

Administrative Policy No. 11.08

Subject:	DSHS Administrative Policies
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Approved by:	<u>Original signed by Mike Williams</u> Interim Senior Director, Office of Justice and Civil Rights

Purpose

The purpose of this policy is to establish:

- The criteria for DSHS administrative policies;
- The process for creating, revising, rescinding, and reviewing DSHS administrative policies; and
- The process to ensure all DSHS administrative policies are created, revised, and reviewed with an equity, diversity, access, and inclusion (EDAI) lens.

Scope

This policy applies to all DSHS employees who write, review, and approve DSHS administrative policies.

Additional Guidance and Resources

- [Administrative Policy Guide](#)
- [DSHS Branding Standards and Style Guide](#)
- [Writing Courses](#) offered by the Department of Enterprise Services
- [AP Standards of capitalization](#)
- [RPAU intranet SharePoint](#)
- [Planning Questions for Writing an Administrative Policy](#)

- [Office of Equity, Diversity, Access, and Inclusion](#)
- [Racial Equity Toolkit-An Opportunity to Operationalize Equity by the Racial Equity Alliance 2016](#)

Definitions

Accounting administrative policies: DSHS administrative policies that focus on DSHS accounting issues and are written or revised by the Facilities, Finance, and Analytics Administration (FFAA). Accounting policies are located in DSHS administrative policy chapter 19.

Administrative policy: Department-wide directive that is approved at the executive level by either the senior director of the office of justice and civil rights, the assistant secretary of FFAA, or the senior director of human resources, as appropriate. An administrative policy regulates the internal management of DSHS and the actions of its employees in more than one administration.

Chief officers: For purposes of this policy, the chief of staff, chief financial officer, chief technology innovation officer, chief audit executive, and the chief risk officer.

Effective date: Date a DSHS administrative policy was first published. This date remains the same throughout the life of the policy.

Equity, diversity, access, and inclusion (EDAI) principles:

- **Equity** is fairness and accountability with each other and those we serve.
- **Diversity** is embracing differences with authenticity in ourselves and others.
- **Access** allows all persons, including those with different abilities and proficiencies in the English language, to have equal opportunities for meaningful work and needed services. Effective access ensures that all persons have the ability to interact effectively with each other and their environment without barriers.
- **Inclusion** supports participation, collaboration, and responsibility.

Executive review: Second level of required review by key reviewers at the executive level for comment.

Final signature review: Third level of required review for obtaining final approval and signatures.

Housekeeping change: Change to a phone number, name, hyperlink, or address in a DSHS administrative policy, or a clarification that does not change the effect of the policy.

Initial review: First level of required review by division directors and other key internal reviewers for comment.

Person first language: Names the person first and the condition second, for example, "people with disabilities" rather than "disabled people" or "disabled," to emphasize that they are people first. It puts a person before a diagnosis and can be more generally applied to any group that would otherwise be defined or mentally categorized by a condition or trait, such as, race, age, or appearance.

Policy writer: The person responsible for writing or revising a DSHS administrative policy and completing sunset reviews. That person is designated by their administration.

Review and approval form: DSHS form [02-003A](#) entitled "Review and Approval of DSHS Administrative Policies", used when circulating a draft DSHS administrative policy for internal review and comment, for summarizing the comments received, for assessing EDAI principles, and for obtaining final signatures.

Rule: A legal directive that defines how agencies will implement statute and laws aligned with the intent of a federal or state law (statute) that affects those internal and external to the department. Washington rules are officially called Washington Administrative Code (WAC). See [RCW 34.05.010\(16\)](#). Administrative policy is not a rule.

Rules and policies assistance unit (RPAU): The unit within the office of the secretary, office of justice and civil rights, responsible for coordinating the DSHS administrative policy-making process. RPAU gives guidance about administrative policies, maintains approved policies on the DSHS Intranet, and keeps the official administrative policy files.

Sunset review: Review that occurs at least every four years throughout the life of a DSHS administrative policy that determines the continued need for the policy, implements changes in applicable law, and ensures accuracy and clarity of the policy.

Policy Requirements

A. Criteria for DSHS administrative policies

1. DSHS administrative policies regulate the internal management or the actions of DSHS employees in more than one administration. All administrative policies must:
 - a. Comply with the [DSHS Style Guide](#) and the [AP standards of capitalization](#).
 - b. Complete the department's three levels of review as described in [section B](#) of this policy.
 - c. Be approved and signed by the appropriate signature authorities:
 - i. Chapter 18 human resource policies, AP 9.09 – DSHS employee wellness program, and AP 15.15 – Use of electronic messaging systems and the Internet require the signature of the senior director of human resources;

- ii. Chapter 19 accounting policies require the signature of the assistant secretary of FFAA;
 - iii. All other policies require the signature of the senior director, office of justice and civil rights.
 - d. Be published on DSHS' administrative policy intranet SharePoint site where it is accessible to all employees.
 - e. Complete sunset review at least every four years as described in [Section D](#) of this policy.
2. A DSHS administrative policy is not a statute, a rule, or a document that a private party can rely upon in matters involving DSHS. A policy does not create any substantive or procedural legal right that is enforceable in a court of law or an administrative proceeding.

B. Creating, revising, rescinding, and reviewing DSHS administrative policies

The process for creating, revising, and rescinding administrative policies must include the following three levels of review. The online [DSHS Administrative Policy guide](#) gives more detailed procedures and tools for this process.

1. **Initial review.** The initial review is the first formal review of a draft DSHS administrative policy. The policy writer(s) must send a draft of the policy, and a review and approval form, to required reviewers listed in a – i of this section. Required reviewers must acknowledge receipt and review of the draft administrative policy.
 - a. Chief officers;
 - b. Senior directors;
 - c. DSHS division directors;
 - d. Deputy assistant secretaries;
 - e. The internal audit and consultation manager;
 - f. Board of appeals, chief review judge;
 - g. The equity, diversity, access, and inclusion designee for each administration;
 - h. DSHS rules coordinator;
 - i. Human resources division (HRD) labor relations staff;
 - j. The policy writer's assistant attorney general; and
 - k. Any other stakeholders as specifically required by the policy writer's administration or division.

Note: The [distribution list for initial review ListServ](#) includes people listed above in this section under 1 a through i and other interested staff. The policy writer(s) must manually add their assistant attorney general and other stakeholders.

2. **Executive review.** The executive review is the second level of required review for administrative policies. The policy writer must send a draft of the policy, and the

review and approval form, to the executive reviewers or their designees in a – e of this section. Reviewers must acknowledge receipt and review of the draft administrative policy.

- a. Assistant secretaries;
- b. Chief officers;
- c. Division directors or equivalent;
- d. Senior directors; and
- e. RPAU staff.

Note: The [distribution list for executive review](#) includes people listed above in this section under 2 a through e and other interested staff.

3. **Final signature review.** For the final review:
 - a. The policy writer must submit electronically to RPAU the final draft Word version of the policy with a PDF version of the review and approval form signed by their division director or equivalent.
 - b. RPAU will obtain final approval and publish policies on the [DSHS Administrative Policy intranet website](#).

C. Union involvement

During initial review, the HRD labor relations staff must review, and may determine that it is appropriate to send the administrative policy to a DSHS employee union before the policy is finalized. Labor relations staff will notify the policy writer about their decision by contacting the policy writer directly.

If labor relations staff recommend union involvement, the policy writer must work with labor relations staff to either:

- Rewrite the policy; or
- Involve the union using protocol directed by labor relations staff.

D. Sunset review for existing policies

1. All policy writers must complete a sunset review for an existing administrative policy at least every four years. A policy writer may establish a sunset review schedule more frequently than four years, if necessary.
2. Policy writers must request an unlocked, unsigned Word version of the most current policy they wish to amend. All new or updated administrative policies must be in Calibri 12 font.
3. For sunset review, all DSHS administrative policies must go through the entire review process, even if there are no proposed changes.

4. A business need may require a policy to be updated before the four-year sunset review interval, in which case a new sunset review date would be applied four years from the revision date.
5. An existing DSHS administrative policy remains in effect during the sunset review, policies do not automatically expire if the sunset review date is passed.

Note: HRD policies are subject to WAC and collective bargaining agreement effective dates and may be backdated or made retroactive.

E. Housekeeping changes

1. Housekeeping changes may be made to an administrative policy without going through the initial or executive review process outlined in [section B](#) above. The policy writers must obtain approval for the change from their division director, or equivalent, and submit the revised policy to RPAU. See the online [Administrative Policy Guide](#) for procedures on completing a housekeeping change.
2. Policy writers must request an unlocked, unsigned Word version of the most current policy they wish to amend.
3. Housekeeping changes do not result in a change to the revised date or the sunset review date on a policy.

Note: Certain typographical errors and website address updates may not require director approval. Contact RPAU to inquire about these types of changes.

F. Policy writers' responsibilities

All policy writer(s) must:

1. Obtain the approval of their division director before beginning the process to create, revise, or rescind an administrative policy.
2. Conduct sunset reviews on existing administrative policies, update, or rescind administrative policies, and if appropriate based on policy requirements, coordinate with any other programs on the subject matter.
 - a. Who will the policy apply to?
3. Write and revise the administrative policy, using clear language that users will understand. (See [DSHS Branding and Style Guide](#)).
4. Use an EDAI lens ensuring principles are embedded in each AP. (See [Office of Equity, Diversity, Access, and Inclusion](#)'s SharePoint site).
 - a. When writing or updating an AP, the policy writer must consider the following:
 - i. What is the policy subject?
 - ii. What are the desired results and outcomes?
 - iii. Is your policy equitable to all who must follow it, in other words, is there inequity for a particular protected class? How do you know?

- iv. Has input been sought from affected staff or representative subject matter experts? (For example; union, business resource groups, Communities of Practice, Language Access Advisors, Office of Deaf and Hard of Hearing, ADA Advisory, etc.)
- v. Do you have a plan for mitigating unintended consequences?
- vi. What is your plan for policy implementation?
- vii. How will you ensure accountability and effective communication of the policy and evaluate compliance?
- viii. Are policy requirements applied equitably?
- ix. Is person first language used?
- x. Are gender-neutral pronouns used? For example, they/them/theirs.
- b. Are plain talk principles used?
- c. Prior to sending a draft AP for initial review, the AP must be reviewed by the assistant secretary designee (a certified diversity practitioner (CDP) or certified diversity executive (CDE)) to determine if EDAI principles meet the criteria established in subsection (4)(a) of this section.
 - i. The CDP/CDE reviewer will determine whether a need exists for EDAI principles to be embedded and will complete the EDAI AP checklist (included on the 02-003A review and approval form);
 - a. If the draft AP meets the criteria for EDAI principles established in subsection (4)(a) of this section:
 - i. If yes, the CDP/CDE must certify EDAI principles are needed and included in the AP.
 - ii. If no, the CDP/CDE must certify EDAI principles are not needed and the AP policy writer(s) may continue with subsection (5) through (7) of this section.
 - b. The completed checklist denotes CDP/CDE certification of the draft AP.
- 5. Distribute draft policies to all required reviewers in the initial and executive review steps. Allow two weeks for review at each level. If more than three policies are sent for review in the same week, increase review time to three weeks.
- 6. If an assistant secretary's edits are not incorporated, the policy writer(s) must send a copy of the review and approval form to that assistant secretary showing why their edits were not incorporated.
- 7. Provide to RPAU all the necessary documents for final signature.

G. RPAU's responsibilities

RPAU must:

1. Provide technical and writing assistance as requested.

2. Notify the policy writer(s) when an administrative policy is coming due for sunset review. See [section D](#).
3. Review proposed DSHS administrative policies at all stages of the review process.
 - a. RPAU will review the AP and EDAI AP checklist to determine if:
 - i. The AP was reviewed by a credentialed CDP/CDE?
 - ii. Policy requirements were applied equitably?
 - iii. Person first language was used?
 - iv. Gender-neutral pronouns were used?
4. Complete the final preparation of each administrative policy and obtain the appropriate executive signature.
5. Maintain the notification list of all persons who have asked to receive updates about DSHS administrative policies.
6. Keep the official DSHS administrative policy-making files, including:
 - a. Final signed policies;
 - b. Previous versions of policies; and
 - c. Completed review and approval forms.
7. Maintain online resources related to the DSHS administrative policy-making process.
8. Provide training or consultation on the DSHS administrative policy-making process.

H. Communication Plan

A plan will be created to address the notification of employees that an AP was created, revised, or updated. The plan must include multiple methods of communication (such as email, SharePoint, newsletter, etc.) to reach the most employees.

RPAU will send out a periodic sunset status report to all assistant secretaries, division directors, and policy writing staff of the status of their policies.