

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT/LABOR RELATIONS SECTION
(OFM/LRS)
AND
WASHINGTON FEDERATION OF STATE EMPLOYEES (WFSE)

The parties have agreed to the following regarding the implementation of the new Information Technology (IT) Professional Structure:

I. Definitions:

The parties agree to the following terms and explanations for the purposes of implementation of the new IT Professional Structure.

| Term | Explanation |
|---|--|
| Job Family | A functional discipline involving similar types of work requiring similar training, skills, knowledge, and expertise. <u>IT Families include:</u> Application Development, Customer Support, Data Management, IT Architecture, IT Business Analyst, IT Policy and Planning, IT Project Management, IT Security, IT Vendor Management, Network and Telecommunications, Quality Assurance, and System Administration. |
| Level | The measure of complexity of work performed. <u>IT Levels include:</u> Entry, Journey, Senior/Specialist, Expert, IT Manager, and Senior IT Manager |
| Allocation | The assignment of a position to a job family and level. |
| Reallocation | The assignment of a position to a different level and/or job family. |
| Class, Classes, and Classification (<i>where used in reference to job classification</i>) | Where these terms are used in the GG and HE/CCC CBA's, for the purposes of the implementation of the new IT Professional Structure, they shall be followed by "or job family/ies and level/s." |

II. Impacts:

- A. Employees transitioned due to the IT Professional Structure may submit new bid and/or transfer requests in accordance with Articles 3 and 4 of the GG CBA and 4 and 43 of the HE/CCC CBA. The timeframe for submission of new bid requests will expire August 1, 2019.
- B. For the purposes of breaking ties in seniority for those employees impacted by the implementation of the new IT Professional Structure, Article 33.2A of the GG CBA and Article 39.2A of the HE/CCC CBA will not apply.
- C. The following conditions of employment will not change because a position is being transitioned into of the implementation of the new IT Professional Structure:
- i. The determination of a position as overtime-eligible or overtime-exempt;
 - ii. Required licensure and/or certifications;
 - iii. The designation of a position as “required personnel” or “emergency employee”;
 - ~~iv.~~ The grievance procedure, as outlined in Article 29 of the GG CBA and Article 30 of the HE/CCC CBA;
 - ~~iv-v.~~ The designation of a position as needing inherent flexibility as currently listed in Appendix B of the GG CBA;
 - ~~v.~~ The status of bargaining unit positions or work;
 - vi. The eligibility for and/or receipt of existing assignment pays;
 - vii. Status as a Non-permanent, on-call, in-training, project, seasonal/cyclic, trial service, transition review or probationary employee-status;
 - viii. Non-permanent, on-call, in-training, project, seasonal/cyclic, trial service, transition review or probationary period.
- D. Consistent with Article 38, Mandatory Subjects of the GG CBA and Article 37 of the HE/CCC CBA, the Employer will provide notice of any proposed change resulting in bargaining unit work leaving the bargaining unit.

III. Work History

- A. The parties will convene a workgroup comprised of agency and union representatives no later than January 7¹⁴, 2019. The workgroup will develop an IT Assessment Form and the procedures that will be used for completion of the form. The purpose of the form is to allow an employee in an IT classification the ability to objectively capture their work history, skills and abilities for the IT positions worked prior to of an impacted employee hired on or before June 30, 2019, and which job family and/or levels they align with in the IT Professional Structure. In the event of a layoff, reversion, or other relevant employment action, their IT Assessment Form documentation can be submitted along with any other relevant information will be used to determine impacted employee's option/s or comparability within the IT Professional Structure.
- B. GG Article 34, Layoff and Recall, and HE/CCC Article 35, Layoff and Recall, of the parties' 2017-2019 CBA's are modified as shown in Attachments 3 and 4 to this MOU.

IV. Compensation

- A. The parties agree that the chart in Attachment 1 to this MOU reflects the IT Professional Structure, its job families and levels, and the assigned salary ranges effective July 1, 2019 prior to the application of any negotiated increases. The chart in Attachment 2 to this MOU reflects the steps within those ranges effective July 1, 2019 prior to the application of any negotiated increases.
- B. In recognition of the unique scale of the IT Professional Structure, the parties agree to vary from the CBA for salary assignment. Employees reallocated into the IT Professional Structure on July 1, 2019 will have their initial salary determined as follows:
- i. In those cases where the employee's current salary exceeds the maximum amount of the salary range for the new position, the employee will continue to be compensated at the salary he or she was receiving prior to the reallocation downward, until such time as the employee vacates the position or their his or her salary falls within the new salary range.
 - ii. All other employees will have their salary in effect as of June 30, 2019 increased by 2.5% (two and one-half percent). Effective July 1, 2019 these employees will transition to the assigned range and step on the IT salary schedule for their family and level that is nearest to, but no less than, their adjusted salary, except that no employee will be placed higher than Step M on the new salary schedule.

- iii. The new IT Professional Structure salary schedule will then be adjusted to reflect any negotiated general wage increase effective July 1, 2019.
- C. Employees in the IT Professional Structure will receive periodic increases in accordance with Article 42.8 of the GG CBA and 43.4 of the HE/CCC CBA.
- D. Question #16 of the Step M Q&A applies to positions transitioned due to the implementation of the IT Professional Structure.

16. If a classification is moved to a new pay range as a result of collective bargaining will time spent at Step L of the previous range count towards the six-year requirement to move to step M of the new range?

Yes. If a classification is moved to a new pay range as a result of collective bargaining, time spent at step L of the previous range will count towards the six-year requirement to move to step M of the new range.

- E. Positions at the Entry, Journey, and Senior/Specialist level in the IT Professional Structure that are designated as a supervisor will receive a five percent (5%) supervisory pay differential in addition to the base salary.
- F. This agreement does not preclude either party from negotiating additional increases during the negotiation of the 2019-2021 GG and HE/CCC master agreements and is not precedent setting. Subject to legislative approval, this agreement will take effect July 1, 2019.

Tentative Agreement

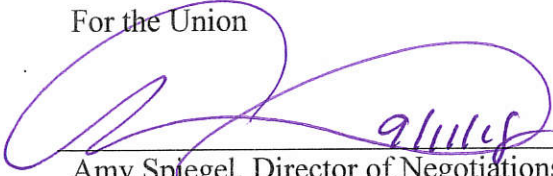
Dated: 9/11/18

For the Employer



John Vencill, Labor Negotiator

For the Union



Amy Spegel, Director of Negotiations

| Family | Entry | Journey | Senior/Specialist | Expert | IT Manager | Senior IT Manager |
|--------------------------------|----------------------|----------------------|-----------------------|------------------------|------------------------|------------------------|
| Application Development | 4 \$64752-\$87072 | 5 \$69612-\$93612 | 8 \$80580-\$108384 | 10 \$88836-\$119460 | 10 \$88836-\$119460 | 11 \$93288-\$125460 |
| Customer Support | 1 \$52128-\$70116 | 3 \$60240-\$81048 | 5 \$69612-\$93612 | N/A | 8 \$80580-\$108384 | N/A |
| Data Management | 2 \$56028-\$75360 | 6 \$73092-\$98304 | 7 \$76740-\$103212 | 9 \$84612-\$113796 | 10 \$88836-\$119460 | 11 \$93288-\$125460 |
| IT Architecture | N/A | 4 \$64752-\$87072 | 9 \$84612-\$113796 | 11 \$93288-\$125460 | 10 \$88836-\$119460 | 11 \$93288-\$125460 |
| IT Business Analyst | 3 \$60240-\$81048 | 5 \$69612-\$93612 | 7 \$76740-\$103212 | 9 \$84612-\$113796 | 9 \$84612-\$113796 | 10 \$88836-\$119460 |
| IT Policy and Planning | 2 \$56028-\$75360 | 3 \$60240-\$81048 | 8 \$80580-\$108384 | 9 \$84612-\$113796 | 10 \$88836-\$119460 | 11 \$93288-\$125460 |
| IT Project Management | 5 \$69612-\$93612 | 6 \$73092-\$98304 | 8 \$80580-\$108384 | 10 \$88836-\$119460 | 10 \$88836-\$119460 | 11 \$93288-\$125460 |
| IT Security | N/A | 5 \$69612-\$93612 | 8 \$80580-\$108384 | 11 \$93288-\$125460 | 10 \$88836-\$119460 | 11 \$93288-\$125460 |
| IT Vendor Management | 1 \$52128-\$70116 | 4 \$64752-\$87072 | 7 \$76740-\$103212 | 8 \$80580-\$108384 | 10 \$88836-\$119460 | 11 \$93288-\$125460 |
| Network and Telecommunications | 3 \$60240-\$81048 | 5 \$69612-\$93612 | 7 \$76740-\$103212 | 9 \$84612-\$113796 | 9 \$84612-\$113796 | 11 \$93288-\$125460 |
| Quality Assurance | 3 \$60240-\$81048 | 5 \$69612-\$93612 | 7 \$76740-\$103212 | 8 \$80580-\$108384 | 9 \$84612-\$113796 | 10 \$88836-\$119460 |
| System Administration | 3 \$60240-\$81048 | 6 \$73092-\$98304 | 7 \$76740-\$103212 | 8 \$80580-\$108384 | 9 \$84612-\$113796 | 9 \$84612-\$113796 |

Proposed IT Compensation Schedules

Monthly Salary Amounts

| Pay Scale Group | A | B | C | D | E | F | G | H | I | J | K | L | M |
|-----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|--------|
| 1 | 4,344 | 4,453 | 4,564 | 4,678 | 4,795 | 4,915 | 5,038 | 5,164 | 5,293 | 5,425 | 5,561 | 5,700 | 5,843 |
| 2 | 4,669 | 4,786 | 4,906 | 5,029 | 5,155 | 5,284 | 5,416 | 5,551 | 5,690 | 5,832 | 5,978 | 6,127 | 6,280 |
| 3 | 5,020 | 5,146 | 5,275 | 5,407 | 5,542 | 5,681 | 5,823 | 5,969 | 6,118 | 6,271 | 6,428 | 6,589 | 6,754 |
| 4 | 5,396 | 5,531 | 5,669 | 5,811 | 5,956 | 6,105 | 6,258 | 6,414 | 6,574 | 6,738 | 6,906 | 7,079 | 7,256 |
| 5 | 5,801 | 5,946 | 6,095 | 6,247 | 6,403 | 6,563 | 6,727 | 6,895 | 7,067 | 7,244 | 7,425 | 7,611 | 7,801 |
| 6 | 6,091 | 6,243 | 6,399 | 6,559 | 6,723 | 6,891 | 7,063 | 7,240 | 7,421 | 7,607 | 7,797 | 7,992 | 8,192 |
| 7 | 6,395 | 6,555 | 6,719 | 6,887 | 7,059 | 7,235 | 7,416 | 7,601 | 7,791 | 7,986 | 8,186 | 8,391 | 8,601 |
| 8 | 6,715 | 6,883 | 7,055 | 7,231 | 7,412 | 7,597 | 7,787 | 7,982 | 8,182 | 8,387 | 8,597 | 8,812 | 9,032 |
| 9 | 7,051 | 7,227 | 7,408 | 7,593 | 7,783 | 7,978 | 8,177 | 8,381 | 8,591 | 8,806 | 9,026 | 9,252 | 9,483 |
| 10 | 7,403 | 7,588 | 7,778 | 7,972 | 8,171 | 8,375 | 8,584 | 8,799 | 9,019 | 9,244 | 9,475 | 9,712 | 9,955 |
| 11 | 7,774 | 7,968 | 8,167 | 8,371 | 8,580 | 8,795 | 9,015 | 9,240 | 9,471 | 9,708 | 9,951 | 10,200 | 10,455 |

Annual Salary Amounts

| Pay Scale Group | A (Min) | B | C | D | E | F | G | H | I | J | K | L | M |
|-----------------|---------|--------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 1 | 52,128 | 53,436 | 54,768 | 56,136 | 57,540 | 58,980 | 60,456 | 61,968 | 63,516 | 65,100 | 66,732 | 68,400 | 70,116 |
| 2 | 56,028 | 57,432 | 58,872 | 60,348 | 61,860 | 63,408 | 64,992 | 66,612 | 68,280 | 69,984 | 71,736 | 73,524 | 75,360 |
| 3 | 60,240 | 61,752 | 63,300 | 64,884 | 66,504 | 68,172 | 69,876 | 71,628 | 73,416 | 75,252 | 77,136 | 79,068 | 81,048 |
| 4 | 64,752 | 66,372 | 68,028 | 69,732 | 71,472 | 73,260 | 75,096 | 76,988 | 78,888 | 80,856 | 82,872 | 84,948 | 87,072 |
| 5 | 69,612 | 71,352 | 73,140 | 74,964 | 76,836 | 78,756 | 80,724 | 82,740 | 84,804 | 86,928 | 89,100 | 91,332 | 93,612 |
| 6 | 73,092 | 74,916 | 76,788 | 78,708 | 80,676 | 82,692 | 84,756 | 86,880 | 89,052 | 91,284 | 93,564 | 95,904 | 98,304 |
| 7 | 76,740 | 78,660 | 80,628 | 82,644 | 84,708 | 86,820 | 88,992 | 91,212 | 93,492 | 95,832 | 98,232 | 100,692 | 103,212 |
| 8 | 80,580 | 82,596 | 84,660 | 86,772 | 88,944 | 91,164 | 93,444 | 95,784 | 98,184 | 100,644 | 103,164 | 105,744 | 108,384 |
| 9 | 84,612 | 86,724 | 88,896 | 91,116 | 93,396 | 95,736 | 98,124 | 100,572 | 103,092 | 105,672 | 108,312 | 111,024 | 113,796 |
| 10 | 88,836 | 91,056 | 93,336 | 95,664 | 98,052 | 100,500 | 103,008 | 105,588 | 108,228 | 110,928 | 113,700 | 116,544 | 119,460 |
| 11 | 93,288 | 95,616 | 98,004 | 100,452 | 102,960 | 105,540 | 108,180 | 110,880 | 113,652 | 116,496 | 119,412 | 122,400 | 125,460 |

* All employees will progress to Step M six (6) years after being assigned to Step L in their permanent salary range.

WFSE – GG CBA

ARTICLE 34

LAYOFF AND RECALL

34.1 Definition

Layoff is an Employer-initiated action, taken in accordance with Section 34.3 below, that results in:

- A. Separation from service with the Employer,
- B. Employment in a class with a lower salary range,
- C. Reduction in the work year, or
- D. Reduction in the number of work hours.

34.2 The Employer will determine the basis for, extent, effective date and the length of layoffs in accordance with the provisions of this Article.

34.3 Basis for Layoff

Layoffs may occur for any of the following reasons:

- A. Lack of funds
- B. Lack of work
- C. Good faith reorganization
- D. Ineligibility to continue in a position that was reallocated, or the employee's choice not to continue in a position that was reallocated to a classification with a lower salary range maximum.
- E. Termination of a project
- F. Fewer positions available than the number of employees entitled to such positions either by statute or other provision.

34.4 Voluntary Layoff, Leave without Pay or Reduction in Hours

- A. Appointing authorities may allow an employee to volunteer to be laid off, take leave without pay or reduce his or her hours of work in order to reduce layoffs. If it is necessary to limit the number of employees in an agency on unpaid leave at the same time, the Appointing Authority will determine who will be granted a leave without pay and/or reduction in hours based upon staffing needs.
- B. Appointing authorities will allow an employee in the same job classification and location where layoffs will occur to volunteer to be laid off provided that the employee is in a position requiring the same skills and abilities, as defined in [Section 34.8](#), as a position subject to layoff. Any volunteer for layoff shall have no formal or informal options. In those situations where an employee has volunteered to be laid off, the Employer will designate the separation of employment as a layoff for lack of work and/or lack of funds.
- C. If the appointing authority accepts the employee's voluntary request for layoff, the employee will submit a non-revocable letter stating they are accepting a voluntary layoff from state service.
- D. Employees who volunteer to be laid off may request to participate in the General Government Transition Pool Program and/or have their names placed on the layoff lists for the job classifications in which they held permanent status, regardless of a break in service.

34.5 Non-Permanent and Probationary Employees

Employees with permanent status will not be separated from state service through a layoff action without first being offered positions for which they have the skills and abilities to perform within their current job classification within the layoff unit currently held by non-permanent and probationary employees. Non-permanent employees will be separated from employment before probationary employees.

34.6 Temporary Reduction of Work Hours or Layoff – Employer Option

- A. The Employer may temporarily reduce the work hours of an employee to no less than twenty (20) per week due to an unanticipated loss of funding, revenue shortfall, lack of work, shortage of material or equipment, or other unexpected or unusual reasons. Employees will normally receive notice of seven (7) calendar days of a temporary reduction of work hours. The notice will specify the nature and anticipated duration of the temporary reduction.
- B. The Employer may temporarily layoff an employee for up to thirty (30) calendar days due to an unanticipated loss of funding, revenue shortfall, lack of work, shortage of material or equipment, or other unexpected or unusual reasons. Employees will normally receive notice of seven (7) calendar days of a temporary layoff. The notice will specify the nature and anticipated duration of the temporary layoff.
- C. An employee whose work hours are temporarily reduced or who is temporarily laid off will not be entitled to:
 - 1. Be paid any leave balance if the layoff was due to the lack of funds,
 - 2. Bump to any other position, or
 - 3. Be placed on the layoff list.
- D. A temporary reduction of work hours or layoff being implemented as a result of lack of work, shortage of material or equipment, or other unexpected or unusual reason will be in accordance with seniority, as defined in [Article 33](#), Seniority, among the group of employees with the required skills and abilities as defined in [Section 34.8](#), in the job classification at the location where the temporary reduction in hours or layoff will occur.

- E. A temporary reduction of work hours or layoff will not affect an employee's holiday compensation, periodic increment date or length of review period, and the employee will continue to accrue vacation and sick leave credit at their normal rate.

34.7 Layoff Units

- A. A layoff unit is defined as the geographical entity or administrative/ organizational unit in each agency used for determining available options for employees who are being laid off.
- B. The layoff unit(s) for each agency covered by this Agreement are described in Appendix D, Layoff Units.

34.8 Skills and Abilities

Skills and abilities are documented criteria found in license/certification requirements, federal and state requirements, position descriptions or, bona fide occupational qualifications approved by the Human Rights Commission that have been identified at least three (3) months prior to the layoff. In no case will the skills and abilities required in layoff be more restrictive than those required when filling positions.

34.9 Formal Options

- A. Employees will be laid off in accordance with seniority, as defined in [Article 33](#), Seniority, among the group of employees with the required skills and abilities, as defined in [Section 34.8](#), above.

Employees being laid off will be provided the following options to comparable positions within the layoff unit, in descending order, as follows:

1. A funded vacant position for which the employee has the skills and abilities, within his or her current job classification.
2. A funded filled position held by the least senior employee for which the employee has the skills and abilities, within his or her current permanent job classification.

3. A funded vacant or filled position held by the least senior employee for which the employee has the skills and abilities, at the same or lower salary range as his or her current permanent position, within a job classification in which the employee has held permanent status or, at the employee's written request, to a lower classification within his or her current job classification series even if the employee has not held permanent status in the lower job classification.

Options will be provided in descending order of salary range and one (1) progressively lower level at a time. Vacant positions will be offered prior to filled positions. Part-time employees only have formal options to part-time positions. Full-time employees only have formal options to full-time positions.

- B. For multi-employee layoffs, more than one (1) employee may be offered the same funded, vacant or filled position. In this case, the most senior employee with the skills and abilities who accepts the position will be appointed. Appointments will be made in descending order of seniority of employees with the skills and abilities of the position(s).
- C. If a job classification in which an employee has previously held status has been abolished or revised, a crosswalk to the class series will be used to identify any layoff option(s). The employee must have the skills and abilities of any identified position. For employees in the IT Professional Structure hired on or before June 30, 2019, a completed IT Assessment form will be one of the tools used to identify available layoff options within the IT Professional Structure.
- D. Employees who are laid off may request to have their name placed on the layoff lists for the job classifications in which they have held permanent status, regardless of a break in service.
- E. If the Employer elects to implement all the stages of a layoff on a single effective date, and an employee accepts his or her formal option and then subsequently

declines the option prior to the effective date of the layoff, the Employer will amend the formal option of any employee who is affected by this declination.

F. For employees who have transitioned into the IT Professional Structure on July 1, 2019, layoff options within the layoff unit will be determined as follows:

1. a. A funded vacant position within their current permanent job family and level for which the employee has the skills and abilities.
- b. A funded vacant position within another job family and level at the same salary range for which the employee has the skills and abilities.
2. a. A funded filled position held by the least senior employee within their current permanent job family and level for which the employee has the skills and abilities.
- b. A funded filled position held by the least senior employee within another job family and level within the same salary range as their current permanent job family and level for which the employee has the skills and abilities.
3. A funded vacant or filled position held by the least senior employee for which the employee has the skills and abilities, at the same or lower salary range as their current permanent position, within a job classification in which the employee has held permanent status or, at the employee's written request, to a lower classification within a job classification series that the employee has held permanent status, even if the employee has not held permanent status in the lower job classification.

Options will be provided in descending order of salary range and one (1) progressively lower level at a time. Vacant positions will be offered prior to filled positions. Part-time employees only have formal options to part-time positions. Full-time employees only have formal options to full-time positions.

34.10 Informal Options

- A. An employee being laid off may be offered a funded vacant position to job classifications he or she has not held permanent status within his or her layoff unit, provided the employee meets the skills and abilities required of the position and it is at the same or lower salary range as the position in which the employee currently holds permanent status.
- B. An employee being laid off who has no formal option or his or her formal option would cause a bump or an unreasonable commute, as defined in Article 36.3, Duty Station, may be offered a funded vacant position to job classifications he or she has held permanent status, provided the employee meets the skills and abilities required of the position and it is at the same or lower salary range as the position in which the employee currently holds permanent status.
- C. An employee may request an informal option to job classifications through the agency's Human Resources Office within five (5) calendar days of receipt of a written notice of a permanent layoff.
- D. Part-time employees may be provided informal options to both part-time and full-time positions and full-time employees may be provided informal option to both part-time and full-time positions. The award or denial of an informal option is not subject to the grievance procedure.

34.11 Notification for the Union

The Employer will notify the Union before implementing a layoff or a temporary reduction of work hours. Upon request, the Employer will discuss impacts to the bargaining unit with the Union. The discussion will not serve to delay the onset of a layoff or a temporary reduction of work hours unless the Employer elects to do so. The parties will continue to communicate through all phases of the layoff or the temporary reduction of work hours to ensure continued compliance with the Agreement.

34.12 Notification to Employees With Permanent Status

- A. Except for temporary reduction in work hours and temporary layoffs as provided in [Section 34.6](#), employees with permanent status will receive written notice at least fifteen (15) calendar days before the effective layoff date. The notice will include the basis for the layoff and any options available to the employee. The Union will be provided with a copy of the notice on the same day it is provided to the employee.
- B. Except for temporary reduction in work hours and temporary layoffs as provided in [Section 34.6](#), if the Employer chooses to implement a layoff action without providing fifteen (15) calendar days' notice, the employee will be paid his or her salary for the days that he or she would have worked had full notice been given.
- C. Employees will be provided seven (7) calendar days to accept or decline, in writing, any formal option provided to them. Except for cyclical or seasonal employees, if the seventh (7th) calendar day does not fall on a regularly scheduled work day for the employee, the next regularly scheduled work day is considered the seventh (7th) day for purposes of accepting or declining any option provided to them. This time period will run concurrent with the fifteen (15) calendar days' notice provided by the Employer to the employee.
- D. The day that notification is given constitutes the first day of notice.

34.13 Salary

Employees appointed to a position as a result of a layoff action will have their salary determined as follows:

- A. Transfer or Bump
An employee who accepts a transfer or bumps to another position within his or her current job classification will retain his or her current salary.
- B. Voluntary Demotion in Lieu of Layoff and Bump to a Lower Position
An employee who bumps to another position with a lower salary range will be paid an amount equal to his or her current salary, provided it is within the salary range

of the new position. In those cases where the employee's current salary exceeds the maximum amount of the salary range for the new position, the employee will be compensated at the maximum salary of the new salary range.

C. Appointment from a Layoff List

1. Employees who are appointed from a layoff list to a position with the same salary range as that of the position from which they were laid off will be paid an amount equal to the salary they were receiving at the time they were laid off, plus any across the board adjustments, including salary survey adjustments and job classification range adjustments, that occurred during the time they were laid off.
2. Employees who are appointed from a layoff list to a position with a lower salary range than the position from which they were laid off will be paid an amount equal to the salary they were receiving at the time they were laid off, provided it is within the salary range of the new position. In those cases where the employee's prior salary exceeds the maximum amount of the salary range for the new position, the employee will be compensated at the maximum salary of the new salary range.

34.14 Transition Review Period

- A. The Employer may require an employee to complete a twelve (12) month transition review period when the employee accepts a layoff option to a job classification or future-equivalent job classification in which he or she has:
 1. Not held permanent status;
 2. Been appointed from the General Government Transition Pool Program; or
 3. Been appointed from a layoff list.
- B. When the Employer requires an employee to complete a transition review period, the employee will be provided with written notice.

- C. The Employer may reduce a transition review period to no less than six (6) months. Employees will receive a permanent appointment to the position upon successful completion of the transition review period.
- D. The Employer may separate an employee or an employee may voluntarily separate at any time during the transition review period. The Employer will provide the employee seven (7) days written notice prior to the effective date of the separation. However, if the Employer fails to provide seven (7) days notice, the separation will stand and the employee will be entitled to payment of salary for up to five (5) working days, which the employee would have worked had notice been given. Under no circumstances will notice deficiencies result in an employee gaining permanent status in the position.
- E. Upon separation, and at the employee's request, the employee's name will be placed on or returned to the layoff list. The employee will remain on the list until such time as his or her eligibility expires or he or she has been rehired to a different position for which they have the skills and abilities.
- F. An employee who is separated during his or her transition review period may request a review of the separation by the Director or Secretary of the agency or designee within twenty-one (21) calendar days from the effective date of the separation. Separation during the transition review period will not be subject to the grievance procedure in Article 29, Grievance Procedure.
- G. An employee may voluntarily separate a maximum of two (2) times as a result of a single layoff action.

34.15 Recall

- A. The Employer will maintain layoff lists for each job classification, which will include geographic availability. Employees who are laid off or have been notified that they are scheduled for layoff, may have their name placed on the lists for the job classification from which they were laid off and will indicate the geographic

areas in which they are willing to accept employment. Additionally, employees may request to have their name placed on layoff lists for other job classifications in which they have held permanent status regardless of a break in service. An employee will remain on the layoff lists for three (3) years from the effective date of the qualifying action and may request to be placed on the layoff lists for which they qualify at any time within the three (3) year period.

- B. When a vacancy occurs within an agency and when there are names on the layoff list for that job classification, the Employer will fill the position in accordance with [Article 4](#), Hiring and Appointments. An employee will be removed from the layoff list if he or she is certified from the list and waives the appointment to a position for that job classification two (2) times. In addition, an employee's name will be removed from all layoff lists upon retirement, resignation or dismissal.
- C. Employees who have taken a demotion in lieu of layoff may also request to have their name placed on the agency's internal layoff list for the job classification they held permanent status in prior to the demotion.

34.16 General Government Transition Pool Program

Employees who are notified that they are at risk of being laid off or have been laid off may request their names be placed into the General Government Transition Pool Program. When a vacancy occurs within an agency, the Employer will consider employees in the General Government Transition Pool Program in accordance with [Article 4](#), Hiring and Appointments.

34.17 Project Employment

- A. Less Than Five Years of Continuous Project Employment
Project employees who have been in project status for less than five (5) consecutive years have layoff rights within their project.
- B. Five Years or Greater of Continuous Project Employment

1. Project employees who were hired into a project position prior to July 1, 2013 and who have been in project status for five (5) consecutive years or greater will have layoff rights within the agency as outlined in [Sections 34.9, 34.10](#) and Appendix D if they have no layoff options in their project.
 2. Project employees who were hired into a project position through the competitive process on or after July 1, 2013 and who have been in project status for five (5) consecutive years or greater will have layoff rights within the agency as outlined in Sections 34.9, 34.10 and Appendix D if they have no layoff options in their project.
 3. Project employees who were not hired into a project position through the competitive process on or after July 1, 2013 will have layoff rights in accordance with Subsection D below.
- C. Permanent status employees who left regular classified positions to accept project employment without a break in service have layoff rights within the agency in which they held permanent status. The employees' return rights are to the job classification they last held permanent status in prior to accepting project employment using the procedure outlined in [Section 34.9](#).
- D. Project employees who are separated from state service due to layoff may request their names be placed into the General Government Transition Pool Program. Upon layoff from the project, project employees who entered the project through the competitive process and remain in project status for two (2) consecutive years will be eligible to have their names placed on the internal layoff list for the classes in which permanent project status was attained. Bumping options will be limited to the project boundaries.

34.18 Seasonal Career Employment

- A. Seasonal career employees have layoff rights within their agency to other seasonal career positions within their layoff unit as provided below, in Subsection 34.18 C. Employees will be given no less than two (2) working days' notice of a layoff.

- B. Formal options to other seasonal career positions will be determined using the procedure outlined in [Section 34.9](#). Employees separated due to layoffs will be placed on separate seasonal layoff lists for the season in which they were laid off. Employees who have the skills and abilities to perform the duties of the position to be filled will be recalled based on seniority for other seasonal career positions within their layoff unit for the current or following season.

- C. The layoff units for seasonal employees are as follows for each agency:
 - 1. Department of Fish and Wildlife – See Appendix D, Layoff Units.
 - 2. Department of Natural Resources – See Appendix D, Layoff Units.
 - 3. Department of Transportation – The county in which the seasonal employee's official duty station is located.
 - 4. Employment Security Department – The office first and then the county in which the seasonal employee's official duty station is located.
 - 5. Horse Racing Commission – A single statewide layoff unit.
 - 6. Parks Commission – The region in which the seasonal employee's official duty station is located.

WFSE – HE/CCC CBA

ARTICLE 35

LAYOFF AND RECALL

- 35.1 A. The Employer will determine the basis for, extent, effective date and the length of layoffs in accordance with the provisions of this Article. A layoff is an employer-initiated action that results in:
1. Separation from service;
 2. Employment in a class with a lower salary range maximum;
 3. Reduction in the work year; or
 4. Reduction in the number of work hours.
- B. When it is determined that layoffs, other than a temporary layoff, will occur within a layoff unit, the Employer will provide written notice to the Executive Director of the Union, the college Chief shop steward and the local WFSE staff representative with:
1. As much advance notice as possible, but not less than thirty (30) calendar days' notice (this time period may run concurrent with the notice period provided by the Employer to the employee);
 2. An opportunity to meet with affected employees prior to the implementation of the layoff; and
 3. An invitation to meet under the provisions of Article 38, Union-Management Communication Committee, of this Agreement.
- C. Upon the Union's request, the Employer will bargain impacts to the bargaining unit. Bargaining will not serve to delay the onset of the layoff.
- D. The Employer will explore options including reduction of hourly employees.

35.2 Basis for Layoff

- A. The reasons for layoffs include, but are not limited to, the following:
 - 1. Lack of funds;
 - 2. Lack of work; or
 - 3. Organizational change.

- B. Examples of layoff actions due to lack of work include, but are not limited to:
 - 1. Termination of a project or special employment;
 - 2. Availability of fewer positions than there are employees entitled to such positions;
 - 3. Employee's ineligibility to continue in a position following its reallocation to a class with a higher salary maximum; or
 - 4. Employee's ineligibility to continue, or choice not to continue, in a position following its reallocation to a class with a lower salary range maximum.

35.3 Voluntary Layoff, Leave of Absence or Reduction in Hours

An employee may volunteer to be laid off, take an unpaid leave of absence or reduce their hours of work in order to reduce layoffs. If it is necessary to limit the number of employees in a college/district on unpaid leave at the same time, the Employer will determine who will be granted a leave of absence and/or reduction in hours based upon staffing needs. Employees who volunteer to be laid off may request to have their names placed on the appropriate layoff list for the job classifications in which they held permanent status, regardless of a break in service with the current Employer.

35.4 Probationary Employees

Employees with permanent status will not be separated from state service through a layoff action without first being offered positions they have the skills and abilities to perform within their current job classification within the layoff unit currently held by probationary

employees. Probationary employees will be separated from employment before permanent employees.

35.5 Temporary Layoff – Employer Option

- A. The Employer will give the Union and employees as much notice as possible of a temporary reduction in hours or a temporary layoff.
- B. The Employer may temporarily reduce the work hours of an employee to no less than twenty (20) hours per week due to an unanticipated loss of funding, revenue shortfall, lack of work, shortage of material or equipment, or other unexpected or unusual reasons. Employees will normally receive seven (7) calendar days' notice of a temporary reduction of work hours.
- C. The Employer may temporarily layoff an employee for up to ninety (90) calendar days due to an unanticipated loss of funding, revenue shortfall, lack of work, shortage of material or equipment, or other unexpected or unusual reasons. Employees will normally receive seven (7) calendar days' notice of a temporary layoff.
- D. The notification will specify the nature and duration of the temporary layoff.
- E. An employee who is temporarily laid off will not be entitled to:
 - 1. Be paid any leave balance; except, if the layoff is not due to loss of funding or revenue shortfall, upon request, an employee will be paid for accrued vacation leave up to the equivalent of their regular work schedule for the duration of the layoff;
 - 2. Bump to any other position; or
 - 3. Be placed on a layoff register.

- F. A temporary reduction of work hours or a temporary layoff will not affect an employee's periodic increment date or seniority date and the employee will accrue vacation and sick leave credit at their normal rate.

35.6 Layoff Units

- A. A layoff unit is defined as the entity or administrative/organizational unit within each college/district used for determining the available options for employees who are being laid off.
- B. The layoff unit(s) for each college/district covered by this Agreement are described in Appendix B.

35.7 Skills and Abilities

Skills and abilities are documented criteria found in license/certification requirements, federal and/or state requirements, position descriptions, bona fide occupational qualifications approved by the Human Rights Commission, recruitment announcements or other Employer documents that reference position requirements. Skills and abilities for any option(s) in Sections 35.8 and 35.9 must have been identified at least thirty (30) calendar days prior to the layoff.

35.8 Options within the Layoff Unit

- A. 1. Permanent employees will be laid off in accordance with seniority, as defined in Article 39, Seniority.
2. Full-time employees only have options to full-time positions. Less than full-time employees only have options to less than full-time positions, including cyclic positions. Vacant positions will be offered prior to filled positions.
3. The Employer will determine if the employee possesses the required skills and abilities for the position and the comparability of the position. The Employer may require updated information from the employee regarding their current skills and abilities.

4. Employees being laid off will be provided one (1) option within the layoff unit:
 - a. A comparable funded vacant position for which the employee has the skills and abilities, within their current job classification.
 - b. A comparable funded filled position held by the least senior employee for which the employee has the skills and abilities, within their current permanent job classification.
 - c. A comparable funded vacant position for which the employee has the skills and abilities, at the same or lower salary range as their current permanent position, within a job classification in which the employee has held permanent status.
 - d. A comparable funded filled position held by the least senior employee for which the employee has the skills and abilities, at the same or lower salary range as their current permanent position, within a job classification in which the employee has held permanent status.

B. For employees who have transitioned into the IT Professional Structure on July 1, 2019, layoff options within the layoff unit will be determined as follows:

1. Permanent employees will be laid off in accordance with seniority, as defined in Article 39, Seniority.
2. Options will be provided in descending order of salary range and one (1) progressively lower level at a time. Full-time employees only have options to full-time positions. Less than full-time employees only have options to less than full-time positions, including cyclic positions. Vacant positions will be offered prior to filled positions.

3. The Employer will determine if the employee possesses the required skills and abilities for the position and the comparability of the position based on the employee's work history and completed IT Assessment Form. The Employer may require updated information from the employee regarding their current skills and abilities.
4. Employees being laid off will be provided one (1) option within the layoff unit:
 - a. A comparable funded vacant position for which the employee has the skills and abilities, within their current job family and level.
 - b. A comparable funded vacant position within another job family and level at the same salary range for which the employee has the skills and abilities.
 - c. A comparable funded filled position held by the least senior employee for which the employee has the skills and abilities, within their current permanent job family and level.
 - d. A comparable funded filled position held by the least senior employee within another job family and level with the same salary range as their current permanent job family and level for which the employee has the skills and abilities.
 - e. A comparable funded vacant or filled position held by the least senior employee for which the employee has the skills and abilities, at the same or lower salary range as their current permanent position, within a job classification in which the employee has held permanent status, or, at the employee's written request, to a lower classification within a job classification series that the employee has held permanent status, even if the employee has not held permanent status in the lower job classification.

- C. The layoff unit option will be determined, as specified above, in descending order of salary range and one (1) progressively lower level at a time.
- ED. If a job classification in which an employee has previously held status has been abolished or revised, a crosswalk to the class series will be used to identify layoff options. For employees in the IT Professional Structure hired on or before June 30, 2019, a completed IT Assessment form will be one of the tools used to identify available layoff options within the IT Professional Structure.
- DE. An employee in a position that is reduced in work year or work hours will have the choice of staying in the reduced position.

35.9 Institution-wide Options

- A. In addition to the layoff unit option offered in [Section 35.8](#), above, permanent employees being laid off will be offered:

 1. Up to three (3) institution-wide comparable funded vacant positions within their college in the layoff units listed in Appendix B, provided they meet the skills and abilities required of the position(s) and the positions offered are at the same or lower salary range as the position from which the employee is currently being laid off.
 2. If there are no comparable vacant positions, the Employer will offer less than comparable funded vacant positions.
 3. The Employer will determine if the employee possesses the required skills and abilities for the position.
 4. Provided the employee meets the skills and abilities required for the position and is at the same or lower salary range as the position from which the employee is currently being laid off, the Employer may offer employees being laid off a funded vacant position within their college that is outside positions covered by the master agreement.

5. The Employer may require updated information from the employee regarding their current skills and abilities.
6. For multi-employee layoffs, more than one (1) employee may be offered the same funded vacant position. In this case, the most senior employee with the skills and abilities who accepts the position will be appointed. Appointments will be made in descending order of seniority of employees with the skills and abilities of the position.

B. For Seattle District 6 and Spokane District 17 Only

If no layoff unit option is available in Section 35.8, above, employees hired before July 1, 2005, will be provided one (1) option within their district to:

1. A funded vacant position for which the employee has the skills and abilities within their current job classification.
2. A funded filled position held by the least senior employee for which the employee has the skills and abilities, within their current permanent job classification.
3. A funded vacant position for which the employee has the skills and abilities, at the same or lower salary range as their current permanent position, within a job classification in which the employee has held permanent status.
4. A funded filled position held by the least senior employee for which the employee has the skills and abilities, at the same or lower salary range as their current permanent position, within a job classification in which the employee has held permanent status.
5. The options in B, above, will be determined, as specified above, in descending order of salary range and one (1) progressively lower level at a time. Vacant positions will be offered prior to filled positions.

35.10 Notification to Permanent Employees

- A. Except for temporary reduction in work hours and temporary layoffs as provided in [Section 35.5](#), permanent employees will receive written notice at least twenty-one (21) calendar days before the effective layoff date. The notice will include:
1. The basis for the layoff;
 2. The employee's layoff unit option or Seattle/Spokane District option and any institution-wide option(s) including any requirement for the employee to serve a transition review period;
 3. The specific layoff lists for which the employee is entitled to placement; and
 4. The date by when an employee must select a layoff option and the employee's right to grieve the layoff.
- B. The Union will be provided with a copy of the notice.
- C. Except for temporary reduction in work hours and temporary layoffs as provided in [Section 35.5](#), if the Employer chooses to implement a layoff action without providing twenty-one (21) calendar days' notice, the employee will be paid their salary for the days that they would have worked had full notice been given.
- D. Employees will be provided up to five (5) calendar days to accept or decline, in writing, any option provided to them. This time period will run concurrent with the twenty-one (21) calendar days' notice provided by the Employer to the employee.
- E. Days are calendar days, and will be counted by excluding the first day and including the last day of timelines. When the last day falls on a Saturday, Sunday or holiday, the last day will be the next day which is not a Saturday, Sunday or holiday.

35.11 Salary

Employees appointed to a position as a result of a layoff action will have their salary determined as follows:

A. Current Salary Level

An employee who accepts another position with their current salary range will retain their current salary.

B. Lower Salary Level

An employee who accepts another position with a lower salary range will be paid an amount equal to their current salary, provided it is within the salary range of the new position. In those cases where the employee's current salary exceeds the maximum amount of the salary range for the new position, the employee will be compensated at the maximum salary of the new salary range.

C. Appointment from a Layoff List

1. Employees who are appointed from a layoff list to a position with the same salary range from which they were laid off will be paid the amount for which they were compensated when laid off plus any across the board adjustments, including salary survey adjustments, which occurred during the time they were laid off.

2. Employees who are appointed from a layoff list to a position with a lower salary range than the position from which they were laid off will be paid an amount equal to the salary they were receiving at the time they were laid off, provided it is within the salary range of the new position. In those cases where the employee's prior salary exceeds the maximum amount of the salary range for the new position, the employee will be compensated at the maximum salary of the new salary range.

35.12 Transition Review Period

- A. The Employer will require an employee to complete a six (6) month transition review period when the employee accepts a layoff option to a job classification in which they have not held permanent status or has been appointed from a layoff list.
- B. The Employer will have the authority to shorten an employee's transition review period. Employees will receive a permanent appointment to the position upon successful completion of the transition review period.
- C. The Employer may separate an employee or an employee may voluntarily separate at any time during the transition review period. Upon separation, and at the employee's request, the employee's name will be placed on or returned to the appropriate layoff list. The employee will remain on the list until such time as their eligibility expires or they have been rehired. Separation during the transition review period will be subject to the grievance procedure in Article 30, up to the top internal step.
- D. An employee may voluntarily separate a maximum of two (2) times as a result of a single layoff action.

35.13 Recall

- A. The Employer will maintain a layoff list for each job classification. Permanent employees who are laid off may have their names placed on the layoff list for the job classification from which they were laid off or bumped. Additionally, employees may request to have their names placed on the appropriate layoff list for other job classifications in which they have held permanent status at the same or lower salary ranges, regardless of a break in service with the current Employer. However, employees will not have their names placed on a layoff list if they were demoted for cause from the classification in the last six (6) years. An employee's name will remain on the layoff list for three (3) years from the effective date of their layoff.

- B. When a vacancy occurs within a college/district and where there are names on a layoff list for that classification, the Employer will fill the position with the most senior employee who has the skills and abilities to perform the duties of the position to be filled in accordance with [Article 4](#), Hiring and Appointments.

- C. Removal from Layoff Lists
When an employee is appointed from a layoff list, the employee's name will be removed from that job classification's layoff list, as well as from all other layoff lists at the same or lower salary range as the position to which they were appointed. An employee will be removed from the appropriate job classification layoff list if they waive the appointment to a position three (3) times. In addition, an employee will have her name removed from all layoff lists upon retirement, resignation or discharge from the Employer.

35.14 Project Employment

- A. Permanent project employees have layoff rights. Options will be determined using the procedure outlined in [Sections 35.8](#) and [35.9](#), above.

- B. Permanent classified employees who left regular classified positions to accept project employment without a break in service have layoff rights within the university or college/district in which they held permanent classified status. The employee's return rights will be to the job classification they last held permanent status in prior to accepting project employment using the procedures in [Sections 35.8 and 35.9](#), above.