

**WAC 357-46-036 What if the employee does not have an option under WAC 357-46-035?** (1) If a permanent employee does not have an option available under WAC 357-46-035, 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 criteria in the following order:

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

(b) The position is vacant, held by a nonpermanent employee or held by a probationary employee;

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

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

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

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.133. WSR 20-06-011, § 357-46-036, filed 2/20/20, effective 5/1/20.]