

## Administrative Policy No. 18.19

<b>Title:</b>	Appointments and Reemployment
<b>Authorizing Sources:</b>	RCW <a href="#">41.06</a> WAC <a href="#">357-19</a> (Appointment and Reemployment) WAC <a href="#">357-31</a> (Holidays and Leave)
<b>Information Contact:</b>	Department of Social and Health Services Human Resources
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<b>Approved By:</b>	<u>original signed by Glen Christopherson</u> Senior Director, Human Resources Division
<b>Purpose:</b>	To identify requirements for appointing and re-employing candidates in the Department of Social and Health Services (DSHS).
<b>Scope:</b>	This policy applies to all DSHS employees in Washington General Service who are not covered by a Collective Bargaining Agreement. This policy does not apply to employees in Washington Management Service.
<b>Definitions:</b>	
<b>Competencies:</b>	Knowledge, skills, and behaviors necessary to successfully perform a task or function.
<b>Elevate:</b>	To restore an employee with permanent status to the class held by the employee immediately prior to being demoted or to a class in the same class series which is between the current class and the class from which the employee was demoted.
<b>In-training:</b>	Permanent positions in which defined steps are used to train employees to successfully perform duties and responsibilities of a higher level (goal) class.
<b>Probationary Period:</b>	The initial six (6) to twelve (12) month period of employment following certification and appointment to, or re-employment in, classified service.

**Project Position:** A classified position established to meet the purpose of a defined project with a specific end date.

**Reassignment:** Movement of an employee from one position to a comparable position in the same or different class, with the same salary range maximum.

**Re-employment:** The appointment of a former permanent employee.

**Reversion:** Voluntary or involuntary movement of an employee from a position during the trial-service period.

**Transfer:** An employee-initiated move from one position to another position within DSHS or between agencies, in the same class or to a different class at the same salary range maximum.

**Transition Review Period:** A six-month-evaluation period to allow the employer and employee to determine whether the employee can be successful in the position, following placement in the position as a layoff option, or appointment to a position from a layoff list or the General Government Transition Pool.

**Trial-Service Period:** The initial period of employment following a promotional appointment to a position in a new class, or the initial period of employment following a transfer or voluntary demotion, or elevation, under the provisions of WAC [357-19-030](#). The trial service period is six to twelve months.

## **Policy:**

**If this policy is silent on a specific topic or area, refer to the appropriate Washington Administrative Code for guidance.**

1. The Director of the State Human Resources Division has delegated authority to DSHS to carry out the activities identified in WAC [357-19](#).
2. Hiring will be based on skills, abilities, education, and/or experience described in the DSHS Position Description Form.
3. When a position requires an educational degree, the degree must be from an accrediting agency (i.e. U.S. Department of Education (USDE) at <http://ope.ed.gov/accreditation> or Council for Higher Education Accreditation (CHEA) at <http://www.chea.org>)

### **A. Probationary Appointment**

1. A candidate who does not have permanent status must serve a probationary period when appointed to a permanent position.
2. Supervisors will use the probationary period to:
  - a. Train the employee to successfully perform the functions of the position.

- b. Observe and assess the employee's work.
  - c. Determine if the employee will achieve permanent status in the position.
3. The probationary period is six months but may be extended to twelve months.
  - a. A copy of the extension will be forwarded to DSHS Human Resources for review and appropriate action.
  - b. The employee must receive written notice from the Appointing Authority providing the reason(s) for the extension and the new date for completing the probationary period.
4. Use of leave-without-pay or shared leave during the probationary period will extend the probationary period day-for-day.
5. If an employee accepts an appointment to another permanent position within DSHS while serving a probationary period, the following applies:
  - a. If the Appointing Authority determines the new position or class to which the position is allocated, is closely related to the previous position, time served in the initial probationary period counts toward the probationary period of the new position.
  - b. If the Appointing Authority determines the new position, or class to which the position is allocated, is not closely related to the previous position, the time served in the initial probationary period **does not** count toward the probationary period of the new position. The employee must receive a written notification of the new probationary appointment and the duration of the new probationary period.
6. If an employee is reassigned while serving a probationary period, time spent in the initial probationary period will count toward the probationary period in the new position.
7. If an employee in a non-permanent appointment is appointed permanently to the same or a similar position:
  - a. The Appointing Authority may allow time worked in the non-permanent appointment to count toward the probationary period for the permanent position.
  - b. The Appointing Authority may determine the amount of time that will count toward the probationary period for the permanent position.
8. Under WAC [357-46-180](#), an Appointing Authority may separate a probationary employee. The Appointing Authority is encouraged to discuss this action with DSHS Human Resources prior to separating the employee.
  - a. A probationary employee must receive a minimum of one calendar day's written notice before being separated.
  - b. An employee separated during the probationary period does not have the right to appeal the separation.

## **B. Trial-Service Appointment**

1. A permanent employee ***must*** serve a trial-service period when the employee:
  - a. Is appointed to a position in a new class in which the employee has not held permanent status

A permanent employee ***may*** serve a trial-service period when the employee:

- a. Transfers
  - b. Voluntarily Demotes
  - c. Elevates
  - d. Reverts (voluntary or involuntary)
2. When an employee is reverted to a comparable position with the same job duties as the position in which the employee last held permanent status is not required to serve a trial-service period. The Appointing Authority may consult with DSHS human resources to determine whether new position is closely comparable.
3. The trial-service period may last six to twelve months.
  - a. The Appointing Authority may extend the trial-service period of an employee, not to exceed a total of twelve months served in trial-service status.
  - b. A copy of the extension will be forwarded to DSHS Human Resources for review and appropriate action.
  - c. The employee must receive a written notice from the Appointing Authority providing the reason(s) for the extension and the new date for completing the trial-service period.
4. Use of leave-without-pay or shared leave during the trial-service period will extend the trial-service period, day-for-day.
5. If an employee accepts an appointment to another permanent position within DSHS while serving a trial-service period, the following applies:
  - a. If the Appointing Authority determines the position, or class, is closely related, time served in the initial trial-service period will count towards the trial-service period of the new position.
  - b. The employee must receive a written notification of the new trial-service appointment and the duration of the new trial-service period.
6. If an employee is reassigned while serving a trial-service period, time spent in the initial trial-service period counts towards the trial-service period in the new position.

7. If a permanent employee accepts a non-permanent appointment during a trial-service period, a new trial-service period will start upon the employee's return to the permanent position.
8. If an employee in a non-permanent appointment is appointed permanently to the same or a similar position:
  - a. The Appointing Authority may allow time worked in the non-permanent appointment to count toward the trial-service period for the permanent position.
  - b. The Appointing Authority may determine the amount of time that will count toward the trial-service period for the permanent position.

### C. Transition Review Period

1. The appointing authority may require a six-month review period when an employee is appointed to a position as a layoff option or is appointed from internal statewide layoff list or the general government transition pool. ([WAC 357-46-035](#))
2. Use of leave-without-pay during the transition review period will extend the transition review period, day-for-day.
3. A transition review period is **not** allowed when the employee is appointed to a comparable position with the same job duties as the position the employee held permanent status in prior to layoff.
  - a. The employer must provide the employee with the following:
    - i. Written notice of the transition review period.
    - ii. Instruction and/or training in the duties of the new position
  - b. The employer may involuntarily separate an employee from a position during the transition review period or the employee may choose to voluntarily separate during the transition review period. The employer must give seven calendar days' written notice to an employee who is being separated during a transition review period. If during the last seven days of the transition review period, the employee commits an egregious act which warrants separation, the employer may immediately separate the employee without seven calendar days' notice. An employee may voluntarily separate a maximum of three times as a result of a single layoff action.
  - c. When an employee who is serving a transition review period following appointment to a position as a layoff option is separated from the position during the transition review period, the following applies:
    - i. The employee must be provided with a layoff option in accordance with [WAC 357-46-035](#) if the employer involuntarily separates the employee; or
    - ii. The employee's name is placed on any layoff lists for which the employee is eligible if the employee voluntarily separates.
  - d. When an employee who is serving a transition review period following appointment from a layoff list or the general government transition pool is separated from the position during a transition review period, the employee's

name is reinstated on any layoff list from which it was removed at the time of placement in the position. The employee remains on the list until the employee's initial eligibility expires or they are rehired. The time served during the transition review period does not extend the period of eligibility for a layoff list or the transition pool.

- e. Separation during the transition review period is not subject to appeal.

#### **D. Reversion**

1. The Appointing Authority may revert an employee failing to meet the standards during the trial-service period. The requirements of WAC [357-19-100](#) and [357-19-105](#) must be met, to include required notification.
2. An employee may voluntarily revert during his or her trial-service period under WAC [357-19-110](#).
  - a. Employee reversion rights are provided by WAC [357-19-115](#) through [357-19-117](#), and [357-01-210](#).
  - b. A DSHS Appointing Authority may allow a voluntary reversion if the employee requests a reversion within thirty calendar days of his or her appointment into a trial-service position in another agency:
    - i. The employee must apply, in writing, to return to DSHS, giving seven calendar days notice.
    - ii. The decision of the Appointing Authority must be in writing and mailed or given to the employee by personal service.
  - c. If the employee is not returned to a permanent position in the class he or she last held permanent status in, and the employee wishes to be placed on the DSHS internal layoff list he or she must apply to [Department of Enterprise Services](#) for placement on the layoff list.

#### **E. Demotions**

1. A permanent employee may request a voluntary demotion to a position for which he or she meets the competencies and other position requirements. The employee may be required to serve a trial-service period.
2. Appointing Authorities may elevate an employee with permanent status to the class he or she held immediately prior to being demoted, or to a class in the same class series which is between the current class and the class from which the employee was demoted.
  - a. The employee must meet the competencies and other position requirements.
  - b. The employee must serve a trial-service period.

#### **F. Reassignments**

1. An Appointing Authority may reassign an employee to a different position within the same class as long as the employee meets the competencies and other position requirements.
2. When reassigning a permanent employee to a position in a different geographic area, WAC [357-19-175](#) applies. A “reasonable commute” is considered to be within 35 miles of the employee’s current official work site.

#### **G. Transfers**

1. A permanent employee may request to transfer to another position in the same class or a different class with the same salary range maximum.
2. The employee must meet the position’s identified competencies and other requirements.
3. The employee may serve a trial-service period in the new position.
4. If the employee was in trial-service status at the time of the transfer, the provisions of WAC [357-19-070](#) apply.

#### **H. Permanent Appointments**

1. An Appointing Authority must make a permanent status appointment of an employee under the conditions identified in WAC [357-19-181](#) and [357-19-225](#).

#### **I. Background Checks**

1. Appointing Authorities will conduct criminal history background checks on employees or preferred candidates in covered positions. Background check procedures are located in the [Human Resource Division Guidelines for Conducting Background Checks](#) and [Secretary’s List of Crimes and Negative Actions](#).

#### **J. In-training**

1. Appointing Authorities wishing to designate specific positions, groups of positions, or all positions in a class as “In-training” will forward the request to DSHS Human Resources.
2. WAC [357-19-245](#) identifies the information that must be included in the In-training Plan.
3. The immediate supervisor must monitor and document the employee’s successful completion of each step.
4. The employee automatically advances to the next training step and/or job class after satisfactory completion of the training requirements of the lower step. After successful completion of all training steps, the employee moves to the goal class.



- a. In-training plans must provide a minimum of six months at each step of the plan before progressing to the next step.
  - b. The supervisor, through the Appointing Authority, may request a waiver of the six-month requirement from DSHS Human Resources. DSHS Human Resources will evaluate and either approve or disapprove time waiver requests.
5. The employee's salary, work period designation, and performance evaluation is based on the allocated class of the In-training step. (WAC [357-19-260](#))
6. WAC [357-19-265](#) and [357-19-280](#) govern an employee's status during the life of the In-training plan.

#### **K. Project Positions**

1. Project positions must be filled following the requirements in WAC [357-16](#).
2. An employee appointed to a project position must be notified, in writing, of the status of the appointment and the expected ending date of the position.
3. An employee must serve a probationary period or trial-service period when appointed to a project position. The employee gains permanent project status upon completion of the probationary period.
4. Notice requirements for the employee and manager when the employee accepts a project position are found in WAC [357-19-330](#).
5. Return rights for a permanent employee returning from a project appointment are outlined in WAC [357-19-340](#). Employee rights at the conclusion for the project are found in WAC [357-19-345](#).

#### **L. Non-Permanent Appointment**

1. A position may be filled with a non-permanent appointment for any of the following reasons:
  - a. The permanent employee is absent from the position
  - b. The agency is recruiting to fill a vacant position with a permanent appointment
  - c. The agency needs to address a short-term immediate workload peak or other short-term needs
  - d. The agency is not filling a position with a permanent appointment due to the impending or actual layoff of a permanent employee
  - e. The nature of the work is sporadic and does not fit a particular pattern.
2. The Appointing Authority approves or denies non-permanent appointment requests lasting up to twelve months duration.



3. Appointing Authority may request non-permanent appointments lasting beyond twelve months to meet business needs. The request must be submitted to DSHS Human Resources for approval or denial.
4. Non-permanent appointments may not last more than twenty-four months unless the State HR Division has approved an extension of the appointment due to the continued absence of a permanent employee.
5. If a competitive process is used for a non-permanent appointment to fill a position in the absence of a permanent employee, or to fill a position identified as an impending or actual layoff of a permanent employee, the non-permanent employee's status may be changed to probationary or trial-service if the conditions of [WAC 357-19-400](#) are met.
  - a. The Appointing Authority may allow time spent in the non-permanent appointment to count toward the probationary or trial-service period for the permanent position
  - b. The Appointing Authority may determine the amount of time spent in the non-permanent appointment that counts toward the probationary or trial-service period for the permanent position

#### **M. Re-employment**

1. An Appointing Authority/Designee may re-employ a former permanent status employee without using certification if the conditions of [WAC 357-19-460](#) are met.
2. A re-employed appointee must serve a probationary period.
3. Former permanent status employees returning from separation due to disability must serve a probationary period .
4. Per [WAC 357-31-160](#), former employees who are reemployed within 5 years of their separation from state service must be restored unused sick leave credits, if any, to which they were entitled at the time of separation. Former employees who are reemployed after 5 years of their separation from state service must not be restored unused sick leave credits.

#### **N. Return-To-Work Initiative**

1. Eligibility requirements are specified in [WAC 357-19-515](#) and [WAC 357-19-530](#).
2. The Department of Enterprise Services is responsible for administering the General Government Return-To- Work Initiative Program.
3. The [Administrative Policy 9.10](#) provides the DSHS guidelines for the [Transitional Return-to-Work](#) program to be used.

4. The Enterprise Risk Management Office- Loss Prevention Claims Unit administers the DSHS Transitional Return-To-Work program and works with appointing authorities assisting injured employees to return to work.
5. A current DSHS employee or separated DSHS employee may be eligible to participate in the program for a maximum of two years from the date the employee's time loss began.

<sup>01</sup> Housekeeping change to clarify process for re-employment.

<sup>02</sup> Link updates 2024 SharePoint move.

DSHS Official