

# Chapter 357-43 WAC

## EMPLOYEE BUSINESS UNITS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

357-43-010	Do the other rules in Title 357 WAC governing classified employees apply to employee business unit members? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-010, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-055	Can employee business unit members accrue vacation leave? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-055, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-060	Can employee business unit members accrue sick leave? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-060, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-065	Can employee business unit members cash out sick leave? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-065, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-070	Are employee business unit members eligible for legal holidays? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-070, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-075	Are employee business unit members eligible to receive a personal holiday? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-075, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.

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357-43-080	Are employee business unit members eligible to participate in the employer's shared leave program? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-080, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-085	Are employee business unit members eligible to receive military leave? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-085, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-095	Must an employee business unit have a layoff procedure? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-186, § 357-43-095, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-100	What layoff rights must be included in the employee business unit's layoff procedure? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-186, § 357-43-100, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-105	When is a general government employee business unit member eligible for placement in the general government transition pool? [Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-105, filed 12/21/04, effective 7/1/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.
357-43-120	Can EBU members receive financial incentives for any cost savings that result from completing performance requirements for less cost or better efficiency than what was anticipated in the agreement with the EBU? [Statutory Authority: Chapter 41.06 RCW. WSR 05-19-010, § 357-43-120, filed 9/8/05, effective 10/10/05.] Repealed by WSR 07-11-092, filed 5/16/07, effective 7/1/07. Statutory Authority: Chapter 41.06 RCW.

### WAC 357-43-001 What definitions apply to this chapter of the civil service rules? The following definitions apply to chapter 357-43 WAC:

(1) **Appointing authority:** An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

(2) **Contract:** A formal and binding agreement or an amendment to an agreement between an employer and an employee business unit for performing services as defined in the competitive contracting solicitation.

(3) **Employee business unit:** A group of employees who perform services for which an employer proposes to competitively contract and who:

(a) Notify the agency of their intent to submit a bid for the performance of those services through competitive contracting; or

(b) Receive award of a contract from the employer as a result of being a successful bidder.

(4) **Employee business unit member:** A classified employee working under the provisions of chapter 357-43 WAC.

(5) **Employer:** A state agency, an institution of higher education, or a related higher education board.

[Statutory Authority: Chapter 41.06 RCW. WSR 07-11-092, § 357-43-001, filed 5/16/07, effective 7/1/07; WSR 05-01-193, § 357-43-001, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-003 Can EBU members choose which civil service rules will apply to them?** EBU members may choose to opt out of civil service rules that are not required in statute.

[Statutory Authority: Chapter 41.06 RCW. WSR 07-11-092, § 357-43-003, filed 5/16/07, effective 7/1/07.]

**WAC 357-43-005 What is the purpose of this chapter?** The purpose of this chapter is to establish the chapter of civil service rules that apply to employee business unit members when employed under a contract.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-005, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-007 What provisions apply when an employee's position is eliminated because the employer has awarded a contract through the competitive contracting process as described in Title 236 WAC?** WAC 357-46-012 governs layoff actions resulting from the competitive contracting process as described in Title 236 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 07-11-092, § 357-43-007, filed 5/16/07, effective 7/1/07; WSR 05-01-185, § 357-43-007, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-008 What happens if an employee chooses to not be a part of the employee business unit?** When an employee chooses to not be a part of the employee business unit, the following applies:

(1) If the employee chooses to not be a part of the employee business unit before the employer's notification of the intent to award the contract to the employee business unit (as described in WAC 236-51-600), the employee has layoff rights in accordance with WAC 357-46-012.

(2) If the employee chooses to not be a part of the employee business unit after the employer's notification of the intent to award the contract to the employee business unit (as described in WAC 236-51-600), the employee has no lay-off rights under chapter 357-46 WAC and is considered to have resigned when his/her position is eliminated.

[Statutory Authority: Chapter 41.06 RCW. WSR 07-11-092, § 357-43-008, filed 5/16/07, effective 7/1/07; WSR 05-19-003, § 357-43-008, filed 9/8/05, effective 10/10/05.]

**WAC 357-43-015 Which rules explain employee business unit bid submittal and bid evaluation?** The rules explaining employee business unit bid submittals and evaluation of those bids are included in chapter 236-51 WAC, Competitive contracting.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-015, filed 12/21/04, effective 7/1/05.]

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**WAC 357-43-020 Are employee business unit members classified employees?** Employee business unit members continue to be classified employees.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-020, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-025 What establishes the terms and conditions of employment for employee business unit members?** The terms and conditions of employee business unit employment are established by the contract or by appointment actions taken under that contract.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-025, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-030 Must employment within an employee business unit comply with applicable federal, state and municipal statutes and regulations?** Employment within an employee business unit must comply with applicable federal, state and municipal statutes and regulations and executive orders as applicable.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-030, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-035 May authority be delegated within an employee business unit?** The duties of an appointing authority may be delegated to an employee business unit member.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-035, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-040 Must employee business unit members complete employer required training?** Employee business unit members must complete any training required by the contracting employer or must satisfy training requirements as prescribed by the employee business unit contract.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-040, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-050 Must an employer include positions in an employee business unit in the employer's affirmative action plan?** Positions in an employee business unit must be included in the employer's affirmative action plan.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-050, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-110 Can an employee business unit member accept an appointment in an exempt position or a classified position outside of the employee business unit?** An employee business unit member may accept an appointment to an exempt position or a classified position outside of the employee business unit.

Chapter 357-43 WAC does not apply to appointments to classified positions outside of a employee business unit.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-193, § 357-43-110, filed 12/21/04, effective 7/1/05.]

**WAC 357-43-115 If an employee business unit member accepts an appointment to an exempt position, what are the employee's return rights?** A former employee business unit member who was appointed to an exempt position

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from the employee business unit has return rights provided in RCW 41.06.070.

[Statutory Authority: Chapter 41.06 RCW. WSR 07-11-092, § 357-43-115, filed 5/16/07, effective 7/1/07; WSR 05-01-193, § 357-43-115, filed 12/21/04, effective 7/1/05.]