

Policy No. HR-403

Layoff Policy for Washington Management Service Employees

Applies to: All Washington Management Service (WMS) employees of Eastern Washington State Historical Society (EWSHS).

References that apply to this policy: Listed below are some, but not all, applicable governing requirements. Note: Laws and rules may change over time and such changes may take precedence over this policy.

- WAC 357-58-065 (definitions)
- WAC 357-58-438 (layoff impact)
- WAC 257-58-440 (notice)
- WAC 357-58-445 (reasons)
- WAC 357-58-455 (layoff)
- WAC 357-58-460 (procedure)
- WAC 357-58-465 (options)
- WAC 357-58-470 (employee retention rating)
- WAC 357-58-475 (veterans preference)
- WAC 357-58-505 (appeals)
- WAC 357-58-550 through 555 (temporary layoffs)
- WAC 357-46-055 (seniority)
- WAC 357-46-090 (GGTP)
- WAC 357-52-010 (appeals)

Effective date: November 5, 2025

History: This policy updates the version dated May 6, 2020, which was previously updated February 1, 2017. HR-403 replaced BP#128.

Approved by: EWSHS Board of Trustees

Purpose

The purpose of this policy is to define the EWSHS permanent layoff procedure. This policy only details procedures applicable to permanent layoffs. Temporary layoffs are discussed in WAC 357-58-550 through 555 and not further detailed in this policy.

NOTE: Nothing in this layoff policy and procedure shall be construed to negate the rights of **EWSHS** to transfer, promote, demote, dismiss, or separate any employee of any employment status in any manner permissible under the Civil Service Rules.

Definitions

Executive Director – The director of EWSHS functioning with the authority to set agency direction and implement internal policy.

General Government Transition Pool (GGTP) – Per WAC 357-46-090, the purpose of the transition pool program is to minimize the effects of staff reductions on general government employees while meeting needs of general government employers to fill vacant positions.

Layoff Unit – Per WAC 357-58-065(8), “layoff unit” is a clearly identified structure within an employer's organization within which layoff options are determined in accordance with the employer's layoff procedure. Layoff units may be a series of progressively larger units within an employer's organization.

Eligible Veteran – Any permanent employee who:

1. Has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government; and
2. Upon termination of such service has received a qualifying discharge.

"An eligible veteran" does not include any person who as a veteran voluntarily retired with twenty (20) or more years' active military service and has military retirement pay in excess of five hundred dollars per month.

Employment Retention Rating (ERR) – An employee's employment retention rating is used when identifying layoff options. EWSHS determines an employee's employment retention rating using seniority as calculated in WAC 357-46-055.

Layoffs - Layoff is an employer-initiated action taken in accordance with WAC 357-58-445 that results in:

1. Separation from service with an employer;
2. Employment in a WMS position with a lower salary standard or evaluation points or a Washington General Service (WGS) position with a lower salary range maximum; or
3. Reduction in the number of work hours.

Washington General Service (WGS) - 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) - 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](#).

Policy Statement

EWSHS is committed to attracting and retaining a workforce that contributes to the organization's mission, vision, values, and goals, with the primary focus placed on excellence in performance. While commitment to the organization is valued, the successful performance of its employees is what ensures the organization's success. Layoff is not viewed as a disciplinary action within EWSHS and the agency will only implement a layoff for reasons permitted by the Washington Administrative Code (WAC). Reasons include, but are not limited to:

1. Lack of funds.
2. Lack of work.
3. Organizational change.

Examples of layoff actions due to lack of work may 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. Elimination of a position when the work of the position has been competitively contracted.
4. Employee's ineligibility to continue in a position which has been reallocated to the WGS.

Alternatives Prior to Implementing a Layoff

Before initiating a layoff and to diminish its impacts, EWSHS will consider alternative actions whenever practical and when actions do not disrupt business operations. These actions include, but are not limited to:

1. Voluntary employee transfer.
2. Voluntary demotion.
3. Voluntary reduced schedules.
4. Voluntary leave without pay.
5. Vacancy management.

Identifying Layoff Units

To keep from unduly restricting its employees during a layoff, **EWSHS** will be considered one single layoff unit, with the exception of projects or special employment programs. Each project will be a separate and exclusive layoff unit. Additionally, special employment programs will be separate and exclusive layoff units.

Positions that will Not be Impacted by Layoff

Prior to implementing a layoff action, the Executive Director may exclude certain positions from the layoff based on legitimate business requirements. Such business requirements may include circumstances or characteristics that render a position or group of positions vital to business continuity such as meeting critical deadlines, research progress, or the implementation of legislation.

Determining Positions that will be Abolished or Vacated in the Event of a Layoff

The Executive Director will make all final decisions regarding which positions are to be abolished or vacated. These decisions will be made without prejudice according to procedures consistent with WAC 357-58. Once the decisions have been made, the Employee Retention Rating (ERR) will determine the order in which layoffs occur.

Permanent Employee Options When Scheduled for Layoff

Under WAC 357-58-465:

1. Within the layoff unit, a permanent employee scheduled for layoff from a WMS position must be offered the option to take a position, if available, that meets the following criteria:
 - a. The employee has the required competencies for the position.
 - b. The WMS position is at the same salary standard and/or evaluation points. If no option to a position with the same salary standard and/or evaluation points is available, the employer must consider other WMS positions with a lower salary standard and/or evaluation points, or general service positions in accordance with WAC 357-46-035-(1) in descending salary order if the employee has held permanent status in a WGS classification. At the agency's discretion, the employee may be offered a vacant position at higher evaluation points.
 - c. The position being offered as the option is funded and vacant. If no vacant position is available, the position being offered as the option must be occupied by the employee with the lowest retention rating.
 2. If a permanent employee has no options available under subsection (1) of this section, the employer must determine if there is an acting position in the layoff unit for which the employee is qualified.
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Calculating Employment Retention Ratings (ERR)

An employee's ERR is equal to the employee's seniority (in years, months, and days) as calculated in WAC 357-46-055.

Veterans Preference

Eligible veterans will receive preference by having seniority increased to include the eligible veteran's total active military service, not to exceed five (5) years, to their unbroken service date. The surviving spouse or surviving registered domestic partner of an eligible veteran is entitled to veteran's seniority preference for up to five years as outlined above regardless of whether the veteran had at least one year of active military service.

Breaking a Tie When More Than One Employee Has the Same ERR

Ties in seniority will be broken by first measuring the employee's last continuous time within their current classification. If a tie still exists, the agency will measure the employee's last continuous time in the current agency. If a tie still exists, the agency will draw lots.

Layoff Notification

Permanent employees must receive at least fifteen (15) calendar days written notice of layoff, except when the employer and employee agree to waive the fifteen (15) day notice. Notice of layoff must include the reason or basis for layoff and the employee's right to appeal the layoff.

WMS employees without permanent status must receive at least one calendar day's written notice of layoff.

Timeline to Accept or Reject a Layoff Option

The layoff letter specifies how long an employee has to select a layoff option and how they are to respond. In most cases, this will be five (5) business days from the date the layoff notice letter was delivered. Failure to respond within the specified timeframe will be regarded as a rejection of the option(s).

WMS Employee Appeal Rights

Any permanent employee in a WMS position who is laid off, dismissed, suspended, demoted, or separated, or whose base salary is reduced may appeal in accordance with Chapter 357-52 WAC. A determination of which WMS positions will be eliminated in a layoff action is not subject to appeal. Any WMS employee who is adversely affected by a violation of the state civil service law (chapter [41.06](#) RCW) or the civil service rules pertaining to WMS employees (chapter [357-58](#) WAC) may appeal in accordance with chapter [357-52](#) WAC. The conclusion of an acting appointment is not subject to appeal.

Primary Roles and Responsibilities

Role	Responsibilities
Executive Director	Determine which areas of EWSHS will be impacted due to layoff and how they will be impacted.
Executive Director & DES HR Business Partner	- Ensure that seniority dates are correct for affected employees. - Compute ERRs for employees within affected layoff unit(s).
Executive Director & DES HR Business Partner	Identify layoff options for employees in positions selected for layoff or who are affected by layoff.
DES HR Business Partner	- For layoff of permanent WMS employee, provide at least fifteen (15) calendar day's written notification prior to layoff action. Notification will contain the following: - The reason or basis for layoff. - A statement of the employee's right to appeal the layoff.
Supervisor/DES HR Business Partner	- For layoff of a permanent WMS employee hand-deliver layoff notification as closely as possible to the beginning of a scheduled business day. NOTE: Delivery date will constitute the first calendar day of notice. - When hand delivery is not possible, mail layoff notification via certified mail at least sixteen (16) calendar days prior to layoff. NOTE: The day after postmark will constitute the first calendar day of notice.
DES HR Business Partner	Record the date of layoff notification delivery.
DES HR Business Partner	- Add affected employee names to any applicable internal layoff lists effective the same date as layoff notification delivery. - Upon employee request, coordinate employee placement on the state layoff list and general government transition pool program.
Employee	- Advise the DES HR Business Partner by completing and submitting the document which indicates acceptance or rejection of the options provided in the layoff notification within five (5) business days. - Email the DES HR Business partner to apply for inclusion on the statewide layoff list maintained by the Department of Enterprise Services. - Email the DES HR Business Partner to apply for the GGTP. NOTE: Failure to respond to the HR Staff within the prescribed time limit will be regarded as a rejection of the option(s).
Executive Director & DES HR Business Partner	Proceed forward with the layoff action and provide information and assistance to affected employees.

