

WAC 308-101-150 Subpoenas. (1) Subpoenas shall be issued and enforced, as provided in RCW 46.20.308(7). All subpoenas shall direct the witness to appear by telephone unless otherwise ordered by the hearings examiner.

(2) Every subpoena shall be submitted on a form approved by the department, available on the internet at www.dol.wa.gov, for approval by a hearings examiner. If approved, the hearings examiner will sign and issue the subpoena back to the party requesting the subpoena.

(3) A subpoena to a person to provide testimony at a hearing shall:

(a) Specify the date and time set for hearing; and

(b) The hearing department's contact information. This contact information must enable the person receiving the subpoena to request an alternative date and time for the department to receive their testimony, if they are unavailable on the date of the hearing.

(4) A subpoena duces tecum requesting a person to produce designated books, documents, or things under his or her control shall direct the person to produce the books, documents, or things by a reasonable time in advance of the hearing.

(5) A subpoena must be personally served by a suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her residence. Proof of service shall be made by affidavit or declaration under penalty of perjury, and must be filed with the hearings examiner at least two days prior to the hearing. If the subpoena is served by personal service, proof of service must include a copy of the subpoena that shows it was received by the law enforcement agency. Service by certified mail must be preapproved by the hearings examiner. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

(6) A subpoena must be properly served five days prior to the date of the hearing.

[Statutory Authority: RCW 46.01.110 and 46.01.040(10). WSR 23-07-074, § 308-101-150, filed 3/13/23, effective 4/13/23. Statutory Authority: RCW 46.01.110. WSR 18-11-098, § 308-101-150, filed 5/21/18, effective 9/4/18.]