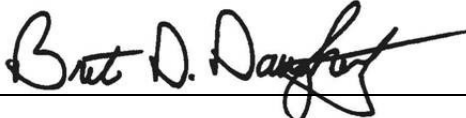




## Department Policy No. HR-244-04

<b>Title:</b>	WMS Salary/Compensation Administration
<b>Former Number:</b>	HR-244-04
<b>Authorizing Source:</b>	State law - Chapter 41.06 RCW State Civil Service Law State rule - Chapter 357-58 WAC Washington Management Service
<b>References:</b>	HR-244-04b WMS Inclusion and Evaluation Procedure <a href="#">WMS Progression Pay Worksheet (WMD Form 2010-13)</a> <a href="#">WMS Review Request (WMD Form 2039-17)</a>
<b>Information Contact:</b>	Human Resources Director Building #33 (253)512-7940
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<b>Approved By:</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

### Purpose

This policy outlines how the Washington Military Department (WMD) will compensate its Washington Management Service (WMS) workforce for the value of the work provided. It further describes how Appointing Authorities will work closely with the Human Resources Director and Executive Management when making changes to a WMS Salary to ensure compliance with Washington Administrative Code and Revised Code of Washington.

### Scope

This applies to all WMD employees permanently appointed to positions determined to meet the definition as defined in Washington Administrative Code (WAC) 357-58-035 for Washington Management Inclusion. Inclusion in the WMS shall be in accordance with the WMD's WMS Operating Procedures for the banding and rating of WMS Positions within WMD.

## Definitions

- **Appointing authority** means an individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees. The Appointing Authority in WMD is the Agency Director, The Adjutant General or his/her assigned designee in his/her absence.
- **Base Salary** means the dollar amount of the salary within the salary range to which the employee is entitled, before any deductions, and exclusive of additional compensation of any kind, such as premiums.
- **Classified Service** means all positions that are not exempt from state service.
- **Designee** means a member of the Executive Management Team who is delegated by the Agency Director to make decisions about this policy. In many cases the designee will be the Deputy Director or Human Resource Director.
- **Exempt appointment** means the position is exempt from civil service law and does not have the same rights as classified positions.
- **Management band** means a series of management levels composed of a salary minimum and maximum dollar level.
- **Nonpermanent appointment** means an appointment made by a general government employer under the provisions of WAC 357-19-360.
- **Overtime eligible position** means a position that is covered by the overtime provisions of the Fair Labor Standards Act.
- **Overtime exempt position** means a position that is not covered by the overtime provisions of the Fair Labor Standards Act.
- **Promotion** means the assignment of additional responsibilities, which results in higher evaluation points and/or a higher salary standard for the same position, or movement to a different position that has a higher salary standard and/or higher evaluation points.
- **Reassignment** means the movement of a WMS employee from one position to a different position within WMS with the same salary standard and/or evaluation points; or a WMS position and its incumbent from one section, department or geographical location to another section, department or geographical location.
- **Reversion** means a voluntary or involuntary movement of an employee during the trial service period resulting in placement in a position or on the employer's internal layoff list in accordance with WAC 357-19-115 and 357-19-117.
- **Salary Band** means the salary range between the minimum and maximum of each of band.
- **Salary Range** means the minimum and maximum dollar amount assigned to a band.
- **Salary Standard** means that Salary Range assigned to a WMS position based on the JVAC points assigned within the Salary Band.
- **Transfer** means an employee initiated movement from one position to a different position with the same salary standard and/or same evaluation points.
- **Washington General Service (WGS)** means the system of personnel administration that

applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW which are not exempt under RCW 41.06.070 and which do not meet the definition of manager found in RCW 41.06.022.

- **Washington Management Service (WMS)** means the system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500.
- **WMS Committee** means a group of both WMD and external employees trained and knowledgeable in WMS Inclusion and evaluation procedure, the definition of WMS manager, the WMS inclusion criteria, job value assessment charts, and the WMS evaluator's handbook. The committee members attend WMS committee meetings and are active participant in reviews of positions providing accountability, consistency and transparency when determining inclusion and banding for WMS positions.

## **Policy**

Appointing Authorities will work closely with the Agency Human Resources Director and Executive Manager when determining or making changes to a WMS salary and abide by the Washington Administrative Code (WAC) and Revised Code of Washington (RCW).

### **A. WMS Employees**

1. WMS employees must meet the definition of manager or managerial employee as defined in WAC 357-58-035 and are part of the classified service. They are covered under WAC 357-58; WMS.
2. The WMS Committee determines the Job Value Assessment Chart (JVAC) points and appropriate WMS salary band.
3. The appointing authority, in consultation with human resources, determines the salary within the assigned WMS management band. Starting salary is determined on a comparative basis to similarly paid WMS positions at the same JVAC point level along with education, previous experience in the field, previous salary, and skills and abilities.

### **B. Transfer**

A WMS employee, in agreement with the affected agencies, can transfer within an agency or to another agency at any time. When transferring between WMS and WGS positions, an employee must hold permanent status and the salary must remain the same within the new salary range or management band.

### **C. Reassignment**

At any time, an agency may reassign an employee or a position and its incumbent for customer or business needs. If the new location is within a reasonable commute, defined as being within 35 miles from the current location, the employee must accept the reassignment. If the reassignment is beyond a reasonable commute and the employee does not agree to the reassignment, the employee has layoff rights in accordance with WAC 357-58.

#### **D. Involuntary Downward Movement**

When a WMS position's duties are changed or reassigned for non-disciplinary reasons and those changes result in lower WMS evaluation points, the employee must be re-banded into the WMS band that aligns with their new evaluation points. If the employee's previous base salary no longer falls within the salary standard for the new WMS and, the employee's salary must be set equal to the maximum of the salary standard for the new WMS band. The employee's base salary shall not cause the base salary to exceed the employee's base salary prior to the involuntary downward movement.

#### **E. Demotion**

1. When an employee chooses to voluntarily demote to a position with lower evaluation points, a salary decrease may happen.
2. An employee may voluntarily demote from a WMS to a WGS position at a lower pay level than the current position.
3. If an employee receives a demotion for disciplinary reasons, the employee's salary may decrease and must comply with the salary basis test of the Fair Labor Standards Act.

A disciplinary demotion results in the:

- i. Assignment of responsibilities which results in a lower salary standard and/or lower evaluation points for the same position or results in the position being placed in the WGS with a lower base salary, or
- ii. Movement to a different position that has a lower salary standard and/or lower evaluation points or to a WGS position with a lower base salary

#### **F. Reversion**

1. If a permanent WMS employee promotes to a WGS position within the same agency and is reverted during the trial service period, the agency must place the employee in a vacant funded WMS position for which the employee is qualified, and that is comparable to the employee's position and salary prior to the WGS appointment. If no vacant funded positions are available, the agency must place the employee in a WMS position for which the employee is qualified and which is similar to the employee's previous position and salary. If the reversion of the employee causes the total number of employees to exceed the total number of positions to be filled, the employer may implement a layoff.
2. If a permanent WMS employee demotes to a WGS position within the same agency and is reverted during the trial service period the agency must place the employee in a vacant funded WMS position for which the employee is qualified and with a salary that is equal to or less than the salary range maximum of the class from which the employee is reverting. If the reversion of the employee causes the total number of employees to exceed the total number of positions to be filled, the employer may implement a layoff.

3. If a permanent WMS employee promotes or demotes to a WGS position in a different agency and is reverted during the trial service period, the employer may separate the employee by providing fifteen calendar days' written notice. The employee may apply for the general government transition pool.

### **G. Promotion**

It is considered a promotion if:

1. A WMS position receives additional responsibilities which results in higher evaluation points and/or higher salary standard for the same position; or
2. A WMS employee moves to a different WMS position with higher evaluation points and/or higher salary standard.

In the event a WMS position receives additional responsibilities, the WMS Committee will determine if these qualify for higher points or salary standard.

### **H. Returning to a Permanent WMS Position**

1. Project Appointment – If a permanent WMS employee is considering accepting a project WGS position, any return rights to the permanent WMS position are negotiable and must be agreed to, by the employee and employer, before the employee accepts the WGS position. If return rights are not negotiated, the employee has the rights provided by WAC 357-46 upon layoff from the project.
2. Exempt Appointment - When an exempt employee has the right to return under WAC 357-04-030 to a WMS position the return will be accomplished as provided in WAC 357-19-195, 357-19-200, and 357-58-132.

When an employee returns to a WMS position from an exempt appointment, the base salary must not be less than the previous classified service base salary and is adjusted according to any changes that occurred while the employee was in the exempt appointment. These changes could include changes to the salary standard or general wage increases or adjustments.

3. Acting WMS or Non-permanent WGS
  - a. When a permanent WMS employee has accepted an acting appointment, or non-permanent appointment to WGS, within the same agency and the acting appointment ends, the agency must, at a minimum, provide the employee the layoff rights of their permanent WMS position. If returning to a permanent WMS position, the employee's salary must not be less than the salary of the previously held permanent WMS position.
  - b. When a permanent WMS employee has accepted an acting appointment, or non-permanent appointment to WGS, within a different agency, the original agency must provide layoff rights as specified in 3(a) of this section for six months from the time the employee is appointed. Any return rights after six months are negotiable between

the employee and agency and must be agreed to prior to the employee accepting the nonpermanent appointment. If the employee does not return on the agreed upon date, the employee can request placement in the general government transition pool per WAC 357-46-095.

- c. In lieu of the rights provided in 3(a) and 3(b) of this section, the agency and the employee may agree to other terms.
- d. If a WMS employee accepted a nonpermanent appointment to a WGS position during the WMS review period and returned to the same or different WMS position, the employer may allow the prior time served in the WMS review period to count towards the completion of the review period.

## **I. WMS Salary Setting Considerations**

Salary increases and limitations – Adjustments to a WMS salary can be made per:

1. Legislative directed general and/or special increase if the employee is not above the salary band maximum.
2. Documented recruitment and/or retention issues as approved by the (agency) Director or designee.
3. Documented agency and/or state internal salary relationship problems, approved by the (agency) Director or designee after collaborative analysis with the Human Resources Director and Division Director.
4. Demonstrated Growth and Development documented on the WMS Wage Progression Pay Worksheet Sections 1 and 2 ([WMD Form 2010-13](#)) submitted to the HR Director for completion of Section 3 with Division Director Consult.
  - a. Requires the Division Director to complete and attach a timely Performance Development Plan (PDP) no later than October 1<sup>st</sup> of every calendar year evaluating the previous year's performance and setting of the upcoming years expectations based on;
    - i. WMS Manager meeting key results and objectives outlined in PDP expectations
    - ii. Observable and Measurable Growth and Development of WMS manager as a Leader in their position
    - iii. Consistent and sustained success of WMS manager in the management of staff and program elements to include meeting strategic goals in budget, program management, administrative personnel management, and program effectiveness.
  - b. Requires the Division Director to determine whether Division fiscal resources permit consideration of additional selective salary adjustments.
  - c. Requires the HR Director to submit completed documentation to the Chief Financial Officer for consultation with the Agency Director.
  - d. Requires the Concurrence of the Chief Financial Officer whether the Agency fiscal

resources permit consideration of additional selective salary adjustments.

- e. Requires the Agency Director to review completed Evaluations, Expectations, and Wage and Progression Proposal for selective salary adjustments and notification to Human Resources Office to prepare Personnel Action Forms for entry into the Human Resources Management System.

Salary increases will not normally exceed a total of twenty-five percent during the tenure of an employee's appointment to a position if the position's duties are unchanged or would not evaluate higher if new duties were assigned. The Human Resources Office will track all adjustments to WMS Positions.

If the agency wants to provide an increase over the twenty-five percent limit, a request for exception must be submitted to the Office of the State Human Resources (State HR) Director. Only the State HR Director may grant requests for exception to the salary increase limit.

Except for legislative adjustment, the Agency Director will determine whether fiscal resources permit consideration of additional selective salary adjustments based on sustained superior performance and demonstrated growth and development as documented in the Annual Performance Evaluation Process.

Salary changes greater than five percent proposed for any group of employees must be reviewed and approved by the State HR Director. Across the board increases for groups of employees' is discouraged based on being out of alignment with the purpose of performance growth and development for an individual.

Salary changes outside of the normal evaluation process as determined by the Agency shall be reviewed for appropriate justification and submitted to the WMS Coordinator for recommendation by the Agency WMS Committee. This is inclusive of PDP and Wage Progression Worksheet forms that are submitted late.

Lump sum payment to support recruitment and/or retention - The State HR Director may authorize up to a fifteen percent lump sum in addition to the employee's base salary to support the recruitment and/or retention of the incumbent or candidate for a specific WMS position. Such payment to an employee may not exceed fifteen percent of their annual base salary over a twelve-month period. In advance of the payment, the agency must establish express conditions in writing. The conditions must include a specified period of employment or continued employment and payment must only be made after services have been rendered in accordance with conditions established by the agency. If the employee terminates or causes termination within one year of the date of the appointment or transfer, the employee may be required to pay back the lump sum payment.

Salary outside of the assigned WMS Band maximum – The salary for a WMS position may be set outside of the assigned band maximum as allowed under WAC 357-58 or when approved by the State HR Director.

In the event the legislature approves a salary increase, a WMS employee receiving pay outside of the assigned band maximum will not receive the increase unless:

- a. The appropriations act specifically states that employees whose base salaries are set outside the maximum of the assigned management band will receive the increase; or
- b. The top of the adjusted band exceeds the employee's current salary.

#### **J. Relocation Payment**

The WMD Director may authorize lump sum relocation compensation, within existing resources, if it is reasonably necessary that a person move their home to accept a position or to recruit or retain a qualified candidate or employee who would have to move their home to accept the position.

If an employee receives a relocation payment and terminates employment with the state within one year of the date of the appointment or transfer, repayment of the lump sum may be required. Termination because of layoff, disability separation, or other good cause as determined by the WMD Director will not require the employee to repay the relocation lump sum.

#### **K. Overtime eligibility designation**

1. Employers must assign each position to one of the overtime eligibility designations, eligible or exempt, and inform employees of their status and any subsequent changes to the positions eligibility.
2. WMD Human Resources Department determines the overtime eligibility status of all positions in WMD based upon criteria established by the US Department of Labor.
3. For an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department of Labor's regulations. The Fair Labor Standards Act provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, computer and outside sales employees.
4. Overtime eligible positions that are changed to overtime exempt must receive approval from the Director of State HR.
5. Additional compensation such as shift differential, call back pay and standby pay will not be available to WMS employees.
6. WMS Employees who perform duties in direct support of an emergency or disaster in a Joint Field Office, Emergency Operations Center at a Level 2 or higher, or Emergency Management Assistance Compact (EMAC) or other Mutual Aid activations/deployments may be entitled to Overtime at the rate of one and one-half times the sum of their regular hourly rate for those hours worked more than 50 hours in a workweek for a time frame to be designated by the Appointing Authority.



**L. Lump Sum Vacation or Accelerated Vacation Leave Accrual**

1. In addition to the vacation leave accruals as provided in WAC 357-31-165, the WMD Agency Director may authorize additional vacation leave to support the recruitment and/or retention of an incumbent or candidate for a specific WMS position. The Agency Director may approve:
  - a. An accelerated accrual rate for an incumbent for retention purposes, or a candidate for recruitment purposes during the job offer and acceptance phase; and/or
  - b. A lump sum accrual of up to eighty (80) hours of vacation leave for the incumbent or candidate.
2. Vacation leave accrued under this section must be used in accordance with the leave provisions of chapter 357-31 WAC.
3. In accordance with WAC 357-58-180, for an appointing authority to award additional leave for the purposes of recruitment and retention, terms and conditions must be established, in writing, to be met by the employee. The conditions must include a specific period of employment or continued employment (not to exceed 12 months), and/or certain goals and objectives to be met over that period. Lump sum accruals may only be granted after the established conditions have been met.