

## Administrative Policy No. 18.77

**Subject:** Delegation of Authority for Hearing Secretary Level Grievances and Trial-Service/Transition Review Separations

**Information Contact:** DSHS Human Resources Division

**Authorizing Source:** RCW [43.20A.110](#) Secretary's Delegation of Authority [Collective Bargaining Agreements \(CBAs\)](#)

**Effective Date:** July 1, 2005

**Revised:** January 17, 2024<sup>01 Housekeeping 2/26/24</sup>

**Approved By:** **Original signed by Wendy Long**  
Senior Director, Human Resources Division

---

### Purpose

The Department of Social and Health Services (DSHS) encourages informal problem resolution between employees and management at the earliest opportunity and at the lowest level. Supervisors and employees are encouraged to engage in free and open discussions about disputes.

The purpose of this policy is to provide direction regarding the delegation of authority to hear secretary-level grievances and trial service/transition reviews for all DSHS employee grievances.

### Scope

This policy covers DSHS employees including those under a [collective bargaining agreement](#) (CBA) and non-represented employees.

If a provision of this policy is in conflict with a [collective bargaining agreement](#) (CBA), or where the CBA provides additional requirements, the CBA will supersede the provision in which it conflicts for represented employees.

### Additional Guidance

[DSHS administrative policy 18.19 appointments and reemployment](#)

[DSHS administrative policy 18.61 employee grievances](#)

[Coalition](#) CBA, see [article 31](#)

[Service employees international union healthcare 1199NW](#) (SEIU) CBA, see [article 36](#)

[Washington federation of state employees](#) (WFSE) general government CBA, see [article 29](#)

## Definitions

**Arbitration:** A procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute, out of court.

**Mediation:** An alternative dispute resolution process where parties engage in negotiation to resolve the issues in a dispute. An independent third party, the mediator, will assist the parties to identify the key issues in dispute, and consider options to settle the matter. Mediation may be voluntary, court-ordered, or required as part of the dispute resolution clause in a contract.

### Grievance:

- For employees represented by the Coalition: Pursuant to Article 31 of the CBA, a grievance is an allegation by an employee or a group of employees that there has been an act that violates the CBA which occurred during the term of the agreement. The term “grievant” as used in article 31 includes the term “grievants.”
- For employees represented by Service Employees International Union Healthcare (SEIU) 1199NW: Pursuant to Article 36 of the CBA, a grievance is an allegation by a nurse or a group of nurses that there has been a violation or misapplication of the CBA, which occurred during the term of the agreement. The term “grievant” as used in article 36 includes the term “grievants.”
- For employees represented by the Washington Federation of State Employees (WFSE): Pursuant to Article 29 of the CBA, a grievance is an allegation by an employee or a group of employees that there has been a violation, misapplication, or misinterpretation of the CBA, which occurred during the term of the agreement. The term “grievant” as used in article 29 includes the term “grievants.”
- **Non-represented employees:** Classified employees whose positions are not part of a bargaining unit with a certified exclusive representative use the grievance process described in [DSHS administrative policy 18.61 employee grievances](#).

**Secretary-level grievance:** Grievances heard by the DSHS secretary’s designee as follows:

- For employees represented by the Coalition, the third step in the grievance process.
- For non-represented employees, the third and final step in the grievance process.
- For employees represented by SEIU 1199NW, the second step in the grievance process.
- For employees represented by WFSE, the third step in the grievance process.

**Transition review period separation review:** A review conducted by the DSHS secretary or their designee in response to a request from an employee who is separated during their transition review period (see [WAC 357-46-110](#)), and who is covered by either the WFSE CBA or

the SEIU 1199NW CBA.

**Trial service separation review:** A review conducted by the DSHS secretary or their designee in response to a request from an employee who is separated during their trial service period (see [DSHS administrative policy 18.19 appointments and reemployment](#)), and who is covered by the WFSE.

## Policy

### A. Delegation of authority

The secretary has delegated authority to the senior director of DSHS human resources division (HRD) to hear secretary-level grievances and conduct reviews of trial-service or transition review separations. (See [DSHS administrative policy 18.19 appointments and reemployment](#).) The senior director of DSHS HRD has delegated this task to the DSHS HRD labor relations specialists.

### B. DSHS labor relations specialists are responsible for:

1. Hearing secretary-level grievances and providing written decisions within the timeframes specified in the CBAs or [DSHS administrative policy 18.61 employee grievances](#)
2. Reviewing the circumstances of trial-service or transition review separations in accordance with the applicable CBAs and issuing written decisions within a reasonable timeframe.
3. Attending grievance arbitrations and mediations on behalf of DSHS. *Note: The Office of the Attorney General represents DSHS at these proceedings.*

### C. Appointing authorities or their designee:

1. Must consult with their [human resource business partner](#) prior to hearing the first-level grievance, for employment related tort claims to:
  - a. Determine whether there is a pending tort claim or lawsuit filed by the employee or groups of employees making the same allegations as in the grievant.
  - b. Resolve the grievance, tort claim, or litigation, simultaneously, if appropriate.

<sup>01</sup>Link updates 2024 SharePoint move.