

AGREEMENT

By and Between

THE STATE OF WASHINGTON

For the DEPARTMENT OF SOCIAL AND HEALTH SERVICES

And

THE WASHINGTON FEDERATION OF STATE EMPLOYEES

Following a Demand to Bargain by the Washington Federation of State Employees (WFSE), and upon conclusion of negotiations between the parties, the State of Washington, the Department of Social and Health Services (DSHS) and the WFSE reached understanding of the following items pertaining to the implementation of Federal Tax Information (FTI) background checks for Division of Child Support (DCS), Office of the Assistant Secretary (OAS), Division of Finance and Financial Recovery (DFFR), Division of Program Integrity (DPI) and IT Solutions within the Economic Service Administration (ESA).

The parties recognize:

1. DCS, OAS, DFFR, DPI, and IT Solutions will fully implement FTI background checks for current employees in accordance with this agreement beginning October 2018.
2. New employees hired on or after full implementation will be subject to the FTI background checks as well as e-verify as a condition of employment. This requirement will be included in all recruitment notices for all covered positions.

The parties agree that:

3. Prior to implementation, DSHS will share with all affected employees via SharePoint, Frequently Asked Questions (FAQ) on the process including on how to fill out the background check forms as well as provide information and resources for employees who may choose to seek other employment options prior to implementation of the background check or who may not be able to pass the background check.
4. Prior to implementation the DSHS background check guidelines will be updated to reflect the implementation of FTI background checks and a copy will be provided to the Union.
5. DSHS will limit access to information, in accordance with law, related to denials of access to FTI, including denial and appeal letters. Knowledge of this information will be

shared on a need to know basis which, in ordinary circumstances will be , the Appointing Authority/Designee and the Confidential Secretary/Administrative Support for the Appointing Authority, all management in the chain-of-command above the Appointing Authority/Designee, and the HR Manager, This information will be retained in a secure, locked file cabinet if sent by hard copy or in the Appointing Authority/Designee's electronic mail vault if sent electronically. DSHS may also be required to provide information during litigation, in response to public records requests, or as required by law.

6. That the agency must comply with all audit requirements for access to state and federal Criminal History Record Information. All records and processes will be subject to audit by the FBI and the WSP.

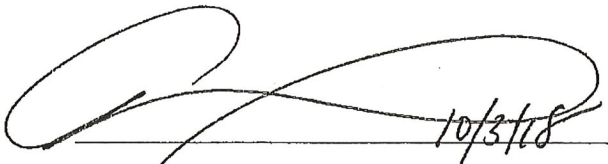
The parties agree that should there be a denial:

7. DSHS will retain the denial or appeal documentation for an affected employee in the background check file maintained by the Appointing Authority/Designee. Only the individuals authorized in #5 above will have access to this information unless otherwise required by law. This information will be retained in a secure, locked file cabinet if sent by hard copy or in the Appointing Authority/Designee's electronic mail vault if sent electronically. Upon request, DSHS will advise employees where they are retaining this information. This information will not be stored in any other files including the supervisory and personnel files.
8. An employee denied access may continue to work until the completion of the review processes. If there is other ESA work an employee can perform while awaiting a review that does not require access to FTI, DSHS will assign employees that work. Reassignment will not impact employee compensation. If no ESA work is available, DSHS will follow DSHS Background Check Guidelines #25, H through L.
9. No discipline will occur solely on the basis of an employee's denied access to FTI. If an employee is separated in accordance with DSHS Background Check Guidelines #25, M.7, the separation will be identified as a separation and will not be considered discipline per Article 27 of the CBA.
10. Following the exhaustion of the review processes, if an employee is denied access to FTI, DSHS will look for funded permanent vacancies at or below the employee's current pay range for which the employee is qualified and has the required skills and abilities within the agency. Employees interested in positions at other state agencies may contact their

HR Manager/Consultant to assist them with that process. DSHS will communicate this option to affected employees at the same time they are provided with available employment options within DSHS. ESA will follow the process identified in DSHS Background Check Guidelines #25 M.6. through M.10.

The parties further agree:

11. This agreement will take effect upon signature of the parties.
12. Any desire to expand this agreement beyond the employees of DCS, OAS, DFFR, DPI, and IT Solutions within ESA will require notice to the union and an opportunity to bargain.



Amy Spiegel

Date

WFSE Coordinator of Negotiations



Shea Gomez

Date

OFM/ LRS Labor Negotiator

