

RCW 41.06.070

Exemptions -- Right of reversion to civil service status -- Exception.

- (2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:
- (a) Members of the governing board of each university of higher education and related boards, all presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an university or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW [28B.50.092](#) and assigned to an educational program operating outside of the state of Washington;
 - (b) The governing board of each university, 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;

Exemption Criteria Summary

In accordance with the Revised Code of Washington (RCW) 41.06.070, for a position to be considered eligible for an Exempt appointment at Central Washington University it must qualify for one of the following exemption criteria listed below. To remain in compliance with the RCW and the Fair Labor Standards Act (FLSA), the Human Resources Office audits each position and must determine the exemption, official title, and overtime eligibility.

Mandatory Exemptions

1. **Executive Heads of Major Administrative or Academic Divisions**

- President
- Provost
- Vice President

2. **Confidential Secretaries, and Administrative and Personal Assistants to the President and Vice Presidents**

3. **Principal Assistants to Executive Heads**

Individuals serving as principal assistants to executive heads of a major administrative or academic division and who have major administrative or program responsibility within the division and report directly to the executive head. The employee regularly exercises independent judgment and discretion in work directly related to management policies or department business operations and has delegated authority to make commitments that affect department operations.

Note~ Positions exempted using this definition shall not appear below the third level in terms of a reporting relationship to the President. Examples may include, but not limited to, Associate Vice President and Assistant Vice President.

4. **Deans, Chairs and Academic Personnel**

- Deans
- Associate Dean

5. **Directors**

Directors must have substantial responsibility for directing and controlling departmental operations and is accountable for allocation of resources and program results. Directors provide strategic leadership and direction to the organization and have fiscal responsibility for budget oversight and other administrative functions. Directors represent the organization to internal and external constituencies.

Note~ Department is defined as an organizational entity within a division reporting to an Academic Administrator, AVP or higher. Departments are classified as either large, medium or small and are distinguished by size of annual budgets, number of employees, complexity, diversity and scope of departmental functions and the impact of internal or external public contact.

6. **Managerial or Professional Employees Having Substantial Responsibility**

Exemptions under this section are classified as either managerial or professional defined as exempt by FLSA standards (<http://www.dol.gov/esa/whd/flsa/>). The work is of substantial importance to the management or operation of the university. Customarily and regularly exercises discretion and independent judgment, with authority to make decisions freely without needing to consult a superior. The work must require the employee to compare and evaluate possible courses of conduct and act or make a decision after various possibilities have been considered. This decision-making power should be real and substantial, free from immediate supervision, and exercised with regard to matters of consequence.

Positions must meet one of the following:

- A.) Responsible for directing or controlling program operations and accountable for allocation of resources and program results; **or**
- B.) Responsibility for the formulation of university policy; **or**
- C.) Responsibility for carrying out duties in one of the following areas:

1. **Human Resources**

Positions responsible for exercising discretion and independent judgment in effecting, executing, and discharging personnel functions, such as employment, classification, benefits, affirmative action/equal employment opportunity, labor relations, employee relations, and training.

2. Legislative Relations

Positions responsible for promoting information flow to and from local, state, and national governments; devising university's lobbying strategies; and monitoring and analyzing bills and policies.

3. Public information

Positions responsible for planning and directing the development and communication of information designed to keep the public informed of the university's programs, accomplishments, and point of view.

4. Development

Positions responsible for establishing the unit's fundraising goals and developing methods to accomplish them, planning and conducting public contact programs designed to promote the public's understanding of the unit's activities, and/or cultivating donors.

5. Senior computer systems and network programming

Positions responsible for senior computer systems and network programming who independently perform work assignments, and devise methods and processes to meet new and unique work requirements and problems. Employees having substantial responsibility in at least one of the following areas:

- Applying systems analysis techniques and procedures including consulting with users to determine hardware, software, or system functional specifications; or
- Designing, developing, documenting, analyzing, creating, testing, or modifying computer systems or programs, including prototypes based on and related to user or system design specifications.

Note~ Individual in a position primarily engaged in the operation, manufacture, repair, or maintenance of computer hardware or related equipment and positions whose work relies heavily on the use of computers and/or computer software programs, but who are not engaged in system analysis or programming, are excluded from exemption under this definition.

6. Internal audits and investigations.

Positions responsible for examining and analyzing fiscal or other administrative records, practices and procedures of the university for compliance with various internal and external regulations and policies, effectiveness of established controls, efficiency of operations, and accuracy of reports and records. Individuals report to management on audit results and make recommendations for improving operations, and/or resolving complaints regarding improper practices.

Discretionary Exemptions

In accordance with the Revised Code of Washington (RCW) 41.06.070, for a position to be considered eligible for a discretionary exempt appointment at Central Washington University it must qualify under the criteria listed below. To remain in compliance with the RCW and the Fair Labor Standards Act (FLSA), the Human Resources Office audits each position and must determine the exemption, official title, and overtime eligibility.

- 1.) Positions must be defined as exempt by FLSA standards.**
- 2.) Positions must have responsibility for carrying out duties in one of the following areas:**

A.) Counseling of Students

Positions with primary functions of directing and/or participating in providing academic, athletic, career, medical, financial aid, student activity, and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

B.) Continuing Education

Positions responsible for administrative, operational and/or educational components of continuing education activities or programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

C.) Research

Positions requiring formal academic preparation at least at the bachelor's level or demonstrated professional competence in a specific field of research, and having responsibility for or assisting in one or more of the following tasks:

- Identifying and defining research problems,
- Designing approaches or hypotheses to be tested and the methodology to be used,
- Designing specific phases of research projects,
- Analyzing results,
- Developing conclusions and hypotheses,
- Presenting research results in publishable form, and/or
- Obtaining research grants.

D.) Graphic Arts and Publications

Positions responsible for selected graphic arts or publication activities requiring prescribed academic preparation or special training. The work requires original design and layout, is distinguished from positions associated with the standard editorial functions.