

Administrative Policy No. 18.19

Subject: **Appointments and Re-employment**

Information Contact: Human Resources Division

Authorizing Source: [Chapter 41.06 RCW State Civil Service Law](#)
[Chapter 357-16 Recruitment, Assessment, and Certification](#)
[Chapter 357-19 Appointment and Re-employment](#)
[Chapter 357-31 Holidays and Leave](#)

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Purpose

To identify requirements for appointing and re-employing candidates in the Department of Social and Health Services (DSHS).

Scope

This policy applies to all DSHS employees in Washington general service who are not covered by a [collective bargaining agreement](#) (CBA). This policy does not apply to employees in Washington management service (WMS).

Additional Guidance

[DSHS administrative policy 9.10 transitional return to work](#)
[DSHS administrative policy 18.16 hiring processes](#)
[DSHS administrative policy 18.31 holidays and leave](#)
[DSHS administrative policy 18.46 layoffs and separations](#)
[DSHS administrative policy 18.63 employee background checks](#)
[Human resources division \(HRD\) guidelines for conducting background checks](#)

Definitions

Appointing authority: An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees. [WAC 357-01-025](#).

Competencies: Measurable or observable knowledge, skills, abilities, and behaviors necessary to successfully perform a task or function.

Elevate: An employer-initiated action that restores an employee to a position in a higher class in which the employee held permanent status 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.

In-training position: A permanent position in which defined training steps are used to train employees to successfully perform duties and responsibilities of a goal class.

Probationary Period: The initial period of employment following certification and appointment to, or re-employment in, the classified service. The probationary period continues for six to twelve months as determined under the provisions of [WAC 357-19-040](#). [WAC 357-01-250](#)

Project position: A classified position established to meet the purpose of a defined project for which the employer expects the work to be of a time-limited nature with an expected end date.

Reassignment: An employer-initiated 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 who had permanent status in a class with the same or similar job duties.

Reversion: Voluntary or involuntary movement of an employee from a position 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](#), [WAC 357-19-117](#), and [WAC 357-01-290](#).

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 6-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:

1. A promotional appointment to a position in a new class;
2. A transfer, voluntary demotion, or elevation when required by the employer under the

provisions of WAC [357-19-030](#); or

3. An appointment within two years of separation due to lay off to a position with a higher salary range maximum than the position the employee was laid off from.

The trial service period will continue for six to twelve months as determined under the provisions of WAC [357-19-050](#). [WAC 357-01-345](#).

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 do not meet the definition of manager found in [RCW 41.06.022](#).

Policy

A. General provisions

1. If this policy is silent on a specific topic or area, refer to the appropriate Washington Administrative Code (WAC) provision for guidance.
2. State human resources (SHR) has delegated authority to DSHS to carry out the activities identified in [chapter 357-19 WAC](#).
3. Hiring will be based on skills, abilities, education, and/or experience described in the DSHS position description form. See [DSHS administrative policy 18.16 hiring processes](#).
4. When a position requires an educational degree, the degree must be from a college, university, or other educational institution that has been accredited by one of the accrediting agencies (i.e. [U.S. Department of Education](#) or [Council for Higher Education Accreditation](#)).

B. Probationary appointment

1. An employee 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 6 months but may be extended to 12 months
 - a. The appointing authority must consult with their [human resource division \(HRD\) business partner](#) before deciding whether to extend the probationary period.
 - b. The employee must receive written notice providing the reason(s) for the extension and the new date for completing the probationary period.

- c. The appointing authority or their designee is accountable for completing all actions in FARM and submitting the extension to be placed into the management operations document imaging system (MODIS).
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 that the new position or class to which the position is allocated is closely related to the previous position, time served by the employee in the initial probationary period counts toward the probationary period of the new position.
 - b. If the appointing authority determines that the new position or class to which the position is allocated is not closely related to the previous position, the time served by the employee in the initial probationary period **does not** count toward the probationary period of the new position.
 - c. 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 or probationary 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 who fails to meet the standards of the position.
 - a. The appointing authority must consult with their [HRD business partner](#) prior to separating the employee.
 - b. A probationary employee must receive a minimum of one calendar days' written notice before being separated.
 - c. An employee separated during the probationary period does not have the right to appeal the separation.

C. Trial service appointment

1. A permanent employee **must** serve a trial service period when the employee is appointed to a position in a new class in which the employee has not held permanent status.
2. The appointing authority determines if a permanent employee **may** serve a trial service period when the employee:
 - a. Transfers;
 - b. Voluntarily demotes;
 - c. Elevates; or
 - d. Reverts (voluntary or involuntary).
3. 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, the employee will not serve a trial-service period. [WAC 357-19-035](#).
 - a. The appointing authority determines the comparability of the position.
 - b. The appointing authority may consult with their [HRD business partner](#) to determine whether the new position is comparable.
4. Supervisors will use the trial service 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.
5. The trial service period may last from 6-to-12 months.
 - a. The appointing authority may extend the trial-service period of an employee, not to exceed a total of 12 months served in trial service status.
 - b. A copy of the extension must be forwarded to their [HRD business partner](#) 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.
6. Use of leave-without-pay or shared leave during the trial-service period will extend the trial-service period, day-for-day.
7. If an employee accepts an appointment to another permanent position within DSHS while serving a trial-service period, the following applies:
 - a. If the receiving appointing authority determines the position or class is closely related, time served by the employee in the initial trial service period will count towards the trial-service period of the new position.
 - b. If the appointing authority determines the position or class to which the position is allocated is not closely related the probationary or trial service period of the new position starts over.

- c. The employee must receive a written notification of the new trial-service appointment and the duration of the new trial service period.
8. 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.
9. 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 from the non-permanent appointment.
10. If an employee in a non-permanent appointment is appointed permanently to the same or a similar position, the appointing authority may allow time worked in the non-permanent appointment to count toward the trial-service period for the permanent position.
11. The appointing authority may revert any employee who fails to meet the standards of the position during the trial service period.
 - a. The appointing authority must consult with their [HRD business partner](#) prior to reverting the employee.
 - b. The employee must receive a minimum of seven calendar days' written notice before being reverted. However, if during the last seven days of a trial service period, the employee commits an egregious act which warrants reversion, the appointing authority may immediately revert the employee without seven calendar days' notice.
 - c. An employee reverted during the trial service period does not have the right to appeal the reversion.
12. An employee may voluntarily revert during their trial-service period under [WAC 357-19-110](#).
 - a. Employee reversion rights are provided by [WAC 357-19-115](#) through [117](#), and [WAC 357-01-210](#).
 - b. An appointing authority may allow a voluntary reversion if the employee requests a reversion within 30 calendar days of their appointment into a trial-service position in another agency:
 - i. The employee must apply, in writing, to return to DSHS, giving 7 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 they last held permanent status in, and the employee wishes to be placed on the DSHS internal layoff list, they must apply to [Department of Enterprise Services](#) for placement on the layoff list. See [DSHS administrative policy 18.45 layoffs and separations](#).

D. Transition review period

The appointing authority may require a 6-month transition 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 to determine whether placement in the position is a good match. [WAC 357-46-035](#). [See DSHS administrative policy 18.46 layoffs and separations](#).

E. Demotions

1. A permanent employee may request a voluntary demotion to a position for which they meet 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 they 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.
3. Reassignment must not result in a change in status and the employee's base salary must not be reduced.

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

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

I. Background checks

Appointing authorities will conduct criminal history background checks on employees or preferred candidates for covered positions. Background check procedures are located in the [human resources division guidelines for conducting background checks](#) and [DSHS administrative policy 18.63 employee background checks](#).

J. In-training

1. Appointing authorities wishing to designate specific positions, groups of positions, or all positions in a class or class series as “In-training” must forward the request to the [HRD classification and compensation unit](#) . Unless other staffing methods have been exhausted, positions with primary responsibility for supervision should not be designated as in-training positions. [WAC 357-19-240](#).
2. An in-training plan [must include](#):
 - a. The title of the goal class of the in-training plan.
 - b. The duties and responsibilities of the goal class.
 - c. The training steps and job classes that will be used to reach the goal class.
 - d. The training content for each step of the in-training plan. The training must include at least one of the following components:
 - i. On-the-job training (knowledge and skill developed through experience);
 - ii. Classroom or field instruction;
 - iii. Courses conducted by an educational institution, vocational school, or professional training organization; or
 - iv. Written, oral, and/or practical examination(s).
 - e. The length of the training steps that are being used to reach the goal class.
 - f. The competencies that must be acquired by the employee while in training to the goal class.
 - g. The method(s) that will be used to determine if the employee has successfully completed the requirements of the in-training plan, in quantifiable objectives at each step.

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 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. [WAC 357-19-250](#).
 - a. In-training plans must provide a minimum of 6 months at each step of the plan before progressing to the next step.
 - b. The training plan at each step must include specific, quantifiable training objectives.
 - c. If an employee demonstrates that they have satisfactorily achieved the training objectives in less than 6 months, the supervisor, through the appointing authority, may request a waiver of the 6-month requirement from the [classification and & compensation unit](#), who is responsible for evaluating and approving the time waiver requests. [WAC 357-19-255](#).
5. For each in-training step, the training plan must identify the job class to which the employee's work is being allocated. The employee's salary, work period designation, and performance evaluation must be based on the allocated class of the In-training step. [WAC 357-19-260](#).
6. An employee who does not have permanent status **must** serve a probationary period when appointed to an in-training position. Once an employee has permanent status, the employee **must** serve a trial service period at each training step within the in-training plan. When an employee is still in a probationary or trial service period and is advanced to the next training step in the in-training plan, the original probationary or trial service period continues, and the employee begins the trial service period of the next step. The original probationary or trial service period and the new trial service period run concurrently until the terms of the original probationary or trial service period are completed. [WAC 357-19-265](#).
7. Time spent in non-permanent appointments in an in-training position before a permanent appointment to the in-training position is not usually counted towards the requirements of the in-training plan. If the appointing authority or their designee determines that the work performed in the non-permanent appointment and the competencies developed satisfy the training plan requirements, the appointing authority or their designee may count the time. The appointing authority or their designee also has authority to determine if time spent in a position before the position was designated as an in-training position counts towards the requirements of the in-training plan.

8. If an employee transfers from one in-training position to another in-training position, the terms of the in-training plan for the new position are in effect.
9. Follow [WAC 357-19-285](#) to determine how to proceed when an employee appointed to an in-training position fails to satisfactorily progress through the in-training plan.

K. Project Positions

1. Project positions must be filled following the requirements in [chapter 357-16 WAC](#).
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 who does not have permanent status in classified service **must** serve a probationary period when appointed to a project position. The employee gains permanent project status upon completion of the probationary period.
4. An employee with permanent status **must** serve a trial service period upon promotional appointment to a project position.
5. A permanent employee who voluntarily transfers or voluntarily demotes to a project position **may** be required by the employer to serve a trial service period.
6. Notice requirements for the employee and manager when the employee accepts a project position are found in [WAC 357-19-330](#).
7. Return rights for a permanent employee returning from a project appointment are outlined in [WAC 357-19-340](#).
8. Employee rights at the conclusion of 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. DSHS is recruiting to fill a vacant position with a permanent appointment.
 - c. DSHS needs to address a short-term immediate workload peak or other short-term needs.
 - d. DSHS 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. Upon appointment, all non-permanent appointees must be notified in writing of the conditions of their appointment or upon any subsequent change to the conditions of their appointment. The written notification must include the following information:
 - a. The reason for the non-permanent appointment in accordance with [WAC 357-19-360](#).
 - b. The hours of work and the base salary.
 - c. The anticipated short-term duration or sporadic nature of the appointment.
 - d. A statement regarding the receipt or nonreceipt of benefits. If the employee is to receive benefits, the statement shall include which benefits are to be received; and
 - e. The right to request remedial action as provided in [WAC 357-19-425](#).
3. The appointing authority approves or denies non-permanent appointment requests lasting up to twelve months in duration.
4. The appointing authority may request non-permanent appointments lasting beyond 12 months to meet business needs. The request must be submitted to their [HRD business partner](#) for approval or denial.
5. Non-permanent appointments may not last more than 24 months unless SHR has approved an extension of the appointment due to the continued absence of a permanent employee.
6. Employees may receive consecutive non-permanent appointments as long as any subsequent appointment is to a different position; or the multiple appointments are of a seasonal nature but don't meet the definition of seasonal appointment because each appointment last less than five months in duration during any consecutive 12-month period.
7. 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.
8. 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.
9. The end date of a non-permanent appointment may be set in the appointment letter.
 - a. If the end date is not set in the appointment letter, the appointing authority must give written notice of the termination date of the non-permanent appointment.

- b. If the employee is a permanent state employee, the employer must provide at least fifteen calendar days' notice. If the employee is not a permanent state employee, the employer must give one workdays' notice.
- c. A non-permanent appointment may be terminated immediately with pay in lieu of the one workday of notice required for non-permanent employees or the fifteen calendar days' notice required for permanent employees.

10. Employees without permanent status appointed to non-permanent appointments have no appeal rights with the exception of remedial action as provided in [WAC 357-19-430](#).

M. Re-employment

1. An appointing authority 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. Upon successful completion of the probationary period, the time between separation and re-employment will be treated as leave without pay and must not be considered a break in service.
4. Per [WAC 357-31-160](#), former employees who are re-employed 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 re-employed 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 357-19-530](#).

See [DSHS administrative policy 9.10 transitional return to work](#) for additional information on the transitional return to work program.

2. The DSHS 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.
3. A current DSHS employee or separated DSHS employee who reached permanent status may be eligible to participate in the program for a maximum of two years from the date the employee's time loss began.