



Applicability
Department Wide

Effective Date
April 1, 2019

Page Number
1

Policy Number
4.1.2019

POLICY

WMS Salary Administration

Approved

Allyson Brooks, Director
State Historic Preservation Officer

Date Signed

Purpose

This policy outlines how the Department of Archaeology & Historic Preservation (DAHP) will compensate its Washington Management Service (WMS) workforce for the value of the work provided.

Policy

Appointing Authorities will work closely with the Department of Enterprise Services (DES) Small Agency Human Resources and the Budget office when determining or making changes to a WMS salary and abide by the Washington Administrative Code (WAC) and Revised Code of Washington (RCW).

Washington Management Service (WMS) Employees

- WMS employees are part of the classified service and are covered under WAC 357-58; Washington Management Service.
- The WMS Committee determines the JVAC points and correct WMS salary band WMS salary band.
- The appointing authority, in consultation with DES human resources and budget office, determines the salary within the assigned WMS salary band.

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 positions and the Washington General Service (WGS) positions, an employee must hold permanent status and the salary must remain the same within the new salary range or management band.



POLICY

WMS Salary Administration

Reassignment

At any time, DAHP may reassign an employee or a position and its incumbent for customer or business needs:

- If the new location is within 30 miles in addition to the current commute, 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.

Non-Disciplinary Reassignment of Duties

When a WMS position's duties are changed or reassigned for non-disciplinary reasons and those changes result in a lower salary standard or lower WMS evaluation points for band placement, the employee in the position must be paid an amount equal to their previous base salary.

If the previous base salary is more than the new salary standard, the salary must be set equal to the maximum of the salary standard for the position - The base salary may be set higher than the salary standard maximum and must not be more than the previous base salary.

Demotion

A demotion for cause is a disciplinary demotion. A disciplinary demotion results in the

1. 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
2. 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.
3. A disciplinary demotion may result in a salary decrease. Any salary decrease must comply with the salary basis test of the Fair Labor Standards Act.

Reversion

1. If a permanent WMS employee promotes to a WGS position within the DAHP and is reverted during the trial service period, DAHP must place the employee in a vacant funded WMS position for which the employee is qualified, and that is comparable to



POLICY

WMS Salary Administration

the employee's position and salary prior to the WGS appointment. If no vacant funded positions are available, DAHP 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 DAHP and is reverted during the trial service period, DAHP 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, DAHP may separate the employee by providing fifteen calendar days' written notice. The employee may apply for the general government transition pool.

Promotion

It is considered a promotion if a WMS position receives additional responsibilities which results in higher evaluation points and/or higher salary standard or a WMS DAHP employee moves to a different WMS position with higher evaluation points and/or higher salary standard.

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

Returning to a Permanent WMS Position

1. **DAHP Project Appointment** – If a permanent WMS DAHP 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 DAHP, 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.



POLICY

WMS Salary Administration

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, 357-19-205, 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 per WAC 357-58-225**
 - (1) When a permanent WMS employee accepts a nonpermanent appointment to a WGS position within the **DAHP** and the nonpermanent appointment ends, the DAHP must at a minimum provide the employee the layoff rights of his/her permanent WMS position. If the DAHP employee is returning to a permanent WMS position, the employee's salary must not be less than the salary of the previously held permanent WMS position.
 - (2) When a permanent DAHP WMS employee accepts a nonpermanent appointment to a WGS position in a **different** agency, DAHP must provide layoff rights as specified in subsection (1) of this section for six months from the time the DAHP employee is appointed.

Any return right after six months is negotiable between the employee and DAHP 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.
 - (3) In lieu of the rights provided in subsection (1) or (2) of this section, DAHP and the employee may agree to other terms.



POLICY

WMS Salary Administration

- 4 WMS Employee Serving a Review Period Appointed to WGS non-permanent position returns to a different WMS Position per WAC 357-58-226**
DAHP may allow the prior time served in the WMS review period to count towards the completion of the review period.

WMS Salary Setting Consideration

Salary increases and limitations –

1. Adjustments to a WMS salary can be made per WAC 357-58-090

- Legislative directed general and/or special increase as long as the employee is not above the salary band maximum.
- Documented recruitment and/or retention problems as approved by the DAHP director or designee.
- Documented DAHP and/or state internal salary relationship problems, as approved the DAHP director or designee.

2. Salary Increases per WAC 358-58-095

DAHP may provide salary increases to WMS employees in recognition of demonstrated growth and development.

3. Salary Increases for WMS employees – WAC 357-58-096. Salary increases are not on a predetermined schedule and are granted in recognition of the employee’s demonstrated growth and development. A salary increase will not exceed a total of 25% during the tenure of an employee’s appointment to a position as long as the position’s duties are unchanged or would not evaluate higher if new duties were assigned.

4. Limit on Salary Increases – WAC 357-58-100

- The DAHP Appointing authorities will follow the guidelines provided in the OFM WMS/Exempt Salary Adjustment Plan.
- If DAHP wants to provide an increase over the 25% limit, a request for exception must be submitted to the Office of the State Human Resources (HR) director. Only the State HR director may grant requests for exception to the salary increase limit.
- Salary changes greater than five percent proposed for any group of employees must be reviewed and approved by the State HR director.



POLICY

WMS Salary Administration

5. **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:

- 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 the top of the adjusted band exceeds the employee's current salary.

Lump Sum Payments for Recruitment and/or Retention of a WMS Position

DAHP does not provide any lump sum payment 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.

Lump sum vacation or accelerated vacation leave accrual

In addition to the vacation leave accruals as provided in [WAC 357-31-165](#), the DAHP Director does not provide additional vacation leave, lump sum vacation, or accelerated vacation accrual to support the recruitment and/or retention of an incumbent or candidate for WMS employees.

Shift differential, Call back, and Standby Pay

Per [WAC 357-58-170](#), DAHP does not provide shift differential, call back, or standby pay for WMS employees.

Relocation Payment per WAC 357-58-155

1. The DAHP does not provide a lump sum relocation compensation. DAHP may reimburse an employee within existing resources, if it is reasonably necessary that a person move their home to accept a DAHP position or to recruit or retain a qualified candidate or employee who would have to move their home to accept the position.
2. If an employee receives a reimbursement payment and terminates employment with the DAHP within one year of the date of the appointment or **transfer**, repayment of the reimbursement may be required. Termination as a result of layoff, disability separation, or other good cause as determined by the DAHP Director will not require the employee to repay the relocation lump sum.



Applicability
Department Wide

Effective Date
April 1, 2019

Page Number
7

Policy Number
4.1.2019

POLICY

WMS Salary Administration

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. DES Human Resources determines the overtime eligibility status of all positions in the DAHP based upon criteria established by the US Department of Labor.
3. In order 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. FLSA 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. Approval from the State Human Resources Director is required when the FLSA designation of a position is changed from overtime-eligible to overtime-exempt or law enforcement.

Definitions

- **Appointing authority** means an individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.
- **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.
- **Designee** means a member of the Senior Management Team who is delegated by the Agency Director to make decisions with regard to this policy. In many cases the designee will be the Deputy Director or Human Resource Director.
- **Exempt position or 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.



Applicability
Department Wide

Effective Date
April 1, 2019

Page Number
8

Policy Number
4.1.2019

POLICY

WMS Salary Administration

- **Nonpermanent appointment** means an appointment made by a general government employer under the provisions of WAC [357-19-360](#).
- **Overtime eligible employee** means an employee who is covered by the overtime provisions of the Fair Labor Standards Act.
- **Overtime exempt employee** means an employee who is not covered by the 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 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 Range** means the minimum and maximum dollar amount assigned to a class.
- **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** 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](#).



DEPT. OF ARCHAEOLOGY +
HISTORIC PRESERVATION

Applicability
Department Wide

Effective Date
April 1, 2019

Page Number
9

Policy Number
4.1.2019

POLICY

WMS Salary Administration

- **WMS Committee means** a group of both DES and external employees trained and knowledgeable in DES 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.