



**RESOLUTION NO. 2023-02**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF  
WESTERN WASHINGTON UNIVERSITY**

**EXEMPTING SOME CLASSIFIED STAFF ROLES FROM THE  
TEMPORARY/NONPERMANENT CLASSIFICATION**

**WHEREAS**, the Washington State Legislature passed legislation, made effective on July 1, 2022, regarding classified temporary employees subject to Washington State civil service rules (WAC 357.04.045).

**WHEREAS**, the legislation limits the time and duration classified temporary employees may work for Western Washington University, specifically 1,050 hours or less in a 12-month period from the date of original date of hire or July 1, 2022, whichever is later.

**WHEREAS**, the legislation limits the employee to one appointment only with the same higher education employer.

**WHEREAS**, the governing board of each institution may exempt certain classifications from Chapter 41.06, RCW. These classifications involve research activities, counseling of students, extension or continuing education activities and graphic arts or publication activities requiring prescribed academic preparation or special training (RCW 41.06.070).

**WHEREAS**, it is recommended that Western Washington University exempt such classifications, as detailed in the attached proposal. These exemptions are permitted by RCW 41.06.070(2)(b).

**NOW, THEREFORE BE IT RESOLVED** by the Board of Trustees of Western Washington University that this Resolution is formally adopted.

**PASSED AND APPROVED** by the Board of Trustees of Western Washington University at its regular meeting on February 9, 2023.

ATTEST:

John M. Meyer, Chair

Faith Li Pettis, Vice Chair

## **Exempting classified staff from chapter classifications to cover temporary resourcing needs**

This is to recommend Board of Trustees approval to exempt some classified staff roles from recent legislation regarding temporary and nonpermanent employees, per RCW 41.06.070(2)(b).

### **Background**

In 2018, House Bill 2669 removed “part-time” as exempt from state civil service law (RCW 41.06). This change forced a redefinition of “temporary” to cover more employees under state civil service law. The Office of Financial Management (OFM) State Human Resources division began rulemaking in 2018 and finalized rules in 2021.

Temporary classified hourly staff are defined in WAC 357-04-045 and are exempt from civil service when they work 1,050 hours or less in a 12-month period from the anniversary of their original date of temporary employment. Additionally, the rules do not allow for reappointment to a subsequent temporary appointment to the same institution and remove the ability to ask OFM for exemptions to the 1,050-hour or 12-month limit. One of the reasons the WAC limits the employee to only one appointment with the same employer is to prohibit employers from rehiring a temporary employee into another temporary position right after the employee’s first temporary position ends.

Western, in accordance with the other Washington State 4-Year institutions, will introduce a new type of employment called ‘nonpermanent’. This type of employment is covered by only a few sections of civil service rules. Nonpermanent employment was previously a type of employment available only to general government employers (WAC 357-01-210).

### **Proposal**

The impact of the new legislation regarding temporary classified employees is manageable for some areas, yet it presents many challenges for our academic and some supporting departments. In some cases, particularly student advising or counseling, a few classified staff are hired on an as-needed basis, and, because of the institutional knowledge required, it is beneficial to have the same individual return each year. Other times, individuals providing vital student services are hired into more than one part-time position.

Besides operational challenges for some areas, there is an additional overarching motivation stemming from Western’s educational mission. Learners often engage with Western over a period of many years during which they can be both students and employees of the university. They may begin as undergraduate employees, continue as a postbaccalaureate research assistant, transition to a graduate program and serve as a TA, RA or an NTT instructor, and sometimes eventually become a temporary or permanent employee.

The applicable statute, RCW 41.06.070(2)(b), allows for exemption to the WAC for certain classified job roles:

The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision.

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The proposed exemption covers many areas. For example, in research areas, exemption addresses what could otherwise be a barrier in the way researchers are traditionally trained and prepared for the workforce, through a series of appointments with increasing responsibilities. In addition, it would allow for continuing support from trained professionals in the advising or counseling of our students.

Western intends to implement this exemption to apply it to all temporary positions subject to RCW 41.06.070(2)(b). As Western identifies positions suited for exemption it will take care to respect union rights, including bargaining rights. Any impact on bargaining unit work or working conditions will be bargained consistent with union rights.

The following provides definitions for relevant terms as well as examples of the types of roles encompassed under the exemption at Western. Below are examples of how it applies in specific areas.

### 1. Research Activities

**Definition:** *Research activities are activities involving “investigation or experimentation aimed at the discovery and interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories or laws.”<sup>1</sup>*

#### Examples of roles

Examples of research worker roles from [OFM’s Classified Job Listing](#); this list is for illustrative purposes and is not exhaustive.

- Most in common ones in Western:
  - DATA CONSULTANT Series<sup>2</sup>
  - RESEARCH AIDE Series
  - RESEARCH STUDY COORDINATOR Series
  - RESEARCH TECHNOLOGIST Series
- Less common, but likely to be used:
  - ENGINEERING TECHNICIAN Series
  - SCIENTIFIC TECHNICIAN Series
  - LABORATORY TECHNICIAN Series
  - MARINE TECHNOLOGIST Series
  - MICROBIOLOGIST Series
  - RESEARCH INVESTIGATOR Series
  - ENGINEER-DECKHAND, OCEANOGRAPHIC RESEARCH VESSEL

### 2. Counseling/Advising Activities

**Definition:** *Academic advising takes place in “situations in which an institutional representative gives insight or direction to a college student about an academic, social, or personal matter. The*

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<sup>1</sup> “Research.” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/research>. Accessed 6 October 2022.

<sup>2</sup> OFM’s Classified Job Listing identifies these roles as performing research work; Data Consultant 1 roles are hired within CBE, often to support consumer survey research.

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*nature of this direction might be to inform, suggest, counsel, discipline, coach, mentor, or even teach."*<sup>3</sup>

### **About the Positions**

Advising & Registration (A&R) advisors serve as critical members of the advising team, often acting as the first advising point of contact providing counsel, information and resources that will be utilized throughout a student's time at Western. During an A&R session, advisors are assigned to groups based on student type (i.e., First-Year, Transfer) where they co-lead an advising presentation with an Academic Student Advisor (ASA). Topics include academic university policies, graduation requirements, information about majors/minors, A&R online tools and resources, math advising, campus resource information, and more.

Advisors provide individual advising following the presentation to support students in creating schedule options, answer academic planning questions, and make sure students are feeling prepared for their first quarter class registration. Advisors meet with students individually in the afternoon to assist students with final planning and get registered for classes. Advisors are provided with extensive training, practice, and ongoing support throughout A&R.

### **Examples of roles**

We are still investigating this as it looks like the temporary classified staff that provide counseling and advising at A&R may be either Faculty Temporary or as their regular classified role, Program Coordinator, which would not be able to be exempted. The only relevant role found so far in [OFM's Classified Job Listing](#) is 253L, a Curriculum Advisor.

### **3. Extension or Continuing Education Activities**

From reviewing temporary hires over the past year, any Classified staff hired on a temporary basis to support the summer academic curriculum are hired through the respective Western academic department. There was one Professional Staff Temporary Employee hired as a Research Associate 1.

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<sup>3</sup> (p. 3). Kuhn, T. (2008). Historical Foundations of Academic Advising. In Gordon, Habley and Grites. *Academic Advising: A Comprehensive Campus Process*. San Francisco: Jossey-Bass