Chapter 357-19 WAC
APPOINTMENT AND REEMPLOYMENT

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

357-19-165 What is the difference between reassignment and transfer? [Statutory Authority: Chapter 41.06 RCW. WSR 09-23-056, § 357-19-165, filed 11/12/09, effective 12/15/09; WSR 05-01-206, § 357-19-165, filed 12/21/04, effective 7/1/05.] Repealed by WSR 24-18-067, filed 8/29/24, effective 10/1/24. Statutory Authority: RCW 41.06.150.

357-19-190 When is an employee appointed to a position with permanent status? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-190, filed 12/21/04, effective 7/1/05.] Repealed by WSR 05-12-085, filed 5/27/05, effective 7/1/05. Statutory Authority: Chapter 41.06 RCW.

357-19-413 What are the requirements for a nonpermanent employee to be fully vaccinated or for an employer to require an eligible candidate to provide proof of being fully vaccinated? [Statutory Authority: RCW 41.06.133 and 41.06.150. WSR 22-20-091, § 357-19-413, filed 10/4/22, effective 11/4/22.] Repealed by WSR 23-17-005, filed 8/3/23, effective 9/7/23. Statutory Authority: RCW 41.06.133 and 41.06.150.

357-19-505 What is the purpose of the return-to-work initiative program? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-505, filed 12/21/04, effective 7/1/05.] Repealed by WSR 16-17-089, filed 8/18/16, effective 9/20/16. Statutory Authority: Chapter 41.06 RCW.

357-19-510 Who is responsible for administering the return-to-work initiative program? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-510, filed 12/21/04, effective 7/1/05.] Repealed by WSR 11-23-054, filed 11/10/11, effective 12/13/11. Statutory Authority: Chapter 41.06 RCW.

357-19-515 Who is eligible to participate in the return-to-work initiative program? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-515, filed 12/21/04, effective 7/1/05.] Repealed by WSR 11-23-054, filed 11/10/11, effective 12/13/11. Statutory Authority: Chapter 41.06 RCW.

WAC 357-19-005 What is the authority of general government employers to appoint employees to positions in the classified service? Under the authority of the director, general government employers may carry out the activities detailed in chapter 357-19 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-005, filed 12/21/04, effective 7/1/05.]

WAC 357-19-010 What is the authority of higher education employers to appoint employees to positions in the classified service? Under the authority of RCW 41.06.133 and 41.06.150, higher education employers may carry out the activities in chapter 357-19 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-010, filed 12/21/04, effective 7/1/05.]

WAC 357-19-015 What must employers use as the basis for appointments under the civil service rules? Appointments within the classified service must be made on the basis of the appointee's ability to meet the competencies and other position requirements that are identified through job analysis.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-015, filed 12/21/04, effective 7/1/05.]

WAC 357-19-017 What is the purpose of the probationary and trial service period? The probationary and trial service periods provide the employer with an opportunity to observe and assess an employee's work and to train and aid the employee in adjusting to the position in order to determine if the employee will be granted permanent status in that position.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-017, filed 12/21/04, effective 7/1/05.]

WAC 357-19-020 When must an employee serve a probationary period? An employee who does not have permanent status must serve a probationary period when appointed to a permanent position.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-020, filed 12/21/04, effective 7/1/05.]

WAC 357-19-025 When must an employee serve a trial service period? A permanent employee must serve a trial service period upon promotional appointment to a position in a class in which the employee has not held permanent status. A general government employee laid off in accordance with the provisions of WAC 357-46-010 or 357-58-445 is not considered to have had a break in continuous state service if within two years of separation the employee is appointed to a position. Upon appointment to a position with a higher salary range maximum than the position the employee was laid off from the employee must serve a trial service period.

[Statutory Authority: Chapter 41.06 RCW. WSR 14-24-025, § 357-19-025, filed 11/21/14, effective 12/22/14; WSR 05-12-077, § 357-19-025, filed 5/27/05, effective 7/1/05; WSR 05-01-206, § 357-19-025, filed 12/21/04, effective 7/1/05.]

WAC 357-19-030 When may an employee be required to serve a trial service period? A permanent employee who transfers, voluntarily demotes, is elevated, or is reverted to a position may be required by the employer to serve a trial service period in accordance with the employer's policy per WAC 357-19-090. (See WAC 357-46-110 for information on when an employee may be required to serve a transition review period.)

[Statutory Authority: Chapter 41.06 RCW. WSR 05-19-009, § 357-19-030, filed 9/8/05, effective 10/10/05; WSR 05-01-206, § 357-19-030, filed 12/21/04, effective 7/1/05.]

WAC 357-19-035 When is a trial service period not allowed for an employee who is reverted to a position? Employers are not allowed to require a trial service period when an employee is being reverted to a

comparable position with the same job duties as the position in which the employee last held permanent status. The employer determines the comparability of the position.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-19-009, § 357-19-035, filed 9/8/05, effective 10/10/05.]

WAC 357-19-040 How long is the probationary period? The director must establish the duration of the probationary period on a class-wide basis. The probationary period for a class must be from six to twelve months long.

The probationary period for the campus police officer class (or successor title) must extend from the date of appointment until twelve months following the successful completion of the Washington state criminal justice training commission basic law enforcement academy or twelve months from the date of appointment if academy training is not required.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-040, filed 12/21/04, effective 7/1/05.]

WAC 357-19-045 Can the length of a probationary period be extended? The probationary period for the class of campus police officer (or successor title) may not be extended. For all other classes, employers may extend the probationary period for an individual employee or for all employees in a class as long as the extension does not cause the total period to exceed twelve months.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-045, filed 12/21/04, effective 7/1/05.]

WAC 357-19-050 How long is a trial service period? The director must establish the duration of the trial service period on a class-wide basis. The trial service period for a class must be from six to twelve months in duration.

The trial service period for the campus police officer class (or successor title) must extend from the date of appointment until twelve months following the successful completion of the Washington state criminal justice training commission basic law enforcement academy or twelve months from the date of appointment if academy training is not required.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-050, filed 12/21/04, effective 7/1/05.]

WAC 357-19-060 Can the length of a trial service period be extended? The trial service period for the class of campus police officer (or successor title) may not be extended. For all other classes, employers may extend the trial service period for an individual employee or for all employees in a class as long as the extension does not cause the total period to exceed twelve months.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-060, filed 12/21/04, effective 7/1/05.]

WAC 357-19-065 Is an employee's probationary or trial service period affected by the use of leave? An employee's probationary or trial service period is affected by the use of leave according to chapter 357-31 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-065, filed 12/21/04, effective 7/1/05.]

WAC 357-19-070 What happens if an employee who is serving a probationary or trial service period accepts an appointment to another permanent position with the same employer? If an employee accepts an appointment to another permanent position with the same employer while serving a probationary or trial service period, the following applies:

(1) If the employer determines the positions or classes to which the positions are allocated are closely related the employer may count time served in the initial probationary or trial service toward the probationary or trial service period of the new position; or

(2) If the employer determines the positions or classes to which the positions are allocated are not closely related the probationary or trial service period of the new position starts over.

[Statutory Authority: Chapter 41.06 RCW. WSR 09-23-060, § 357-19-070, filed 11/12/09, effective 12/15/09; WSR 05-01-206, § 357-19-070, filed 12/21/04, effective 7/1/05.]

WAC 357-19-073 What happens if an employee who is serving a probationary period accepts a nonpermanent appointment? (1) If an employee who is serving a probationary period accepts a nonpermanent appointment for reasons specified in WAC 357-19-360(1), the probationary period will end and the employee will not be granted permanent status unless the employer agrees to return the employee to a position at the conclusion of the nonpermanent appointment. Any return rights granted by the employer must be to a vacant position in the class in which the employee was serving a probationary period. If the employer chooses to grant the employee a return right, the employer must notify the employee in writing.

(2) If a general government employee who is serving a probationary period is redeployed into a nonpermanent appointment for reasons specified in WAC 357-19-360(2), the employer must return the employee to the same position held prior to the redeployment at the conclusion of the redeployment. Upon return to their previous position, the employee's base salary must be set at the step the employee would be at if they had not left the position.

(3) Upon return from a nonpermanent appointment the employee will resume their probationary period. If the employer determines the position the employee was serving a probationary period in and the position the employee was appointed to on a nonpermanent basis are allocated to classes which are closely related, the employer may count the time worked in the nonpermanent appointment towards the probationary period.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-073, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW. WSR 09-11-064, § 357-19-073, filed 5/14/09, effective 6/16/09.]

WAC 357-19-075 What happens if an employee who is serving a probationary or trial service period is reassigned by the employer? If an employee is reassigned while serving a probationary or trial service period, time spent in the initial probationary or trial service period counts towards the probationary or trial service period of the position to which the employee was reassigned.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-075, filed 12/21/04, effective 7/1/05.]

WAC 357-19-080 What happens if a permanent employee accepts a nonpermanent appointment during a trial service period? (1) If a permanent employee accepts a nonpermanent appointment for reasons specified in WAC 357-19-360(1) during a trial service period and the employer has agreed to return the employee to a position at the conclusion of the nonpermanent appointment, the employer may:

(a) Suspend the trial service period and allow the employee to resume the trial service period when the employee returns from the nonpermanent appointment;

(b) Require the trial service period to start over when the employee returns from the nonpermanent appointment; or

(c) Count the time worked in the nonpermanent appointment towards the trial service period.

(2) If a permanent general government employee is redeployed into a nonpermanent appointment for reasons specified in WAC 357-19-360(2) during a trial service period, the employer must return the employee to the same position held prior to the redeployment at the conclusion of the redeployment and the employer must count time worked in the nonpermanent appointment towards the trial service period for the permanent position. Upon return to their previous position, the employee's base salary must be set at the step the employee would be at if they had not left the position.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-080, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW. WSR 05-12-077, § 357-19-080, filed 5/27/05, effective 7/1/05; WSR 05-01-206, § 357-19-080, filed 12/21/04, effective 7/1/05.]

WAC 357-19-085 Does time worked in a nonpermanent appointment count towards the probationary or trial service period for a permanent position? (1) If an employee in a nonpermanent appointment for reasons specified in WAC 357-19-360(1) is subsequently appointed permanently to the same or a similar position, the employer may count time worked in the nonpermanent appointment towards the probationary or trial service period for the permanent position.

(2) If a general government employee in a nonpermanent appointment for reasons specified in WAC 357-19-360(2) is subsequently appointed permanently to the same or similar position, the employer may count time worked in the nonpermanent appointment towards the proba-

tionary period and must count time worked in the nonpermanent appointment towards the trial service period for the permanent position.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-085, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-085, filed 12/21/04, effective 7/1/05.]

WAC 357-19-090 Must employers have a policy on probationary and trial service periods? Employers must publish a policy on probationary and trial service periods that minimally addresses the employer's basis for determining and notifying an employee:

(1) When a trial service period is required upon transfer, voluntary demotion, reversion or elevation as provided in WAC 357-19-030.

(2) When a probationary or trial service period is extended, per WAC 357-19-045 and 357-19-060; and

(3) When a probationary or trial service period is continued, per WAC 357-19-070.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-19-009, § 357-19-090, filed 9/8/05, effective 10/10/05; WSR 05-01-206, § 357-19-090, filed 12/21/04, effective 7/1/05.]

WAC 357-19-095 What happens if an employee fails to meet the employer's standards during the probationary period? The employer may separate any probationary employee who fails to meet the employer's standards. The separation must be in accordance with WAC 357-46-180.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-095, filed 12/21/04, effective 7/1/05.]

WAC 357-19-100 What happens if an employee fails to meet the employer's standards during the trial service period? The employer may revert any employee who fails to meet the employer's standards during the trial service period. The employee must be notified in accordance with WAC 357-19-105. Upon reversion, the employee has the rights provided by WAC 357-19-115 and 357-19-117.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-100, filed 12/21/04, effective 7/1/05.]

WAC 357-19-105 How much notice must an employer give when reverting an employee? An employer must give seven calendar days' written notice to an employee who is being reverted during a trial service period. If during the last seven days of a trial service period, the employee commits an egregious act which warrants reversion, the employer may immediately revert the employee without seven calendar days notice.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-105, filed 12/21/04, effective 7/1/05.]

WAC 357-19-110 Can an employee voluntarily revert during the trial service period? (1) Within thirty calendar days from the date of appointment, an employee has the right to voluntarily revert during a trial service period by providing seven calendar days' written notice to the current employer. After thirty calendar days from the date of appointment, an employee may voluntarily revert only at the discretion of the employer to which the employee has reversion rights.

(2) Upon voluntary reversion, the employee has the rights provided by WAC 357-19-115 through 357-19-117 with the **current employer**. At the discretion of the former employer, employees may voluntarily revert to the former employer and have the rights provided by WAC 357-19-115 through 357-19-117 with the former employer.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-110, filed 12/21/04, effective 7/1/05.]

WAC 357-19-115 To which employer and position would an employee revert? (1) A permanent employee who does not satisfactorily complete the trial service period or a Washington management service (WMS) review period or has failed to progress to the next step of an in-training plan in accordance with WAC 357-19-285, has reversion rights with the current employer at the time of reversion. An employee has the right to revert to a position, if available, in accordance with the following:

(a) For employees reverting from trial service following a promotion, transfer or elevation, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee as defined in WAC 357-01-210, for which the employee satisfies competencies and other position requirements and which is:

(i) Allocated to the class the employee last held permanent status in; or

(ii) If no positions are available, allocated to a class which has the same or lower salary range maximum.

(b) For employees reverting from trial service following a voluntary demotion, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee as defined in WAC 357-01-210, for which the employee satisfies the competencies and other position requirements and which is allocated to a class which has the same or lower salary range maximum as the class from which the employee is reverting.

(2) If no vacant position or position filled by a nonpermanent appointee as defined in WAC 357-01-210 is available, the employee is eligible to be placed on the employer's internal layoff list upon request in accordance with WAC 357-19-117.

[Statutory Authority: Chapter 41.06 RCW. WSR 14-24-025, § 357-19-115, filed 11/21/14, effective 12/22/14; WSR 07-03-052, § 357-19-115, filed 1/12/07, effective 2/15/07; WSR 06-15-065, § 357-19-115, filed 7/13/06, effective 8/14/06; WSR 05-12-077, § 357-19-115, filed 5/27/05, effective 7/1/05; WSR 05-01-206, § 357-19-115, filed 12/21/04, effective 7/1/05.]

WAC 357-19-117 Can a reverted employee be placed on a layoff list and in the general government transition pool? If the reverted employee is not returned to a permanent position in the class in which

the employee last held permanent status, the employee is eligible to be placed on the employer's internal layoff list upon request. General government employees may also apply for placement in the transition pool.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-117, filed 12/21/04, effective 7/1/05.]

WAC 357-19-120 Can employees be granted additional reversion rights? Employers may make agreements with employees for additional reversion rights within their own organization.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-120, filed 12/21/04, effective 7/1/05.]

WAC 357-19-125 What happens to a permanent Washington management service (WMS) employee who promotes or demotes to a Washington general service (WGS) position but fails to satisfactorily complete the trial service period? A permanent Washington management service (WMS) employee who promotes or demotes to a Washington general service (WGS) position but fails to satisfactorily complete the trial service period has reversion rights in accordance with WAC 357-58-375.

[Statutory Authority: Chapter 41.06 RCW. WSR 14-24-025, § 357-19-125, filed 11/21/14, effective 12/22/14; WSR 05-12-089, § 357-19-125, filed 5/27/05, effective 7/1/05.]

WAC 357-19-135 Can an employee appeal a trial service reversion? Employees who are reverted do not have the right to appeal the reversion.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-135, filed 12/21/04, effective 7/1/05.]

WAC 357-19-140 Can an employer increase the hours of a position which is normally scheduled to work less than forty hours a week? As necessary, employers may increase the hours assigned to a position which is normally scheduled to work less than forty hours a week.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-140, filed 12/21/04, effective 7/1/05.]

WAC 357-19-145 If an employer permanently increases the hours of a position, may an employee choose not to continue in the position? A permanent employee may choose not to continue in a position that has been permanently increased in hours of work in accordance with WAC 357-19-140. The employee has layoff rights in accordance with the employer's layoff procedure.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-145, filed 12/21/04, effective 7/1/05.]

WAC 357-19-155 Can an employee voluntarily demote? Permanent employees may request to voluntarily demote to a position for which they meet the competencies and other position requirements.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-155, filed 12/21/04, effective 7/1/05.]

WAC 357-19-160 Can an employee be elevated following a demotion? Employers may elevate an employee with permanent status to the class held by the employee immediately prior to being demoted or to a class in the same class series which is between the current class and the class from which the employee was demoted. Elevation must be to a position for which they meet the competencies and other position requirements. The employer may require the elevated employee to serve a trial service period.

[Statutory Authority: Chapter 41.06 RCW. WSR 09-11-067, § 357-19-160, filed 5/14/09, effective 6/16/09; WSR 05-01-206, § 357-19-160, filed 12/21/04, effective 7/1/05.]

WAC 357-19-170 Can an appointing authority reassign an employee? Within an agency or higher education institution/related board, an appointing authority may reassign an employee to a different position within the same class as long as the employee meets the competencies and other position requirements. (See WAC 357-19-175 for special provisions covering reassignments to different geographic areas.)

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-170, filed 12/21/04, effective 7/1/05.]

WAC 357-19-175 What are the provisions for reassigning a permanent employee to a different geographic area? When reassigning a permanent employee to a position in a different geographic area, the following applies:

(1) If the reassignment is within a reasonable commute of the employee's domicile, the appointing authority may reassign the employee without the employee's agreement.

(2) If the reassignment is outside of a reasonable commute of the employee's domicile and the employee does not agree to the reassignment, the employer's layoff procedure applies

(3) The employer defines what is within a reasonable commute.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-175, filed 12/21/04, effective 7/1/05.]

WAC 357-19-177 How does a reassignment affect an employee's status and pay? Reassignment must not result in a change in status and the employee's base salary must not be reduced. In accordance with WAC 357-19-075, the probationary period or trial service period continues if an employee is reassigned while serving a probationary period or trial service period.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-177, filed 12/21/04, effective 7/1/05.]

WAC 357-19-179 What provisions apply when a general government employee in classified service is redeployed to a different geographic area? When a general government employee in classified service is redeployed to a position in a different geographic area, the following applies:

(1) If the redeployment is within a reasonable commute of the employee's domicile, they may be redeployed without the employee's agreement.

(2) If the redeployment is outside of a reasonable commute of the employee's domicile, they may only be redeployed with the employee's consent.

For purposes of this section, the general government employer initiating the redeployment defines what is within a reasonable commute.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-179, filed 8/29/24, effective 10/1/24.]

WAC 357-19-180 Can an employee transfer? Permanent employees may request to transfer to another position in the same class or a different class with the same salary range maximum as long as the employee meets the competencies and other position requirements. The employer may require the employee to serve a trial service period following a transfer. If the employee was in trial service status at the time of the transfer, the provisions of WAC 357-19-070 apply.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-180, filed 12/21/04, effective 7/1/05.]

WAC 357-19-181 When is an employee appointed to a position with permanent status? An appointing authority must make a permanent status appointment of an employee under the following conditions:

(1) Upon successful completion of a probationary, trial service, or transition review period;

(2) Upon reassignment of a permanent employee who is not in trial service status;

(3) Upon transfer, demotion, reversion, or elevation when the employee is not required to serve a trial service period;

(4) Upon rehire from layoff or appointment to a position as a layoff option when a transition review period is not required;

(5) Upon the director conferring permanent status to an employee under remedial action provisions; and

(6) Upon conversion of an exempt position to the classified service, per WAC 357-19-225, if the incumbent has been employed for at least an amount of time equal to the probationary period or WMS review period for the class. If the incumbent has not been employed that long, the employee must serve a probationary period or WMS review period. The employer may count the time spent in the position prior to conversion towards the probationary period or WMS review period.

[Statutory Authority: Chapter 41.06 RCW. WSR 14-06-007, § 357-19-181, filed 2/20/14, effective 3/24/14; WSR 05-19-009, § 357-19-181, filed 9/8/05, effective 10/10/05; WSR 05-12-085, § 357-19-181, filed 5/27/05, effective 7/1/05.]

WAC 357-19-183 Must DCYF conduct background checks on all employees in covered positions and individuals being considered for a covered position? (1) The secretary of the department of 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.

[Statutory Authority: RCW 41.06.475. WSR 18-17-129, § 357-19-183, filed 8/20/18, effective 9/21/18. Statutory Authority: Chapter 41.06 RCW. WSR 08-07-062, § 357-19-183, filed 3/17/08, effective 4/18/08; WSR 07-17-125, § 357-19-183, filed 8/20/07, effective 9/20/07; WSR 05-12-097, § 357-19-183, filed 5/27/05, effective 7/1/05.]

WAC 357-19-184 Besides the 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.

(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.

[Statutory Authority: RCW 41.06.475. WSR 18-17-129, § 357-19-184, filed 8/20/18, effective 9/21/18. Statutory Authority: Chapter 41.06 RCW. WSR 07-17-125, § 357-19-184, filed 8/20/07, effective 9/20/07; WSR 05-12-097, § 357-19-184, filed 5/27/05, effective 7/1/05.]

WAC 357-19-185 What is a covered position for purposes of WAC 357-19-183, 357-19-187, and 357-19-191? For purposes of WAC 357-19-183, 357-19-187 and 357-19-191 a covered position is one in which a person will or may have unsupervised access to children.

[Statutory Authority: Chapter 41.06 RCW. WSR 07-17-125, § 357-19-185, filed 8/20/07, effective 9/20/07; WSR 05-12-097, § 357-19-185, filed 5/27/05, effective 7/1/05.]

WAC 357-19-186 For purposes of WAC 357-19-183, what information is considered in a background check conducted by DCYF and what are the results of the background check used for? (1) The background check information considered by the secretary of the 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.

[Statutory Authority: RCW 41.06.475. WSR 18-17-129, § 357-19-186, filed 8/20/18, effective 9/21/18. Statutory Authority: Chapter 41.06 RCW. WSR 07-17-125, § 357-19-186, filed 8/20/07, effective 9/20/07; WSR 05-12-097, § 357-19-186, filed 5/27/05, effective 7/1/05.]

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 secretary of the 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 secretary of the DCYF or designee to conduct a background check.

Failure to authorize the secretary of the DCYF or designee to conduct a background check disqualifies an employee or individual from consideration for any covered position including their current covered position.

[Statutory Authority: RCW 41.06.475. WSR 18-17-129, § 357-19-187, filed 8/20/18, effective 9/21/18. Statutory Authority: Chapter 41.06 RCW. WSR 08-07-062, § 357-19-187, filed 3/17/08, effective 4/18/08; WSR 07-17-125, § 357-19-187, filed 8/20/07, effective 9/20/07; WSR 05-12-097, § 357-19-187, filed 5/27/05, effective 7/1/05.]

WAC 357-19-188 What happens when a permanent 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.

(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.

[Statutory Authority: RCW 41.06.475. WSR 18-17-129, § 357-19-188, filed 8/20/18, effective 9/21/18. Statutory Authority: Chapter 41.06 RCW. WSR 07-17-125, § 357-19-188, filed 8/20/07, effective 9/20/07; WSR 05-12-097, § 357-19-188, filed 5/27/05, effective 7/1/05.]

WAC 357-19-189 What are the responsibilities of the secretary of the DCYF in carrying out the requirement to conduct background checks? (1) In order to implement the requirements of WAC 357-19-183, the secretary of the 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.

[Statutory Authority: RCW 41.06.475. WSR 18-17-129, § 357-19-189, filed 8/20/18, effective 9/21/18. Statutory Authority: Chapter 41.06 RCW. WSR 07-17-125, § 357-19-189, filed 8/20/07, effective 9/20/07; WSR 05-12-097, § 357-19-189, filed 5/27/05, effective 7/1/05.]

WAC 357-19-191 Does a permanent employee of 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 DCYF who is disqualified from a covered position as a result of a background check has the right to present to the secretary of the 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.

[Statutory Authority: RCW 41.06.475. WSR 18-17-129, § 357-19-191, filed 8/20/18, effective 9/21/18. Statutory Authority: Chapter 41.06 RCW. WSR 07-17-125, § 357-19-191, filed 8/20/07, effective 9/20/07; WSR 05-12-097, § 357-19-191, filed 5/27/05, effective 7/1/05.]

WAC 357-19-193 What happens if a permanent employee, who has received approval to participate in the state internship program, leaves a classified position to participate in the state internship program created under RCW 43.06.410? A permanent employee who leaves a classified position to participate in the state internship program created under RCW 43.06.410:

(1) Has the right to return to their previous position at any time during the internship or upon completion of the internship;

(2) Continues to receive all fringe benefits as if the employee had never left their classified position; and

(3) Continues to accrue seniority.

[Statutory Authority: RCW 41.06.133. WSR 26-08-085, s 357-19-193, filed 3/31/26, effective 5/1/26. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-199, § 357-19-193, filed 12/21/04, effective 7/1/05.]

WAC 357-19-195 If a permanent employee in a classified position accepts an appointment to an exempt position, what is the employee's right to return to a position in the classified service? A permanent employee who accepts an appointment to an exempt position has the right to return to classified service at any time. However, the right of return may not be exercised if the employee is terminated from an exempt position for gross misconduct or malfeasance, or during the pendency of an investigation if the employee has been given written notice that they are the subject of an active workplace investigation which may result in a finding of gross misconduct or malfeasance.

The employee's right is to a position in the highest class in which the employee previously held permanent status or to a position of similar nature and salary. The return right is to the most recent employer with which permanent status in the highest class was held. A position in the highest class does not necessarily mean return to the most recent employer.

If upon an employee being returned to a classified position there are fewer positions than there are employees entitled to such positions, the employer's layoff procedure applies.

For purposes of this section:

(1) "Written notice" includes notice sent by email to the employee's work email address; and

(2) "Pendency of an investigation" lasts until the employer has taken final appropriate action based on the finding of the investigation.

[Statutory Authority: RCW 41.06.150 and 41.06.070. WSR 23-24-020, § 357-19-195, filed 11/28/23, effective 1/1/24. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-195, filed 12/21/04, effective 7/1/05.]

WAC 357-19-197 What information must a receiving employer verify when a permanent employee exercises their right to return to classified service from an exempt appointment? (1) When a permanent employee exercises their right to return to classified service from an exempt appointment in accordance with RCW 41.06.070, the receiving employer must verify:

(a) The employee is not the subject of an active pending workplace investigation of which the employee was given written notice, and which may result in a finding of gross misconduct or malfeasance; and

(b) The employee was not terminated from the exempt position for gross misconduct or malfeasance.

(2) For purposes of this section:

(a) "Written notice" includes notice sent by email to the employee's work email address; and

(b) "Pendency of an investigation" lasts until the employer has taken final appropriate action based on the finding of the investigation.

[Statutory Authority: RCW 41.06.150 and 41.06.070. WSR 23-24-020, § 357-19-197, filed 11/28/23, effective 1/1/24.]

WAC 357-19-200 When must an employee apply to return to classified service from exempt service? Employees exercising return rights should provide as much advance notice as is practicable to the receiving employer. The employee must apply to return to classified service within 30 calendar days of:

- Separation from employment in the exempt position, or
- Separation from employment in any subsequent exempt position if there is no break in state service of more than 30 calendar days between initial and subsequent exempt appointments.

Employees who apply for return to classified service within 30 calendar days must be returned to a position at the time of separation from the exempt appointment or the time of application, whichever is later.

The right of return may not be exercised if the employee is terminated from the exempt position for gross misconduct or malfeasance, or during the pendency of an investigation if the employee has been given written notice that they are the subject of an active workplace investigation which may result in a finding of gross misconduct or malfeasance.

For purposes of this section:

(1) "Written notice" includes notice sent by email to the employee's work email address; and

(2) "Pendency of an investigation" lasts until the employer has taken final appropriate action based on the finding of the investigation.

[Statutory Authority: RCW 41.06.150 and 41.06.070. WSR 23-24-020, § 357-19-200, filed 11/28/23, effective 1/1/24. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-200, filed 12/21/04, effective 7/1/05.]

WAC 357-19-205 Upon return from exempt service, how is the employee's salary set? The employee's base salary must not be less than the employee's previous base salary in classified service, adjusted according to any changes to salary range that occurred while the employee was in exempt service.

If the employee was at step L at the time they accepted the exempt appointment and they are returned to step L of the same pay range, time spent in exempt service will count towards the six years to qualify for step M.

[Statutory Authority: Chapter 41.06 RCW. WSR 13-19-043, § 357-19-205, filed 9/13/13, effective 10/18/13; WSR 05-01-206, § 357-19-205, filed 12/21/04, effective 7/1/05.]

WAC 357-19-215 Does an employee who was hired directly into exempt service have any rights to a classified position or layoff list? Exempt employees who did not leave the classified service specifically to take an exempt position **do not** have any rights under the civil service rules and are not eligible for placement on layoff lists in the general government transition pool.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-215, filed 12/21/04, effective 7/1/05.]

WAC 357-19-220 What happens to an employee whose classified service position is converted to an exempt position? An employee who holds a classified service position that is exempted from civil service has the following rights:

(1) If the employee has permanent status and is appointed to the exempt position or to another exempt position, the employee has the right to return to the classified service at the conclusion of the exempt appointment as specified in WAC 357-19-195.

(2) If the employee has permanent status and is **not** appointed to the exempt position or another exempt position, the employee has the right to assume a position in the highest class previously held, or to a position of similar nature and salary. If upon an employee being returned to a classified position there are fewer positions than there are employees entitled to such positions, the employer's layoff procedure applies.

The employee may appeal the exemption of the position in accordance with chapter 357-52 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-220, filed 12/21/04, effective 7/1/05.]

WAC 357-19-225 How is an incumbent, whose position is converted from exempt to classified, placed within classified service? An incumbent whose position is converted from exempt to classified service may be placed within the classified service as follows:

(1) If the incumbent has been continuously employed for a period of time equivalent to or greater than the probationary period or WMS review period established for the classified position, the incumbent will have permanent status and does not serve a probationary period or WMS review period. If the incumbent has been employed for less than the duration of the probationary period or WMS review period, WAC 357-19-020 and 357-58-285 apply.

(2) The incumbent is not required to pass a qualifying examination.

(3) Salary is set in accordance with WAC 357-28-165.

(4) The incumbent is credited with unused accrued sick leave at the time of conversion and continues to accrue sick leave as provided in chapter 357-31 WAC (Leave and holidays chapter).

(5) The incumbent is credited with unused accrued vacation leave at the time of conversion and accrues vacation leave at the same rate as for classified employees as provided in chapter 357-31 WAC.

(6) Seniority is established in accordance with WAC 357-01-303 and 357-01-304.

[Statutory Authority: Chapter 41.06 RCW. WSR 14-06-007, § 357-19-225, filed 2/20/14, effective 3/24/14; WSR 05-01-206, § 357-19-225, filed 12/21/04, effective 7/1/05.]

WAC 357-19-230 What are the provisions for appointing participants of the police corps programs? According to the terms and conditions of the federal Police Corps Act, employers may appoint participants of the police corps program to positions in the classified service. Upon appointment, the civil service rules apply.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-230, filed 12/21/04, effective 7/1/05.]

WAC 357-19-235 What are in-training positions? In-training positions are permanent positions for which the employer uses defined training steps to train employees to successfully perform the duties and responsibilities of the goal class. Each in-training position must have an in-training plan.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-235, filed 12/21/04, effective 7/1/05.]

WAC 357-19-240 What positions can be designated as in-training? Employers may designate specific positions, groups of positions, or all positions in a class or class series, as in-training positions. Unless other staffing methods have been exhausted, positions with primary responsibility for supervision should not be designated as in-training positions.

[Statutory Authority: Chapter 41.06 RCW. WSR 09-11-067, § 357-19-240, filed 5/14/09, effective 6/16/09; WSR 05-01-206, § 357-19-240, filed 12/21/04, effective 7/1/05.]

WAC 357-19-245 What components must be included in an in-training plan? The in-training plan must document:

(1) The title of the goal class of the in-training plan.

(2) The duties and responsibilities of the goal class.

(3) The training steps and job classes that will be used to reach the goal class.

(4) The training content for each step of the in-training plan. The training must include at least one of the following components:

(a) On-the-job training (knowledge and skill developed through experience);

(b) Classroom or field instruction;

(c) Courses conducted by an educational institution, vocational school, or professional training organization; or

(d) Written, oral, and/or practical examination(s).

(5) The length of the training steps that are being used to reach the goal class.

(6) The competencies that must be acquired by the employee while in training to the goal class.

(7) The method(s) that will be used to determine if the employee has successfully completed the requirements of the in-training plan.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-245, filed 12/21/04, effective 7/1/05.]

WAC 357-19-250 During an in-training plan, when does an employee advance to the next training step? The employee automatically advances to the next training step and job class after satisfactory completion of the training requirements of the lower step. After successful completion of all training steps, the employee moves to the goal class.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-250, filed 12/21/04, effective 7/1/05.]

WAC 357-19-255 How long must an employee be at each step in an in-training plan? In-training plans must provide a minimum of six months at each step of the in-training plan before progressing to the next step. The training plan at each step must include specific, quantifiable training objectives. Upon demonstration that the employee has satisfactorily achieved those training objectives in less than six months, the employer may waive the remainder of the time required at that training step.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-255, filed 12/21/04, effective 7/1/05.]

WAC 357-19-260 While an employee is in an in-training appointment, what class is used to determine the employee's salary, overtime

eligibility, and performance evaluation? For each in-training step, the training plan must identify the job class to which the employee's work is being allocated. The employee's salary, overtime eligibility, and performance evaluation must be based upon the allocated class of the in-training step.

[Statutory Authority: Chapters 41.06 and 49.46 RCW. WSR 21-12-019, § 357-19-260, filed 5/24/21, effective 7/1/21. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-260, filed 12/21/04, effective 7/1/05.]

WAC 357-19-265 Must the employee serve a probationary or trial service period during an in-training appointment? An employee who does not have permanent status must serve a probationary period when appointed to an in-training position. Once an employee has permanent status, the employee must serve a trial service period at each training step within the in-training plan. When an employee is still in a probationary or trial service period and is advanced to the next training step in the in-training plan, the original probationary or trial service period continues and the employee begins the trial service period of the next step. The original probationary or trial service period and the new trial service period run concurrently until the terms of the original probationary or trial service period are completed.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-265, filed 12/21/04, effective 7/1/05.]

WAC 357-19-270 Does time spent in a position before the in-training appointment count towards the in-training period? Time spent in nonpermanent appointments in an in-training position before a permanent appointment to the in-training position is not usually counted towards the requirements of the in-training plan. If the employer determines that the work performed in the nonpermanent appointment and the competencies developed satisfy the training plan requirements, the employer may count the time.

The employer determines if time spent in a position before the position was designated as an in-training position counts towards the requirements of the in-training plan.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-270, filed 12/21/04, effective 7/1/05.]

WAC 357-19-280 If an employee transfers from one in-training position to another in-training position, how is the training period affected? If an employee transfers from one in-training position to another in-training position, the terms of the in-training plan for the new position are in effect.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-280, filed 12/21/04, effective 7/1/05.]

WAC 357-19-285 What happens to an employee who fails to progress satisfactorily through an in-training plan?

This table is used to determine what happens when an employee appointed to an in-training position fails to satisfactorily progress through the in-training plan.		
	Type of In-Training Position:	
	Class Series: All positions in the class series are designated as in-training positions by the employer	**Individual position:** The individual position is designated as an in-training position
Employee Status:		
Employee in Probationary Period	→ The employee must be separated in accordance with WAC 357-46-185.	→ The employee must be separated in accordance with WAC 357-46-185.
Employee in Trial Service Period	*If the employee **WAS PERMANENT** before the in-training appointment*: → The employee has reversion rights in accordance with WAC 357-19-115 through 357-19-117 to the class the employee held permanent status in before the in-training appointment. *If the employee was **NOT PERMANENT** before the in-training appointment*: →The employee must be dismissed under the provisions of WAC 357-40-010.	→ The employee has reversion rights in accordance with WAC 357-19-115 through 357-19-117 to the class in which the employee was most recently permanent.
Employee achieved permanent status in job class of the current in-training step but is failing to progress to the next step	*If the employee **WAS PERMANENT** before the in-training appointment*: → The employee has reversion rights in accordance with WAC 357-19-115 through 357-19-117 to the class the employee held permanent status in before the in-training appointment. *If the employee was **NOT PERMANENT** before the in-training appointment*: → The employee must be dismissed under the provisions of WAC 357-40-010.	→The employee is removed from the in-training position and has reversion rights in accordance with WAC 357-19-115 through 357-19-117. The employee has reversion rights to a position, if available, in the class in which the employee currently holds permanent status.

[Statutory Authority: Chapter 41.06 RCW. WSR 09-11-067, § 357-19-285, filed 5/14/09, effective 6/16/09; WSR 06-15-065, § 357-19-285, filed 7/13/06, effective 8/14/06; WSR 05-01-206, § 357-19-285, filed 12/21/04, effective 7/1/05.]

WAC 357-19-290 What are the provisions for appointments under the Intergovernmental Mobility Act (P.L. 91-648)? The director may authorize appointments into the classified service from other governmental units for purposes of cross training or sharing of expertise across governmental boundaries, in accordance with the intent of the Intergovernmental Personnel Act (P.L. 91-648) and RCW 41.04.170. Appointments made under this section must be time-limited.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-290, filed 12/21/04, effective 7/1/05.]

WAC 357-19-295 What are cyclic year positions? Cyclic year positions are positions within higher education institutions and related higher education boards which are scheduled to work less than twelve full months each year, due to:

- Known, recurring periods in the annual cycle when the position is not needed; or
- Limited funding of the position.

Cyclic year positions are permanent positions and must be filled in accordance with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-295, filed 12/21/04, effective 7/1/05.]

WAC 357-19-297 What are the notification requirements for appointing an employee to a cyclic year position? Upon appointment and before the start of each annual cycle, employees of cyclic year positions must be informed in writing of their scheduled periods of leave without pay in the ensuing annual cycle. Scheduled, cyclic leave without pay does not constitute a break in service and is not deducted from the employees' seniority and does not affect the employees' vacation leave accrual rate.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. WSR 19-11-136, § 357-19-297, filed 5/22/19, effective 7/1/19. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-297, filed 12/21/04, effective 7/1/05.]

WAC 357-19-300 What is a seasonal appointment? A seasonal appointment is an appointment made by general government employers that is cyclical in nature, recurs at approximately the same time each year, and lasts for a minimum of five months but less than twelve months in duration during any consecutive twelve-month period.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-076, § 357-19-300, filed 5/27/05, effective 7/1/05.]

WAC 357-19-301 Does chapter 357-16 WAC apply to seasonal appointments? Seasonal appointments must be made accordance with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-076, § 357-19-301, filed 5/27/05, effective 7/1/05.]

WAC 357-19-302 Do employees appointed to seasonal appointments serve a probationary period and gain permanent status? General gov-

ernment employees who do not have permanent status and receive a seasonal appointment must complete a probationary period. The probationary period may be completed in consecutive seasonal appointments with the same employer. Upon completion of the probationary period, employees in seasonal appointments gain permanent status.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-076, § 357-19-302, filed 5/27/05, effective 7/1/05.]

WAC 357-19-303 What provisions govern the layoff of employees from seasonal appointments? (1) Employers may take actions to layoff employees in seasonal appointments in accordance with WAC 357-46-005 and 357-46-010.

(2) Employers who use seasonal appointments must address the following within their layoff procedures:

(a) Definition of seasonal layoff units.

(b) Description of separate internal layoff lists for seasonal positions.

(c) Notification of layoff for employees in seasonal appointments.

(i) Probationary employees in seasonal appointments must receive at least one calendar day's notice.

(ii) Permanent employees in seasonal appointments must receive at least two working days' notice.

(d) Layoff options in accordance with WAC 357-46-035 within the seasonal layoff unit for seasonal employees being laid off.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-076, § 357-19-303, filed 5/27/05, effective 7/1/05.]

WAC 357-19-305 What are project positions? Project positions are classified positions established for purpose of a defined project for which the employer expects the work to be of a time-limited nature with an expected end date.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-305, filed 12/21/04, effective 7/1/05.]

WAC 357-19-310 How are project positions filled? Project positions must be filled in accordance with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-310, filed 12/21/04, effective 7/1/05.]

WAC 357-19-315 What are the notification requirements for appointing an employee to a project position? An employee appointed to a project position must be notified, in writing, of the status of the appointment and the expected ending date of the position.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-315, filed 12/21/04, effective 7/1/05.]

WAC 357-19-320 Must an employee appointed to a project position serve a probationary period? An employee who does not have permanent status in classified service must serve a probationary period when appointed to a project position. The employee gains permanent status upon completion of the probationary period.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-320, filed 12/21/04, effective 7/1/05.]

WAC 357-19-325 Must an employee with permanent status who is appointed to a project position serve a trial service period? In accordance with WAC 357-19-025, a permanent employee must serve a trial service period upon promotional appointment to project position.

In accordance with WAC 357-19-030, a permanent employee who voluntarily transfers or voluntarily demotes to a project position may be required by the employer to serve a trial service period.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-325, filed 12/21/04, effective 7/1/05.]

WAC 357-19-330 What notices must employees and their employers provide to each other when an employee accepts an appointment to a project position? If a permanent employee wants to have return rights to the current employer, the employee must give 14 calendar days' notice to the current employer before moving to a project position. The employer and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employer must notify the employee in writing of the employee's return right at the conclusion of the appointment to the project position.

For purposes of this rule, written notice may be provided using alternative methods such as email, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

[Statutory Authority: RCW 41.06.133. WSR 26-08-085, s 357-19-330, filed 3/31/26, effective 5/1/26. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-330, filed 12/21/04, effective 7/1/05.]

WAC 357-19-340 What return rights must an employer provide to a permanent employee who accepts an appointment to a project position? At a minimum, an employer must provide a permanent employee who left a permanent position to accept an appointment to a project position access to the employer's internal layoff list. If the employer agrees to return the employee to a position, the employee must provide 14 calendar days' notice to the employer of the employee's intent to return to a permanent position unless the employee and employer agree otherwise. Upon return to a permanent position, the employee's salary is determined by the employer's salary determination policy.

[Statutory Authority: RCW 41.06.133. WSR 26-08-085, s 357-19-340, filed 3/31/26, effective 5/1/26. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-340, filed 12/21/04, effective 7/1/05.]

WAC 357-19-345 What happens to employees in project positions at the conclusion of the project? At the conclusion of an appointment to a project position, the layoff provisions of chapter 357-46 WAC apply. In addition to the layoff rights provided by chapter 357-46 WAC, a permanent status employee who left a permanent position to accept appointment to a project position without a break in service has the additional rights provided by WAC 357-19-340.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-345, filed 12/21/04, effective 7/1/05.]

WAC 357-19-350 May a permanent WGS employee accept an acting Washington management service (WMS) appointment and what notices must the employee and employer provide each other when an employee accepts the acting appointment? Permanent WGS employees may accept acting appointments to WMS positions.

The employee must give the current employer at least 14 calendar days' written notice before moving to an acting WMS appointment. The current employer and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employer must notify the employee in writing of the employee's return right at the conclusion of the acting WMS appointment.

For purposes of this rule, written notice may be provided using alternative methods such as email, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

[Statutory Authority: RCW 41.06.133. WSR 26-08-085, s 357-19-350, filed 3/31/26, effective 5/1/26. Statutory Authority: Chapter 41.06 RCW. WSR 05-12-094, § 357-19-350, filed 5/27/05, effective 7/1/05.]

WAC 357-19-353 What return rights must an employer provide to a WGS employee who accepts an acting WMS appointment? (1) At a minimum, the employer must provide the permanent employee who is leaving a WGS position with the employer to accept a WMS acting appointment for reasons specified in WAC 357-58-265 (1)(a) access to the employer's internal layoff list at the conclusion of the acting appointment. If the employer agrees to return the employee to a position, the employee must notify the employer of their intent to return to a permanent position at least 14 calendar days in advance of return unless the employee and employer agree otherwise. Failure of the employee to provide proper written notice to the employer may result in forfeiture of any return rights. Upon return to a permanent position, the employee's salary must be determined by the employer's salary determination policy.

(2) A general government employer must return an employee who was redeployed for reasons specified in WAC 357-58-265 (1)(b) to the same WGS position held prior to the redeployment at the conclusion of the redeployment. Upon return to their previous position, the employee's base salary is set at the step the employee would be at if they had not left the position.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-353, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW. WSR 05-12-094, § 357-19-353, filed 5/27/05, effective 7/1/05.]

WAC 357-19-360 For what reasons may an employer make nonpermanent appointments? (1) An employer may fill a position with a nonpermanent appointment when any of the following conditions exist:

(a) A permanent employee is absent from the position;

(b) The employer is recruiting to fill a vacant position with a permanent appointment;

(c) The employer needs to address a short-term immediate workload peak or other short-term needs;

(d) The employer is not filling a position with a permanent appointment due to the impending or actual layoff of a permanent employee(s); or

(e) The nature of the work is sporadic and does not fit a particular pattern.

(2) A general government employer may fill a position with a nonpermanent appointment when the director has given approval to redeploy an employee in accordance with WAC 357-04-124.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-360, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-360, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-360, filed 12/21/04, effective 7/1/05.]

WAC 357-19-365 When is it inappropriate for an employer to fill a position with a nonpermanent appointment to address a short-term immediate workload peak or other short-term needs? Employers **must not** fill a position with a nonpermanent appointment under the provisions of WAC 357-19-360 (1)(c) when the work of the position is scheduled, ongoing and permanent in nature. If at any time during a nonpermanent appointment, a short-term workload peak or other short-term need becomes ongoing and permanent in nature, the employer must take action to fill the position on a permanent basis.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-365, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-365, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-365, filed 12/21/04, effective 7/1/05.]

WAC 357-19-370 How long may a nonpermanent appointment last? (1) Employers are encouraged to limit the duration of nonpermanent appointments for reasons specified in WAC 357-19-360(1) to 12 months from the appointment date.

(2) A nonpermanent appointment for a reason specified in WAC 357-19-360 (1)(a) through (d) **must not** exceed 24 months unless the director has approved an extension of the appointment due to the continued absence of a permanent employee. An employer may choose to not count time spent in formal training programs towards the 24-month limit. On-the-job training is not considered a formal training program for purposes of this rule.

(3) A nonpermanent appointment specified in WAC 357-19-360(2) **must not** exceed three months unless a longer duration is mutually agreed upon between the employee and general government employer(s)

and conditions continue to exist in accordance with WAC 357-04-124. Appointments must not exceed 24 months unless the director has approved an extension of the appointment.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-370, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-370, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-370, filed 12/21/04, effective 7/1/05.]

WAC 357-19-373 What notification must an employer give a nonpermanent appointee? (1) Upon appointment, all nonpermanent appointees must be notified in writing of the conditions of their appointment and/or upon any subsequent change to the conditions of their appointment.

(2) The written notification must at a minimum contain the following information:

(a) The reason for the nonpermanent appointment in accordance with WAC 357-19-360;

(b) The hours of work and the base salary;

(c) The anticipated short-term duration or sporadic nature of the appointment;

(d) A statement regarding the receipt or nonreceipt of benefits. If the employee is to receive benefits, the statement shall include which benefits are to be received; and

(e) The right to request remedial action as provided in WAC 357-19-425.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-373, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-373, filed 12/21/04, effective 7/1/05.]

WAC 357-19-375 Can an employee receive consecutive general government nonpermanent appointments? Individuals may receive consecutive nonpermanent appointments as long as:

(1) Any subsequent appointment is to a different position; or

(2) The multiple appointments are of a seasonal nature but don't meet the definition of seasonal appointment because each appointment last less than five months in duration during any consecutive twelve-month period.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-076, § 357-19-375, filed 5/27/05, effective 7/1/05; WSR 05-01-206, § 357-19-375, filed 12/21/04, effective 7/1/05.]

WAC 357-19-376 May an employee receive consecutive higher education nonpermanent appointments? Individuals may receive consecutive nonpermanent appointments as long as any subsequent appointment is to a different position.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-376, filed 6/30/21 and 12/15/21, effective 7/1/22.]

WAC 357-19-377 What provisions apply to nonpermanent appointments? Nonpermanent appointments are subject to the following provisions:

(1) Nonpermanent appointees must meet the competencies and other requirements of the position to which they are appointed.

(2) Nonpermanent appointments may be filled on a noncompetitive basis which means the employer is not required to comply with the rules on recruitment, assessment and certification as provided in chapter 357-16 WAC.

(3) Nonpermanent appointments may be filled using the competitive process specified in chapter 357-16 WAC as long as the eligible applicant indicates a willingness to accept a nonpermanent appointment.

(4) Employers may underfill a position with a nonpermanent appointment.

(5) Ensure compliance with requirements governing wage and salary information in accordance with RCW 49.58.100, 49.58.110, WAC 357-16-017, 357-16-215, and 357-16-220.

[Statutory Authority: RCW 41.06.133, 41.06.150, 49.58.100, and 49.58.110. WSR 23-24-024, § 357-19-377, filed 11/28/23, effective 1/1/24. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-377, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-377, filed 12/21/04, effective 7/1/05.]

WAC 357-19-380 What provisions of the civil service rules apply to nonpermanent employees? The leave and holiday provisions of chapter 357-31 WAC and compensation provisions of chapter 357-28 WAC apply to employees in nonpermanent appointments. Other chapters of civil service rules may apply where specifically stated.

[Statutory Authority: RCW 41.06.133, 41.06.150, 49.58.100, and 49.58.110. WSR 23-24-024, § 357-19-380, filed 11/28/23, effective 1/1/24. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-380, filed 12/21/04, effective 7/1/05.]

WAC 357-19-385 May a permanent employee accept a nonpermanent appointment? A permanent employee may accept a nonpermanent appointment.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-385, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-385, filed 12/21/04, effective 7/1/05.]

WAC 357-19-388 What notices must employees and their employers provide each other when an employee accepts a nonpermanent appointment? Employees who accept a nonpermanent appointment for reasons

specified in WAC 357-19-360(1) must give their current employers at least 14 calendar days' notice before moving to a nonpermanent appointment. The current employer and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employee's permanent employer must notify the employee in writing of the employee's return right at the conclusion of the nonpermanent appointment.

For purposes of this rule, written notice may be provided using alternative methods such as email, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-388, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-388, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-12-077, § 357-19-388, filed 5/27/05, effective 7/1/05; WSR 05-01-206, § 357-19-388, filed 12/21/04, effective 7/1/05.]

WAC 357-19-395 What return rights must an employer provide to an employee who accepts a nonpermanent appointment? (1) For nonpermanent appointments made for reasons specified in WAC 357-19-360(1) at a minimum, the employer must provide the permanent employee who is leaving their position with the employer to accept a nonpermanent appointment access to the employer's internal layoff list at the conclusion of the nonpermanent appointment. If the employer agrees to return the employee to a position, the employee must notify the employer of their intent to return to a permanent position at least 14 calendar days in advance of return unless the employee and employer agree otherwise. Failure of the employee to provide proper written notice to the employer may result in forfeiture of any return rights. Upon return to a permanent position, the employee's salary must be determined by the employer's salary determination policy.

(2) For nonpermanent appointments made for reasons specified in WAC 357-19-360(2), the general government employee must be returned to the same position held prior to the redeployment at the conclusion of the redeployment. Upon return to their previous position, the employee's base salary must be set at the step the employee would be at if they had not left the position.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-395, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW. WSR 05-12-095, § 357-19-395, filed 5/27/05, effective 7/1/05; WSR 05-01-206, § 357-19-395, filed 12/21/04, effective 7/1/05.]

WAC 357-19-400 May an employer convert a nonpermanent appointment to a probationary or trial service appointment? (1) When an employer uses a competitive process to make a nonpermanent appointment to fill a position in the absence of a permanent employee or fill a position nonpermanently due to the impending or actual layoff of a permanent employee(s), the employer may change the status of the appointment to probationary or to trial service if:

(a) The permanent employee does not return to the position or the layoff action has been implemented; and

(b) The employer needs to fill the position permanently.

(2) When an employer uses a veterans placement program to fill a nonpermanent position for any reason listed in WAC 357-19-360, the employer may change the status of the appointment to probationary or to trial service.

(3) At the discretion of the appointing authority, time spent in the nonpermanent appointment may count towards the probationary or trial service period for the permanent position.

[Statutory Authority: Chapter 41.06 RCW. WSR 22-12-074, § 357-19-400, filed 5/27/22, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-400, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 06-15-066, § 357-19-400, filed 7/13/06, effective 8/14/06; WSR 05-01-206, § 357-19-400, filed 12/21/04, effective 7/1/05.]

WAC 357-19-410 How much notice must an employer give for ending a nonpermanent appointment? The end date of a nonpermanent appointment may be set in the appointment letter. If the end date is not set in the appointment letter, the employer must give written notice of the termination date of the nonpermanent appointment. If the employee is a permanent state employee, the employer must provide at least fifteen calendar days' notice. If the employee is not a permanent state employee, the employer must give one work day's notice.

A nonpermanent appointment may be terminated immediately with pay in lieu of the one work day of notice required for nonpermanent employees or the fifteen calendar days' notice required for permanent employees.

For purposes of this rule, written notice may be provided using alternative methods such as email, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-410, filed 12/21/04, effective 7/1/05.]

WAC 357-19-420 What are the appeal rights of nonpermanent employees? Employees without permanent status appointed to nonpermanent appointments have no appeal rights with the exception of remedial action as provided in WAC 357-19-430.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-420, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-420, filed 12/21/04, effective 7/1/05.]

WAC 357-19-425 How does a nonpermanent employee request remedial action? Requests for remedial action by nonpermanent employees must be received in writing within thirty days as provided in chapter 357-49 WAC. Following a director's review of the remedial action request, an employee may file exceptions to the director's decision in accordance with chapter 357-52 WAC.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-425, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-425, filed 12/21/04, effective 7/1/05.]

WAC 357-19-430 When may the director take remedial action for nonpermanent employees and what does remedial action include? The director may take remedial action to confer permanent status, set base salary, and establish seniority when it is determined that the following conditions exist:

(1) The employer has made an appointment that does not comply with rules on nonpermanent appointment; or

(2) The duration of a nonpermanent appointment as defined in WAC 357-19-360 (1)(a) through (d) and 357-19-360(2) has exceeded 24 months without director approval.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-19-430, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-430, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-430, filed 12/21/04, effective 7/1/05.]

WAC 357-19-435 For what reasons may a higher education employer appoint an individual to a temporary appointment? A higher education employer may appoint an individual to a temporary appointment for the following reasons:

(1) The number of hours to be worked by the individual will not exceed 1,050 hours in a 12 consecutive month period from the original date of hire or July 1, 2022, whichever is later, in accordance with WAC 357-04-045; or

(2) The employing official formally assigns a classified employee the duties and responsibilities of a higher-level class for a period of less than six consecutive months. In accordance with WAC 357-19-441(2), temporary appointments under this subsection are not exempt from civil service rules.

[Statutory Authority: Chapter 41.06 RCW. WSR 22-12-075, § 357-19-435, filed 5/27/22, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-435, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-192, § 357-19-435, filed 12/21/04, effective 7/1/05.]

WAC 357-19-440 What provisions govern higher education temporary appointments? (1) Temporary appointments may be made without regard to rules on recruitment, assessment and certification as provided in chapter 357-16 WAC.

(2) Each higher education employer must develop for director approval a procedure which indicates the employer's system for controlling and monitoring temporary positions as identified in WAC 357-04-045. The procedure must include a mechanism to access and report hours worked by an individual temporary employee.

(3) No temporary appointment shall take the place of employees laid off under the provisions of WAC 357-46-010.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-440, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-192, § 357-19-440, filed 12/21/04, effective 7/1/05.]

WAC 357-19-441 What provisions of civil service rules apply to individuals in temporary appointments? (1) Individuals appointed to temporary appointments under the provisions of WAC 357-19-435(1) are exempt from the civil service rules except for the provisions of remedial action as provided in WAC 357-04-045 and 357-19-450.

(2) Employees temporarily assigned higher level duties under the provisions of WAC 357-19-435(2) are classified employees and as such are covered by the civil service rules.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-192, § 357-19-441, filed 12/21/04, effective 7/1/05.]

WAC 357-19-442 What happens to an employee's salary and periodic increment date when the employee is temporarily appointed to the higher level class under provisions of WAC 357-19-435(2)? Upon temporary appointment under the provisions of WAC 357-19-435(2), the employee's base salary is determined in accordance with WAC 357-28-110 and the employee's periodic increment date is unchanged.

[Statutory Authority: RCW 41.06.133. WSR 26-08-085, s 357-19-442, filed 3/31/26, effective 5/1/26. Statutory Authority: Chapter 41.06 RCW. WSR 14-24-025, § 357-19-442, filed 11/21/14, effective 12/22/14; WSR 05-01-192, § 357-19-442, filed 12/21/04, effective 7/1/05.]

WAC 357-19-443 Does a permanent employee who is temporarily appointed to a higher level class under the provision of WAC 357-19-435(2) have the right to resume a position at the conclusion of the temporary appointment? At the conclusion of a temporary appointment to a higher level class under the provisions of WAC 357-19-435(2), a permanent employee has a right to resume a position in the class the employee was in prior to the temporary appointment. Upon return to a position in the prior class, the employee's base salary is reinstated and the employee is credited with any increment increases that would have occurred had the employee not been temporarily appointed to a higher class.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-192, § 357-19-443, filed 12/21/04, effective 7/1/05.]

WAC 357-19-444 What notification must a higher education employer give to a temporary appointee? (1) Prior to the start of a temporary appointment, the temporary appointee must be notified in writing of the conditions of the appointment.

(2) The written notification must contain the following information regarding the condition of the appointment:

(a) The reason for the temporary appointment (see WAC 357-19-435);

(b) The hours of work and the hourly rate of pay;

(c) The anticipated duration of appointment;

(d) A statement regarding the receipt or nonreceipt of benefits;

• If the appointee is eligible to receive benefits, the statement must identify which benefits will be received.

(e) The employee's original date of hire in a temporary appointment under the provisions of WAC 357-19-435(1); and

(f) The right to request remedial action as provided in WAC 357-19-448 and 357-19-450.

(3) For purposes of this rule, written notice of the conditions of temporary appointment must be provided as follows:

(a) By personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies; or

(b) By using alternative methods such as email, campus mail, the state mail service, or commercial parcel delivery.

(4) Service of the notice is considered to be completed:

(a) When personal delivery has been accomplished;

(b) Upon deposit in the United States mail, properly stamped and addressed;

(c) Upon production by telephone facsimile transmission of confirmation of the transmission; or

(d) If an alternative method of delivery was used, when the notice is received by the temporary appointee.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-192, § 357-19-444, filed 12/21/04, effective 7/1/05.]

WAC 357-19-445 What records must higher education employers maintain for individuals in temporary appointments? Higher education employers must maintain records of the information contained in WAC 357-19-444 for individuals in temporary appointments.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-192, § 357-19-445, filed 12/21/04, effective 7/1/05.]

WAC 357-19-447 What are the appeal rights of individuals in higher education temporary appointments? The right to appeal for individuals appointed to higher education temporary appointments is limited to remedial action as provided in WAC 357-19-450.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-192, § 357-19-447, filed 12/21/04, effective 7/1/05.]

WAC 357-19-448 How does an individual in a higher education temporary appointment request remedial action? Requests for remedial action must be received in writing within thirty calendar days as provided in chapter 357-49 WAC. Following a director's review of the remedial action request, an employee may file exceptions to the director's decision in accordance with chapter 357-52 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-192, § 357-19-448, filed 12/21/04, effective 7/1/05.]

WAC 357-19-450 When may the director take remedial action for individuals in higher education temporary appointments and what does remedial action include? For individuals in higher education temporary appointments under the provisions of WAC 357-19-435(1), the director may take remedial action to confer permanent status, set base salary and establish seniority when it is determined that the following conditions exist:

(1) The individual has worked in one or more temporary positions as identified in WAC 357-04-045 for more than 1,050 hours in any 12 consecutive month period since the original hire date or July 1, 2022, whichever is later. (Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the 1,050 hours.)

(2) The position or positions are subject to civil service.

(3) The employee has not taken part in any willful failure to comply with these rules.

[Statutory Authority: Chapter 41.06 RCW. WSR 22-12-075, § 357-19-450, filed 5/27/22, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-19-450, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-192, § 357-19-450, filed 12/21/04, effective 7/1/05.]

WAC 357-19-455 What is reemployment? Reemployment is the appointment of a former permanent employee who had permanent status in a class with the same or similar job duties.

[Statutory Authority: Chapter 41.06 RCW. WSR 09-23-055, § 357-19-455, filed 11/12/09, effective 12/15/09; WSR 05-01-206, § 357-19-455, filed 12/21/04, effective 7/1/05.]

WAC 357-19-460 Is certification required to reemploy a former permanent status employee? (1) Employers may directly reemploy without certification former permanent status employees who have submitted an application for employment as long as:

(a) The employer's internal layoff list or statewide layoff list for the class has no eligible candidates;

(b) The former employee satisfies the competencies and other requirements of the position to which the employee is being reemployed; and

(c) The former employee has applied for reemployment in accordance with any employer-established time frames within which former employees must apply.

(2) Upon reemployment, the employee must serve a probationary period unless the employer determines otherwise.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-460, filed 12/21/04, effective 7/1/05.]

WAC 357-19-465 Must employers provide reemployment services to employees separated due to disability under the provisions of WAC 357-46-160? Employers must provide special reemployment assistance to separated former permanent status classified employees of the employer

for two years following separation due to disability under the provisions of WAC 357-46-160.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-465, filed 12/21/04, effective 7/1/05.]

WAC 357-19-470 What reemployment services does the employer provide to a former employee seeking reemployment under the provisions of WAC 357-19-465? The employer will provide assistance, such as the following, to an eligible former employee seeking reemployment under the provisions of WAC 357-19-465:

(1) Determination of job classes and/or positions for which the former employee is qualified;

(2) Assistance regarding the employment/application process;

(3) Reemployment consideration in accordance with the employer's certification procedure for positions for which the individual meets the competency and other position requirements; and

(4) Access to training programs relevant to the job classes for which the former employee may become qualified.

[Statutory Authority: Chapter 41.06 RCW. WSR 08-07-062, § 357-19-470, filed 3/17/08, effective 4/18/08; WSR 05-01-206, § 357-19-470, filed 12/21/04, effective 7/1/05.]

WAC 357-19-475 To be eligible for reemployment following disability separation under WAC 357-19-465 what must the employee do? To be eligible for reemployment the former employee must:

(1) Complete and submit an application(s) for reemployment to the employer;

(2) Meet the competencies and other requirements of the class and/or position for which the former employee is applying; and

(3) Submit to the employer a statement from a licensed health care provider affirming the former employee's fitness to return to work and specifying any work restrictions due to a physical, sensory, or mental disability of the individual.

(a) If the licensed health care provider's statement provides inadequate information, the former employee will obtain the necessary clarification from the licensed health care provider or provide a release to the personnel officer/appointing authority to communicate directly with the licensed health care provider regarding the disabling condition as it relates to employment. Such information will be obtained at the former employee's expense.

(b) The employer may require that the former employee be examined by a licensed health care provider of the employer's choice at the employer's expense.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-077, § 357-19-475, filed 5/27/05, effective 7/1/05; WSR 05-01-206, § 357-19-475, filed 12/21/04, effective 7/1/05.]

WAC 357-19-480 Will employees returning from separation under WAC 357-19-465 serve a probationary period? Former permanent status employees returning from separation due to disability as set forth in WAC 357-19-465 must serve a probationary period unless the employer

determines otherwise. Upon successful completion of the probationary period, the time between separation and reemployment will be treated as leave without pay and must not be considered a break in service.

[Statutory Authority: Chapter 41.06 RCW. WSR 08-07-062, § 357-19-480, filed 3/17/08, effective 4/18/08; WSR 05-01-206, § 357-19-480, filed 12/21/04, effective 7/1/05.]

WAC 357-19-525 What are the employer's responsibilities for return-to-work? Each employer must:

(1) Adopt a written return-to-work policy.

(2) Designate an employer representative to be responsible for coordinating the employer's return-to-work program.

(3) Provide information on the employer's return-to-work policy to employees.

(4) Provide training of appropriate supervisors on implementation of the employer return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee; general knowledge of available return-to-work options and resources available.

(5) Coordinate participation of applicable employee assistance programs, as appropriate.

(6) If possible, provide time-limited opportunities to employees who are in the return-to-work program.

[Statutory Authority: Chapter 41.06 RCW. WSR 11-23-054, § 357-19-525, filed 11/10/11, effective 12/13/11; WSR 05-01-206, § 357-19-525, filed 12/21/04, effective 7/1/05.]

WAC 357-19-530 Who is eligible to participate in the employer's return-to-work program? Employees are eligible to participate in the return-to-work employer's program under the following conditions:

(1) The employee is a permanent employee.

(2) The employee is receiving compensation under RCW 51.32.090.

(3) The employee has a temporary disability which makes them temporarily unable to return to their previous work, but who is capable of carrying out work of a lighter or modified nature as evidenced by a written statement from an attending provider as defined in RCW 51.08.200.

[Statutory Authority: RCW 41.06.150 and 41.06.490. WSR 25-12-068, s 357-19-530, filed 5/30/25, effective 7/1/25. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-530, filed 12/21/04, effective 7/1/05.]

WAC 357-19-535 Are an employee's return-to-work opportunities limited to the agency or institution/related board which was the employer at the time of the qualifying injury? Permanent state employees who are receiving compensation under RCW 51.32.090 for a temporary disability are eligible to participate in agency or institution/related board return-to-work programs statewide when appropriate job classifications are not available with the employer that was the appointing authority at the time of qualifying injury. Employers must coordi-

nate and cooperate with one another to provide return-to-work opportunities on a statewide basis.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-535, filed 12/21/04, effective 7/1/05.]