

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION

FROM: Big Bend Community College
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
Olympia 98504

The enclosed rules Permanent rules [X] / Emergency rules [ ], being Order No. 1
relating to (Name of rules or description of subject matter)

WAC 132R-210, CLASSIFIED PERSONNEL RULES -- EUROPEAN PROJECT

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 7569 filed with the code reviser on May 13, 1977
were regularly adopted as permanent rules of this institution at
Moses Lake, Washington on June 6, 1977
and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW. The effective date of such
rules shall be

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules is
necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements
of notice and opportunity to present views on the proposed action would be contrary to the public interest, were
regularly adopted as emergency rules of this institution at
and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW.

The undersigned hereby certifies that the requirements of chapter 28B.19 RCW and of the Open Public Meetings Act
of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 26th day of July 19 77.

STATE OF WASHINGTON
FILED

JUL 28 1977

CODE REVISER'S OFFICE
DOCKET # 8349 FILE # 1

BIG BEND COMMUNITY COLLEGE
(INSTITUTION)

By Robert J. Wallenstien
Robert J. Wallenstien
President

Title

NOTES:

1Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
2Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
3Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 28B.19.050(2).
Leave this space blank except in such special cases.

State of Washington

Board of Trustees

(name of governing body)

Community College District No. 18, Big Bend Community College

(agency name, if applicable)

Resolution No. 77-10

Administrative Order No. 1

(1) Be it resolved by the Board of Trustees of Big Bend Community College, State of Washington,

ALTERNATIVE A. Use only for Adoption of Permanent Rules.

after due notice and in a meeting open to the public, held at Moses Lake, Washington on June 6, 1977,

as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this governing body, the annexed rules:

WAC 132R-210, CLASSIFIED PERSONNEL RULES -- EUROPEAN PROJECT

ALTERNATIVE B. Use only for Adoption of Emergency Rules.

promulgate and adopt as emergency rules of this governing body, the annexed rules:

We, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(2) Pursuant to the requirements of RCW 34.04 (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW 28B.50.140 which directs that the

Big Bend Community College (agency)

has authority to implement the provisions of RCW 28B.16.040 (1) as amended by HB 927, 45th Legislature, 1st extraordinary session (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the (agency)

as authorized in RCW

(3) This order after being first recorded in the order register of this governing body shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 6, 1977

By [Signature] Chairman Title

WAC 132R-210

BIG BEND COMMUNITY COLLEGE

CLASSIFIED PERSONNEL RULES -- EUROPEAN PROJECT

CHAPTER 132R-210

CLASSIFIED PERSONNEL RULES -- EUROPEAN PROJECT

WAC 132R-210-

- 015-070 General Provisions
- 110-180 Classification Plans
- 210-280 Compensation Plans
- 310-360 Resignation - Layoff
- 405-470 Discipline, Dismissal, Appeal
- 505-570 Collective Bargaining
- 620-630 Right to Appeal
- 701-784 Recruitment - Examination - Certification -  
Appointment
- 802-880 Hours of Work, Holidays, Leave of Absence
- 910-950 Employee Development and Training

GENERAL PROVISIONS

NEW SECTION

WAC 132R-210-015 PURPOSE. The interests of Big Bend Community College and its employees will be furthered by the enactment of a system of personnel administration designed specifically to meet particular needs in connection with employer-employee relations in Big Bend College in Europe. The general purpose of these rules is to establish a system of personnel administration for Big Bend College-Europe, patterned after the Higher Education Personnel Board Rules which is based on merit principles and scientific methods, and which governs the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plans, removal, discipline, and welfare of employees covered by these rules.

NEW SECTION

WAC 132R-210-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules have the meaning given in this section.

(1) "Allocation" - The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

(2) "Allocation Review Committee" - An ad-hoc committee appointed by the Personnel Director to review and hear allocation appeals.

(3) "Appointing authority" - A person or group of persons lawfully authorized to make appointments.

(4) "Board" - The Big Bend Community College Board of Trustees.

(5) "Class" - One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

(6) "Classified service" - All positions in Big Bend College-Europe not specifically exempted by these rules.

(7) "Competitive service" - All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(8) "Demotion" - The change of an employee from a position in one class to a position in another class which has a lower maximum salary.

(9) "Director" - The European director of Big Bend Community College.

(10) "Dismissal" - The termination of an individual's employment for cause as specified in these rules.

(11) "Eligible" -

(a) An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting.

(b) An applicant for a position in the non-competitive service who has met all requirements for eligibility and passed the examination as stated on the bulletin board posting.



(12) "Eligible list - A list of eligible names established by the personnel officer for a class in accordance with these rules.

(13) "Exempt position" - A position properly designated as exempt from the application of these rules.

(14) "Layoff" - A separation from service because of a lack of funds and/or curtailment of work and without fault on the part of the employee.

(15) "Non-competitive service" - All positions in the classified service for which a competitive examination is not required.

(16) "Permanent employee" - An employee who has successfully completed a probationary period.

(17) "Personnel officer" - The principal employee in each Big Bend College-Europe area organization responsible for administrative and technical activities of the classified service within the area.

(18) "Personnel Director" - The Personnel Director of Big Bend College-Europe.

(19) "Position" - A group of current duties and responsibilities requiring the full or part-time employment of one person.

(20) "Probationary period" - The period of employment beginning with the date of reemployment into, or original appointment of, the classified service and continuing for six months. This does not apply to reinstatement following lay-off.

(21) "Promotion" - A change in status of a permanent employee from a position in one class to a position in a higher class having a higher maximum salary.

(22) "Resignation" - A voluntary termination of employment.

(23) "Suspension" - An enforced absence without pay for disciplinary purposes.

(24) "Transfer" - The change of a permanent employee, with no break in service, from one classified position to another classified position in the same class.

(25) "Employee organization" - Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees, with the Personnel Director in accordance with appropriate statutes.

(26) "Collective bargaining" - The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion; except that by such obligation neither party shall be compelled to agree to a proposal nor be required to make a concession, except as otherwise provided by these rules.

(27) "Supervisor" - Any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(28) "Part-time employment" - Work of less than full-time employment in a regular schedule and with an understanding of continuing employment within the foreseeable future. Employees in part-time employment shall attain permanent part-time status after completion of the probationary period, except as specifically exempted in these rules.

(29) "Temporary employment" -

(a) Work performed in the absence of an employee on leave;

(b) Extra work required at a work load peak or special projects, or cyclic work loads not to exceed one hundred eighty (180) calendar days.

(30) "Full-time employment" - Work consisting of forty (40) hours per week except as otherwise identified in the compensation schedule and these rules.

(31) "Employing official" - An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

(32) "Trial service" - The initial period of employment following promotion, demotion or transfer into a class in which the employee has not held permanent status, beginning with the effective date of the change and continuing for six (6) months.

(33) "Layoff seniority" - Layoff seniority shall be measured as the last period of unbroken service in the classified service of Big Bend College-Europe. Authorized leave of absence or leave without pay shall not constitute a break in service, however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year. Veterans and their unmarried widows as identified in WAC 132R-210-350 shall have added to their unbroken higher education service, the veteran's active military service to a maximum of five year's credit.

(34) "Layoff unit" - A clearly identified organizational structure, or substructure with persons employed to achieve a common goal or function under the direction of a single official. A unit may consist of either an administrative entity or a geographically separated activity.

(35) "Instructional year" - The schedule established annually by an institution to identify the period required to meet the educational requirements of a given academic or training program.

(36) "Disadvantaged" - An individual who is poor, as provided by the department of labor in federal guidelines defining poverty, does not have suitable employment and is one of the following:

(a) A school drop-out;

(b) A minority member;

(c) Under twenty-two (22) years of age;

(d) Forty-five (45) years of age or older; or

(e) Handicapped

(37) "Handicapped person" - An individual who has a physical or mental disability which results in a substantial barrier to employment, but who is qualified to perform the work in positions for which the particular disability itself does not prevent proper performance of the duties involved.

(38) "Corrective employment program" - A program de-

signed to increase the number of employees in under-represented groups to correct a condition of under-representation of such employees caused by present or past practices or other conditions which have resulted in limited employment opportunity for members of the affected group.

(a) "Underrepresentation" is defined as having fewer employees by racial or ethnic minority, handicap, or sex within a class or job category than:

(1) Would reasonably be expected by their availability;

or

(2) Are included in the institution's approved corrective employment goal for that class or job category per WAC 132R-210-782 (1);

(b) "Availability" within a class or job category is the existence of qualified persons of the under-represented groups in the employed and unemployed work force in that class or job category within the defined recruitment area;

(c) The "job categories" are those required in equal employment opportunity reports to federal agencies.

(39) "Union Shop" - A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization within (30) calendar days of the beginning of their employment in such unit or within thirty (30) calendar days of the date of a union shop representative election, whichever is later. Exceptions may be made to mandatory membership if an employee has a bona fide religious objection to membership in such organization and pays a union shop representation fee.

(40) "Union shop representative" - An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

(41) "Union shop representation fee" - Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

(42) "Administrative assistant exemption" - The Director may have an individual acting as his or her administrative assistant. The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

(43) "Executive head exemption" - Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the board. An executive head is in charge of a separate budget unit and directs subordinates.

(44) "Research exemption" - Individuals in research-exempt positions shall spend the majority of their time in one or more of the following activities: identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design or specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research re-



sults in published form.

(45) "Counseling exemption" - Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, 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.

(46) "Extension and/or continuing education exemption" - Individuals considered exempt in this category are responsible for originating and developing formal education 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.

(47) "Graphic arts or publication exemption" - Individuals qualifying for exemption under this section will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

(48) "Principal assistant exemption" - Individuals qualifying for exemption under this section function as second in command in importance levels. The individual may perform many of the functions of his or her superior in the superior's absence or alternatively have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the Higher Education Personnel Board.

(49) "Grievance" - A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

#### NEW SECTION

WAC 132R-210-030 SCOPE. The provisions of these rules shall apply to all personnel of Big Bend College-Europe except those exempted under the provisions of section 132R-210-040.

#### NEW SECTION

WAC 132R-210-040 EXEMPTIONS. The following classifications, positions, and employees of Big Bend College-Europe are hereby exempted from coverage of these rules.

(1) The Director of Big Bend College-Europe, his administrative assistant, and all personnel employed by Big Bend Community College on contract or Big Bend Community College employees based in Moses Lake, Washington and temporarily employed in Europe.

(2) (a) Students employed under separately funded student assistance work programs; or who are employed in a position directly related to the major field of study to provide training opportunity; or who are elected or appointed to student body offices or student organization positions such as student officers or student news staff members.

(b) Persons employed in a position scheduled for less than twenty (20) hours per week or on an intermittent employment schedule.

(c) Temporary employees filling positions identified in WAC 132R-210-020 (29) (b).

(d) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(3) The Board may also exempt subject to the employee's right of appeal to the classifications involving research activities, counseling of students extension of continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, PROVIDED, that no nonacademic employee engaged in office, clerical, maintenance, or food and trades services will be exempted.

(4) Any employee who feels that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in section WAC 132R-210-445, et. seq.

(5) Any employee having a classified service status in a position may take a temporary appointment in an exempt position, with the right to return to his regular position, or to a like position, at the conclusion of such temporary appointment.

#### NEW SECTION

WAC 132R-210-060 PERSONNEL DIRECTOR (1) The board shall appoint a personnel director who shall be the chief personnel officer for Big Bend College-Europe. In preparing matters for consideration by the board and in coordinating this implementation of the board's rules and regulations, the personnel director shall work in conjunction with the Big Bend Community College personnel director and the Director of Big Bend College-Europe.

(2) The personnel director shall, at least once each year, and at such other times as may be necessary, audit and review the personnel administration and management at each organizational unit in Europe, and file written reports with the President. Such audit of positions which are required or authorized by Chapter 28B.16 RCW and Title 251 WAC.

Position audits may include on-site position analysis and/or review of a position description form describing work which is performed. All relevant files and records of appointing authorities and personnel officers shall be made available to the director at any time.

(3) The personnel director shall take any action necessary to ensure and enforce compliance with these rules. All files and records or appointing authorities and personnel officers shall be made available to the personnel director at any time.

NEW SECTION

WAC 132R-210-070 PERSONNEL OFFICERS. (1) Each Area Director shall be responsible for application of these rules in assigned area and may designate an employee to perform duties as personnel officer. The personnel officer shall direct, supervise, and manage administrative and technical personnel activities for the classified service, in total or in part consistent with policies established by the President, The Director of Big Bend College-Europe and the personnel director in accordance with the provisions of these rules.

(2) These rules shall provide for local administration and management by the area directors subject to periodic audit and review by the personnel director of the following:

- (a) Appointment, promotion, and transfer of employees.
- (b) Dismissal, suspension, or demotion of an employee.
- (c) Examinations for all positions in the competitive and non-competitive service.
- (d) Probationary periods of six months and rejection therein.
- (e) Sick leaves and vacations.
- (f) Hours of work.
- (g) Layoffs when necessary and subsequent reemployment.
- (h) Allocation and reallocation of positions within the classification plans.
- (i) Training programs.
- (j) Maintenance of personnel records.

## CLASSIFICATION PLANS

### NEW SECTION

WAC 132R-210-110 PREPARATION. The personnel director shall prepare and may thereafter revise a comprehensive classification plan for all positions. The plan shall be based on the compensation plans developed and approved by the Higher Education Personnel Board of the State of Washington. When complete, the plan will include, for each classification, a specification including an appropriate title, a description of duties and responsibilities, the minimum requirements of training, experience and other qualifications, and designation of examination requirements.

### NEW SECTION

WAC 132R-210-120 ADOPTION. The proposed classification plan and any subsequent proposed revisions thereto shall be submitted to the Board of Trustees for adoption, revision or rejection. The plan shall become effective as approved by the Board. Thereafter, class titles so established shall be used in all personnel and financial records of Big Bend College-Europe and in all recruitment and examination procedures.

### NEW SECTION

WAC 132R-210-130 INTERPRETATION OF SPECIFICATIONS. The definitions in class specifications are descriptive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities, and are to be used as a guide for the appointing authority in assigning, directing, and controlling the work of employees. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned but which are of a same kind or quality.

### NEW SECTION

WAC 132R-210-140 USE IN EXAMINATION. The class specifications shall be used as a basis for determining the suitability of candidates for employment by supplying data basic to the preparation of qualifying tests and examinations. The specifications for any class shall constitute the basis and source of authority for the tests to be included in an examination for the class and for the evaluation of the qualifications of applicants.

### NEW SECTION

WAC 132R-210-150 POSITION ALLOCATION - REALLOCATION (1) The personnel officer shall allocate or reallocate each position in the classified service to the appropriate class in classification plan. In determining the class to which the position should be allocated, specifications describing each class shall be considered as a whole. Consideration should be given to the general duties, specific tasks, responsibilities, and relationships to other classes as a composite description of the kind of employment that the class is intended to embrace.



(2) When there are permanent and substantive changes in the functions of a position involving the addition, reduction, or modification of duties and responsibilities, the personnel officer will reallocate the position to the appropriate class. Employees affected by such action must be notified at least fifteen (15) calendar days in advance of the effective date of the impending action. The notice will inform employees that an appeal is provided in WAC 132R-210-170, may be exercised within thirty (30) days of the effective date of the action.

#### NEW SECTION

WAC 132R-210-160 POSITION REVIEW. (1) An employee or his representative may request a position review by the personnel officer. The request must be in writing and should describe the work assigned and performed, which is alleged to be outside of the class specification.

(2) The personnel officer will investigate the position and issue in response, a written report within thirty (30) days of receipt of the request. This may be extended by thirty (30) days provided the affected employee is notified of the extension. The report must include a notice to the employee that an appeal, as provided in WAC 132R-210-170, may be exercised within thirty (30) days of receipt of the report. If the report is not received within sixty (60) days of the request, the employee may file an appeal with an Allocation Review Committee through the personnel director.

#### NEW SECTION

WAC 132R-210-170 ALLOCATION REVIEW COMMITTEE. An Allocation Review Committee shall be an ad-hoc committee appointed by the personnel director to review allocation appeals. Each committee shall be temporary, appointed on a one-time only basis for each appeal and shall be composed of three employees, one from each of the following employment categories:

(1) One member from the classified service, employed in a class having a maximum salary equal to or greater than the class occupied by the appellant.

(2) One member from the exempt administration management staff whose responsibility does not control, evaluate or otherwise have an affect on the appellant's work.

(3) One member from the exempt teaching staff whose responsibility does not control, evaluate or otherwise have an affect on the appellant's work.

#### NEW SECTION

WAC 132R-210-175 ALLOCATION APPEAL - ALLOCATION REVIEW COMMITTEE. (1) An employee or employee representative who disagrees with the allocation of a position may file a written appeal with the personnel director for review by an Allocation Review Committee provided:

(a) A local position review has been completed with a report submitted by the personnel officer in accord with WAC 132R-210-160, or

(b) A position has been reallocated in accord with WAC 132R-210-150 (2). The appellant should enclose information

which will assist a committee to determine the proper allocation for the position.

(2) Within thirty (30) days, but prior to scheduling the appeal hearing with the board, the personnel director will investigate the appeal and attempt to resolve the allocation to the satisfaction of all parties. This may be extended by thirty (30) days provided the affected employee is given notice of the extension. If the allocation remains unresolved and the appeal is not withdrawn within fifteen (15) days following the personnel director's review, the personnel director will schedule an appeal hearing with an allocation review committee.

(3) Allocation appeals will be informal and will allow sufficient time for the parties to present facts pertinent to the proper allocation of the position. The appellant and respondent may be represented by any person of their choosing at an allocation hearing. In appeals heard by an allocation review committee, the committee shall issue a recommended decision within thirty (30) days of the hearing. Within thirty (30) days of service of the recommended decision, any party adversely affected may file exceptions, and thereafter, all parties may present written arguments upon exception to the college President. Within thirty (30) days of receipt of the arguments upon exceptions, the President will issue a decision which is final and binding.

#### NEW SECTION

WAC 132R-210-180 POSITION REALLOCATION - EFFECT ON INCUMBENT. (1) An employee occupying a position that is reallocated to a class with a higher maximum salary, is affected as follows:

(a) When reallocation is a result of an accumulation of duties by the incumbent over a period of at least six (6) months, the incumbent may elect to remain in the position subject to the conditions in (4) below;

(b) When reallocation will require immediate changes in the duties of the position, it will be filled in accord with WAC 132R-210-700, Recruitment, Examination, Certification, Appointment. The incumbent will be given an opportunity to compete on a promotional basis.

(2) An employee occupying a position which is reallocated to a class with a lower maximum salary has the following options: (a) The employee may transfer to a vacant position in a class for which he is qualified; or

(b) Demote with the position; or

(c) Be subject to layoff in accordance with the layoff provisions of these rules.

(3) When reallocation results because the board has created, abolished or modified a class, the incumbent will remain in the position and the following rules will apply:

(a) Employees occupying position reallocated to a class with a lower salary maximum will be placed at a step in the salary range which is equal to his/her current salary and will be allowed to achieve the salary maximum of his/her former class at the time of reallocation. The employee will lose the right to such salary maintenance if he/she voluntarily demotes, promotes or transfers to another class.

(b) Employees occupying positions reallocated to a class with a higher salary maximum will receive an increase

in accordance with the provisions of WAC 132R-210-265;

(c) Reallocations which result from a classification abolishment will be retroactive to the effective date of the board's action.

(4) An incumbent whose position is reallocated as provided above may remain in a position following reallocation providing that he/she meets the minimum qualifications of the class. The minimum qualifications may be waived by the director upon request of the personnel officer if it is determined that the incumbent has sufficient experience to satisfactorily perform the duties of the class. Successful completion of the higher level duties by the incumbent for at least six (6) months satisfies the examination requirement. Documentaion of such service shall be kept on file for each reallocation request approved.

## COMPENSATION PLANS

### NEW SECTION

WAC 132R-210-210 COMPENSATION PLANS. The personnel director shall prepare compensation plans for all classes. The plans shall be the same as the compensation plans for Big Bend Community College in Moses Lake, Washington, except that the plans may contain special provisions designed for operating conditions in the European area. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Salary range schedules including regular increment increases based upon length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service.

(3) Assignment of each class to a salary range or not less than prevailing rates in Washington state private industries, and other governmental units, for positions of a similar nature and which shall be competitive in European locations.

(4) Equal pay for similar duties, responsibilities, and qualifications among classes.

(5) Such provisions as are necessary to describe basic compensation policies for the European location.

### NEW SECTION

WAC 132R-210-220 COMPENSATION PLANS - ADOPTION. (1) The proposed compensation plans shall be submitted to the board by the personnel director for adoption, revision, or rejection.

### NEW SECTION

WAC 132R-210-230 SALARY - LIMITS. The basic compensation rate for all employees shall be within the salary range assigned to the class, unless a different rate is set by the board because of special circumstances.

### NEW SECTION

WAC 132R-210-240 SALARY - ENTRANCE. The entrance salary for any employee shall be the minimum salary step of the range unless the prospective appointing authority has received authorization from the personnel officer for a higher entrance salary step. Each institution shall maintain records of appointments above the minimum for periodic audit by the personnel director.

### NEW SECTION

WAC 132R-210-250 SALARY - PERIODIC INCREMENT. Employees whose standards of performance permit them to retain job status in the classified service shall receive periodic increments within the steps of the salary range. Such periodic increments shall be in addition to the increases resulting from promotion or to any salary increase adopted by the board.



NEW SECTION

WAC 132R-210-260 SALARY - PERIODIC INCREMENT DATE. (1) The periodic increment date for employees appointed at the first step of the range shall be the date on which permanent status is achieved. The periodic increment date of employees appointed at a salary step above the first step shall be one year from the date of probationary appointment. The periodic increment date shall be adjusted to the date of completion of trial service following promotion. The salary of each employee shall be increased two (2) steps on the periodic increment date and annually thereafter on the periodic increment date until the maximum step of the range is reached.

(2) The periodic increment date shall remain unchanged except:

(a) For leave of absence without pay for ten (10) or more consecutive working days, in which case the date will be extended by one month for each month in which the employee is on such leave; except as provided by WAC 132R-210-862;

(b) That the periodic increment date of employees occupying instructional year positions will be extended on a month for month basis when a leave of absence without pay, in conjunction with the instructional year, exceeds ninety (90) calendar days;

(c) Upon promotion in which case the existing periodic increment date will be abolished and a new periodic increment date will be established upon the successful completion of the trial service period. In the event the promoted employee is reverted during the trial service period, the previous periodic increment date will be revived;

(3) The effective date for payment of periodic increments shall be;

(a) The first of the current month for periodic increment dates occurring between the first and the fifteenth of a month; or

(b) The first of the following month for periodic increment dates occurring between the sixteenth and the end of a month.

NEW SECTION

WAC 132R-210-265 SALARY - PROMOTION. An employee who is promoted shall be paid at the salary step which represents at least a two (2) step increase over the salary received immediately prior to promotion, provided such increase:

(a) Is not less than the first step of the new range;

(b) Does not exceed the top step of the new range.

NEW SECTION

WAC 132R-210-270 SALARY - SURVEY. (1) When adjustment in salary range is based on a change in the Big Bend Community College home campus compensation plan which resulted from a salary survey and there is no change in class concept, duties and responsibilities:

(a) Employee shall retain existing appointment status;

(b) Employees' salary shall be adjusted to the same step in the new range held in the previous range.

NEW SECTION

WAC 132R-210-275 SALARY - PART-TIME EMPLOYMENT COMPUTATION. Part-time employment shall be compensated on the basis of the ratio of hours worked to those required for full-time employees.

NEW SECTION

WAC 132R-210-280 SALARY - OVERTIME RECORDS. A record of each overtime accrual and compensation separate from the scheduled work and compensation records shall be maintained by each European division employment unit. Such records shall be subject to review by the personnel director.

RESIGNATION - LAYOFF

NEW SECTION

WAC 132R-210-310 SEPARATION. Resignation, retirement, layoff, dismissal shall constitute separation from service.

NEW SECTION

WAC 132R-210-320 RESIGNATION. Any employee may resign from service and should present his resignation in writing to the appointing authority. To resign in good standing an employee must give at least two calendar weeks' notice, unless the appointing authority waives the notice requirement. Such resignation shall be promptly forwarded to the personnel officer by the appointing authority.

NEW SECTION

WAC 132R-210-330 LAYOFF. (1) An appointing authority may separate or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds, curtailment of work, or good faith reorganization for efficiency purposes. Each such employee shall receive written notice of options in lieu of layoff. The option period shall be for no less than three (3) working days. Written notice of at least fifteen (15) calendar days must be given to the employee after he/she has selected one of his/her options or upon completion of the option period.

(2) Big Bend College-Europe shall develop a layoff procedure based upon layoff seniority which shall include clearly identified units, in order to minimize the disruption of the total operation.

(3) The layoff procedure shall provide for veterans preference for eligible veterans and their unmarried widows as defined in WAC 132R-210-350.

(4) In a layoff action involving a position for which a particular sex is a bonafide occupational requirement, as approved by the Washington state human rights commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options in classifications paid at the same level or lower that are:

(a) Classifications in which the employee has held permanent status;

(b) Lower classifications in the same class series for which the employee is qualified.

(c) The employee may exercise either option provided that the employee being replaced is the least senior in the classification and has less layoff seniority than the employee replacing him/her.

(6) No permanent employee shall be separated through layoff except as provided in WAC 132R-210-335, without being offered those positions in classes for which he/she meets the minimum requirements and passes the qualifying examination currently being held by temporary, provisional, or probationary employees. Exercise of this option is limited to those employees scheduled for layoff who have exhausted option rights within their layoff units as provided in WAC 132R-210-330 (5).

(7) In order to be offered a layoff option to a position for which selective certification as identified in WAC 132R-210-752 (1) (a) has been authorized by the personnel officer, the employee must possess the required prerequisite skills called for in the selective certification.

(8) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution reduction-in-force procedure to all employees subject to layoff.

(b) Advise each employee of options in lieu of layoff available, including specific positions for which he/she is eligible under WAC 132R-210-330 (6).

(c) Advise each employee of the specific layoff list classifications for which he/she will qualify upon separation.

(d) Advise each employee of the right to appeal his/her layoff per WAC 132R-210-445.

(9) The college shall have on file a layoff procedure approved by the Board.

#### NEW SECTION

##### WAC 132R-210-335 LAYOFF - SPECIAL EMPLOYMENT PROGRAMS.

(1) The college, when participating in special employment programs qualifying under the conditions identified in WAC 132R-210-784, shall establish special employment program layoff units.

(2) Employment options of individuals being laid off from positions in special employment programs are limited to positions within the unit and/or program for which the employee qualifies.

(3) Within the special employment program layoff unit, a permanent status employee scheduled for layoff from service within the class shall be offered employment options in classifications paid at the same level or lower that are:

(a) Classifications in which the employee has held permanent status;

(b) Lower classifications in the same class series for which the employee is qualified.

(c) The employee may exercise either option provided that the employee being replaced is the least senior in the classification and has less layoff seniority than the employee replacing him/her.

(4) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 132R-210-736.

#### NEW SECTION

WAC 132R-210-340 LAYOFF LISTS. The names of permanent and probationary employees who have been laid off from service within a class or from service to the institution shall be placed on the eligible lists for those classes in which they have held permanent status, probationary or trial service appointments from any of which they had not been rejected, demoted or dismissed, and in addition those lists for all lower classifications in the same class series for which the employee is qualified. Layoff lists shall be area-wide with



eligibles ranked according to layoff seniority as defined in WAC 132R-210-020 (33). Eligibles certified from such lists shall be re-employed in preference to all other eligibles.

#### NEW SECTION

WAC 132R-210-350 VETERANS RETENTION PREFERENCE. (1) For the purpose of this section veteran means any person who has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad, conduct, or dishonorable discharge is given.

(2) Veterans as defined in WAC 132R-210-350 (1) shall have added to their unbroken service in an institution of higher education, their total active military service, not to exceed five (5) years. The combined total of unbroken institutional employment and active military service will constitute the veterans' layoff seniority.

(3) The unmarried widow of an eligible veteran shall be entitled to veterans retention benefits as outlined in WAC 132R-210-350 (1) and (2) regardless of the veteran's length of active military service.

(4) For the purpose of this rule "veteran" shall not include any person who as a veteran retired with twenty or more years' active military service and has military retirement pay in excess of \$500 per month.

#### NEW SECTION

WAC 132R-210-360 EUROPE-WIDE LAYOFF LIST. (1) A permanent employee on layoff status or scheduled for layoff shall be offered the option of placement on the layoff lists at all of the areas of Big Bend College-Europe for the classes in which they have held permanent status appointment and lower classes in the same class series, or equivalent classes for which they qualify and pass a qualifying examination. This option must be exercised by the affected employee within thirty (30) days of the effective date of layoff.

(2) Employees shall be ranked by their total layoff seniority as measured by their last period of unbroken service in the classified service of the college, either in Europe or the state.

(3) The duration of eligibility on this list shall be one (1) year from the date of placement on the list.

(4) Referral from this list shall be on a rule of three.

(5) Employees appointed from this list shall be credited with unused sick leave accrued at the time of layoff. Annual leave shall be computed as provided in WAC 132R-210-820.

(6) The college will provide each employee scheduled for layoff with a copy of this rule and a listing of employment areas they may contact.

(7) Certification from the Europe-wide layoff list shall be after area-wide promotional lists and prior to the open competitive/non-competitive lists.

NEW SECTION

WAC 132R-210-405 DEMOTION - SUSPENSION - REDUCTION - DISMISSAL - CAUSES. Appointing authorities may demote, suspend, reduce in salary, or dismiss an employee under their jurisdiction for any of the following causes:

- (1) Neglect of duty
- (2) Inefficiency.
- (3) Incompetence.
- (4) Insubordination.
- (5) Conviction of a crime involving moral turpitude.
- (6) Malfeasance.
- (7) Cross misconduct
- (8) Physical or mental incapacity.
- (9) Willful violation of the published institution, related board of Higher Education Personnel Board rules or regulations.
- (10) Mistreatment or abuse of fellow workers or members of the public.
- (11) Conflict of interest.

NEW SECTION

WAC 132R-210-410 REDUCTION - DEMOTION - PROCEDURE. Appointing authorities may reduce the salary of a permanent employee within the range or may demote an employee to a position at a lesser pay range for which he meets the minimum qualifications. Specified charges in writing for either of these actions shall be furnished to the employee and a copy filed with the personnel director at least fifteen (15) calendar days prior to the effective date of the action.

NEW SECTION

WAC 132R-210-415 SUSPENSION - GROUNDS FOR - DURATION - NOTICE. Appointing authorities may suspend any employee without pay for cause as specified in these rules for a period not exceeding fifteen (15) calendar days as a single penalty; or for a total of thirty (30) calendar days in any calendar year as an accumulation of several penalties. The specified charges and duration of the action shall be furnished to the employee with a copy to the personnel director postmarked within three (3) calendar days after the suspension became or becomes effective. Notice to the employee shall be furnished in the manner as for dismissal.

NEW SECTION

WAC 132R-210-420 DISMISSAL - GROUNDS FOR - NOTICE. Appointing authorities may dismiss a permanent employee for cause as specified in these rules. The employee shall be furnished with specified charges in writing at least fifteen (15) calendar days prior to the effective date of the action. The notification shall be furnished directly to the employee during working hours, or if this is not possible because of the absence of the employee on his regularly scheduled working day, mailed by certified letter to the employee's last known address. If the notification is furnished directly to the employee, the day it was furnished shall be

counted as a day of notice. If the notification is mailed, the notice shall be considered received the same day it is postmarked. A copy of the specified charges shall be transmitted to the personnel director and postmarked within three (3) calendar days after the effective date.

#### NEW SECTION

WAC 132R-210-425 PROBATIONARY PERIOD - REJECTION. An appointing authority may reject an employee who has not completed a probationary period. Written notice of the action must be given to the employee at least one workday (eight (8) hours) prior to the effective date of the action. Written notice should be given directly to the employee. If the employee is unavailable, notification shall be by certified mail. In such case, the notice shall be considered received the day after it is postmarked. A probationary employee may not appeal rejection.

#### NEW SECTION

WAC 132R-210-430 DISMISSAL, SUSPENSION - CONCURRENTLY - NOTICE. (1) A permanent employee may be suspended without pay for cause as specified in these rules if the appointing authority believes the good of the service requires the immediate separation of an employee also being dismissed.

(2) The suspended employee may also be dismissed in the manner set forth in these rules.

(3) The appointing authority, when applying an immediate suspension followed by dismissal, shall notify the employee of each action. The notification of suspension shall state specified charges justifying immediate removal from staff in addition to the specified charges in support of the dismissal.

#### NEW SECTION

WAC 132R-210-435 UNAUTHORIZED ABSENCE - PRESUMPTION OF RESIGNATION - NOTICE. An employee may be presumed to have resigned his/her position when there has been an absence without authorized leave from the job for a period of five (5) consecutive working days. Thereafter, a notice acknowledging the presumption of resignation shall be sent by certified mail to the last known address of the employee with a copy to the director. Within five (5) days of the date of mailing, the employee may petition the appointing authority for reinstatement upon proof that the absence was involuntary or unavoidable. If the employee is not reinstated, notification shall be given advising of the right to appeal per Big Bend Community College, employment policies and procedures of professional staff.

#### NEW SECTION

WAC 132R-210-440 DEMOTION, SUSPENSION - REDUCTION - DISMISSAL - WITHDRAWAL OF CHARGES BY APPOINTING AUTHORITY - TIME LIMITATION. Appointing authorities may, within the



limitations and in accordance with the provisions of these rules, withdraw or modify any of the above actions within a period of sixty (60) calendar days, but not after an appeal has been heard.

#### NEW SECTION

WAC 132R-210-445 APPEALS FROM DEMOTION, SUSPENSION, REDUCTION, DISMISSAL. Any permanent employee who has completed a probationary period and is demoted, suspended, reduced, or dismissed, may appeal such actions. Any permanent employee who has been suspended or laid off may appeal such action. Appeals must be made in writing and filed in the office of the personnel director within thirty (30) days after the effective date of the action appealed.

#### NEW SECTION

WAC 132R-210-450 APPEALS - RECEIPT - PROCEDURE. The director shall forward the written notice of appeal to the European Project Director and the area concerned and aid in arranging an appeal hearing as soon as possible. The hearing shall be conducted within thirty (30) days after receipt of the appeal by the personnel director.

#### NEW SECTION

WAC 132R-210-455 APPEALS - HEARINGS. Hearings on such appeals shall be open to the public, except for cases in which there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. The employee and other concerned parties shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence.

#### NEW SECTION

WAC 132R-210-460 WRITTEN NOTICE OF FINDINGS. The European Project Director shall notify interested parties in writing of findings and recommended action and such notice shall be binding unless a request for review by the President is received by the personnel director as provided in WAC 132R-210-465.

#### NEW SECTION

WAC 132R-210-465 REQUEST FOR REVIEW. Request for review of the action of the European Project Director must be made in writing by the employee, his/her representative, or the employing official within fifteen (15) days of the mailing of written notice and must contain the reasons for such review.



NEW SECTION

WAC 132R-210-470 RULING ON REVIEW. Within thirty (30) days of receipt of notice per WAC 132R-210-465, the President will issue a ruling either affirming or modifying the European Project Director's action and said ruling will be final.

COLLECTIVE BARGAINING

NEW SECTION

WAC 132R-210-505 PURPOSE. The general purpose of this chapter is to define the collective bargaining rights of employees and to define unfair labor practices.

NEW SECTION

WAC 132R-210-510 RIGHTS OF EMPLOYEES. Classified employees shall have, and shall be protected in the exercise of the right, freely and without fear of penalty or reprisal, to form, join, and assist any employee organization or to refrain therefrom, except as provided by law.

NEW SECTION

WAC 132R-210-520 EMPLOYEE ORGANIZATION FILING REQUIREMENTS. Any employee organization authorized to represent employees before the board or in collective bargaining with an appointing authority must first file a notice of intent to represent employees with the personnel director. Such notice of intent to represent employees must set forth the name of the employee organization, the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation and the number of classified employees that are presently members of the employee organization; a copy of a constitution, by-laws, or any other documents defining powers and authorizing representation. The personnel director shall, after verification of the documents submitted and securing approval of the project director, notify the Board of the employee organizations request.

NEW SECTION

WAC 132R-210-570 UNFAIR LABOR PRACTICES FOR MANAGEMENT-EMPLOYEE. (1) It shall be an unfair labor practice for the college:

(a) To interfere with, restrain, or coerce employees in the exercise of their rights guaranteed by law and rules adopted thereunder.

(b) To control, dominate, or interfere with a bargaining representative.

(c) To discriminate against an employee who has filed an unfair labor practice charge.

(d) To refuse to engage in collective bargaining.

(2) It shall be an unfair labor practice for employee organizations or employees:

(a) To interfere with, restrain, or coerce employees in the exercise of their rights guaranteed by law and rules adopted thereunder.

(b) To induce the college to commit an unfair labor practice.

(c) To discriminate against an employee who has filed an unfair labor practice charge.

(d) To refuse to engage in collective bargaining.

RIGHT TO APPEAL

NEW SECTION

WAC 132R-210-620 RIGHT TO APPEAL. The following appeal rights shall supersede existing rules governing appeals adopted by the college pursuant to chapter 41.06 RCW:

(1) An applicant whose application has been rejected or having been admitted to an examination feels his examination or grade unfair, in error, or not applied or arrived at uniformly; or

(2) An eligible whose name has been removed from eligible list; or

(3) Any employee, employee representative or appointing authority desiring to contest the application of these rules, or any rule or regulation adopted pursuant to chapter 41.06 RCW. Any appeal to the Board shall be in writing and shall be filed in the office of the personnel director within thirty (30) days after the effective date of the action appealed. The provisions of WAC 132R-210-450 shall apply to this section.

NEW SECTION

WAC 132R-210-630 REMEDIAL ACTION. (1) When it has been determined that an individual has served six consecutive months in the college in a position subject to these rules but whose appointment by the college has not been in accordance with the provisions of these rules, and the employee was not a party to the willful disregard of the rules, the Board may take such appropriate action as to confer permanent status, set provision for salary maintenance, establish appropriate seniority, determine accrual of benefits, and such other actions as may be determined appropriate pursuant to the best standards of personnel administration.

(2) The Board may delegate administration of the provisions of WAC 132R-210-630 (1) to the European Project Director, subject to the taking of exceptions to the European Project Director's order in the same manner as set forth in RCW 28B.16.170 and WAC 132R-210-465.

NEW SECTION

WAC 132R-210-701 RECRUITMENT - EXAMINATION - GENERAL RULES.

(1) Appointment to positions in the classified service shall be made according to merit and suitability. Merit and suitability in the classified service shall be ascertained by an appropriate examination for each classification which shall be developed and published by the Higher Education Personnel Board. Such examinations shall be utilized by the European Division when available.

(2) An examination is any formal, scored, quantified measure or assessment used as the basis for a personnel selection decision. It may include written, oral physical or performance tests, evaluation of experience and training; or any combination of these. It may take into consideration such factors as education, experience, physical fitness, performance appraisal, and any other qualifications which properly enter into the determination of the relative fitness of applicants.

(3) Competitive examinations are not required for the establishment of eligible lists in the non-competitive service.

NEW SECTION

WAC 132R-210-702 EXAMINATION NOTICE. (1) The personnel director or his delegates are responsible for determining when to open an eligible list and conduct examination. The personnel director shall develop and maintain on file a procedure by which employees who have indicated an interest in promotion through the established procedure are made aware of promotional opportunities within the organizational unit.

(2) Public notice of examinations to establish lists of employment eligibles shall be made via bulletin board posting, for the duration of the announcement, and such other publicity as warranted in the interest of attracting adequate numbers of qualified applicants. The minimum period for posting employment bulletins will be seven (7) calendar days. For an open competitive posting, the personnel director may authorize a shorter minimum posting period upon receipt of a written request from the area personnel officer.

NEW SECTION

WAC 132R-210-704 RECRUITMENT NOTICE - CONTENT. (1) Bulletin board postings shall specify as a minimum the title and salary range of the class for which the eligible list is open; the nature of the work to be performed; the experience and training required; the time, place and manner of making application; the necessary qualifications established for admission to the examination; the type of examination required for the class.

(2) When the personnel officer elects to limit the number of eligibles to be placed on the non-competitive eligible list or admitted to the entire examination, as provided in WAC 132R-210-712, such information shall be included in the bulletin board posting.



NEW SECTION

WAC 132R-210-706 RECRUITMENT NOTICE - DURATION Recruitment notices shall be of two types, those having definite duration and those having indefinite duration during which application may be made. Prior to closing a notice published for an indefinite period, public notice of at least seven (7) calendar days shall be given.

NEW SECTION

WAC 132R-210-708 ELIGIBLE LIST MODIFICATION - TRAINING. Notwithstanding other provisions of these rules, employees meeting the conditions outlined in WAC 132R-210-950 (3), Training - General Provisions, may be examined without posting a recruitment notice.

NEW SECTION

WAC 132R-210-710 EXAMINATION ADMINISTRATION. Examinations shall be held at such times and places as in the judgment of the delegated personnel officer, most nearly meet the convenience of applicants, practicability of administration, and needs of the service, provided employee/applicants suffer no loss in regular salary as a result of participating in examinations conducted during their regularly scheduled working hours. Examinations shall be conducted by the personnel officers or his/her designee and shall be administered in accordance with standards and procedures designated by the personnel director.

NEW SECTION

WAC 132R-210-712 EXAMINATION - ELIGIBILITY. (1) Examinations shall be open to all applicants who meet the minimum qualifications and other requirements for the class, except that promotional examinations shall be limited to permanent employees of the classified service. Promotional examinations may be opened on an organizational or institution-wide basis, whichever is determined to be in the best interest of the service by the personnel director.

(2) When it is determined to be in the best interest of the service due to technical, administrative or other specialized skills required, and when it has been determined that an insufficient number of qualified promotional candidates exists, the personnel officer may open an eligibility list to open competitive and promotional applicants simultaneously; the names of all persons who achieve passing scores will be ranked on one list.

(3) The personnel officer may declare in advance the number of persons to be placed on a non-competitive eligible list or admitted to the entire examination when normal recruitment and examining of applicants is expected to result in an eligible list in excess of the institution's current needs. Following the screening of applications and the scoring of supplemental applications for this purpose, the applicants receiving the highest scores will be admitted to the final phases of the examination and/or placed on the non-competitive eligible list. Such limitations must be

stated on the published bulletin board posting, and do not preclude the personnel officer from adding members of under-represented groups to the eligible list in accordance with the institution's corrective employment program as provided in WAC 132R-210-782 (2) (e) (1). Eligibles subsequently added through the provisions of WAC 132R-210-782 (2) (e) (1) must meet the same criteria and achieve the same examination score required of the original applicant group.

#### NEW SECTION

WAC 132R-210-714 APPLICATION FORMS. Application for employment shall be filed on such forms as may be prescribed by the personnel director.

#### NEW SECTION

WAC 132R-210-716 APPLICATION - ACCEPTANCE. To be accepted for review, applicants must be completed and signed by the applicant, and delivered to the personnel office, or postmarked before midnight of the closing date specified in the announcement. The personnel officer may require proof of age, education, experience, veteran's preference and other claims relevant to the qualifications of the applicant.

#### NEW SECTION

WAC 132R-210-718 APPLICATION - FREEDOM FROM BIAS. No question in any application form or any examination shall be so framed as to elicit information concerning political or religious opinions or affiliations of an applicant, nor shall any inquiry be made concerning such opinions or affiliations. Information regarding the race or color of applicants shall be solicited only for use in an affirmative action minority employment program and shall be accepted only if it is given voluntarily by the applicant.

#### NEW SECTION

WAC 132R-210-720 APPLICATION - ADMISSION TO EXAMINATION. Applicants who submit properly completed applications on or before the last date for filing and who meet the requirements for the class, shall be notified of the date, time and place of the examination. Any applicant who, for good cause, is unable to appear as notified, may be given the examination at a later date only if the candidate advised the institution personnel officer of his/her inability to appear as scheduled.

#### NEW SECTION

WAC 132R-210-722 APPLICATION - DISQUALIFICATION - REJECTION. The personnel officer may reject or disqualify any application or applicant for cause herein identified:

- (1) The applicant is found to lack the qualifications

prescribed for admission to the examination.

(2) The applicant is physically unable to perform effectively the duties of the class, provided there is compliance with all appropriate state and federal nondiscrimination statutes and regulations;

(3) The applicant is addicted to the use of drugs or narcotics or the habitual use of alcoholic beverages to excess;

(4) The applicant has been adjudged guilty of a crime involving moral turpitude, or infamous or disgraceful conduct;

(5) The applicant has terminated or has been dismissed from a position for delinquency, misconduct, inability to perform similar work or other such cause;

(6) The applicant has used or attempted to use influence or bribery to secure an advantage in an examination or appointment;

(7) The applicant has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or examination.

(8) Whenever the personnel officer refuses to accept an application or applicant under the provisions of these rules, he shall furnish him with a written statement of the reasons therefor and advising of the right of appeal per WAC 132R-210-620, except in those instances in which the applicant was present at the time of notification of rejection or disqualification.

#### NEW SECTION

WAC 132R-210-724 ANONYMITY OF APPLICANTS. When practical, the identity of all persons taking a competitive written examination shall be concealed from the examiners by the use of an identification number which shall be used on all examination papers. When used, this number shall be used from the beginning of the examination until the papers have all been rated.

#### NEW SECTION

WAC 132R-210-726 EXAMINATION - VETERANS PREFERENCE - ELIGIBILITY PERIODS - PERCENTAGE ALLOWANCE. (1) The term "veteran" as used in these rules shall include any person who has served in any branch of the armed forces of the United States during World War I, World War II, the Korean Conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress. "Viet Nam era" shall mean the period beginning August 5, 1964 and ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the Congress.

(2) Only persons who received an honorable discharge, a physical discharge under honorable conditions, or who were released from active duty under honorable circumstances shall be eligible for veterans preference.

(3) Only those veterans who receive a passing score on an examination, prior to addition of veterans preference, shall be eligible for veterans preference.

(4) In all competitive examinations, veterans shall be given a preference by adding to their achieved passing scores,



based upon a possible rating of one hundred (100) points as perfect, a percentage of the achieved score under the following conditions:

(a) Ten percent (10%) of the passing examination score to a veteran who is not receiving any veterans retirement payments. This preference shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(b) Five percent (5%) of the passing examination score to a veteran who is receiving any veterans retirement payments. This percentage shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(c) Five percent (5%) of the passing examination score to a veteran who, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war. This preference shall be utilized on the first promotional examination only.

(d) The claiming of the above preference provisions is the responsibility of the applicant and must be claimed within eight (8) years of the date of release from active service.

#### NEW SECTION

WAC 132R-210-728 NOTIFICATION OF EXAMINATION RESULTS. (1) The personnel officer will notify in writing each applicant competing in an examination of his/her rating or his/her failure to obtain a passing score within ten (10) working days after scoring the examination. Any applicant or authorized representative may request in writing the personnel officer to review the examination and rating within fifteen (15) days after the rating notice. If an error in scoring has been made, it will be corrected and the eligible's name will be placed at the appropriate place on the list. A correction so made shall not invalidate any appointment previously made from the list.

(2) The personnel officer will notify the candidate of the date of placement on the eligible list and the expiration date from the list.

#### NEW SECTION

WAC 132R-210-730 RE-EXAMINATION - PROCEDURE. The personnel officer may authorize an applicant to retake an examination upon written request provided:

(1) At least thirty (30) days have elapsed since the previous examination;

(2) The recruiting bulletin for the class is open for filing at the time of the request, except in the case of re-examination resulting from a sustained appeal;

(3) An applicant is not permitted to take the same examination more than three (3) times in a twelve (12) month period;

(4) The limitations of this rule do not apply to the typing and/or dictation sections of an examination.



## NEW SECTION

WAC 132R-210-732 EXAMINATION RECORDS REQUIREMENT. The personnel officer shall maintain and have available for inspection, required evidence to disclose the impact of examinations upon employment opportunities of all applicants by identifiable racial, ethnic, and sex groups. The data required for this purpose and for conduct of validation research is included on the form used for scoring examinations.

## NEW SECTION

WAC 132R-210-734 ELIGIBLE LISTS - ESTABLISHMENT. In order to carry out the purpose of these rules, the personnel director shall:

(1) Establish and file with the Board for their approval, organizational units for purposes of employment and layoff, based upon administrative unit or geographic location or both;

(2) Establish and maintain eligible lists by class and organizational unit when necessary.

## NEW SECTION

WAC 132R-210-736 ELIGIBLE LISTS - DEFINITION - COMPOSITION. The various eligible lists are defined as follows:

(1) Area-wide Layoff Lists shall be established by class and shall contain the names of all permanent and probationary employees laid off or scheduled for layoff in accord with WAC 132R-210-330 and WAC 132R-210-340. Ranking of eligibles shall be in order of layoff seniority.

(2) Instructional Year Transfer Lists shall be established by class and shall contain the names of all permanent employees occupying instructional year positions within the class who have filed written requests for transfer to twelve-month positions with the personnel officer. Eligibles shall be ranked according to institutional seniority.

(3) Organizational Unit Promotional Lists shall be established by class and shall contain the names of all permanent employees of the organizational unit for which the list is established, who have successfully completed the examination for the higher class. Ranking of eligibles shall be in order of their final earned rating on the examination, plus any preference credits.

(4) Area-wide Promotional Lists shall be established by class and shall contain the names of all permanent employees who have successfully completed the examination for the class, ranked in order of their final earned rating on the examination plus any preference credits.

(5) Special Employment Program Layoff Lists shall be established by class and shall contain the names of permanent employees laid off, scheduled for layoff or removed from service within a class due to layoff conditions. Ranking of eligibles shall be in order of layoff seniority as defined in WAC 132R-210-020.

(6) Europe-wide Layoff Lists shall be established by class and shall contain the names of all permanent employees laid off or scheduled for layoff who have exercised their option per WAC 132R-210-360. Ranking of eligibles shall be

in order of layoff seniority as defined in WAC 132R-210-360 (2).

(7) Open Competitive/Non-Competitive Lists

(a) Open Competitive Lists shall be established by class and shall contain the names of all candidates who have successfully completed the examination for the class, ranked in order of their final earned rating on the examination, plus any preference credits.

(b) Non-competitive lists shall be established by class where the class has been previously approved by the personnel director to be a part of the non-competitive service.

(c) They shall contain the names of all applicants who meet the minimum requirements for the class for which the list is established. The eligibles shall be ranked by priority in time of filing application.

NEW SECTION

WAC 132R-210-738 PROCEDURE IN CASE OF TIES. When two (2) or more candidates on the same eligible list have the same rating, their relative ranking on the list will be determined by lot.

NEW SECTION

WAC 132R-210-740 DURATION OF ELIGIBLE LISTS. (1) The term of eligibility for each name on an eligible list shall be one (1) year from the date the name is placed on the eligible list except for Area-wide layoff lists for which eligibility shall be two (2) years. Prior to the expiration date of the eligible on all eligible lists except open competitive/non-competitive and statewide layoff lists, he/she shall be given the opportunity to extend eligibility for one (1) additional year by written request to the personnel officer.

(2) The personnel officer may extend the duration of an entire eligible list for one (1) additional year if it is determined to be in the best interest of the service.

(3) The personnel officer shall cancel the entire eligible list when the classification or examination has been changed to the degree that the list would be invalid for the class. All affected employees shall be notified of the cancellation.

NEW SECTION

WAC 132R-210-742 REMOVAL OF NAMES FROM ELIGIBLE LISTS. The name of an eligible may be removed from an eligible list by the personnel officer for any of the following reasons:

(1) A written request from the eligible that his name be removed.

(2) Appointment to a permanent position through certification from an employment list for another class at the same or higher salary. Any person whose name is so removed shall have his name restored for the duration of his eligibility to this list, or lists, except the one from which appointment was made, by making written application for such action to the personnel office within five (5) working days from the postmark date of the notice of removal.

(3) Failure to respond within ten (10) days to a written inquiry or within three (3) days to a telegraphed inquiry from the personnel officer relative to availability for appointment.

(4) Declination of three (3) appointments to classified positions under such conditions as the eligible previously indicated he would accept.

(5) If not appointed from an eligible list after certification four (4) times.

(6) For attempted deception or fraud in connection with any application or examination.

(7) Failure to report for duty within the time prescribed by the agency.

(8) Expiration of the term of eligiblity on the eligible list.

(9) Failure to notify the personnel officer of changes in address.

(10) In the case of Area-wide promotional lists and transfer lists, upon separation, except by layoff, from classified service.

(11) In the case of organizational unit promotion lists, or transfer lists, appointment or transfer of the employee, except by layoff, to a position in another organizational unit.

#### NEW SECTION

WAC 132R-210-744 NOTIFICATION OF REMOVAL OF NAME. Whenever any person's name is removed from an eligible list for any of the previously mentioned causes, except (1) and (3) above, and for open competitive applicants removed from the eligible list under provision (8) above, he/she immediately be notified of such removal, unless his/her whereabouts are unknown. Such person may, within five (5) working days of notification, make a written request to the personnel officer for restoration of his name to such eligible list for the duration of his eligibility. The personnel officer, after full consideration of the request, may restore the name to the eligible list, or refuse to do so. The person shall be notified of the personnel officer's action.

#### NEW SECTION

WAC 132R-210-746 RELATED ELIGIBLE LISTS. Should a vacancy occur in a class for which there is no existing eligible list, it shall be the responsibility of the institution to recruit and develop an eligible list. If it is impractical to recruit in order to establish a list of eligibles, the personnel officer may substitute a related list if he deems the lists to be sufficiently similar.

#### NEW SECTION

WAC 132R-210-748 REQUEST FOR CERTIFICATION. When a vacancy in the classified service is to be filled, the employing official shall submit a personnel requisition to the personnel officer. If special or outstanding qualifications are desirable for the position under consideration, these shall be noted on the requisition.



NEW SECTION

WAC 132R-210-750 METHOD OF CERTIFICATION. (1) Upon receipt of a personnel requisition, the personnel officer shall certify in writing two (2) more names than there are vacancies to be filled in strict order to standing on the appropriate lists.

(2) In the case of certification made from an Area-wide layoff list, the eligible with the greatest layoff seniority shall be certified for appointment. The most senior eligible (s) on special employment program layoff list may be included with the certification of promotional candidates from existing promotional eligible lists when there are less than three (3) promotionals to certify. In the event there are no existing promotional eligible lists at the time of certification, and there are eligibles on the special employment program layoff lists, certification will consist of only the most senior eligible on the list.

(3) In the case of certification made from an established instructional year transfer list, the eligible with the greatest layoff seniority shall be certified for appointment.

(4) The eligibles certified to an employing official need not come from the same eligible list; however, each eligible list must be exhausted before progressing to the next eligible list. Eligible lists shall be used for filling classified vacancies in the order of priority listed below:

- (a) Area-wide Layoff List
- (b) Instructional Year Transfer List
- (c) Organizational Unit Promotion List
- (d) Area-wide Promotion List
- (e) Special Employment Program Layoff List
- (f) Europe-wide Layoff Lists
- (g) Open Competitive/Non-Competitive Lists

NEW SECTION

WAC 132R-210-752 SELECTIVE CERTIFICATION. (1) The personnel officer may declare a selective certification of eligibles to fill a vacancy under the following conditions:

(a) When there is a requirement for specialized and/or distinctive, technical or professional qualifications essential to fill the work requirements of a particular position;

(b) When the institution or related board is utilizing a corrective employment program to increase the representation of employees of a particular racial or ethnic group or sex (per provisions of WAC 132R-210-782, Corrective Employment Programs).

(2) Recruiting bulletins issued to establish lists of eligibles from which selective certification will be made must include the special qualifications and/or indicate that selective certification in accord with corrective employment program regulations may be involved.

(3) The appointment of employees hired or promoted through selective certification will be reported monthly to the director.

NEW SECTION

WAC 132R-210-754 INCOMPLETE CERTIFICATION. When the number of names available for filling any vacancy is fewer than three (3), the employing official may make an appoint-



ment from the eligible list or decline certification for that vacancy.

NEW SECTION

WAC 132R-210-756 NOTICE OF CERTIFICATION. The employing official shall interview each candidate certified prior to making an appointment, except when the eligible waives the interview.

NEW SECTION

WAC 132R-210-758 SELECTION FROM CERTIFICATION. (1) Following receipt of the list of eligibles and on completion of the interviews resulting therefrom, the personnel officer shall record one of the following dispositions of the employing official for each name certified:

- (a) Eligible was interviewed and considered but not appointed;
- (b) Eligible waived consideration for the position;
- (c) Eligible failed to appear for interview or could not be contacted provided that the eligible has been given at least two (2) working days in which to respond to notice of certification;
- (d) Appointment to a position.

(2) When the number of available eligibles is reduced to less than two (2) more than positions to be filled, the personnel officer may upon request from the employing official provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the interview.

NEW SECTION

WAC 132R-210-760 RETURNING EMPLOYEE PROVISIONS - LAYOFF - REEMPLOYMENT. (1) Eligibles appointed from an established layoff list shall be credited with the following:

- (a) Assumption of status and length of service held in class at the time of layoff;
- (b) Sick leave accrued at the time of layoff;
- (c) Salary increment date extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff.

(2) Former employees who are appointed from an open competitive list shall be:

- (a) Credited with unused sick leave accrued if reemployed within three (3) years of termination;
- (b) Given a new increment date;
- (c) Required to serve a probationary period.

NEW SECTION

WAC 132R-210-762 PROVISIONAL APPOINTMENT. When a vacancy in the classified service exists and there is an inadequate eligible list, the personnel officer may authorize a provisional appointment of any person who meets the minimum require-

ments for the class. Any person appointed provisionally must be advised of his appointment status and of the requirement to compete for the position when recruitment is initiated. Such provisional appointment shall terminate prior to six (6) months or upon certification, whichever comes first. No person shall receive more than one (1) provisional appointment, nor serve more than six (6) months in any twelve (12) month period as a provisional appointee. The period of a provisional appointment shall not constitute a part of the probationary period.

The personnel officer shall immediately begin recruiting to establish a list of eligibles for the class.

#### NEW SECTION

WAC 132R-210-764 EMERGENCY APPOINTMENT. An employing official may request the personnel officer for a thirty (30) day emergency appointment, without regard to other provisions of this rule governing appointment, whenever an emergency exists and there is an inadequate eligible list from which an appointment can be made. The period of emergency service shall not constitute a part of the probationary period. Emergency appointments shall be reported in writing to the director at the time of appointment and may be extended for another (30) day period only upon prior approval of the director.

#### NEW SECTION

WAC 132R-210-766 PROBATIONARY APPOINTMENT. Probationary appointment shall be made only upon appointment from one of the following eligible lists, and will continue for a period of six (6) months unless interrupted as provided in these rules:

- (1) Open Competitive or Non-Competitive List;
- (2) Layoff List - when the employee was in probationary status at the time of layoff;
- (3) Statewide Layoff List.

In the event an employee is on leave without pay status for ten (10) or more consecutive work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay.

#### NEW SECTION

WAC 132R-210-768 TRIAL SERVICE APPOINTMENT. A trial service appointment shall consist of the six (6) month period following appointment from a promotional list, or transfer list involving movement into a different class. This provides the employing official an opportunity to observe the new employee's work; to train, counsel, and if necessary, revert the employee to his former position in which he held permanent status. If his former position is occupied, the reverted employee has pre-emptive rights to the position or to a vacant position in the same class. The employing official may offer the reverted employee a position in a classification of equal pay for which the employee qualifies, however, the reverted employee does not have pre-emptive rights into other classifications.

In the event an employee is on leave without pay status for ten (10) or more consecutive work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay.

#### NEW SECTION

WAC 132R-210-770 PERMANENT STATUS APPOINTMENT. Permanent status appointments shall be made under the following conditions:

- (1) Upon successful completion of a six (6) month probationary period or trial service period,
- (2) Demotion either voluntary or involuntary when made to a classification in which the employee has had permanent status.
- (3) Transfer within a classification.
- (4) Certification from a layoff list for a class in which the employee has had permanent status at the time of layoff.

#### NEW SECTION

WAC 132R-210-772 EMPLOYEE REASSIGNMENT - TRANSFER. (1) The appointing authority may reassign a permanent status employee within the same classification.

(2) The personnel director shall develop and maintain a transfer procedure that will provide reasonable opportunity for a permanent status employee seeking reassignment within the same classification. Summary data of transfer activity will be maintained by the personnel officer.

#### NEW SECTION

WAC 132R-210-774 TEMPORARY APPOINTMENT. (1) Temporary appointment may be made only to meet employment conditions set forth in the definition. A temporary appointment to a position identified in WAC 132R-210-020 (29) (a) shall be made following certification of eligibles from appropriate eligible lists established by class who have indicated willingness to accept temporary assignment.

(2) Temporary appointment made in accordance with this rule is not limited to the one hundred eighty (180) calendar day limitation.

#### NEW SECTION

WAC 132R-210-776 MODIFICATION OF MINIMUM QUALIFICATIONS. When a vacancy exists and active and reasonable recruiting efforts fail to establish an eligible list for the class, the personnel officer may request the personnel director to modify the minimum qualifications. If the personnel director is satisfied that reasonable effort has been made to recruit at the established minimum qualifications, he may modify the minimum qualifications, on a one-time basis for only that recruiting cycle. On approval, the personnel officer shall initiate recruiting at the reduced minimum qualifications. Such temporary modification will be reported to the board at



the next regular meeting.

Appointments made from employment lists established in this manner will be in accordance with these rules.

#### NEW SECTION

WAC 132R-210-778 CONCURRENT CERTIFICATION. When more than one department submits a request for certification for one (1) class concurrently, the top three (3) names on the appropriate employment lists will be certified to each department for consideration and selection.

#### NEW SECTION

WAC 132R-210-780 INSTRUCTIONAL YEAR APPOINTMENT. (1) Positions established for periods coinciding with the instructional year of the institution are to be filled in accord with the rules of WAC 132R-210-700.

(2) Employees occupying such positions may be placed on leave without pay by the appointing authority for the scheduled vacation periods coinciding with the instruction year. Such leave of absence does not constitute a break in service. The period of leave of absence shall not be deducted from the employees' length of service in granting periodic increments except as provided in WAC 132R-210-260, nor in computing annual vacation leave accrual rate.

(3) The personnel officer will maintain position rosters indicating all extended instructional year positions within the layoff unit which will become available to instructional year employees during the scheduled vacation period, and will maintain a seniority listing of eligible employees. The personnel officer will post the rosters by April 1 of each year. Eligible employees will have fifteen (15) calendar days after posting to indicate their availability for the positions.

(4) Within the layoff unit, extended instructional year positions filled during the scheduled vacation period will be filled by instructional year employees having the greatest institutional seniority.

(5) A permanent employee in an instructional year position may file a written request with the personnel office for appointment to vacant twelve-month positions. The personnel officer will establish the instructional year transfer lists, ranked by institutional seniority. Certification of eligibles will be the same as for other eligible lists as provided in WAC 132R-210-750 (2).

#### NEW SECTION

WAC 132R-210-782 CORRECTIVE EMPLOYMENT PROGRAMS. (1) Upon approval of the President corrective employment programs to enhance the attainment of equal employment rights and promotional opportunities for members of under-represented groups may be utilized when employees of a particular group are under-represented because of present or past practices, or other conditions which resulted in limited employment opportunities.

(2) Corrective employment programs for classified personnel shall include the following:



(a) The inclusion within an affirmative action program for each fiscal year of special goals and timetables for the employment and promotion of under-represented groups. Each program must be submitted for approval by the Board. Written programs, goals and reports shall comply with state and federal regulations, following guidelines which affect the employer as a federal contractor;

(b) Provisions for ascertaining the race, creed, color, national origin, age, or sex of applicants for employment and promotion;

(c) Selective certification from all eligible lists except layoff (subject to the provisions of WAC 132R-210-750);

(d) Provision for special training and development programs, and selective appointment of women, minority and disadvantaged employees into the programs;

(e) Provision, when corrective employment goals are not achieved through normal recruiting means, to supplement the eligible list for a class within a job category that is under-represented by race, ethnic origin, or sex as follows:

(1) When it is determined by the personnel officer that an eligibility list for a class in a job category does not contain sufficient members of the under-represented groups, applicants who meet the minimum qualifications for the class may be admitted to the examination at any time (subject to WAC 132R-210-730). Those who obtain a passing score will be placed on the appropriate eligible list;

(f) Provision for persons of an under-represented group to enter the employment or promotion process but not to exclude others from it. The rate of entry or promotion through selective certification of under-represented persons ordinarily should not exceed a ratio of one (1) out of three (3) positions filled;

(g) Provision for suspending the use of selective certification for employment and promotion of an under-represented group whenever the condition of under-representation has been corrected for a job category within an organizational unit of an institution's affirmative action plan, and for reinstating selective certification when needed.

#### NEW SECTION

WAC 132R-210-784 SPECIAL EMPLOYMENT PROGRAMS. (1) Special employment programs are those programs designated by the personnel director which are designed and implemented to reduce unemployment and/or provide training opportunities to enable persons to become more employable. Special employment programs are funded in total, or in part, from sources other than the normal sources available to institutions of higher education or related boards.

(2) Positions created for special employment programs are included in the regular classified service. The primary distinction is a separate layoff unit to include all special employment programs. Employees occupying such positions are eligible for usual staff benefits. When special employment program positions are abolished, layoffs will occur as provided in WAC 132R-210-335.

NEW SECTION

WAC 132R-210-802 HOURS OF WORK - GENERAL. Each job class will be assigned to one of the work schedules identified below. Hours of work for classified employees of the institutions of higher education and related boards are to be established by the employing official. Working hours may be adjusted but shall not result in requiring more than an average of forty (40) hours a week. Changes in an employee's assigned workweek schedule (except in case of emergency) shall be proceeded by at least five (5) working days notice to the employee. Nothing in these rules shall preclude the scheduling of overtime outside of normally assigned shifts providing reasonable notice is provided the employee.

NEW SECTION

WAC 132R-210-805 WORK SCHEDULES. Three general work schedules are recognized:

(1) Regular Workweek

The regular workweek for full-time classified employees normally shall consist of five (5) consecutive and uniformly scheduled eight (8) hour days in a seven (7) day period. A part-time schedule is any deviation from the full-time schedule consisting of twenty (20) or more but less than forty (40) hours in seven (7) consecutive days.

(2) Alternate Workweek

Operational necessity or employee convenience may require positions and/or classes that are normally designated regular workweek to work an alternate forty (40) hour workweek schedule (other than five (5) uniform and consecutive eight (8) hour work days in a seven (7) day period), and as provided by the fair labor standards act which provides for an eighty (80) hour workweek in a fourteen (14) day period for hospital personnel. Alternate workweek schedules in effect shall be made available upon request and shall include the purpose, number of employees, positions, work schedules, and duration.

(3) Irregular Workweek

The irregular workweek group includes those classes and/or positions in which the conditions of work preclude adherence to a regular or alternate work schedule. Positions in this group must also meet the requirements of executive, administrative or professional exemption definitions of the federal fair labor standards act. Work schedules of this group are not restricted to forty (40) hours a week, but shall meet the intent of WAC 132R-210-802.

NEW SECTION

WAC 132R-210-808 REST PERIOD. Employees shall receive not less than a ten (10) minute rest period for each four (4) hours of work. Each eight (8) hour shift shall include two (2) rest periods, even though the shift is unequally divided.

NEW SECTION

WAC 132R-210-811 HOLIDAYS. (1) Legal holidays are designated by statute. The following holidays are defined per RCW 1.16.050:

The first day of January, commonly called New Year's Day;  
The twelfth day of February, being the anniversary of  
the birth of Abraham Lincoln;

The third Monday of February, being celebrated as the  
anniversary of the birth of George Washington;

The last Monday of May, commonly known as Memorial Day;

The fourth day of July, being the anniversary of the  
Declaration of Independence;

The first Monday in September, to be known as Labor Day;

The eleventh day of November, commonly known as Veteran's  
Day;

The fourth Thursday in November, to be known as Thanks-  
giving Day;

The day immediately following Thanksgiving Day; and

The twenty-fifth day of December, commonly called Christ-  
mas Day.

The college should provide all classified employees in pay  
status with a paid holiday on the above days. However, the  
board may designate other days in lieu of the above holidays,  
provided such revised holiday schedules are filed with and  
approved by the board prior to the beginning of each calendar  
year.

Employees shall be entitled to one paid personal holiday  
per calendar year in addition to those specified in this sect-  
ion as provided in WAC 132R-210-814.

Classified employees working twelve-month schedules shall  
receive the number of holidays set forth in this section each  
year.

(2) Employees working or on leave with pay on their last  
regularly scheduled working day preceding the holiday(s) in  
that month shall receive full compensation for the holiday(s).  
Employees working on a part-time basis shall not benefit by  
the holiday(s) to an amount exceeding their regular salary for  
a normal pay period.

(3) When a holiday falls on an employee's regularly  
scheduled day off, he/she shall receive a day of compensatory  
time off.

(4) Holiday time worked shall be compensated as defined  
in the compensation plan.

(5) Whenever a holiday, except Sunday, falls on Sunday,  
the following Monday shall be considered a non-working or  
legal holiday.

(6) Employees terminating immediately prior to a holiday  
do not qualify for holidays occurring after termination.

#### NEW SECTION

##### WAC 132R-210-814 PERSONAL HOLIDAY - REGULATIONS GOVERNING.

(1) Each employee may select one personal holiday each calendar  
year, as indicated in WAC 132R-210-811 (1) and the college must  
grant the day, provided:

(a) The employee has given not less than fourteen (14)  
calendar days written notice to the supervisor; provided, how-  
ever, the employee and the supervisor may agree upon an  
earlier date; and

(b) The number of employees selecting a particular day  
off does not prevent providing continued public service.

(2) Entitlement to the holiday will not lapse when de-  
nied under (1) (b) above.



NEW SECTION

WAC 132R-210-817 LEAVE AUTHORIZATION. All leave must be authorized by the employing official or his/her designee. Unauthorized absence shall be treated as absence without pay.

NEW SECTION

WAC 132R-210-820 ANNUAL VACATION LEAVE. (1) Full-time employees eligible for vacation leave shall accrue vacation leave, to be credited monthly, at the following rates:

- (a) During the first year of continuous state employment - 12 days (96 hours);
- (b) During the 2nd year of continuous state employment - 13 days (104 hours);
- (c) During the 3rd and 4th years of continuous state employment - 14 days (112 hours);
- (d) During the 5th through the 9th years of total state employment - 15 days (120 hours);
- (e) During the 10th year of total state employment - 16 days (128 hours);
- (f) During the 11th year of total state employment - 17 days (136 hours);
- (g) During the 12th year of total state employment - 18 days (144 hours);
- (h) During the 13th year of total state employment - 19 days (152 hours);
- (i) During the 14th year of total state employment - 20 days (160 hours);
- (j) During the 15th year of total state employment - 21 days (168 hours);
- (k) During the 16th and succeeding years of total state employment - 22 days (176 hours).

(2) Employees working less than full-time schedules shall accrue annual vacation leave credit on the same pro rata basis that their employment schedule bears to a full-time schedule.

(3) The following shall apply for purposes of computing qualifying state employment:

- (a) Employment in the legislative and/or the judicial branch shall not be credited;
- (b) Employment exempt by the provisions of WAC 132R-210-040 (2) or employment under the state personnel board jurisdiction which is analogous to the conditions specified in WAC 132R-210-040 (2) shall not be credited;
- (c) Each contract year of full-time faculty and/or administrative exempt employment shall be credited as a year of qualifying service;
- (d) Employment in part-time positions shall be pro rated to full-time service.

NEW SECTION

WAC 132R-210-823 ANNUAL VACATION LEAVE - USE. (1) Annual vacation leave may not be taken until an employee has completed the probationary period of six (6) months' service.

(2) All requests for annual vacation leave must be approved by the employing official or his designee in advance of the effective date.

(3) Annual vacation leave shall be scheduled by the employing department at a time most convenient to the work of



the department, the determination of which shall rest with the employing official. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount up to the total of his earned leave credits.

#### NEW SECTION

WAC 132R-210-826 ANNUAL VACATION LEAVE - ACCUMULATION. (1) Unused annual vacation leave credits may be accumulated to a maximum of thirty (30) working days, except that if an employee's request for leave is deferred by the employing official or his designee, then the maximum of thirty (30) days accrual shall be extended for each month that the leave is deferred. Such deferral shall be reported to the personnel officer.

(2) No extra compensation in lieu of annual vacation leave shall be paid the employee.

#### NEW SECTION

WAC 132R-210-829 ANNUAL VACATION LEAVE - CASH PAYMENT. Cash payment in lieu of accumulated annual vacation leave may be made under the following conditions:

(1) Upon resignation, with a minimum of two (2) calendar weeks notice, after completing six (6) months of continuous employment;

(2) Upon the death, retirement, layoff or dismissal of a classified employee.

The accrued and unused annual vacation leave credits of an employee leaving the classified service of the college to work for another institution of higher education or state agency without a break in service, shall be transferred to the new employing agency and may not be paid by the institution.

#### NEW SECTION

WAC 132R-210-832 SICK LEAVE ACCRUAL. (1) Full-time classified employees shall accrue sick leave credit at the rate of one (1) working day for each month of completed service.

(2) Employees working less than a full-time schedule shall accrue sick leave credit on the same pro rata basis that their employment schedule bears to a full-time schedule.

(3) Additional sick leave shall be granted for bereavement as provided in WAC 132R-210-838 (3).

#### NEW SECTION

WAC 132R-210-835 LEAVE ACCRUAL DATE. The effective date for computing leave accrual shall be:

(1) The first of the month of hire for employees hired between the first and the fifteenth of a month; or

(2) The first of the following month for employees hired from the sixteenth through the end of the month.

#### NEW SECTION

WAC 132R-210-838 SICK LEAVE - USE. (1) Sick leave shall

be allowed an employee up to the amount of earned credits under the following conditions:

(a) Because of and during illness, disability or injury which has incapacitated the employee from performing required duties;

(b) By reason of exposure of the employee to a contagious disease during such period as attendance on duty would jeopardize the health of fellow employees or the public;

(c) Because of emergencies caused by serious illness or death in the immediate family of the employee that require the assistance of the employee in circumstances arising from the care of the patient or arrangements for the deceased;

(d) For the purpose of medical, dental, or optical appointments, if arranged in advance with the employing official or his/her designee.

(2) Sick leave may be granted for condolence or bereavement.

(3) One day of bereavement sick leave as provided in WAC 132R-210-832 (3) shall be granted for each death in the immediate family. Bereavement sick leave may be extended to a maximum of three (3) days with the approval of the supervisor and the personnel officer. For the purposes of this rule, the immediate family is defined as mother, father, sister, brother, mother-in-law, father-in-law, husband, wife, and children.

#### NEW SECTION

WAC 132R-210-841 MATERNITY LEAVE. A woman requesting maternity leave shall be granted leave for the period of time that she is sick or temporarily disabled because of pregnancy or childbirth. Accrued sick leave may be used during the temporary disability resulting from pregnancy.

#### NEW SECTION

WAC 132R-210-843 SICK LEAVE - REPORTING. Employees should report illness or disability to the immediate supervisor at the beginning of any period of sick leave and daily thereafter unless pre-arranged. Upon returning to work, the employee may be required by the employing official to submit a written statement explaining the nature of the disability.

#### NEW SECTION

WAC 132R-210-847 SICK LEAVE - PHYSICIAN'S CERTIFICATE. A physician's certificate of illness or injury satisfactory to the employing official may be required for approval of sick leave in excess of three (3) days.

#### NEW SECTION

WAC 132R-210-850 SICK LEAVE - WORKMAN'S COMPENSATION. (1) Employees suffering illness or injury which is compensable under industrial insurance provisions, shall receive full sick leave payments, less any industrial insurance payments received by the employee in compensation for the time loss re-

sulting from the period of leave, unless he chooses to receive only industrial insurance payments.

(2) Until eligibility for workmen's compensation is determined by the Department of Labor and Industries, the agency may pay full sick leave, provided that the employee shall return any subsequent over-payment to his agency.

(3) Sick leave days charged to an employee with a workmen's compensation claim shall be proportionate to that portion of the employee's salary paid by the institution during the claim period. An employee who sustains an industrial injury, accident or illness, arising from employment by an agency under the jurisdiction of this board shall, upon written request and proof of continuing disability, be granted leave of absence without pay for up to six (6) months without loss of layoff seniority or change in annual increment date. Leave without pay exceeding six (6) months without loss of layoff seniority or change in annual increment date may be granted at the option of the employing agency.

#### NEW SECTION

WAC 132R-210-853 SICK LEAVE - CHANGE OF EMPLOYMENT. Unused sick leave credits of permanent status employees changing employment between institutions of higher education or from other state agencies without a break in service, shall move with the employee.

#### NEW SECTION

WAC 132R-210-856 SICK LEAVE - SEPARATION - REINSTATEMENT.  
(1) Upon separation of the employee from the classified service, for any cause, compensation shall not be paid for accrued sick leave credits.  
(2) Employees certified from a layoff list shall have sick leave credits reinstated upon their return to active service.

#### NEW SECTION

WAC 132R-210-859 MILITARY TRAINING LEAVE. (1) Employees shall be entitled to leave with pay not to exceed fifteen (15) calendar days in any one calendar year, for active duty in the National Guard, Army, Air, Marine, or Naval Reserve Forces of the United States for annual field training or otherwise discharging reserve obligations.

(2) Such leave shall be in addition to any annual vacation leave to which an employee is entitled and shall not result in any loss of benefits, privileges or pay.

(3) During military training leave, the employee shall receive his normal base pay.

(4) Employees required to appear for a physical examination to determine physical fitness for military service shall receive full pay for the time required to complete the examination.

NEW SECTION

WAC 132R-210-862 MILITARY LEAVE WITHOUT PAY. A classified employee shall be entitled to military leave of absence without pay for service in the armed forces of the United States or the state, and to reinstatement of his former position or to one of like class, with cumulative seniority and increments, upon application to the personnel officer within ninety (90) days after the expiration of such period of military service, in accordance with RCW 73.16.030 through 73.16.060.

NEW SECTION

WAC 132R-210-865 LEAVE OF ABSENCE WITHOUT PAY. (1) Leave of absence without pay may be allowed for any of the following reasons:

- (a) Conditions applicable for leave with pay;
- (b) Maternity leave;
- (c) Educational leave;
- (d) Leave for Government service in public interest;
- (e) To accommodate annual work schedules of employees

occupying positions established on the basis of an instructional year as specified in WAC 132R-210-780.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or his designee and receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he returns to continuous service.

(4) Annual vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten (10) working days in any calendar month.

(5) A classified employee taking a temporary appointment in Big Bend College to an exempt position shall be granted a leave of absence without pay, with the right to return to his regular position, or to a like position at the conclusion of such temporary appointment, provided that the exempt position is as defined in WAC 132R-210-040 (1) and (3).

NEW SECTION

WAC 132R-210-868 LEAVE DURATION - EXCEPTION. Leave of absence without pay shall not exceed twelve (12) months except for educational leave which may be allowed for the duration of actual attendance; military leave; and Government service of public interest leave. Leave of absence without pay may be extended for an additional twelve (12) months, upon signed request of the employee and signed approval of employing official or his designee, and the personnel officer. Any additional leave may be approved by the board.

NEW SECTION

WAC 132R-210-871 LEAVE OF ABSENCE - EMPLOYEE RIGHTS. (1) Employees returning from an authorized leave of absence shall be employed in the same position or in another position in the same class in the same geographical area, and organizational unit, providing that such re-employment is not in con-



flict with rules relating to reduction-in-force.

NEW SECTION

WAC 132R-210-874 LEAVE - PROCEDURES. The personnel director will have on file in the personnel office complete instructions which specify the procedure for granting all leave, as outlined in these rules.

NEW SECTION

WAC 132R-210-877 SUSPENDED OPERATION. Notwithstanding the provisions of WAC 132R-210-300, if the European Project Director determines it is advisable due to emergency conditions beyond control (such as but not limited to riot, work stoppage or strike, civil disturbance, mechanical failure, severe weather conditions, unscheduled military operations), to suspend the operation of all or any portion of the college, the following will govern classified employees:

(1) When prior notification has not been given employees released until further notice after reporting to work shall receive a minimum of four (4) hours pay for the first day with the option of using accrued compensatory time (where applicable), annual leave or leave without pay for the balance of the closure.

(2) Employees not required to work may use accrued compensatory time (where applicable), annual leave or leave without pay.

(3) Employees required to work shall receive their regular rate of pay for work performed during the period of suspended operation; overtime policy will govern any overtime worked.

(4) The personnel director, shall develop and file with the European Project Director, subject to his approval, a procedure to provide for staffing during periods of suspended operations.

NEW SECTION

WAC 132R-210-880 EMPLOYEE ABSENCE - INCLEMENT WEATHER.

(1) When an employee is absent from work due to inclement weather, the employee shall have the option of charging the absence to accrued compensatory time (where applicable), annual leave or leave without pay.

(2) Compensation for lost work time due to inclement weather is subject to the approval of the appointing authority.

## EMPLOYEE DEVELOPMENT AND TRAINING

### NEW SECTION

WAC 132R-210-910 EMPLOYEE DEVELOPMENT - AUTHORITY, PURPOSE AND OBJECTIVE. (1) The rules contained in this chapter follow from the authority of the higher education personnel law, RCW 28B.16.100 (1), which provides in part, "...the Higher Education Personnel Board shall adopt and promulgate rules and regulations consistent with the purposes and provisions of this chapter...regarding the basis for, and the procedures to be followed for...training programs including in-service, promotional and supervisory...."

(2) It is the board's intent that Big Bend College-Europe establish, conduct, and report employee training and development programs. The rules in this chapter provide the guidelines for such programs.

(3) The objective of these rules is to provide opportunity for the development of the potential occupational or professional ability of each employee to make the most effective and economic use of employee resources in accomplishing institutional/related board goals.

### NEW SECTION

WAC 132R-210-920 DEFINITIONS. (1) Training - Formal learning activities intended to systematically provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

(2) Paid Time Training - Training at which attendance is required by the employer. Training of this type is work related or meets an identified institutional/related board need and is compensated in accordance with WAC 132R-210-200.

(3) Off Hour Training - Training which takes place outside of the normal working hours, the objective of which is to provide employees with opportunities to upgrade their skills.

(4) Development - The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

### NEW SECTION

WAC 132R-210-930 TRAINING AND DEVELOPMENT PROGRAMS. (1) Big Bend College-Europe will develop and maintain on file with the President, subject to his approval, an employee training and development plan that provides as a minimum:

(a) The policy and objectives of the College concerning training and development programs;

(b) The policy with regard to training program expenses;

(c) Identification of the person(s) responsible for employee training and development programs;

(d) Provision for the identification and appraisal of training and development needs;

(e) The identification of proposed training activities in the following areas:

1. New employee orientations;
2. Functional training, such as in accounting, data processing, office administration and job skills;
3. System training, such as affirmative action, labor relations and safety;
4. Professional/technical training;

5. Management and organizational development;
6. The off-hour training or continuing education program;
  - (f) Provision specifying the manner of selecting employees for training or development programs and for training records of employee participation;
  - (g) Provision for training and upgrading of skills of women and members of racial or ethnic minority groups as part of the institution's/related board's affirmative action program, including special training programs to achieve corrective action for underutilization of minority or female employees;
  - (h) Involvement of a representative group of employees in the development of training policy and plans;
  - (i) Provision for evaluation of training and development programs;
  - (j) The criteria by which the college will provide employees the opportunity to attend class instruction in academic session during regular working hours;
  - (k) The college's European policy regarding release time during work hours for training course attendance.
- (2) Copies of the college's European procedure will be available to employees upon request.

#### NEW SECTION

WAC 132R-210-950 TRAINING - GENERAL PROVISIONS. (1) Voluntary attendance in training courses outside of regular working hours does not constitute grounds for overtime or compensatory time off.

(2) Required attendance in courses outside of regular working hours constitutes time worked.

(3) Upon completion of approved training programs, respective eligible lists may be opened to employees that meet the minimum qualifications and desire to be examined, as provided in WAC 132R-210-708.