

**S. MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE OF WASHINGTON
AND
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
AND
WASHINGTON FEDERATION OF STATE EMPLOYEES**

**Compensation for Overtime-Exempt Employees Providing Relief Coverage Outside
of their Current Job Duties during Emergency Staffing in 24/7 Operations**

The Department of Social and Health Services BHA and DDA 24/7 facilities have encountered and continue to encounter significant challenges in maintaining staffing levels critical to operations, service delivery, and ensuring staff and resident/participant safety. 24/7 Staff are experiencing significant fatigue and diminished work/life balance due to the number of hours they are working in order to meet operational, patient, resident/participant, and staff safety needs. In order to maintain critical staffing levels, meet the operational needs, and help reduce staff fatigue, the Department of Social and Health Services (DSHS) has implemented emergency staffing plans at its 24/7 facilities within the Behavioral Health Administration (BHA), the Developmental Disabilities Administration (DDA), Residential Rehabilitation Centers (Lakeland Village, Yakima Valley School, Rainier School, and Fircrest School), and State Operated Community Residential facilities (SOCRs) located throughout Washington state.

To address emergency staffing needs, DSHS must be able to cover the work using all available employees. This MOU only applies to overtime-exempt employees who volunteer to perform work outside of their regular work schedule or on a regularly scheduled day off. This work is not part of the overtime-exempt employee's normal working hours or job duties. For purposes of this MOU, the work needed to maintain operations during emergency staffing may include but is not limited to work related to patient/resident care, food service, custodial, and laundry services.

The Employer and Union agree to the following:

1. Emergency staffing levels will be determined at the sole discretion of the CEO of the 24/7 BHA facility or the Superintendent of the 24/7 facility at Lakeland Village, Yakima Valley School, Rainier School, or Fircrest School. For DSHS SOCR facilities, emergency staffing will be determined at the sole discretion of the Director of State Operated Community Residential Programs.
2. The Appointing Authority will determine when employee volunteers are needed to perform work based upon the emergency staffing situation at their facility. Denials of any offer to volunteer will not be subject to the grievance procedure in Article 29 Grievance Procedure.

3. DSHS will make every effort to fill positions with WFSE bargaining unit employees assigned to that work prior to assigning a volunteer under this MOU. This includes contacting and offering overtime to on-call staff and WFSE represented overtime eligible employees at the facility who volunteer.
4. Overtime-exempt WFSE bargaining unit members will receive hour-for-hour straight time compensation at their regular hourly rate for hours worked under this MOU. This rate will only apply to hours spent performing the duties of the job for which they are volunteering during a staffing emergency. Work does not include vacation, sick, compensatory time, holidays, shared leave, leave without pay, additional compensation for time worked on a holiday, or time compensated as standby, callback, or any other penalty pay.
5. All employees who volunteer and are approved to perform work outside their regular job duties will be provided training and oversight to allow them to perform safely the duties they are volunteering to cover.

Effective ~~April 7, 2022~~ July 1, 2022 ~~December 22, 2022~~

This MOU will expire on ~~June 30, 2022~~ November 30, 2022 ~~January 31, 2023~~


Dated ~~April 7, 2022~~ June 10, 2022

For the Employer



Scott Lyders, Senior Labor Negotiator
OFM/SHR/LRS

For the Union



Kurt Spiegel, Interim Executive Director
Washington Federation of State Employees