

WAC 358-20-050 Declaratory rulings. (1) As prescribed by RCW 34.04.080, any interested party may petition the personnel appeals board for a declaratory ruling with respect to the applicability to any person, property or state of facts of any statute or rule enforceable by the personnel appeals board. The petition must be filed in the principal office of the personnel appeals board.

(2) Upon receipt of a petition for declaratory ruling, the executive secretary or his/her designee will acknowledge receipt of the petition and send a copy to the other parties.

(3) The personnel appeals board shall consider the petition without argument and within a reasonable time will:

(a) Notify the petitioner that no declaratory ruling will be issued;

(b) Based on the information in the petition, issue a nonbinding declaratory ruling; or

(c) Notify the parties of the time for submitting written argument or of a time and place for hearing oral argument. If a hearing is scheduled, the notice will inform the parties whether a decision, when rendered, will be binding between the agency and the petitioner.

(4) After considering argument, the personnel appeals board will:

(a) If written argument was submitted, notify the parties within a reasonable time that no declaratory ruling will be issued or issue a nonbinding ruling.

(b) If a hearing is held, notify the parties within a reasonable time that no declaratory ruling will be issued; issue a nonbinding ruling; or if the notice so provided, issue a binding ruling.

(5) A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court. Such a ruling is subject to review in the superior court of Thurston County in the manner provided in the Administrative Procedure Act (chapter 34.04 RCW) for the review of decisions in contested cases.

[Statutory Authority: RCW 41.64.060. WSR 82-14-007 (Order 82-1), § 358-20-050, filed 6/25/82. Statutory Authority: Chapter 41.64 RCW. WSR 82-01-053 (Order 81-4), § 358-20-050, filed 12/16/81.]