a position? An eligible's name may be removed from the applicant and/or candidate pool for the class to which he/she is appointed and all lower classes in the same class series.

[Statutory Authority: Chapter 41.06 RCW. 10-11-072, § 357-16-157, filed 5/14/10, effective 7/1/10; 09-11-063, § 357-16-157, filed 5/14/09, effective 6/16/09; 06-03-071, § 357-16-157, filed 1/12/06, effective 2/13/06.]

Chapter 357-28 WAC COMPENSATION

WAC

357-28-055 How is the periodic increment date determined for a general government employee?

WAC 357-28-055 How is the periodic increment date determined for a general government employee? (1) For a general government employee appointed to a position before July 1, 2005, the employee's periodic increment date as of June 30, 2005 is retained.

(2) For a general government employee appointed to a position on or after July 1, 2005 whose base salary is set at the minimum of the salary range, the periodic increment date is six months from the date of appointment.

(3) For a general government employee appointed to a position on or after July 1, 2005 whose base salary is set above the minimum but below the maximum of the salary range, the periodic increment date is twelve months from date of appointment.

(4) A general government employee appointed to a position on or after July 1, 2005, whose base salary is set at the maximum of the range will not have a periodic increment date set. If the employee later receives a new appointment, the periodic increment date will be set at that time, as described in this section.

(5) Once a general government employee's periodic increment date is set, it remains the same unless:

(a) The periodic increment date is advanced or postponed in accordance with WAC 357-28-070 and 357-28-075; or

(b) The periodic increment date is adjusted for leave without pay in accordance with WAC 357-31-345.

[Statutory Authority: RCW 41.06.150. 10-17-062, § 357-28-055, filed 8/13/10, effective 9/15/10. Statutory Authority: Chapter 41.06 RCW. 06-11-048, § 357-28-055, filed 5/11/06, effective 6/12/06; 05-01-205, § 357-28-055, filed 12/21/04, effective 7/1/05.]

Chapter 357-31 WAC HOLIDAYS AND LEAVE

WAC

357-31-010 Which employees qualify for holiday compensation?
357-31-020 For general government part-time employees, how is holiday compensation prorated?
357-31-025 How many hours are higher education employees compensated for on a holiday?
357-31-100 Must an employer have a policy for requesting and approving leave?
357-31-115 How many hours of sick leave does an employee earn each month?
357-31-120 Do employees accrue sick leave if they have taken leave without pay during the month?

357-31-125 For general government part-time employees, how is leave accrual prorated?
357-31-170 At what rate do part-time employees accrue vacation leave?
357-31-175 Do employees accrue vacation leave if they have taken leave without pay during the month?
357-31-180 When an employee has taken leave without pay during the month is the employee's rate of accrual adjusted for the leave without pay?
357-31-190 When can an employee start to use accrued vacation leave?
357-31-230 When can an employee use accrued compensatory time?
357-31-325 Must an employer grant leave with pay for other miscellaneous reasons such as to take a state examination?
357-31-355 How does leave without pay affect the duration of an employee's probationary period, trial service period or transition review period?
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?
357-31-390 What criteria does an employee have to meet to be eligible to receive shared leave?
357-31-400 How much shared leave may an employee receive?
357-31-410 May employees donate leave to employees in other agencies, institutions of higher education, related higher education boards, educational service districts, or school districts?
357-31-435 Must employees use their own leave before using shared leave?
357-31-567 When must an employer grant the use of recognition leave?
357-31-600 Is there a limit to the amount of sick leave a participating employee may withdraw from a sick leave pool?
357-31-675 Is shared leave received under the uniformed service shared leave pool included in the shared leave limits specified in RCW 41.04.665?

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.

(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.

(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.

(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 (1) of this section are entitled to the number of paid hours on a holiday that their monthly schedule bears to a full-time schedule.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-31-010, filed 11/10/10, effective 12/13/10; 09-03-013, § 357-31-010, filed 1/9/09, effective 2/1/09.]

tive 2/13/09; 06-11-049, § 357-31-010, filed 5/11/06, effective 6/12/06; 05-08-136, § 357-31-010, filed 4/6/05, effective 7/1/05.]

WAC 357-31-020 For general government part-time employees, how is holiday compensation prorated? Compensation for holidays (including personal holiday) for part-time general government employees will be proportionate to the number of hours in pay status in the month to that required for full-time employment, excluding all holiday hours. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this section.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-31-020, filed 11/10/10, effective 12/13/10; 05-08-136, § 357-31-020, filed 4/6/05, effective 7/1/05.]

WAC 357-31-025 How many hours are higher education employees compensated for on a holiday? When a holiday as designated under WAC 357-31-005 falls on a higher education employee's scheduled work day:

(1) Full-time employees receive eight hours of regular holiday pay per holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use of accumulation of compensatory time as appropriate, or leave without pay.

(2) Part-time higher education employees 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.

[Statutory Authority: Chapter 41.06 RCW. 10-23-120, § 357-31-025, filed 11/17/10, effective 12/18/10; 05-08-136, § 357-31-025, filed 4/6/05, effective 7/1/05.]

WAC 357-31-100 Must an employer have a policy for requesting and approving leave? Each employer must develop a leave policy which specifies the procedure for requesting and approving all leave, as provided in the civil service rules. The employer's policy must:

(1) Allow an employee to use vacation leave without advance approval when the employee is requesting to use vacation leave to respond to family care emergencies, or for an emergency health condition as provided in WAC 357-31-200 (1)(b);

(2) Allow an employee to use a reasonable amount of accrued leave or unpaid leave when the employee is a victim, or has a family member, as defined in chapter 357-01 WAC, who is a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76.020; and

(3) Address advance notice from the employee when the employee is seeking leave under subsection (2) of this section. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or the employee's designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

[Statutory Authority: Chapter 41.06 RCW. 10-11-071, § 357-31-100, filed 5/14/10, effective 6/15/10; 09-03-013, § 357-31-100, filed 1/9/09, effective 2/13/09; 08-15-043, § 357-31-100, filed 7/11/08, effective 10/1/08; 05-08-136, § 357-31-100, filed 4/6/05, effective 7/1/05.]

WAC 357-31-115 How many hours of sick leave does an employee earn each month? (1) Full-time employees earn eight hours of sick leave per month.

(2) Part-time general government employees earn sick leave on a pro rata basis in accordance with WAC 357-31-125.

(3) Part-time higher education employees earn sick leave on the same pro rata basis that their appointment bears to a full-time appointment. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

[Statutory Authority: Chapter 41.06 RCW. 10-23-120, § 357-31-115, filed 11/17/10, effective 12/18/10; 05-08-136, § 357-31-115, filed 4/6/05, effective 7/1/05.]

WAC 357-31-120 Do employees accrue sick leave if they have taken leave without pay during the month? (1) Full-time general government employees who are in pay status for less than eighty nonovertime hours in a month do not earn a monthly accrual of sick leave. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

(2) Full-time and part-time higher education employees who have more than ten working days of leave without pay in a month do not earn a monthly accrual of sick leave.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-31-120, filed 11/10/10, effective 12/13/10; 05-08-136, § 357-31-120, filed 4/6/05, effective 7/1/05.]

WAC 357-31-125 For general government part-time employees, how is leave accrual prorated? Vacation and sick leave accruals for part-time general government employees will be proportionate to the number of hours in pay status in the month to that required for full-time employment. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this section.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-31-125, filed 11/10/10, effective 12/13/10; 05-08-136, § 357-31-125, filed 4/6/05, effective 7/1/05.]

WAC 357-31-170 At what rate do part-time employees accrue vacation leave? (1) Part-time general government employees accrue vacation leave credits on a pro rata basis in accordance with WAC 357-31-125.

(2) Part-time higher education employees accrue on the same pro rata basis that their appointment bears to a full-time appointment. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

[Statutory Authority: Chapter 41.06 RCW. 10-23-120, § 357-31-170, filed 11/17/10, effective 12/18/10; 05-08-137, § 357-31-170, filed 4/6/05, effective 7/1/05.]

WAC 357-31-175 Do employees accrue vacation leave if they have taken leave without pay during the month? (1) Full-time general government employees who are in pay status for less than eighty nonovertime hours in a month do not earn a monthly accrual of vacation leave. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.

(2) Full-time and part-time higher education employees who have more than ten working days of leave without pay in a month do not earn a monthly accrual of vacation leave.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-31-175, filed 11/10/10, effective 12/13/10; 05-08-137, § 357-31-175, filed 4/6/05, effective 7/1/05.]

WAC 357-31-180 When an employee has taken leave without pay during the month is the employee's rate of accrual adjusted for the leave without pay? Leave without pay taken for military leave of absence without pay, for temporary layoff as provided in WAC 357-46-063, or for scheduled mandatory periods of leave without pay for employees in cyclic year positions do not affect the rate at which employees accrue vacation leave. For all other periods of leave without pay, the following applies:

(1) When a general government employee takes leave without pay which exceeds fifteen consecutive calendar days, the employee's anniversary date and unbroken service date are adjusted in accordance with WAC 357-31-345. These adjustments affect the rate at which an employee accrues vacation leave.

(2) When a higher education employee takes more than ten working days of leave without pay, that month does not qualify as a month of employment under WAC 357-31-165.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-31-180, filed 11/10/10, effective 12/13/10; 05-08-137, § 357-31-180, filed 4/6/05, effective 7/1/05.]

WAC 357-31-190 When can an employee start to use accrued vacation leave? An employee (part-time or full-time) must complete six months of continuous state employment before they can use vacation leave. The only exception to the six-month requirement is that during the 2009-2011 fiscal biennium if an employee's monthly full-time equivalent base salary is two thousand five hundred dollars or less and the employee's office or institution enacts a temporary layoff as described in chapter 32, Laws of 2010, the employee can use accrued vacation leave.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-31-190, filed 11/10/10, effective 12/13/10; 05-08-137, § 357-31-190, filed 4/6/05, effective 7/1/05.]

WAC 357-31-230 When can an employee use accrued compensatory time? (1) Employees must request to use accrued compensatory time in accordance with the employer's leave policy. When considering employees' requests, employers must consider the work requirements of the department and the wishes of the employee.

(2) An employee must be granted the use of accrued compensatory time to care for a spouse, registered domestic partner, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition, or to care for a minor/dependent child with a health condition that requires treatment or supervision. In accordance with the employer's leave policy, approval of the employee's request to use accrued compensatory time may be subject to verification that the condition exists.

(3) An employee must be granted the use of accrued compensatory time if the employee or the employee's family member, as defined in chapter 357-01 WAC, is a victim of

domestic violence, sexual assault, or stalking as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.

(4) In accordance with WAC 357-31-373, an employee must be granted the use of accrued compensatory time to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

(5) Compensatory time off may be scheduled by the employer during the final sixty days of a biennium.

(6) Employers may require that accumulated compensatory time be used before vacation leave is approved, except in those instances where this requirement would result in loss of accumulated vacation leave.

(7) During the 2009-2011 fiscal biennium only, an employee whose monthly full-time equivalent base salary is two thousand five hundred dollars or less is eligible to use compensatory time in lieu of temporary layoff as described in chapter 32, Laws of 2010.

[Statutory Authority: Chapter 41.06 RCW. 10-23-120, § 357-31-230, filed 11/17/10, effective 12/18/10; 09-17-056 and 09-18-113, § 357-31-230, filed 8/13/09 and 9/2/09, effective 12/3/09; 09-03-013, § 357-31-230, filed 1/9/09, effective 2/13/09; 08-15-043, § 357-31-230, filed 7/11/08, effective 10/1/08; 05-08-137, § 357-31-230, filed 4/6/05, effective 7/1/05.]

WAC 357-31-325 Must an employer grant leave with pay for other miscellaneous reasons such as to take a state examination? Leave with pay **must** be granted to an employee:

(1) To allow an employee to receive assessment from the employee assistance program;

(2) When an employee is scheduled to take an examination or participate in an interview for a position with a state employer during scheduled work hours; or

(3) When an employee is required to appear during working hours for a physical examination to determine physical fitness for military service.

(a) Employers may limit the number of occurrences or the total amount of paid leave that will be granted to an employee to participate in an interview or take an examination during scheduled work hours.

(b) Employers may deny an employee's request to participate in an interview or take an examination during scheduled work hours based upon operational necessity.

[Statutory Authority: Chapter 41.06 RCW. 10-23-041, § 357-31-325, filed 11/10/10, effective 12/13/10; 09-03-014, § 357-31-325, filed 1/9/09, effective 2/13/09; 08-07-062, § 357-31-325, filed 3/17/08, effective 4/18/08; 05-21-055, § 357-31-325, filed 10/13/05, effective 11/15/05; 05-08-138, § 357-31-325, filed 4/6/05, effective 7/1/05.]

WAC 357-31-355 How does leave without pay affect the duration of an employee's probationary period, trial service period or transition review period? If an employee uses leave without pay for an entire workshift while serving a probationary period, trial service period or transition review period, the probationary period, trial service period or transition review period is extended by one work day for each workshift of leave without pay. The duration of an

employee's probationary period, trial service period, or transition review period shall not be extended for periods of time spent on temporary layoff.

[Statutory Authority: Chapter 41.06 RCW. 10-23-120, § 357-31-355, filed 11/17/10, effective 12/18/10; 09-11-063, § 357-31-355, filed 5/14/09, effective 6/16/09; 05-08-138, § 357-31-355, filed 4/6/05, effective 7/1/05.]

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 forces of the United States, or to report for drills including those in the National Guard under Title 10 U.S.C., or state active status. The employee is charged military leave only for the days that they are scheduled to work.

(2) 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, or pay.

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

(4) 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.

[Statutory Authority: Chapter 41.06 RCW. 10-23-041, § 357-31-360, filed 11/10/10, effective 12/13/10; 10-11-075, § 357-31-360, filed 5/14/10, effective 6/15/10; 08-15-043, § 357-31-360, filed 7/11/08, effective 10/1/08; 05-08-138, § 357-31-360, filed 4/6/05, effective 7/1/05.]

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 non-profit 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; or

(e) During the 2009-2011 fiscal biennium only, an employee whose monthly full-time equivalent base salary is two thousand five hundred dollars or less is eligible to use shared leave in lieu of temporary layoff as described in chapter 32, Laws of 2010.

(2) The illness, injury, impairment, condition, call to service, emergency volunteer service, consequence of domestic violence, sexual assault, or stalking, or temporary layoff under chapter 32, Laws of 2010, has caused, or 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) or (d) of this section; or

(d) Compensatory time, recognition leave as described in WAC 357-31-565, and accrued vacation leave if the employee qualifies under subsection (1)(e) of this section.

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

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

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

(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.

[Statutory Authority: Chapter 41.06 RCW. 10-23-120, § 357-31-390, filed 11/17/10, effective 12/18/10; 08-15-043, § 357-31-390, filed 7/11/08, effective 10/1/08; 08-07-063, § 357-31-390, filed 3/17/08, effective 4/18/08; 07-17-126, § 357-31-390, filed 8/20/07, effective 9/20/07; 05-08-139, § 357-31-390, filed 4/6/05, effective 7/1/05.]

WAC 357-31-400 How much shared leave may an employee receive? The employer determines the amount of leave, if any, which an employee may receive under these rules. However, an employee must not receive more than five hundred twenty-two days of shared leave during total state employment. An employer may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for shared leave because they are suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. A nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave

beyond the expected end date of the appointment. Leave used under the sick leave pool program, as described in WAC 357-31-570, is included in the five hundred twenty-two day limit.

Employers are encouraged to consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time, or special assignments in place of shared leave.

[Statutory Authority: Chapter 41.06 RCW. 10-11-074, § 357-31-400, filed 5/14/10, effective 6/15/10; 07-11-095, § 357-31-400, filed 5/16/07, effective 7/1/07; 05-08-139, § 357-31-400, filed 4/6/05, effective 7/1/05.]

WAC 357-31-410 May employees donate leave to employees in other agencies, institutions of higher education, related higher education boards, educational service districts, or school districts? Leave donated under the civil service rules and shared leave statutes may be transferred from employees of one employer to an employee of the same employer or, with the approval of the heads of both employers, to an employee of another state employer, educational service district, or an employee of a school district.

[Statutory Authority: Chapter 41.06 RCW. 10-11-074, § 357-31-410, filed 5/14/10, effective 6/15/10; 05-08-139, § 357-31-410, filed 4/6/05, effective 7/1/05.]

WAC 357-31-435 Must employees use their own leave before using shared leave? 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. Employees who qualify 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. Employees who qualify 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. Employees who qualify for shared leave under WAC 357-31-390 (1)(e) must first use all compensatory time, recognition leave as described in WAC 357-31-565, and vacation leave that they have accrued before using shared leave.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-31-435, filed 11/10/10, effective 12/13/10; 08-15-043, § 357-31-435, filed 7/11/08, effective 10/1/08; 08-07-063, § 357-31-435, filed 3/17/08, effective 4/18/08; 05-08-139, § 357-31-435, filed 4/6/05, effective 7/1/05.]

WAC 357-31-567 When must an employer grant the use of recognition leave? (1) An employee's request to use recognition leave must be approved under the following conditions:

(a) An employee must be granted the use of recognition leave if the employee or the employee's family member, as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76-020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730; and

(b) In accordance with WAC 357-31-373, an employee must be granted the use of recognition leave to be with a

spouse or registered domestic partner who is a member of the Armed Forces of the United States, National Guard, or Reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

(2) In accordance with the employer's leave policy, approval for the reasons listed in (1)(a) and (b) above may be subject to verification that the condition or circumstance exists.

(3) During the 2009-2011 fiscal biennium only, an employee whose monthly full-time equivalent base salary is two thousand five hundred dollars or less is eligible to use recognition leave in lieu of temporary layoff as described in chapter 32, Laws of 2010.

[Statutory Authority: Chapter 41.06 RCW. 10-23-120, § 357-31-567, filed 11/17/10, effective 12/18/10; 09-17-056 and 09-18-113, § 357-31-567, filed 8/13/09 and 9/2/09, effective 12/3/09; 09-03-013, § 357-31-567, filed 1/9/09, effective 2/13/09; 08-15-043, § 357-31-567, filed 7/11/08, effective 10/1/08.]

WAC 357-31-600 Is there a limit to the amount of sick leave a participating employee may withdraw from a sick leave pool? A participating employee may not withdraw more than five hundred twenty-two days from a sick leave pool for the entire duration of state employment. The five hundred twenty-two days includes any days an employee has received under the Washington shared leave program. One day equals eight hours of leave.

[Statutory Authority: Chapter 41.06 RCW. 10-17-063, § 357-31-600, filed 8/13/10, effective 9/15/10; 07-11-095, § 357-31-600, filed 5/16/07, effective 7/1/07.]

WAC 357-31-675 Is shared leave received under the uniformed service shared leave pool included in the shared leave limits specified in RCW 41.04.665? Shared leave received under the uniformed service shared leave pool is not included in the five hundred twenty-two day total specified in RCW 41.04.665.

[Statutory Authority: Chapter 41.06 RCW. 10-11-074, § 357-31-675, filed 5/14/10, effective 6/15/10; 07-17-123, § 357-31-675, filed 8/20/07, effective 10/1/07.]

Chapter 357-46 WAC

LAYOFF AND SEPARATION

WAC

357-46-020	What must be included in the employer's layoff procedure?
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357-46-080	Which employees are eligible to have their name placed on an employer's statewide layoff list?
357-46-125	What happens if an employee does not complete the transition review period?

WAC 357-46-020 What must be included in the employer's layoff procedure? The employer's layoff procedure must:

(1) Identify clearly defined layoff unit(s) that minimize disruption of the employer's total operation and provide options to employees scheduled for layoff;

- Employers may establish separate and exclusive layoff units for project employment, employee business units, or special employment programs.

(2) Provide opportunities to avoid or minimize layoff, such as transfers, voluntary demotion, voluntary reduced work schedule, or voluntary leave without pay;

(3) Require the appointing authority to provide written notice of layoff to employees in accordance with WAC 357-46-025;

(4) Provide layoff options for permanent employees being laid off as provided in WAC 357-46-035;

(5) Address the time frame in which employees must select a layoff option;

(6) Define what the employer considers when determining the comparability of a position;

(7) Identify the employer's legitimate business requirements if the employer is going to consider those requirements in determining layoff options under WAC 357-46-035;

- Legitimate business requirements may include requirements such as circumstances or characteristics that render a position uniquely sensitive to disruption in continuity such as meeting critical deadlines, continuity in patient care, or research progress.

(8) Describe how employment retention ratings will be calculated, including options for factoring performance into ratings; and

(9) Specify how the employer will break ties when more than one employee has the same employment retention rating.

(10) Higher education employers address in their layoff procedure whether or not employees have layoff list rights to classes they held permanent status in prior to any breaks in state service.

[Statutory Authority: Chapter 41.06 RCW. 10-11-068, § 357-46-020, filed 5/14/10, effective 6/15/10; 07-11-092, § 357-46-020, filed 5/16/07, effective 7/1/07; 04-18-114, § 357-46-020, filed 9/1/04, effective 7/1/05.]

WAC 357-46-035 Layoff option. (1) What option does a permanent employee have to take a position when the employee is scheduled for layoff?

Within the layoff unit, a permanent employee scheduled for layoff must be offered the option to take a position, if available, that meets the following criteria:

(a) The position is allocated to the class in which the employee holds permanent status at the time of the layoff. If no option to a position in the current class is available, the employee's option is to a position in a class in which the employee has held permanent status that is at the same salary range. If the employee has no option to take a position at the same salary range, the employee must be given an opportunity to take a position in a lower class in a class series in which the employee has held permanent status, in descending salary order. The employee does not have to have held per-

manent status in the lower class in order to be offered the option to take a position in the class.

(b) The position is comparable to the employee's current position as defined by the employer's layoff procedure.

(c) The employee satisfies the competencies and other position requirements.

(d) The position is funded and vacant, or if no vacant funded position is available, the position is occupied by the employee with the lowest employment retention rating.

(2) What if the employee has no option under subsection (1) of this section?

(a) If a permanent employee has no option available under subsection (1) of this section, the employer must determine if there is an available position in the layoff unit to offer the employee in lieu of separation that meets the following criteria:

(i) The position is at the same or lower salary range maximum as the position from which the employee is being laid off;

(ii) The position is vacant or held by a probationary employee or an employee in a nonpermanent appointment;

(iii) The position is comparable or less than comparable; and

(iv) The position is one for which the employee meets the competencies and other position requirements.

(b) If more than one qualifying position is available, the position with the highest salary range maximum is the one that must be offered.

(3) What happens when a class in which the employee previously held permanent status has been revised or abolished?

If a class in which an employee has previously held permanent status has been revised or abolished, the employer shall determine the closest matching class to offer as a layoff option. The closest matching class must be at the same or lower salary range maximum as the class from which the employee is being laid off.

(4) Does an employee have layoff option rights as provided in subsection (1) of this section to classifications the employee held permanent status in prior to any breaks in state service?

General government employees have layoff option rights as provided in subsection (1) of this section to classifications the employee has held permanent status in regardless of any breaks in state service.

Higher education employers must address in their layoff procedure whether or not employees will be given layoff options to classes they held permanent status in prior to any breaks in state service.

[Statutory Authority: Chapter 41.06 RCW. 10-11-068, § 357-46-035, filed 5/14/10, effective 6/15/10; 09-17-064, § 357-46-035, filed 8/13/09, effective 9/16/09; 09-11-063, § 357-46-035, filed 5/14/09, effective 6/16/09; 04-18-114, § 357-46-035, filed 9/1/04, effective 7/1/05.]

WAC 357-46-060 Does a veteran receive any preference in layoff? (1) An eligible veteran receives a preference by having their seniority increased. This is done by adding the eligible veteran's total active military service, not to exceed five years, to their unbroken service date.

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

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

(b) Has received, upon termination of such service:

(i) An honorable discharge;

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

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

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

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

[Statutory Authority: Chapter 41.06 RCW. 10-11-073, § 357-46-060, filed 5/14/10, effective 6/15/10; 09-17-056 and 09-18-113, § 357-46-060, filed 8/13/09 and 9/2/09, effective 12/3/09; 05-12-077, § 357-46-060, filed 5/27/05, effective 7/1/05; 04-18-114, § 357-46-060, filed 9/1/04, effective 7/1/05.]

WAC 357-46-066 What is the notice requirement to temporarily layoff an employee? An employer must provide the employee seven calendar days' notice of temporary layoff. The temporary layoff notice must inform the employee of their status during temporary layoff and the expected duration of the temporary layoff. Notice of temporary layoff may be provided by using alternative methods as described in WAC 357-04-105.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-46-066, filed 11/10/10, effective 12/13/10; 05-12-074, § 357-46-066, filed 5/27/05, effective 7/1/05.]

WAC 357-46-067 What is an employee's status during temporary layoff? (1) The following applies during a temporary layoff:

(a) An employee's anniversary, seniority, and unbroken service dates are not adjusted for periods of time spent on temporary layoff;

(b) An employee's vacation and sick leave accruals will not be impacted by periods of time spent on temporary layoff;

(c) An employee's holiday compensation will not be impacted by periods of time spent on temporary layoff; and

(d) The duration of an employee's probationary period or trial service period shall not be extended for periods of time spent on temporary layoff.

(2) An employee who is temporarily laid off is not entitled to:

(a) Layoff rights, including the ability to bump any other position or be placed on the employer's internal or statewide layoff list;

(b) Payment for their vacation leave balance; and

(c) Use of their accrued vacation leave for hours the employee is not scheduled to work if the temporary layoff was due to lack of funds.

(3) If the temporary layoff was not due to lack of funds, an employer may allow an employee to use accrued vacation leave in lieu of temporary layoff.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-46-067, filed 11/10/10, effective 12/13/10; 09-11-063, § 357-46-067, filed 5/14/09, effective 6/16/09; 05-12-074, § 357-46-067, filed 5/27/05, effective 7/1/05.]

WAC 357-46-069 How is an employee's temporary layoff day determined when an employee works a night shift schedule which begins one calendar day and ends on the next? For employees working a shift which begins on one calendar day and ends on the next, the twenty-four hour period during which the temporary layoff occurs must be determined by the employer to start either at the start of the shift that begins on the day of temporary layoff, or the start of the shift that precedes the day of temporary layoff. For example:

The employer has determined that July 12th will be a temporary layoff day. The employee's regular work schedule is 6:00 p.m. to 3:00 a.m. Sunday through Thursday. The employer must determine if the employee's temporary layoff will occur for the shift which begins at 6:00 p.m. on July 11th or the shift that begins at 6:00 p.m. on July 12th.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-46-069, filed 11/10/10, effective 12/13/10.]

WAC 357-46-080 Which employees are eligible to have their name placed on an employer's statewide layoff list? (1) Permanent employees who satisfy the following criteria must have their name placed on the statewide layoff list for other employers if the employee exercises this option within the two-year eligibility period:

(a) Laid off or notified in writing by the employer they are scheduled to be laid off;

(b) Accepted a voluntary demotion in lieu of layoff; or

(c) Accepted less-than-comparable positions at the time of layoff.

For purposes of this subsection "employees" includes Washington management service (WMS) employees who have held permanent status in Washington general service.

(2) All employees who meet the criteria in subsection (1) of this section are eligible to be on the statewide layoff list for classes in which they held permanent status at the same or lower salary range and lower classes in the same class series. Permanent status is not required in the lower classes in the same class series. General government employees have statewide layoff list rights to classes in which they held permanent status which are at a higher salary range and lower classes in the same class series. Higher education employees do not have access to the statewide layoff list for higher level classes unless the employer's layoff procedure allows.

(3) WMS employees only have layoff list rights to classes in which the highest step of the salary range is equal to or below the WMS salary at the time of layoff or notification of layoff, or at the time of demotion.

(4) General government employees have layoff list rights to all classifications the employee has held permanent status in regardless of any breaks in state service.

(5) Higher education employers must address in their layoff procedure whether or not employees will be given layoff list rights to classes they held permanent status in prior to any breaks in state service.

(6) Employees who have been demoted for cause from a class are **not** eligible to be on the statewide layoff list for that class.

[Statutory Authority: Chapter 41.06 RCW. 10-11-068, § 357-46-080, filed 5/14/10, effective 6/15/10; 09-17-063, § 357-46-080, filed 8/13/09, effective 9/16/09; 09-11-063, § 357-46-080, filed 5/14/09, effective 6/16/09; 04-18-114, § 357-46-080, filed 9/1/04, effective 7/1/05.]

WAC 357-46-125 What happens if an employee does not complete the transition review period? (1) The employer may involuntarily separate an employee from a position during the transition review period or the employee may choose to voluntarily separate from a position. The employer must give seven calendar days' written notice to an employee who is being separated during a transition review period. If during the last seven days of the transition review period, the employee commits an egregious act which warrants separation, the employer may immediately separate the employee without seven calendar days' notice. An employee may voluntarily separate a maximum of three times as a result of a single layoff action.

(2) When an employee who is serving a transition review period following appointment to a position as a layoff option is separated from the position during the transition review period, the following applies:

(a) The employee must be provided with a layoff option in accordance with WAC 357-46-035 if the employer involuntarily separates the employee; or

(b) The employee's name is placed on any layoff lists for which the employee is eligible if the employee voluntarily separates.

(3) When an employee who is serving a transition review period following appointment from a layoff list or the general government transition pool is separated from the position during a transition review period, the employee's name is reinstated on any layoff list from which it was removed at the time of placement in the position. The employee remains on the list until the employee's initial eligibility expires or they are rehired. The time served during the transition review period does not extend the period of eligibility for a layoff list or the transition pool.

(4) Separation during the transition review period is not subject to appeal.

[Statutory Authority: Chapter 41.06 RCW. 10-11-070, § 357-46-125, filed 5/14/10, effective 6/15/10; 05-12-078, § 357-46-125, filed 5/27/05, effective 7/1/05; 04-18-114, § 357-46-125, filed 9/1/04, effective 7/1/05.]

**Chapter 357-52 WAC
APPEALS**

WAC
357-52-012

Does an employee who has been temporarily laid off under chapter 32, Laws of 2010 have the right to appeal the temporary layoff?

WAC 357-52-012 Does an employee who has been temporarily laid off under chapter 32, Laws of 2010 have the right to appeal the temporary layoff? An employee

who has been temporarily laid off under chapter 32, Laws of 2010 does not have the right to appeal the temporary layoff.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-52-012, filed 11/10/10, effective 12/13/10.]

Chapter 357-58 WAC

WASHINGTON MANAGEMENT SERVICE

WAC

- 357-58-027 Must agencies maintain position descriptions for each WMS position?
- 357-58-028 Must a standard form be used to describe each WMS position?
- 357-58-032 What is the requirement for agencies to develop procedures which address determining inclusion in WMS and evaluating positions for placement within the management bands?
- 357-58-050 What chapters of civil service rules apply to WMS positions?
- 357-58-320 What happens when a WMS employee promotes to a new WMS position within the same agency while serving in a review period?
- 357-58-546 What is the department's authority to review actions taken by an agency under chapter 357-58 WAC or to audit an agency's WMS processes?
- 357-58-553 What is the notice requirement to temporarily layoff a WMS employee?
- 357-58-554 What is a WMS employee's status during temporary layoff?
- 357-58-556 How is a WMS employee's temporary layoff day determined when an employee works a night shift schedule which begins one calendar day and ends on the next?
- 357-58-565 What mechanism must be used to report WMS inclusion and evaluation activities?

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 357-58-030 Who determines if a position is included in the WMS? [Statutory Authority: Chapter 41.06 RCW. 05-12-068, § 357-58-030, filed 5/27/05, effective 7/1/05.] Repealed by 10-23-043 and 11-01-158, filed 11/10/10 and 12/22/10, effective 4/1/11. Statutory Authority: Chapter 41.06 RCW.
- 357-58-545 Does the director of the department of personnel have the rights to review an agency's administration of WMS? [Statutory Authority: Chapter 41.06 RCW. 05-12-072, § 357-58-545, filed 5/27/05, effective 7/1/05.] Repealed by 10-23-043 and 11-01-158, filed 11/10/10 and 12/22/10, effective 4/1/11. Statutory Authority: Chapter 41.06 RCW.

WAC 357-58-027 Must agencies maintain position descriptions for each WMS position? Agencies must maintain a current position description for each WMS position.

[Statutory Authority: Chapter 41.06 RCW. 10-23-043 and 11-01-158, § 357-58-027, filed 11/10/10 and 12/22/10, effective 4/1/11.]

WAC 357-58-028 Must a standard form be used to describe each WMS position? A standard form developed by the director, or an alternate form approved by the director, must be used for each WMS position description.

[Statutory Authority: Chapter 41.06 RCW. 10-23-043 and 11-01-158, § 357-58-028, filed 11/10/10 and 12/22/10, effective 4/1/11.]

WAC 357-58-032 What is the requirement for agencies to develop procedures which address determining inclusion in WMS and evaluating positions for placement within the management bands? (1) Each agency must develop a WMS inclusion and evaluation procedure consist-

tent with this chapter and guidelines established by the department.

(2) The inclusion and evaluation procedure must be approved by the director.

(3) The procedure must include processes for requesting and determining inclusion and evaluating and re-evaluating positions for placement within management bands. The procedure must require, at a minimum:

(a) Appointment of a human resource professional as the agency's WMS coordinator who serves as the single point of contact for the department regarding WMS issues.

(b) Use of a form prescribed by the director or an alternate form approved by the director for requests to establish or re-evaluate WMS positions.

(c) Approval of the request for inclusion or evaluation by the position's agency head or designee.

(d) Inclusion determination and position evaluation must be performed by a committee of three or more people, which must include:

i. The agency's WMS coordinator;

ii. A manager from the agency who has comprehensive knowledge of the agency's business; and

iii. A management representative from another agency or human resource professional from another agency.

(e) Only those who have successfully completed training may participate on a WMS committee. The training must satisfy the core curriculum as defined by the department.

[Statutory Authority: Chapter 41.06 RCW. 10-23-043 and 11-01-158, § 357-58-032, filed 11/10/10 and 12/22/10, effective 4/1/11.]

WAC 357-58-050 What chapters of civil service rules apply to WMS positions? Other chapters of civil service rules do not apply to WMS positions or employees except for the chapters listed below. If a WMS issue is identified that the director of the department of personnel has not specifically addressed in the adoption of the WMS rules, the other civil service rules do not apply or take precedence in addressing the issue.

Except where specifically stated otherwise, the following chapters apply to positions or employees included in the WMS.

WAC 357-04 General provisions

WAC 357-07 Public records

WAC 357-22 Personnel files

WAC 357-25 Affirmative action program

WAC 357-26 Reasonable accommodation

WAC 357-31 Leave

WAC 357-34 Employee training and development

WAC 357-37 Performance management

WAC 357-40 Discipline

WAC 357-43 Employee business units

WAC 357-52 Appeals

[Statutory Authority: Chapter 41.06 RCW. 10-11-076, § 357-58-050, filed 5/14/10, effective 6/15/10; 05-12-068, § 357-58-050, filed 5/27/05, effective 7/1/05.]

WAC 357-58-320 What happens when a WMS employee promotes to a new WMS position within the same agency while serving in a review period? If a WMS employee is promoted to a different WMS position in the same agency during the review period the employer may

count time served in the initial review period towards the review period of the new position.

[Statutory Authority: Chapter 41.06 RCW. 10-11-069, § 357-58-320, filed 5/14/10, effective 6/15/10; 05-12-070, § 357-58-320, filed 5/27/05, effective 7/1/05.]

WAC 357-58-546 What is the department's authority to review actions taken by an agency under chapter 357-58 WAC or to audit an agency's WMS processes? (1) Under the authority of RCW 41.06.130 and 41.06.500, the director of the department of personnel retains the right to review:

(a) Any action taken by an agency under chapter 357-58 WAC; and

(b) An agency's administration of the WMS program.

(2) An agency's compliance with WMS procedures and rules will be audited. Audit requirements will be prescribed by the department.

[Statutory Authority: Chapter 41.06 RCW. 10-23-043 and 11-01-158, § 357-58-546, filed 11/10/10 and 12/22/10, effective 4/1/11.]

WAC 357-58-553 What is the notice requirement to temporarily layoff a WMS employee? An employer must provide the WMS employee seven calendar days' notice of temporary layoff. The temporary layoff notice must inform the WMS employee of their status during temporary layoff and the expected duration of the temporary layoff. Notice of temporary layoff may be provided by using alternative methods as described in WAC 357-04-105.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-58-553, filed 11/10/10, effective 12/13/10; 06-07-048, § 357-58-553, filed 3/9/06, effective 4/10/06.]

WAC 357-58-554 What is a WMS employee's status during temporary layoff? (1) The following applies during a temporary layoff:

(a) An employee's anniversary date, seniority, or unbroken service date is not adjusted for periods of time spent on temporary layoff;

(b) An employee's vacation and sick leave accruals will not be impacted by periods of time spent on temporary layoff;

(c) An employee's holiday compensation will not be impacted by periods of time spent on temporary layoff; and

(d) The duration of an employee's review period shall not be extended for periods of time spent on temporary layoff.

(2) A WMS employee who is temporarily laid off is not entitled to:

(a) Layoff rights, including the ability to bump any other position or be placed on the employer's internal or statewide layoff list;

(b) Payment for their vacation leave balance; and

(c) Use of their accrued vacation leave for hours the employee is not scheduled to work if the temporary layoff was due to lack of funds.

(3) If the temporary layoff was not due to lack of funds, an employer may allow a WMS employee to use accrued vacation leave in lieu of temporary layoff.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-58-554, filed 11/10/10, effective 12/13/10; 09-17-060, § 357-58-554, filed 8/13/09, effective 9/16/09; 06-07-048, § 357-58-554, filed 3/9/06, effective 4/10/06.]

WAC 357-58-556 How is a WMS employee's temporary layoff day determined when an employee works a night shift schedule which begins one calendar day and ends on the next? For WMS employees working a shift which begins on one calendar day and ends on the next, the twenty-four hour period during which the temporary layoff occurs must be determined by the employer to start either at the start of the shift that begins on the day of temporary layoff, or the start of the shift that precedes the day of temporary layoff. For example:

The employer has determined that July 12th will be a temporary layoff day. The employee's regular work schedule is 6:00 p.m. to 3:00 a.m. Sunday through Thursday. The employer must determine if the employee's temporary layoff will occur for the shift which begins at 6:00 p.m. on July 11th or the shift that begins at 6:00 p.m. on July 12th.

[Statutory Authority: Chapter 41.06 RCW. 10-23-040, § 357-58-556, filed 11/10/10, effective 12/13/10.]

WAC 357-58-565 What mechanism must be used to report WMS inclusion and evaluation activities? (1) Agencies must submit their WMS activity reports to the department and make them available as prescribed by the department.

(2) A roll-up of all agencies' WMS activities will be made available to agencies.

[Statutory Authority: Chapter 41.06 RCW. 10-23-043 and 11-01-158, § 357-58-565, filed 11/10/10 and 12/22/10, effective 4/1/11.]