

Title 359 WAC

PERSONNEL, DEPARTMENT OF (PERSONNEL RESOURCES BOARD)

(5) An employee who is promoted to a different Washington management service position in the same agency during the review period, will begin a new review period for the new position. The employee will concurrently serve both the original and the new review period and will attain permanent status as a state employee in the original position when the original review period elapses.

(6) An employee who is promoted to a different Washington management service position in a different agency during the review period will begin a new review period for the new position. The employee will not attain permanent status in the original position in the former agency unless agreed to in writing by the appointing authorities in both agencies.

(7) An employee who is appointed to a Washington management service position from a Washington general service position in the same agency while serving a probationary or trial service period in the same or similar occupational field will serve the trial service or probationary period concurrently with the review period. The employee will attain permanent status in the previous job classification once the original probationary or trial service period elapses.

(8) An employee who is appointed to a Washington management service position from a Washington general service position in a different agency while serving in a probationary or trial service period will not attain permanent status in the original position in the former agency unless agreed to in writing by the appointing authorities in both agencies.

(9) The agency may require a review period when the employee remains in the same position and receives a promotion.

[Statutory Authority: RCW 41.06.150. 01-03-003, § 356-56-220, filed 1/4/01, effective 5/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-220, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-220, filed 12/17/93, effective 1/18/94.]

WAC 356-56-600 Appeals. (1) Only disciplinary action as defined in WAC 356-56-500, transfer that is alleged to be an unreasonable commute, disability separation, nondisciplinary separation made under the provisions of WAC 356-56-203 (5)(e) of these rules, or reduction in force action directly affecting a permanent Washington management service employee may be appealable to the personnel appeals board as provided in Title 358 WAC.

(2) Decisions on which Washington management service positions shall be eliminated under reduction in force actions shall not be appealable to the personnel appeals board.

[Statutory Authority: RCW 41.06.150. 01-21-051, § 356-56-600, filed 10/15/01, effective 12/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-600, filed 12/17/93, effective 1/18/94.]

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Chapter 359-07 WAC

PUBLIC RECORDS

(Effective January 1, 2003)

WAC

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WAC 359-07-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department of personnel with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25 through 32 of that act (RCW 42.17.250 through 42.17.350), dealing with public records.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-07-010, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-07-010, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-07-010, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-07-010, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-07-010, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-010, filed 12/29/93, effective 1/1/95.]

WAC 359-07-020 Public records—Writings—

Defined. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents and electronic records.

(3) Both "public records" and "writings" as described in subsections (1) and (2) of this section are the property of the state of Washington and, in accordance with chapter 40.14

RCW, require the authority of the state records committee before their disposal may be accomplished.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-07-020, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-07-020, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-07-020, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-07-020, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-07-020, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-020, filed 12/29/93, effective 1/1/95.]

WAC 359-07-030 Description and location of departmental organization. (1) The central office of the department of personnel is located at 521 Capitol Way S., Olympia, Washington.

(2) The staff is organized in five general areas:

(a) Recruitment division which provides for recruitment, examination, examination development, and certifications.

(b) Compensation and classification division which provides for salary surveys, compensation plan administration, classification, agency services and services to institutions of higher education and related boards.

(c) Human resource development division (located at 600 South Franklin Street, Olympia, Washington) which provides consultation on human resource development activities to agencies, training which is interagency in scope and guidelines for agency planning and evaluation of human resource development.

(i) Within the human resource development division, the employee advisory service offices are at the following locations: 3400 Capitol Boulevard, Olympia, Washington; 613 - 19th Avenue E., Suite 101, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

(d) Administrative division which provides departmental fiscal management, facilities, word processing support, agency personnel services, affirmative action, client relations, and labor relations services.

(e) Information systems division (located at Building #1, Rowsix, Lacey, Washington) which administers the central personnel/payroll and insurance eligibility computer systems.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-07-030, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-07-030, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-07-030, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-07-030, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-07-030, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-030, filed 12/29/93, effective 1/1/95.]

WAC 359-07-040 General method of operation. (1) The general conduct of agency business is pursuant to the charter established in chapters 41.06 and 41.05 RCW, and Title 359 WAC.

(2) Provisions for all interested parties to participate in formulation of rules governing administration of the law is assured by a twenty-day notice requirement prerequisite to formal personnel resources board action on any jurisdictional matter, except appeals.

(3) Special meetings may be called by the board subject to twenty-four hour notice, as required by law.

(4) Informal work sessions with interested parties are conducted by staff of the department of personnel as neces-

sary to ensure representation from interested parties before proposals are made to the board.

(5) All business of the department of personnel will be conducted in facilities which are accessible and/or in a manner which reasonably accommodates the needs of persons of disability.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-07-040, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-07-040, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-07-040, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-07-040, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-07-040, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-040, filed 12/29/93, effective 1/1/95.]

WAC 359-07-050 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department of personnel. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-07-050, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-07-050, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-07-050, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-07-050, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-07-050, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-050, filed 12/29/93, effective 1/1/95.]

WAC 359-07-055 Records index. (1) A public records index shall be maintained for all records which fall within the requirements of RCW 42.17.260.

(2) The index shall include a short title, brief description, the time period covered, the physical location and the custodial division for each record.

(3) The index will be updated on a continual basis as needed.

(4) Copies of the index will be made available at no charge upon request to the public records officer for the agency.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-07-055, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-07-055, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-07-055, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-07-055, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-07-055, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-055, filed 12/29/93, effective 1/1/95.]

WAC 359-07-060 Records availability—Copies obtained. (1) Subject to WAC 359-07-070, copies of all public records defined in WAC 359-07-020 and identified in current indexes maintained in the Olympia office of the department of personnel shall be made available upon written request to the staff member designated by the director or his designee. Responses to such requests will be in the order received.

(2) No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the director and must be accomplished without excessive interference with the essential functions of the agency.

(3) Copies of records will be made available at not more than actual cost to the department of personnel as determined

by the director. Rules and regulations will be made available without charge.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-07-060, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-07-060, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-07-060, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-07-060, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-07-060, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-060, filed 12/29/93, effective 1/1/95.]

WAC 359-07-070 Exemptions—Public records. (1)

The department of personnel shall determine which public records requested in accordance with these rules are exempt under the provisions of RCW 42.17.310.

(2) Pursuant to RCW 42.17.260, the department of personnel may delete identifying details when it makes available or publishes any public record and in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer or a designated staff member will fully justify such deletion in writing.

(3) Denials by the designated staff member of requests for public records must be accompanied by a written statement specifying the reason for the denial. A statement of the specific exemption in chapter 42.17 RCW authorizing withholding the record and a brief explanation of how the exemption applies to the record withheld will be included.

(4) Denials of requests for public records will be reviewed by the director or designee within two working days of the denial.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-07-070, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-07-070, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-07-070, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-07-070, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-07-070, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-070, filed 12/29/93, effective 1/1/95.]

Chapter 359-09 WAC

AFFIRMATIVE ACTION (Effective January 1, 2003)

WAC

359-09-010	Purpose.
359-09-012	Guidelines.
359-09-015	Governor's affirmative action policy committee.
359-09-020	Required submissions.
359-09-030	Reasonable accommodation.
359-09-040	Department of personnel.
359-09-050	Testing—Supplemental certification.

WAC 359-09-010 Purpose. The purpose of this chapter is to provide guidance to state agencies, higher education institutions, and related boards to comply with the provisions of chapters 41.06, 49.60, and 49.74 RCW, and executive orders, which provide for affirmative action and equal employment opportunity. Equal employment opportunity is equal opportunity for all in employment matters; affirmative action is good faith efforts designed to correct the effects of past discrimination. Agencies, higher education institutions, and related boards will take measures to remove barriers to equal employment opportunity, to provide for affirmative action where underutilization exists, and to monitor progress

toward achieving affirmative action goals through internal affirmative action programs.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-09-010, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-09-010, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-09-010, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-09-010, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-09-010, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-010, filed 3/2/94, effective 1/1/95.]

WAC 359-09-012 Guidelines.

State agencies, higher education institutions, and related boards shall use the applicable guidelines in the development, implementation, and monitoring of affirmative action programs. References to affirmative action guidelines in this chapter, unless noted differently, shall mean state guidelines for state agencies, state guidelines for higher education institutions, or the regional standard affirmative action format.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-09-012, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-09-012, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-09-012, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-09-012, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-09-012, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-012, filed 3/2/94, effective 1/1/95.]

WAC 359-09-015 Governor's affirmative action policy committee.

The governor's affirmative action policy committee shall have jurisdiction for the development and oversight of affirmative action plans, including approving affirmative action plans for state agencies, higher education institutions, and related boards for implementation strategies and goal progress.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-09-015, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-09-015, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-09-015, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-09-015, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-09-015, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-015, filed 3/2/94, effective 1/1/95.]

WAC 359-09-020 Required submissions.

State agencies, higher education institutions, and related boards shall submit to the department of personnel policy statements, workforce profiles, and/or affirmative action plans and updates. The content and submission requirements shall be in accordance with the applicable guidelines. Policy statements will include statements on equal employment opportunity, affirmative action, sexual harassment, and reasonable accommodation.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-09-020, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-09-020, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-09-020, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-09-020, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-09-020, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-020, filed 3/2/94, effective 1/1/95.]

WAC 359-09-030 Reasonable accommodation.

State agencies, higher education institutions, and related boards will provide reasonable accommodation for persons with disabilities as required by state and federal law. Reasonable accommodation may include, but is not limited to, accommo-

dation in application procedures, testing, and modifications or adjustments to a job, work method, or work environment that make it possible for a qualified person with a disability to perform the essential functions of a position.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-09-030, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-09-030, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-09-030, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-09-030, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-09-030, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-030, filed 3/2/94, effective 1/1/95.]

WAC 359-09-040 Department of personnel. The department of personnel is responsible for administering the state's affirmative action program. It provides technical assistance in the development and implementation of affirmative action plans and programs to state agencies, higher education institutions, and related boards. In keeping with these responsibilities, and per applicable guidelines and state and federal laws, the department of personnel shall:

(1) Establish guidelines to assist in developing and implementing affirmative action plans.

(2) Provide the data essential in conducting required availability analysis.

(3) Provide technical review and approval of policy statements and affirmative action plans and updates. Submit technically approved plans and updates to the governor's affirmative action policy committee.

(4) Monitor the department's recruitment, testing, and training and career development programs for adverse impact, as necessary.

(5) Upon request of state agencies, higher education institutions, and related boards, assist in the recruitment of protected group members, including target recruitment when the representation of protected group members is less than their availability.

(6) Review the progress of state agencies, higher education institutions, and related boards, in meeting goals and addressing problems identified in affirmative action plans and programs.

(7) Review statewide employment trends such as appointment, promotion, transfer, terminations, and formal disciplinary actions for adverse impact, as necessary.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-09-040, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-09-040, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-09-040, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-09-040, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-09-040, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-040, filed 3/2/94, effective 1/1/95.]

WAC 359-09-050 Testing—Supplemental certification. (1) The department of personnel will make reasonable accommodations for persons with disabilities during test procedures.

(2) When a state agency, higher education institution, or related board has established affirmative action goals for classified employees in accordance with the applicable guidelines:

(a) Members of underutilized groups may be added anytime to registers and eligible lists as provided in chapter 359-26 WAC.

(b) When available, additional names of eligibles who meet applicable affirmative action criteria shall be certified in accordance with chapter 359-26 WAC.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-09-050, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-09-050, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-09-050, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-09-050, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-09-050, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-050, filed 3/2/94, effective 1/1/95.]

Chapter 359-14 WAC

ELIGIBLE LISTS AND REFERRALS (Effective January 1, 2003)

WAC

359-14-010	Maintenance of eligible lists.
359-14-020	Name removal.
359-14-030	Referrals.
359-14-050	Noncompetitive eligible list.
359-14-070	Combined eligible lists.
359-14-080	Specialized qualifications.
359-14-100	Eligible list designations.
359-14-130	Internal procedure for transfer, lateral moves, and voluntary demotion.

WAC 359-14-010 Maintenance of eligible lists. (1) The establishment, maintenance, adequacy of, and referral from all eligible lists shall be the responsibility of the director, director's designee, or the higher education institution's personnel officer.

(2) The director may, as requested, designate agency personnel officers to act as agents of the Department of Personnel for the purposes of establishing and/or maintaining local eligible lists and referral of names from those eligible lists in accordance with these rules. The director shall develop necessary procedures for local eligible lists which include audit/periodic review provisions.

(3) The director shall be responsible for establishing periodic reviews of examination, selection and hiring activities within the agencies and higher education institutions.

(4) The director, director's designee, director's agency designee with local eligible list authority, and higher education institution's personnel officer has authority to:

(a) Add additional names to the eligible lists.

(b) Remove names from referrals and/or eligible lists.

(c) Cancel the entire eligible list when the class or examination has changed to the degree that the list would be invalid and notify all affected applicants of the cancellation.

(d) Combine eligible lists as provided in WAC 359-14-070.

(e) Determine when specialized qualifications are justified for a position as provided in WAC 359-14-080.

(5) Eligibility on an eligible list shall be measured from the date that the applicant's name is placed on the list, except for the layoff lists. An applicant's eligibility on the layoff lists shall be measured from the effective date of the qualifying action.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-14-010, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-14-010, filed 4/24/00, effective 1/1/02.]

WAC 359-14-020 Name removal. The director, designee or higher education institution's personnel officer may remove an applicant's name from a referral and/or an eligible list for the following reasons. The applicant shall not have a review or appeal when the name removal is due to the reasons indicated in (1) below.

(1) Written notification of the removal of an applicant's name from a referral and/or an eligible list is not required when the applicant has:

- (a) Requested removal in writing.
 - (b) Failed to respond within seven calendar days to a written inquiry relative to availability for an interview. The written inquiry will include the results of not responding.
 - (c) Failed to respond within ten calendar days to a written inquiry relative to availability for an eligible list. The written inquiry will include the results of not responding.
 - (d) Failed to notify the recruiting agency/personnel office of a change of address.
 - (e) Been removed from a list due to expiration of eligibility.
- (2) The director, designee or the higher education institution's personnel officer may remove an applicant's name from a referral and/or an eligible list for good and sufficient reason, including when the applicant has waived consideration of appointment three times.

(a) The affected applicant shall be notified of the specific reasons for removal and advised of the right to request a review by the agency or higher education institution taking the action.

(b) The applicant's written request for review must be submitted within ten calendar days of notification of the removal.

(c) Within ten calendar days after receiving a request for a review, the agency or higher education institution shall provide the applicant with written notification of the decision to:

- (i) Restore the applicant's name to the eligible list and/or referral; or
- (ii) Refuse to restore the applicant's name to the eligible list and/or referral. The notice shall include the applicant's right of appeal to the Director of the Department of Personnel or director's designee, whose decision is final and binding.

[Statutory Authority: RCW 41.06.150, 01-23-016, § 359-14-020, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-14-020, filed 4/24/00, effective 1/1/02.]

WAC 359-14-030 Referrals. (1) Upon receipt of a written request, the director, designee or higher education institution's personnel officer shall refer the names of qualified applicants eligible for the position from the appropriate eligible lists. When it is necessary to use more than one eligible list to complete a referral, each eligible list must be exhausted before using the next eligible list.

(a) Referrals from eligible lists for filling classified vacancies shall be made in the order of priority listed below:

- (i) Internal layoff list;
- (ii) Statewide layoff list;
- (iii) Internal promotional list;
- (iv) System wide movement list; and
- (v) Open competitive list.

(b) When a combined eligible list has been approved, referrals from eligible lists for filling vacancies shall be made in the order of priority listed below:

- (i) Internal layoff list;
- (ii) Statewide layoff list; and
- (iii) Combined eligible list.

(2) All applicants' names on the internal layoff list are ranked and referred in descending order of seniority. When there are names on the internal layoff list, one name per vacancy plus those names whose seniority dates are tied shall be referred. All names on the internal layoff list shall be exhausted before using the next eligible list.

(3) All applicants' names on the statewide layoff list are ranked and referred in descending order of seniority. When there are names on the statewide layoff list, six more names than vacancies to be filled and those names whose seniority dates are tied for the seventh or last position shall be referred.

When sufficient names are not available on the statewide layoff list to complete a referral, the referral may be completed by adding names, including those whose scores are tied for the seventh or last position, only from the internal promotional list. However, fewer names on the statewide layoff list are a complete referral if there are no names on the internal promotional list. Names are referred in descending order of seniority from the statewide layoff list. Names from the internal promotional list are referred in descending order of score.

(4) Except as provided in (2) and (3) of this section, names on the eligible list shall be ranked and referred in descending order of examination score. The referral from an eligible list shall be six more names than there are vacancies to be filled and those whose scores are tied for the seventh or last position. If sufficient names are not available, the referral may be completed by adding applicants' names from the next eligible list.

(5) Up to three additional applicants' names plus those whose scores are tied for the last position, who meet the applicable affirmative action criteria, shall be referred from the eligible list when the following are met:

- (a) An approved affirmative action program is utilized,
- (b) The initial referral does not include at least three members of the group(s) for which there are established affirmative action goals, and

(c) The total referral of names under this subsection shall not exceed three, except for those whose scores are tied for the last referral position.

(6) When there are fewer names than constitute a complete referral for the class, the vacancy may be filled from an incomplete referral.

(7) When there is an incomplete referral for the class, the director or agency designee with local list authority or a personnel officer at a higher education institution may complete or supplement the referral from a related eligible list or referral if it is determined the related list or referral is sufficiently similar.

(8) When it is impractical to recruit to establish an eligible list for a class, the director, agency designee with local eligible list authority, or personnel officer at a higher education institution may:

(a) Substitute an eligible list for a related class if the classes are deemed to be sufficiently similar, or

(b) Request the use of an eligible list established for the class at another higher education institution or agency.

(9) Permanent employees referred from an eligible list for consideration of appointment shall be notified at the time of referral. Upon appointment, the employer shall advise those permanent employees referred but not appointed of the action taken.

(10) When a vacancy occurs, the hiring authority may appoint any referred applicant.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-14-030, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-14-030, filed 4/24/00, effective 1/1/02.]

WAC 359-14-050 Noncompetitive eligible list. (1) All classes shall be considered to be in the competitive service unless a class has been approved by the director to be in the noncompetitive service.

The noncompetitive service comprises those unskilled, seasonal and temporary classes or positions for which the director has determined it is not practical to develop eligible lists. Although the same selection procedures may be used as in the competitive service, the procedures need not be applied beyond the point of determining that an applicant achieves a passing score.

(2) Noncompetitive eligible lists shall contain the names of applicants who meet the minimum or desirable qualifications.

(3) Eligible veterans shall be granted examination and referral preference as provided in these rules and the state law.

(4) The director shall develop necessary procedures which include audit provisions for noncompetitive recruitments.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-14-050, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-14-050, filed 4/24/00, effective 1/1/02.]

WAC 359-14-070 Combined eligible lists. (1) Combined eligible lists include the internal promotional list, system wide movement list, and open competitive list with all applicants ranked and referred in descending order of final examination score. Six more names than there are vacancies and those whose scores are tied for the seventh or last position shall be referred

(2) Except as provided in (3) below, combined lists may be approved by the director, designee, or higher education institution's personnel officer when:

(a) The exclusive representative has been notified when the position is in a collective bargaining unit,

(b) Qualified candidates are not available on the internal and statewide layoff lists, and

(c) The request is in the best interest of the state.

(3) A higher education institution's personnel officer may combine specific lists for EEO-6 categories executive, administrative, managerial, and professional nonfaculty. When doing so, the recruitment notice shall indicate combined lists are used and applicants shall be ranked and referred in order of the final examination score.

(4) Current permanent employees of the employing agency or higher education institution/related board shall have five percent credit added to their final passing examination scores when any combined eligible list is used. Former employees, who are eligible to apply promotionally after disability separation, of the agency or higher education institution shall have five percent credit added to their final passing examination scores when any combined eligible list is used.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-14-070, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-14-070, filed 4/24/00, effective 1/1/02.]

WAC 359-14-080 Specialized qualifications. (1) An employing official may request specialized qualifications that are required for the successful performance of the duties of the position, and cannot be gained within a reasonable time.

(2) Specialized qualifications shall not exceed the amount of experience/training or level of education published in the class specification.

(3) Specialized qualifications based on gender shall be made consistent with a bona fide occupational qualification approved by the Human Rights Commission.

(4) If the director of personnel, designee, or higher education institution's personnel officer determines that the facts and reasons justify the request, the applicants with the highest final score(s) who have the specialized qualifications shall be referred.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-14-080, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-14-080, filed 4/24/00, effective 1/1/02.]

WAC 359-14-100 Eligible list designations. (1) **Internal layoff list**

(a) Employees shall have the following internal layoff list(s) rights:

(i) Employees who are laid off shall be placed on the internal layoff lists for classes in which they held permanent status at the current or lower salary range and in lower classes in the same class series. Permanent status is not required for the lower classes in the class series.

(ii) Employees who take a voluntary demotion in-lieu of layoff shall be placed on the internal layoff list(s) for the class from which they demoted and classes at that salary range and lower salary ranges in which the employees held permanent status.

(A) Except for employees who transfer within the same class, employees reverted during the trial service period, upon request, shall be listed at the current and former agency/higher education institution on the internal layoff list for the last class in which the employee held permanent status prior to the reversion.

(B) Employees who transfer within the same class, and are reverted during the trial service period, upon request, shall be listed at the former agency/higher education institution on the internal layoff list for the last class in which the employee held permanent status prior to the reversion.

(iii) Upon request, an employee will be listed on the internal layoff lists for higher level classes where the employee held permanent status when an agency or institu-

tion of higher education has developed an internal policy and criteria to allow access to higher level classes.

(b) The following permanent employees of each employing agency and higher education institution may request to have their names placed on the appropriate internal layoff list(s):

- (i) Employees who were laid off.
- (ii) Employees who are scheduled to be laid off.
- (iii) Employees who accepted a voluntary demotion in lieu of a layoff.
- (iv) Employees who accepted less-than-comparable positions as defined by the employer's layoff procedure.
- (v) Employees who move between agencies and/or higher education institutions and who are reverted during the trial service period.

(A) Except for employees who transfer within the same class, employees reverted during the trial service period shall be listed at the current and former agency/higher education institution on the internal layoff list for the last class in which the employee held permanent status prior to the reversion.

(B) Employees who transfer within the same class and are reverted during the trial service period shall be listed at the former agency or higher education institution on the internal layoff list for the last class in which the employee held permanent status prior to the reversion.

(vi) Employees whose positions are being reallocated downward.

(vii) Employees who are eligible as provided in these rules.

(c) Employees are not eligible to be placed on internal layoff lists for classes from which they have been demoted for cause.

(d) Referrals from the internal layoff list shall be made in accordance with WAC 359-14-030.

(e) Names of eligible employees shall remain on the internal layoff list for two years from the effective date of the qualifying action. Upon the employee's request, eligibility shall be extended for one additional year, for a total of three years of eligibility on the internal layoff list.

(f) The employer may require an alternate review period when offering layoff options or upon appointment from a layoff list as provided in WAC 359-40-060.

(2) Statewide layoff list

(a) Employees shall have the following statewide layoff list rights:

(i) Upon request, employees who are laid off shall be placed on statewide layoff lists for classes in which they held permanent status at the same or lower salary range and lower classes in the same class series or equivalent intersystem classes as determined by the department of personnel. Permanent status is not required in the lower classes in the class series or in equivalent intersystem classes.

(ii) Upon request, employees who take a voluntary demotion in-lieu of layoff shall be placed on the statewide layoff list for the class from which they demoted and classes at that salary range and lower salary ranges in which the employee held permanent status.

(iii) All employees referred from the statewide layoff list shall be offered an interview.

(b) The following permanent employees may request to have their names placed on the statewide layoff list(s) for other state agencies and higher education institutions:

- (i) Employees who were laid off.
- (ii) Employees who are scheduled to be laid off.
- (iii) Employees who accepted a voluntary demotion in lieu of layoff.
- (iv) Employees who accepted less-than-comparable positions as defined by the employer's layoff procedure.
- (v) Employees who are eligible as provided in these rules.

(c) Employees are not eligible to be placed on statewide layoff lists for classes from which they have been demoted for cause.

(d) Referrals from the statewide layoff list shall be made in accordance with WAC 359-14-030.

(e) Names of eligible employees shall remain on the statewide layoff list(s) for two years from the effective date of the qualifying action. Upon the employee's request, eligibility shall be extended for one additional year, for a total of three years of eligibility on the statewide layoff list.

(f) The employer may require an alternate review period when offering layoff options or upon appointment from a layoff list as provided in WAC 359-40-060.

(3) Internal Promotional List

(a) The internal promotional list at each agency and each higher education institution shall include the names of the following permanent employees of that employer who meet minimum qualifications and receive a final passing score in the examination for a class having a higher maximum salary than the employee's permanent class.

- (i) Current employees.
- (ii) Employees who were separated due to layoff and who are currently on an internal layoff list.
- (iii) Employees who are eligible as provided in these rules.

Employees who have completed their probationary period may request that their existing open competitive examination score be converted to this list.

(b) Promotional preference may be provided to employees within the organizational unit before considering other internal promotional employees.

(i) An organizational unit is a clearly identified structure or substructure of persons employed to achieve a common goal or function under the direction of a single official.

(ii) An organizational unit may consist of an administrative entity or a geographic location.

(c) Referrals from the internal promotional list shall be made in accordance with WAC 359-14-030.

(d) Names of employees shall remain on the internal promotional list for an indefinite period unless specified in the recruitment notice or as provided in these rules.

(e) Employees appointed to a position from the internal promotional list shall serve a trial service period.

(4) System Wide Movement List

(a) The system wide movement list shall be used to promote, transfer, laterally move, or voluntary demote to a state agency or a higher education institution where the employee is not currently employed. The list shall include the names of the following applicants who meet the minimum qualifica-

tions and receive a passing final score in the examination for the class:

- (i) Current permanent employees.
- (ii) Employees who were separated due to layoff and who are currently on a layoff list.
- (iii) Employees who are eligible as provided in these rules.
- (iv) Employees who have completed their probationary period may request that their existing open competitive score be converted to this list.
- (b) Referrals from the system wide movement list shall be made in accordance with WAC 359-14-030.
- (c) Names of employees shall remain on the system wide movement list for an indefinite period unless otherwise specified in the recruitment notice or as provided in these rules.
- (d) Employees appointed to a position from the system wide movement list shall serve a trial service period.

(5) Open Competitive List

(a) The open competitive list shall contain the names of all applicants including former employees, who are not eligible for placement on other eligible lists specified in this chapter.

(b) To be considered for the open competitive list, applicants must apply, meet the current qualifications, and pass the examination for the class.

(c) Referrals from the open competitive list shall be made in accordance with WAC 359-14-030.

(d) Names of eligible applicants shall remain on the open competitive list for an indefinite period unless otherwise specified in the recruitment notice or provided by these rules.

(e) Applicants appointed to a position from the open competitive list shall serve a probationary period as designated for the class.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-14-100, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-14-100, filed 4/24/00, effective 1/1/02.]

WAC 359-14-130 Internal procedure for transfer, lateral moves, and voluntary demotion. (1) Each agency director or designee or each higher education institution's personnel officer shall develop an internal procedure to provide reasonable opportunity for current employees requesting to:

- (a) Transfer within a class;
- (b) Laterally move; or
- (c) Voluntarily demote.
- (2) The employer's internal procedure for employee-initiated movement shall include the following information:
 - (a) Explanation of the process;
 - (b) Required tests, current qualifications; and
 - (c) Trial service requirements.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-14-130, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-14-130, filed 4/24/00, effective 1/1/02.]

[2002 WAC Supp—page 1612]

Chapter 359-39 WAC HUMAN RESOURCES TRAINING AND DEVELOPMENT (Effective January 1, 2003)

WAC

359-39-010	Purpose.
359-39-020	Definitions.
359-39-030	Assignment of responsibilities.
359-39-040	Assignments for career development purposes.
359-39-050	Human resource training and development plan—Criteria—Availability.
359-39-090	Required entry-level management/supervisory training—Agency.
359-39-140	Employee attendance at training.

WAC 359-39-010 Purpose. The purpose of this chapter is to establish rules and assign responsibilities for providing training and development to employees of state agencies, higher education institutions, and related boards. The objective of these rules is to provide opportunity for development of occupational or professional skills of employees to ensure the full utilization of the state's human resources.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-39-010, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-39-010, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-39-010, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-39-010, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-39-010, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-010, filed 6/14/94, effective 1/1/95.]

WAC 359-39-020 Definitions. (1) **Career development.** The progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies, higher education institutions and related boards.

(2) **Career planning.** A process designed to provide opportunities for employee career growth through job experience, training and/or continuing education.

(3) **Human resource training and development plan.** Each organization's written methods or design that specifies opportunities for training and development of occupational or professional skills of employees to ensure the full utilization of the state's human resources.

(4) **Training.** Activities designed to develop job-related knowledge and skills of employees.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-39-020, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-39-020, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-39-020, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-39-020, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-39-020, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-020, filed 6/14/94, effective 1/1/95.]

WAC 359-39-030 Assignment of responsibilities. The responsibility for human resource training and development is shared by the department of personnel, other agencies, higher education institutions, related boards, and employees.

(1) Each agency, higher education institution, and related board is responsible for:

(a) Developing a human resource training and development plan;

(b) Submitting a summary of the human resource training and development plan, including estimated costs, to the director or director's designee of the department of personnel; and

(c) Providing employee orientation, required job-related training, and assistance with career planning.

(2) Each employee is responsible for participating in training associated with maintenance of required licenses and certifications, required training, and, if desired, personal career planning.

(3) The director or director's designee of the department of personnel shall support human resource training and development by:

(a) Providing training which is interagency and/or intra-system in scope;

(b) Consulting with agencies and higher education institutions and related boards in their human resource training and development activities, upon request;

(c) Providing guidelines for human resource training and development planning and evaluation; and

(d) Reviewing human resource training and development plans to promote intrasystem sharing of resources for training and career development.

(e) Providing for the evaluation of training and career development programs and plans based on the minimum standards established in WAC 359-39-050.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-39-030, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-39-030, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-39-030, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-39-030, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-39-030, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-030, filed 6/14/94, effective 1/1/95.]

WAC 359-39-040 Assignments for career development purposes. (1) Agencies, higher education institutions, and related boards may make the following planned training assignments for employee career development without incurring reallocation or compensation obligations:

(a) Performance of responsibilities outside the current job classification on a time-limited basis.

(b) Rotational or special project assignments.

(2) The employee and the employer(s) shall mutually agree in writing, including time limits, to assignments identified in (1)(a) and (b) of this section.

(3) Assignments of responsibilities outside of the current job classification for purposes other than identified in (1) of this section are subject to classification and compensation provisions elsewhere in these rules.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-39-040, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-39-040, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-39-040, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-39-040, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-39-040, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-040, filed 6/14/94, effective 1/1/95.]

WAC 359-39-050 Human resource training and development plan—Criteria—Availability. (1) Each agency, higher education institution, and related board shall prepare a human resource training and development plan, with revision as needed. The plan shall be based on an assess-

ment of the organization's human resource training and development needs. The plan shall state the policies and objectives for human resource training and development and the policies shall address, at a minimum, the following:

(a) Identification of the position(s) responsible for employee training and development.

(b) Criteria for employee eligibility.

(c) Criteria for employees' leave, release time, or compensation while participating in human resource training and development activities.

(d) Criteria for educational leave.

(e) Tuition reimbursement or fee waiver policy.

(f) Mandated training in accordance with state and federal regulations.

(g) Provisions for entry-level management/supervisory training.

(h) Provisions for the assessment of employee training and development needs.

(i) Provisions for the involvement of employees in the development of training policies and plans.

(j) Provisions for the evaluation of the training and development programs.

(k) Provisions for assignments for career development as described in WAC 359-39-040(1) and approval of such assignments by the immediate supervisor and the organization's designee(s). The designee(s) shall be identified in the plan.

(2) Copies of the human resource training and development plan shall be made available to employees upon request.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-39-050, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-39-050, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-39-050, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-39-050, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-39-050, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-050, filed 6/14/94, effective 1/1/95.]

WAC 359-39-090 Required entry-level management/supervisory training—Agency. (1) Each agency shall

require employees appointed to a supervisory or management position to successfully complete an entry-level supervisory or management training course as approved by the director of the department of personnel. Employees shall be enrolled in this training within nine months of the date of their appointment, or if training is not available, as soon thereafter as it becomes available. When training opportunities are available, the agency may suspend the entry-level training requirement, for up to a maximum of an additional six months.

(2) The director or director's designee of the department of personnel shall establish criteria by which such training is approved or considered equivalent.

(3) An agency may waive the requirement for entry-level training in cases where an employee has occupied a designated supervisory or management position for at least one year, prior to the present appointment, and has demonstrated experience and competence as a substitute for training.

(a) The agency shall advise an affected employee in writing of waiver to this training.

(b) The record of such waiver shall be placed in the employee's personnel file and shall be reported following procedures outlined by the department of personnel.

(4) Each agency shall designate individual positions, or groups of positions, as being supervisory or entry-level management positions. Criteria for such designations shall be published by the department of personnel.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-39-090, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-39-090, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-39-090, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-39-090, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-39-090, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-090, filed 6/14/94, effective 1/1/95.]

WAC 359-39-140 Employee attendance at training.

(1) Agencies, higher education institutions, and related boards may require employees to attend training which is job related or meets an identified employer need. Such required attendance during and/or outside of working hours shall be considered time worked and compensated in accordance with these rules.

(2) Employee attendance, either on approved leave or outside of working hours, at training that is not required shall be voluntary and not considered time worked.

(3) Employers may provide release time for nonrequired training.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-39-140, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-39-140, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-39-140, filed 11/26/97, effective 1/1/00; 94-23-136 and 95-23-062, § 359-39-140, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-140, filed 6/14/94, effective 1/1/95.]

Chapter 359-40 WAC LAYOFF (Effective January 1, 2003)

WAC

359-40-010	Reasons for layoff.
359-40-020	Seniority.
359-40-050	Layoff procedure.
359-40-060	Alternate review period.

WAC 359-40-010 Reasons for layoff. (1) Employees may be separated from their position and/or employment in accordance with the statutes and the employer's layoff procedures, without prejudice, because of:

- (a) Lack of funds;
- (b) Lack of work;
- (c) Good faith reorganization for efficiency purposes;
- (d) Ineligibility to continue in a position which was reallocated; and/or

(e) When there are fewer positions than employees entitled to such positions either by statute or within other provisions of these rules.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-40-010, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-40-010, filed 4/24/00, effective 1/1/02.]

WAC 359-40-020 Seniority. (1) Seniority for layoff purposes is a measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the Washington Personnel Resources Board.

(2) Seniority for permanent full time employees in a layoff situation will be calculated as follows.

(a) In state agencies, seniority is the last period of unbroken time served in positions in classified service, *including* time on the layoff lists for a maximum of three years for each layoff occurrence, *plus* time in an exempt appointment when the employee returns to classified service without a break in service, plus veterans may include active military service up to 5 years in accordance with these rules, minus time spent in leave without pay status except when approved for specific reasons specified in these rules.

(b) In state agencies, for layoff purposes, ties in seniority will be broken by first measuring each employee's total accumulated state service; if the tie still exists, by measuring the last continuous time within the current classification; if the tie still exists, by measuring the last continuous time with the current employer; and if the tie still exists, by lot.

(c) In higher education institutions, seniority is the number of calendar days continuously employed in classified service based on the earliest date of continuous classified service, *plus* veterans may include up to 5 years of active military service credit in accordance with these rules, *minus* all time spent in leave without pay status, including time in an exempt position, except:

- (i) Where required by statute, or
- (ii) For cyclic year positions.

(3) In state agencies, seniority for part-time employees will be computed on a basic payroll hours compared to full time employees, within the same provisions and restrictions of the definition of seniority.

(4) In higher education institutions, less than full time employment shall be considered full time service for purposes of seniority.

(5) When an employee from a state agency applies to be placed on the statewide layoff list at a higher education institution, the employee's seniority will be recalculated by the higher education institution using data from the agency.

When an employee from a higher education institution applies to be placed on the statewide layoff list at an agency, the employee's seniority will be recalculated by the agency using data from the higher education institution.

(6) An employee who moves from a state agency to a higher education institution or from a higher education institution to a state agency, shall have seniority computed using the applicable method in (2), (3) and (4) of this section for the employee's new employer.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-40-020, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-40-020, filed 4/24/00, effective 1/1/02.]

WAC 359-40-050 Layoff procedure. (1) Each agency and each institution of higher education shall develop a layoff procedure.

(2) The rules for layoff procedures are not intended to exclude requirements that address specific organizational needs or additional options that enhance opportunities for affected employees.

(3) Each layoff procedure shall include, but is not limited to, the following:

(a) Clearly defined layoff unit(s) that minimize disruption of the employer's total operation but are not unduly restrictive of options available to employees.

(i) Layoff units may be a series of progressively larger units within an organization when a valid option in lieu of separation cannot be offered to respective employees within a smaller unit.

(ii) Separate and exclusive layoff units may be established for special employment programs that are provided in these rules.

(b) Provisions that address opportunities to prevent layoff, including, transfers, voluntary demotion, reduced work schedule, voluntary leave without pay and/or positions held by nonpermanent or probationary employees.

(c) Provisions that an option(s) within the layoff unit shall be comparable as defined in the employer's layoff procedure.

(d) Provisions that an employer shall not offer a layoff option to a filled position if there is a funded vacancy within the layoff unit in the same class as the filled position and the vacant position is comparable.

(e) Provisions for written notice of layoff to employees by the appointing authority or designee.

(i) Permanent employees shall receive written notice at least 15 calendar days before the effective date of layoff.

(ii) Employers shall advise those employees in writing of layoff options, including alternate review period requirements, the specific layoff list(s) for which they are entitled, and their appeal rights. The written notice shall specify the rights and obligations of the employees to accept or reject layoff options.

(iii) A copy of the employer's layoff procedure shall be made available to each employee who is subject to layoff.

(f) Provisions for options for permanent employees subject to layoff.

(i) Layoff options shall be offered based on seniority.

(ii) The sequence of a layoff option(s) to position(s) within the layoff unit, at a minimum, shall be offered in the following order:

(A) The current class, or if none are available;

(B) Classes at the current salary range, or if none are available;

(C) Lower classes in descending order, if available.

A through C above are classes in which the employee has held permanent status and are at the same or lower salary range maximum as the current class.

(g) Provisions that address the offering of a layoff option(s) when specific position or selective requirements are necessary, or where there are licensing or legal requirements.

(h) Provisions that address the use of alternate review periods as provided in WAC 359-40-060.

(4) Each layoff procedure may include provisions that allow additional layoff options, in descending salary order, for which the employee is qualified. These options may include:

(a) Positions in lower classes in descending order in the same class series;

(b) Access to any other less-than-comparable positions;

(c) Access to positions filled by nonpermanent appointments; and

(d) Access to any other comparable positions.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-40-050, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-40-050, filed 4/24/00, effective 1/1/02.]

WAC 359-40-060 Alternate review period. The employer may require an employee to complete an alternate review period when offering layoff options or upon appointment from an internal layoff list or the statewide layoff list.

(1) The employer will advise the employee in writing at the time of appointment of any requirement to serve an alternate review period and the length of time for the alternate review period. The length of time for the alternate review period shall not exceed the probationary period for the class.

(2) The employee shall serve an alternate review period as determined by the employer.

(a) The employer shall provide the employee with instruction and/or training in the duties of the new position or class.

(b) The employee shall obtain permanent status in the class or new position upon successful completion of the alternate review period.

(3) Employers may separate an employee from a position during the alternate review period.

(4) Employees may voluntarily separate during an alternate review period. The employee may voluntarily separate a maximum of three times during each layoff occurrence.

(5) Upon request, employees separated from positions during the alternate review period shall have their names placed on all lists for which they are eligible for the remaining eligible time.

(6) Separation and subsequent placement on the layoff list from the alternate review period shall be considered no fault. Any negative performance record for this period will be removed from the employee's personnel file.

(7) The employee shall not have an appeal of separation from the alternate review period.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-40-060, filed 11/8/01, effective 1/1/03; 00-10-028, § 359-40-060, filed 4/24/00, effective 1/1/02.]

Chapter 359-48 WAC

STATE INTERNSHIP PROGRAM (Effective January 1, 2003)

WAC

359-48-010	State internship program—Purpose.
359-48-020	State internship program—Application of rules.
359-48-030	State internship program—General provisions.
359-48-040	State internship program—Eligibility—Duration of internship.
359-48-050	State internship program—Return rights—Benefits.
359-48-060	State internship program—Completion of internship.

WAC 359-48-010 State internship program—Purpose. The purpose of the state internship program is to assist students and state employees in gaining valuable work experience and knowledge in various areas of state government. The program shall be administered by the office of the governor.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-48-010, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-48-010, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-48-010, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-48-

010, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-48-010, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-010, filed 12/29/93, effective 1/1/95.]

WAC 359-48-020 State internship program—Application of rules. With the exceptions noted in chapter 359-48 WAC, the remainder of the merit system rules do not apply to positions in the state internship program.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-48-020, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-48-020, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-48-020, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-48-020, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-48-020, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-020, filed 12/29/93, effective 1/1/95.]

WAC 359-48-030 State internship program—General provisions. (1) No agency or institution of higher education or related boards shall be deemed to exceed any limitation or full-time equivalent staff positions on the basis of intern positions established under the state internship program.

(2) The provisions of chapter 359-48 WAC shall not limit the authority of state agencies or institutions of higher education and related boards to continue or establish other internship programs or positions.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-48-030, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-48-030, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-48-030, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-48-030, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-48-030, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-030, filed 12/29/93, effective 1/1/95.]

WAC 359-48-040 State internship program—Eligibility—Duration of internship. The state internship program shall consist of two individual internship programs:

(1) An undergraduate internship program for students working toward an undergraduate degree. In addition, any state employee, whether working toward a degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency or head of the employee's department at institutions of higher education. Persons selected to participate in the undergraduate internship program shall serve internships of three to six months.

(2) An executive fellows program for students who have successfully completed at least one year of graduate-level work and have demonstrated a substantial interest in public sector management. In addition, any state employee, whether working toward an advanced degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency or head of the employee's department at an institution of higher education. Positions in this program shall be as assistants or analysts at the mid-management level or higher. Persons selected to participate in the executive fellows program shall serve internships for one to two years.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-48-040, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-48-040, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-48-040, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-48-040, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-48-

040, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-040, filed 12/29/93, effective 1/1/95.]

WAC 359-48-050 State internship program—Return rights—Benefits. (1) Employees leaving classified or exempt positions in state government or institutions of higher education and related boards to participate in the state internship program shall:

(a) Continue to receive all fringe benefits as if they had never left their classified or exempt position. In addition, employees leaving classified positions shall continue to accrue seniority while in the state internship program.

(b) Have the right to return to their previous position at any time during the internship or upon completion of the internship.

(2) Participants in the undergraduate internship program who were not state employees prior to accepting a position in the program shall accrue sick leave credits commensurate with other state employees.

(3) Participants in the executive fellows program who were not state employees prior to accepting a position in the program shall:

(a) Accrue sick leave and vacation leave credits commensurate with other state employees; and

(b) Receive insurance and retirement credit commensurate with other employees of the employing agency.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-48-050, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-48-050, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-48-050, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-48-050, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-48-050, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-050, filed 12/29/93, effective 1/1/95.]

WAC 359-48-060 State internship program—Completion of internship. Successful completion of an internship in the undergraduate internship program or the executive fellows program shall be considered as employment experience at the level at which the intern was placed.

[Statutory Authority: RCW 41.06.150. 01-23-016, § 359-48-060, filed 11/8/01, effective 1/1/03; 99-24-080, § 359-48-060, filed 11/30/99, effective 1/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 97-24-043, § 359-48-060, filed 11/26/97, effective 1/1/00; 96-23-028, § 359-48-060, filed 11/14/96, effective 1/1/98; 94-23-136 and 95-23-062, § 359-48-060, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-060, filed 12/29/93, effective 1/1/95.]

Title 363 WAC

PILOTAGE COMMISSIONERS, BOARD OF

Chapters

363-116

Pilotage rules.