

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

WAC 357-28-110 Must an employee who is promoted receive a salary increase? An employee who is promoted must ~~receive a minimum increase of two steps~~ advance to a step of the range for the new class that is nearest to five percent above their prepromotional salary, not to exceed step M of the salary range. If the employee's prepromotional salary is set above the maximum of the salary range in accordance with WAC 357-28-040, the promotional increase will be based off of the maximum of the salary range of the class the employee is promoting from. The employer may grant more than an increase of two steps not to exceed step L a higher increase if:

- 1 Significant increases in duties and responsibilities, as documented by the employer, warrant greater compensation;
- 2 The increase is necessary for internal salary alignment, retention of the employee, or other documented business needs in accordance with WAC 357-28-090; or
- 3 The increase is necessary to bring the employee to the minimum of the salary range for the position.

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

WAC 357-28-115 Must an employee occupying a position that is reallocated to a class with a higher salary range receive a salary increase? An employee occupying a position that is reallocated to a class with a higher salary range must ~~receive a minimum increase of at least two steps~~ advance to a step of the range for the new class that is nearest to five percent above their previous salary, not to exceed step M of the salary range in accordance with WAC 357-28-110. When the employee's previous salary was set above the maximum of the salary range in accordance with WAC 357-28-040, the employee's salary will be determined as follows:

- 1 When the employee's previous salary is the same or lower than the maximum of the new salary range, the salary increase will be based off the maximum of the salary range the employee is reallocated from, not to exceed step M of the salary range in accordance with WAC 357-28-110.
- 2 When the employee's previous salary is above the salary range of the new class, the employee will retain their current salary in accordance with WAC 357-28-040.

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

1 The employer will identify a position, if available, within the layoff unit, for a permanent employee who is scheduled for layoff must be offered the option to take a position, if available, that meets when the following criteria are met:

a The position is comparable to the employee's current position as defined by the employer's layoff procedure;

b For revised or abolished job classes, the employer must identify the closest matching class in accordance with WAC 357-46-037;

c The employee satisfies the competencies and other position requirements; and

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 The employer will consider positions in the following order:

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 has the same salary range maximum.

b If the employee has no does not have an option to take a position that has the same salary range maximum, 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 permanent status in the a lower class of the series 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?~~

~~-a 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.~~

~~-b For employees who held permanent status in abolished information technology IT classes, an employer may use the IT Assessment form along with any other documentation to determine the closest matching class to offer as a layoff option.~~

~~-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.~~

NEW SECTION

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.

NEW SECTION

WAC 357-46-037 When identifying layoff options, 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.

If an employee has previously held permanent status in any abolished information technology IT class and it has been determined that the closest matching class falls within the information technology professional structure ITPS , the employee will have layoff options in any class within the ITPS with the same or lower salary range maximum and meets the criteria in accordance with WAC 357-46-035. To determine the closest matching class to offer, an employer may use the IT assessment form and any other documentation which will aid in determining the closest matching class.

NEW SECTION

WAC 357-46-038 Does an employee have layoff option rights as provided in WAC 357-46-035 to classes the employee held permanent status in prior to any breaks in state service? General government employees have layoff option rights as provided in WAC 357-46-035 to classes 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.

WAC 357-58-040 ~~Are there any~~ Which manager positions or managerial employees ~~that are not included in the~~ are excluded from WMS and not covered by chapter 357-58 WAC? ~~The following manager positions or managerial employees are excluded from WMS and not covered by chapter 357-58 WAC:~~

1 Manager positions or managerial employees that are exempt from civil service and ;

2 Manager positions or managerial employees that are included in professional structures; and

3 Manager positions or managerial employees of institutions of higher education and related boards ~~are not included in WMS or covered by chapter 357-58 WAC~~ .