

(h) Application of standards: The agency or association accredits only those institutions which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered under conditions that assure an impartial and objective judgment.

(i) Periodic review: The agency or association re-evaluates at reasonable intervals institutions which it has accredited.

(j) Specificity: The agency or association requires that any reference to its accreditation of accredited institutions clearly specifies the areas and levels for which accreditation has been received.

(k) Reliability:

(i) The agency or association demonstrates reliability, competence, and experience by providing evidence of the acceptance of its policies, evaluative criteria, procedures, and evaluation decisions by educators, educational institutions, other accrediting bodies, practitioners, and employers;

(ii) It has no less than two years' experience as an accrediting agency or association;

(iii) It reflects in the composition of its policy and decision-making bodies the community of interests directly affected by the scope of its accreditation.

(l) Autonomy:

(i) The agency or association performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

(ii) It provides in its operating procedures for protection against conflict of interest in the rendering of its judgments and decisions.

(2) Inclusion in the current list of accrediting agencies and associations recognized by the United States Secretary of Education may be accepted by the council as evidence of compliance with the standards established in subsection (1) of this section: *Provided*,

(a) That the agency or association grants institutional accreditation, as defined in WAC 250-55-020(5); and

(b) That the council may at any time require such additional evidence and make such additional investigation as in its judgment may be necessary to verify compliance with the standards in subsection (1) of this section for purposes of granting, denying, or discontinuing recognition of an accrediting agency or association under this chapter.

(3) The council shall adopt and maintain an up-to-date list of those accrediting agencies and associations which are recognized by the council as meeting the requirements of this section. [Statutory Authority: RCW 28B.05.050. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-220, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-220, filed 12/18/79.]

## Title 251 WAC HIGHER EDUCATION PERSONNEL BOARD

### Chapters

251-04	General provisions.
251-06	Classification.
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### Chapter 251-04 WAC GENERAL PROVISIONS

#### WAC

251-04-020	Definitions.
251-04-040	Exemptions.
251-04-050	Higher education personnel board.
251-04-070	Personnel officers.

**WAC 251-04-020 Definitions.** Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

**"Administrative assistant exemption"** – A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

**"Administrative employees"** – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

**"Agricultural employees"** – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

**"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.

**"Appointing authority"** – A person or group of persons lawfully authorized to make appointments.

**"Availability"** – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

**"Board"** – The higher education personnel board established under the provisions of the higher education personnel law.

**"Certification"** – The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

**"Charges"** – A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

**"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.

**"Classified service"** – All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

**"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.

**"Competitive service"** – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

**"Corrective employment program"** – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

**"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.

**"Demotion"** – The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

**"Development"** – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

**"Director"** – The personnel director of the higher education personnel board.

**"Dismissal"** – The termination of an individual's employment for just cause as specified in these rules.

**"Eligible"** – 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; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

**"Eligible list"** – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

**"Employee"** – A person working in the classified service at an institution.

**"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 director, and which has been authorized in accordance with WAC 251-14-020.

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

**"Executive employees"** – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

**"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 higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

**"Exempt position"** – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head

exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption.")

**"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.

**"Fringe benefits"** – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

**"Full-time employment"** – Work consisting of forty hours per week.

**"Graphic arts or publication exemption"** – Individuals qualifying for exemption under this category 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.

**"Grievance"** – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

**"Handicapped person"** – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

**"Hearing examiner"** – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

**"Institutions of higher education"** – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

**"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.

**"Job group"** – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

**"Job categories"** – Those groupings required in equal employment opportunity reports to federal agencies.

**"Lateral movement"** – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

**"Layoff"** – Any of the following management initiated actions caused by lack of funds, curtailment of work, or good faith reorganization for efficiency purposes:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

**"Layoff seniority"** – The last period of unbroken service in the classified service of the higher education institution. 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. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken institution service the veteran's active military service to a maximum of five years' credit.

**"Layoff unit"** – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

**"Lead"** – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

**"Noncompetitive service"** – All positions in the classified service for which a competitive examination is not required.

**"Organizational unit"** – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

**"Part-time employment"** – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

**"Periodic increment date"** – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

**"Permanent employee"** – An employee who has successfully completed a probationary period at the institution within the current period of employment.

**"Personnel officer"** – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

**"P.I.D."** – Commonly used abbreviation for periodic increment date.

**"Position"** – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

**"Principal assistant exemption"** – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may 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.

**"Probationary period"** – The initial six-month period of employment in a class following appointment from an eligible list of a nonpermanent employee of the institution. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

**"Probationary reappointment"** – Appointment of a probationary employee from an eligible list to a position in a different class.

**"Professional employees"** – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

**"Promotion"** – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

**"Provisional appointment"** – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

**"Public records"** – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

**"Reallocation"** – The assignment of a position by the personnel officer to a different class.

**"Reassignment"** – A management initiated movement of a classified employee from one position to another in the same class.

**"Related boards"** – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

**"Research exemption"** – Individuals in research-exempt positions 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 of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

**"Resignation"** – A voluntary termination of employment.

**"Reversion"** – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved.

**"Supervision"** – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or 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.

**"Suspension"** – An enforced absence without pay for disciplinary purposes.

**"Temporary appointment"** –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

**"Training"** – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

**"Transfer"** – An employee initiated change from one classified position to another in the same class within the institution without a break in service.

**"Trial service"** – The initial period of employment following promotion, demotion or lateral movement into a class in which the employee has not held permanent status, beginning with the effective date of the change and continuing for six months, unless interrupted as

provided in these rules or extended as provided in WAC 251-18-330(5).

**"Underutilization"** – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

**"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.

**"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.

**"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.

**"Writing"** – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-04-020, filed 7/22/82, effective 9/1/82; 82-04-069 (Order 93), § 251-04-020, filed 2/3/82; 81-24-019 (Order 92) § 251-04-020, filed 11/24/81, effective 1/1/82; 81-15-003 (Order 88), § 251-04-020, filed 7/2/81; 80-08-073 (Order 84), § 251-04-020, filed 7/2/80; 78-06-068 (Order 68), § 251-04-020, filed 5/25/78, effective 7/1/78; Order 63, § 251-04-020, filed 11/22/77; Order 61, § 251-04-020, filed 8/30/77, effective 10/1/77; Order 52, § 251-04-020, filed 2/26/76, effective 3/29/76; Order 51, § 251-04-020, filed 1/20/76; Order 46, § 251-04-020, filed 9/19/76; Order 37, § 251-04-020, filed 10/15/74; Order 25, § 251-04-020, filed 7/17/73; Order 21, § 251-04-020, filed 5/24/73; Order 19, § 251-04-020, filed 12/20/72; Order 12, § 251-04-020, filed 5/23/72, effective 6/25/72; Order 8, § 251-04-020, filed 6/17/71, effective 7/19/71; Order 4, § 251-04-020, filed 2/19/71; Order 3, § 251-04-020, filed 1/15/71; Order 2, § 251-04-020, filed 3/12/70; Order 1, § 251-04-020, filed 9/15/69.]

**WAC 251-04-040 Exemptions.** The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major

administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(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 hours per week or on an intermittent employment schedule.

(c) Nonclassified employees filling positions identified in subsections (1)(a) and (3) of the definition of "temporary appointment" in WAC 251-04-020.

(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 director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or 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, as determined by the higher education personnel board: *Provided*, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(6) Any employee who believes 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 WAC 251-12-080, et seq.

(7) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982 then the four-

year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(8) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-18-420. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-04-040, filed 7/22/82, effective 9/1/82; 82-04-069 (Order 93), § 251-04-040, filed 2/3/82; 78-10-090 (Order 70), § 251-04-040, filed 9/29/78, effective 11/1/78; Order 64, § 251-04-040, filed 12/23/77, effective 1/23/78; Order 63, § 251-04-040, filed 11/22/77, effective 12/22/77; Order 61, § 251-04-040, filed 8/30/77, effective 10/1/77; Order 10, § 251-04-040, filed 12/16/71; Order 4, § 251-04-040, filed 2/19/71; Order 1, § 251-04-040, filed 9/15/69.]

**WAC 251-04-050 Higher education personnel board.**

(1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. No member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his/her appointment shall have been approved by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he/she has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling

of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions and reemployment from layoff, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment; determination of appropriate bargaining units within any institution or related board: *Provided*, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: *Provided*, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive

classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment or merit increases within the series of steps for each pay grade; and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-04-050, filed 7/22/82, effective 9/1/82; Order 61, § 251-04-050, filed 8/30/77, effective 10/1/77; Order 1, § 251-04-050, filed 9/15/69.]

**WAC 251-04-070 Personnel officers.** (1) Each higher education institution/related board shall designate an officer who shall perform duties as personnel officer. The personnel officer shall direct, supervise, and manage administrative and technical personnel activities for the classified service consistent with policies established by the institution/related board and in accordance with the provisions of the higher education personnel act and the rules and regulations approved and promulgated thereunder. Institutions may undertake jointly with one another to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects.

(2) The state board for community college education shall have general supervision and control over activities undertaken by the various state community colleges.

(3) Rules adopted by the higher education personnel board shall provide for local administration and management by the higher education institutions/related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees.
- (b) Dismissal, suspension, or demotion of employees.
- (c) Examinations for all positions in the competitive and noncompetitive service.
- (d) Probationary periods of six to twelve months and retention and rejections 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. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-04-070, filed 7/22/82, effective 9/1/82; Order 61, § 251-04-070, filed 8/30/77, effective 10/1/77; Order 1, § 251-04-070, filed 9/15/69.]

### Chapter 251-06 WAC CLASSIFICATION

#### WAC

251-06-010	Classification plan—Preparation.
251-06-070	Allocation appeal—Higher education personnel board.
251-06-090	Probationary period—Duration.

#### **WAC 251-06-010 Classification plan—Preparation.**

The director shall prepare and may revise for board approval a comprehensive classification plan for all positions after investigation and in consultation with personnel officers, employee representatives, and other interested parties, and after analysis of the duties and responsibilities of positions within each class including relevant supporting data. When complete, the plan will include, for each class, a specification including an appropriate title, a description of duties and responsibilities, and the minimum requirements of training, experience and other qualifications, and identification of the classes which require a probationary period of more than six months. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-06-010, filed 7/22/82, effective 9/1/82; Order 61, § 251-06-010, filed 8/30/77, effective 10/1/77; Order 1, § 251-06-010, filed 9/15/69.]

**WAC 251-06-070 Allocation appeal—Higher education personnel board.** (1) The employee or employee representative may file a written appeal with the board under provisions of WAC 251-06-050 or 251-06-060 when:

(a) The response required in WAC 250-06-060(2) is not issued to the employee or employee representative within the required sixty calendar day period following receipt of the employee request; or

(b) The response fails to address the specific reason(s) that the request was not approved; or

(c) The employee disagrees with the results of a position review conducted by the personnel officer. The written appeal should include information which will assist the board in determining the proper allocation of the position.

(2) Allocation appeals will be processed under the procedure provided in WAC 251-12-075 (1) or (2). [Statutory Authority: RCW 28B.16.100. 82-04-069 (Order 93), § 251-06-070, filed 2/3/82; 79-12-088 (Order 81), § 251-06-070, filed 12/3/79; 78-06-068

(Order 68), § 251-06-070, filed 5/25/78, effective 7/1/78; Order 63, § 251-06-070, filed 11/22/77; Order 61, § 251-06-070, filed 8/30/77, effective 10/1/77; Order 37, § 251-06-070, filed 10/15/74; Order 10, § 251-06-070, filed 12/16/71.]

**WAC 251-06-090 Probationary period--Duration.**

(1) The probationary period for all classes in the HEPB classification plan will be six months, unless the board approves a longer probationary period for the class.

(2) The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months. Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the HEPB classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-06-090, filed 7/22/82, effective 9/1/82.]

**Chapter 251-10 WAC  
SEPARATION--DISCIPLINE**

**WAC**

251-10-030	Layoff.
251-10-031	Layoff--Equal layoff seniority.
251-10-035	Layoff--Special employment programs.
251-10-045	Layoff--Veterans retention preference.
251-10-055	Layoff lists--Institution-wide.
251-10-060	Layoff lists--State-wide.
251-10-110	Demotion, suspension, reduction, separation, dismissal--Cause for.
251-10-140	Immediate dismissal.

**WAC 251-10-030 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 or lack of work.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-04-020, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in WAC 251-10-030(5) and (6). The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate institution-wide layoff list(s).

(4) Written notice of at least fifteen calendar days must be given to the employee after he/she has selected

one of the options or upon completion of the option period.

(5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to comparable position(s), as determined by the personnel officer, in:

(a) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

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

The employee may exercise either option WAC 251-10-030 (5)(a) or (5)(b) provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(6) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (5) above shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

(i) At the same level or lower than the class from which the employee is being laid off; and

(ii) Vacant or held by a provisional, temporary, or probationary employee; and

(iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection (6) will be required to serve a trial service period.

(7) In order to be offered a layoff option or return from layoff to a position for which selective certification as identified in WAC 251-18-250(1)(a) has been authorized by the personnel officer, the employee must possess the required prerequisite skill(s) called for in the selective certification.

(8) 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.

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

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

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the board per WAC 251-12-080.

(10) Layoff actions for employees of special employment programs as identified in WAC 251-18-410 shall be administered as provided in WAC 251-10-035. [Statutory Authority: RCW 28B.16.100. 82-07-074 (Order 94), § 251-10-030, filed 3/23/82. Statutory Authority: RCW 18B.16.100 [28B.16.100]. 79-07-096 (Order 76), § 251-10-030, filed 6/29/79, effective 8/1/79. Statutory Authority: RCW 28B.16.100. 79-03-029 (Order 71), § 251-10-030, filed 2/27/79, effective 4/2/79; Order 61, § 251-10-030, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-030, filed 6/25/75; Order 41, § 251-10-030, filed 3/17/75; Order 35, § 251-10-030, filed 7/23/74; Order 32, § 251-10-030, filed 3/19/74; Order 8, § 251-10-030, filed 6/17/71, effective 7/19/71; Order 4, § 251-10-030, filed 2/19/71; Order 1, § 251-10-030, filed 9/15/69.]

#### **WAC 251-10-031 Layoff--Equal layoff seniority.**

(1) The decision on which employees to lay off shall be based on layoff seniority as defined in WAC 251-04-020, except that when layoff seniority is equal, performance shall be used as the determining factor and employees having the highest performance evaluation ratings based on the last regular annual evaluation shall be retained in preference to those having lower evaluation ratings.

(2) The director shall establish standards and procedures to be used for computing the numerical average of an employee's performance evaluation ratings assigned by his/her supervisor. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-10-031, filed 7/22/82, effective 9/1/82.]

**WAC 251-10-035 Layoff--Special employment programs.** (1) Institutions participating in special employment programs qualifying under the conditions identified in WAC 251-18-410 shall establish a special employment program layoff unit.

(2) An appointing authority may separate or reduce the number of working hours or the work year of a special employment program employee without prejudice because of lack of funds or lack of work, or when an incumbent must be separated due to the salary or longevity requirements of Public Law 95-524.

(3) A permanent status special employment program employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsection (5) of this section. Employment options are

limited to positions within the special employment program layoff unit and/or program for which the employee qualifies. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate special employment program layoff list(s).

(4) The appointing authority must provide the employee at least fifteen calendar days written notice beyond the date of selection of an option or the completion of the option period, whichever is sooner. The notice shall inform the employee of his/her right to appeal the layoff action to the board per WAC 251-12-080.

(5) Within the special employment program layoff unit, a permanent status employee scheduled for layoff shall be offered the following:

(a) Except as provided in subsection (5)(b) of this section, employees who are being laid off shall be offered options within the layoff unit and placement on special employment program layoff lists in class(es) with the same or lower salary range maximum that are:

(i) Class(es) in which the employee has held permanent status;

(ii) Lower class(es) in the same class series for which the employee is qualified.

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

(b) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment as provided in Public Law 95-524 shall not be afforded layoff options but shall be placed on the special employment program layoff list(s) for which they are eligible.

(6) The provisions of WAC 251-10-030 (7) and (8) relative to selective certification and bonafide occupational requirements shall apply to special employment program layoff actions.

(7) 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 251-18-180. [Statutory Authority: RCW 28B.16.100. 82-19-067 (Order 102), § 251-10-035, filed 9/20/82, effective 10/25/82; Statutory Authority: RCW 18B.16.100 [28B.16.100]. 79-07-096 (Order 76), § 251-10-035, filed 6/29/79, effective 8/1/79; Order 61, § 251-10-035, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-035, filed 6/25/75.]

#### **WAC 251-10-045 Layoff--Veterans retention preference.**

(1) For the purpose of this section veteran means any permanent employee 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 subsection (1) of this section shall have added to their unbroken service in an institution of higher education, their total active military service, not to exceed five years. The combined total of unbroken institutional employment and active military service will constitute the veterans' layoff seniority.

(3) The unmarried widow/widower of an eligible veteran is entitled to veterans retention benefits as outlined in subsections (1) and (2) of this section regardless of the veteran's length of active military service.

(4) For the purpose of this rule "veteran" does 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 five hundred dollars per month. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-10-045, filed 7/22/82, effective 9/1/82; Order 61, § 251-10-045, filed 8/30/77, effective 10/1/77.]

#### **WAC 251-10-055 Layoff lists--Institution-wide.**

(1) The names of permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class or service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

- (a) The employee has requested placement on the list;
- (b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and
- (c) The class has the same or lower salary range maximum as the class from which laid off.

In addition such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be referred in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that, unless the employee so requests, he/she may not be removed via this procedure from the layoff list for the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

(c) Declination of appointment to three positions on shifts for which the employee has formally indicated availability. [Statutory Authority: RCW 28B.16.100.

82-19-067 (Order 102), § 251-10-055, filed 9/20/82, effective 10/25/82; 81-15-003 (Order 88), § 251-10-055, filed 7/2/81; 78-06-068 (Order 68), § 251-10-055, filed 5/25/78, effective 7/1/78; Order 61, § 251-10-055, filed 8/30/77, effective 10/1/77.]

**WAC 251-10-060 Layoff lists--State-wide.** (1) A permanent employee of any institution of higher education, related board, or state agency who is on layoff status or is scheduled for layoff shall, upon his/her request, be placed on the state-wide layoff list(s) at any higher education institutions or related boards: *Provided*, That:

(a) The employee must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination; and

(b) The list must be for:

(i) Class(es) in which he/she has held permanent status; or

(ii) Lower class(es) in the same class series; or for

(iii) Equivalent classes under the jurisdiction of the state department of personnel; and

(c) The option must be exercised by the affected employee within thirty calendar 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 state. The list shall consist of two categories and certification within each category shall be in order of:

(a) Employees of higher education institutions/related boards;

(b) Employees of other state agencies.

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

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

(5) Employees appointed from this list shall be required to serve a probationary period of six months. Termination during the probationary period shall not affect the employees' status on state-wide layoff lists upon which they previously have been placed.

(6) 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 251-22-060.

(7) The institution will provide each employee scheduled for layoff with a copy of this rule and the comparable state department of personnel rule and a listing of institutions, related boards, or offices of the state department of personnel which they may contact. It shall be the responsibility of the employee to contact the institution/related board, or the state department of personnel if he/she has an interest in being placed on the respective state-wide layoff list(s).

(8) Certification from the state-wide layoff list shall be as provided in WAC 251-18-240. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-10-060, filed 7/22/82, effective 9/1/82; 78-10-090 (Order 70), § 251-10-060, filed 9/29/78, effective 11/1/78; Order 61, § 251-10-060, filed 8/30/77, effective 10/1/77; Order 32, § 251-10-060, filed 3/19/74.]

**WAC 251-10-110 Demotion, suspension, reduction, separation, dismissal—Cause for.** Appointing authorities may demote, suspend, reduce in salary, separate or dismiss an employee under their jurisdiction for just cause. Examples of activities which may result in such action are, but are not limited to: Neglect of duty, inefficiency, incompetence, insubordination, malfeasance, gross misconduct, physical or mental incapacity, willful violation of the published institution or related board or higher education personnel board rules or regulations, mistreatment or abuse of fellow workers or members of the public, conflict of interest, excessive absenteeism, etc. [Statutory Authority: RCW 28B.16.100. 82-10-006 (Order 95), § 251-10-110, filed 4/26/82, effective 6/1/82; 81-18-039 (Order 90), § 251-10-110, filed 8/28/81, effective 10/1/81; Order 61, § 251-10-110, filed 8/30/77, effective 10/1/77.]

**WAC 251-10-140 Immediate dismissal.** When the appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120, but the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action. Provisions must be made to permit affected employees to use all accumulated annual leave as provided in WAC 251-22-091. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-10-140, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-10-140, filed 5/25/78, effective 7/1/78; Order 61, § 251-10-140, filed 8/30/77, effective 10/1/77.]

### Chapter 251-12 WAC APPEALS

WAC	
251-12-080	Appeals from demotion, suspension, layoff, reduction, separation, dismissal.
251-12-240	Burden of proof.
251-12-600	Remedial action.

**WAC 251-12-080 Appeals from demotion, suspension, layoff, reduction, separation, dismissal.** Any permanent employee who is demoted, suspended, laid off, reduced, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed in the office of the director within thirty calendar days after the effective date of the action appealed. [Statutory Authority: RCW 28B.16.100. 82-10-006 (Order 95), § 251-12-080, filed 4/26/82, effective 6/1/82; Order 61, § 251-12-080, filed 8/30/77, effective 10/1/77; Order 21, § 251-12-080, filed 5/24/73; Order 1, § 251-12-080, filed 9/15/69.]

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**WAC 251-12-240 Burden of proof.** (1) At any hearing on appeal from a layoff, demotion, suspension, reduction, separation (except for voluntary resignation or retirement), or dismissal the institution shall have the burden of proof.

(2) At any hearing on appeal from an allocation, the burden of proof shall rest with the appellant.

(3) At any hearing on exceptions to a hearing examiner's recommended decision per the provisions of WAC 251-12-085 or to a director's determination per the provisions of WAC 251-12-075, 251-12-600, or 251-18-115, the party filing the exceptions shall have the burden of proof. [Statutory Authority: RCW 28B.16.100. 81-18-039 (Order 90), § 251-12-240, filed 8/28/81, effective 10/1/81; 78-06-068 (Order 68), § 251-12-240, filed 5/25/78, effective 7/1/78; Order 61, § 251-12-240, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-240, filed 9/15/69.]

**WAC 251-12-600 Remedial action.** When it has been determined that an individual has served six consecutive months in an institution in a position subject to the civil service but whose appointment by the institution 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 director 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. The order of the director shall be final and binding unless exceptions to the order, as provided in WAC 251-12-085 (1) through (5), are filed with the board within thirty calendar days of the date of service of the order. The board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order. [Statutory Authority: RCW 28B.16.100. 81-24-019 (Order 92) § 251-12-600, filed 11/24/81, effective 1/1/82; 79-03-029 (Order 71), § 251-12-600, filed 2/27/79, effective 4/2/79; Order 61, § 251-12-600, filed 8/30/77, effective 10/1/77.]

### Chapter 251-14 WAC COLLECTIVE BARGAINING

WAC	
251-14-030	Determination of bargaining unit.
251-14-040	Election and certification of exclusive representative.
251-14-058	Union shop requirements.

**WAC 251-14-030 Determination of bargaining unit.** (1) Determination, alteration, modification or combination of appropriate bargaining units shall be made by the board upon petition from the appointing authority, an employee organization or upon the board's own motion, after twenty calendar days' notice has been given to the appointing authority and to affected employees and their representatives.

(2) In determining a bargaining unit, the board shall consider the following factors:

(a) Duties, skills and working conditions of the employees.

(b) History of collective bargaining by the employees and their bargaining representatives.

(c) Extent of organization among the employees.

(d) Desires of the employees.

(3) Any petition filed hereunder shall, in writing, set forth all pertinent facts and supporting reasons as comprehensively as possible, to aid the board in its determination.

(4) When the board combines existing bargaining units into one new unit and/or accretes additional classes and/or positions to a bargaining unit, such action shall effect an automatic decertification of any union shop representative provision in effect except in the following instances:

(a) Where the same employee organization is certified as the union shop representative in each of the existing bargaining units that are being combined into one new unit;

(b) Where results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit. Majority vote will be determined by adding the number of employees not previously covered by a union shop provision to the total number of employees eligible to vote in the previous election.

(5) At the hearing on a petition, the board shall make an oral determination. Within thirty calendar days of the hearing, the board shall also enter an appropriate order containing findings of fact and conclusions of law reflecting its oral determination. Unless otherwise provided, the effective date for the creation or modification of a bargaining unit shall be the date of the board's oral determination.

(6) Bargaining units normally shall not include both supervisory and nonsupervisory employees. [Statutory Authority: RCW 28B.16.100. 82-10-006 (Order 95), § 251-14-030, filed 4/26/82, effective 6/1/82; Order 61, § 251-14-030, filed 8/30/77, effective 10/1/77; Order 52, § 251-14-030, filed 2/26/76; Order 2, § 251-14-030, filed 3/12/70.]

**WAC 251-14-040 Election and certification of exclusive representative.** (1) The director shall certify an employee organization as exclusive representative of the employees of a bargaining unit when such organization shows proof that it represents a majority of such employees at the close of the last preceding payroll period and such proof is not contested by the appointing authority, the director, or any other interested party. Prior to certification, the director shall give ten calendar days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested as herein provided and that the proof of majority representation may be contested within ten calendar days. The ten calendar day period shall begin three days after the director's notice is mailed, and a request for an election or notice of a contest of proof of majority representation shall be deemed

timely if postmarked within the ten-day period. The institution personnel officer or designee shall have responsibility for posting copies of the notice in conspicuous places in the work area of the employees included in the bargaining unit. The director shall determine whether the proof of representation is satisfactory, and if it is not satisfactory shall require that an election be held.

The director will require that an election be held when not less than thirty percent of the employees in a bargaining unit petition for an election during the ten calendar day notice period: *Provided, however,* That unless another employee organization shows proof of at least thirty percent representation, such an election shall be limited to the issue as to whether or not the employees desire certification of the petitioning employee organization as exclusive representative.

(2) The director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of request. Upon granting a request for an election, the director shall give written notice thereof and allow ten calendar days for other employee organizations desiring their names placed on the ballot to show satisfactory proof of at least ten percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of notice of election. The ten calendar day period shall begin three days after the director's notice is mailed, and a request by an employee organization to be placed on the ballot shall be deemed timely if postmarked within the ten calendar day period.

(3) The director or designee, at a pre-election conference, shall review with interested employee organizations and the appointing authority or designee the standards and procedures for the conduct of the election, shall inform all affected employees of the conditions set forth therein, and shall distribute sample ballots. The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing satisfactory proof of at least ten percent representation within the unit, and shall provide a choice for any employee within the unit to designate that he/she does not desire to be represented by an exclusive representative. All employees on the active payroll and employed within the bargaining unit at the time of election are eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot. Absentee ballots may be requested prior to date of election, but will be counted only if received by the director or designee no later than two regular working days following the closing date of election. Where more than one organization is on the ballot and none receives a majority of all votes cast in such election, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second largest number of votes.

(4) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of representation by any organization whether on the ballot or otherwise, nor shall any person in that area engage in any other form of electioneering.

(5) An employee organization receiving a majority of all votes cast in such an election, or run-off, shall be certified by the director as the exclusive representative of the employees in the bargaining unit.

(6) When an employee organization has been certified as the exclusive representative of the employees in a bargaining unit, it shall be entitled to act for, and to negotiate collective agreements covering all employees in the unit, and shall be responsible for representing the interests of all such employees. Individual grievances or group grievances of employees may, however, be presented by them to management and may be adjusted by management so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments.

(7) Another exclusive representative election shall not be held concerning the same bargaining unit until the lapse of at least twelve months from the date of the last previous exclusive representative election. [Statutory Authority: RCW 28B.16.100. 82-10-006 (Order 95), § 251-14-040, filed 4/26/82, effective 6/1/82; 78-07-072 (Order 69), § 251-14-040, filed 6/30/78, effective 8/1/78; Order 61, § 251-14-040, filed 8/30/77, effective 10/1/77; Order 44, § 251-14-040, filed 6/25/75; Order 25, § 251-14-040, filed 7/17/73; Order 2, § 251-14-040, filed 3/12/70.]

**WAC 251-14-058 Union shop requirements.** (1) When a majority of employees within a bargaining unit determine by election to require as a condition of employment membership in the employee organization designated as the exclusive bargaining representative, all employees included in that bargaining unit are required to become members of such employee organization within thirty calendar days of the beginning of their employment within the bargaining unit or within thirty calendar days of the date of the union shop representative election, whichever is later.

(2) Membership in the employee organization is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines, and includes full and complete membership rights.

(3) Employees who wish the right of nonassociation with an employee organization must base their reasons on bona fide religious tenets or teachings of a church or religious body of which they are members. Such requests must be presented to the personnel office on the campus of the concerned institution. The appointing authority or designee and the union shop representative must be in agreement that the requests are based on such bona fide

reasons. If agreement cannot be reached within a reasonable time, either party may submit the issues in dispute to the director or designee. Should the request for nonassociation be denied by the appointing authority or designee, the employee may submit the issue to the director or designee. The decision of the director regarding nonassociation shall be final.

(4) Employees who are granted the nonassociation right must pay a union shop representation fee to the employee organization. Such fee is equivalent to the regular dues of the organization minus any monthly premiums for union sponsored insurance programs.

(5) When an employee has qualified for nonassociation with an employee organization on religious grounds, the employee may designate which of the programs of the employee organization are in harmony with the employee's conscience and may then designate that the union shop representation fee shall go to such programs.

(6) The employee who qualifies for the nonassociation clause shall not be a member of the employee organization, but is entitled to the same representation rights as a member of the employee organization.

(7) A condition of employment for an employee employed in a bargaining unit where an employee organization is the exclusive union shop representative, is membership in that employee organization or the regular payment of a union shop representation fee to such organization. Failure of an employee to become a member of the employee organization or make payment of the union shop representation fee within thirty calendar days following the beginning of employment within the bargaining unit or thirty calendar days after the date of the union shop representative election, whichever is later, constitutes cause for dismissal per the provisions of WAC 251-10-170.

(8) The union shop representative shall inform the appointing authority, in writing, of those employees who have not complied with WAC 251-14-058.

(9) The requirement to be a member of an employee organization or the payment of a union shop representation fee as a condition of employment will be nullified when the employee organization which is the union shop representative is decertified per WAC 251-14-050 or 251-14-054.

(10) The appointing authority or designee shall notify affected employees of existing union shop provisions prior to their hire or transfer into a bargaining unit where there is a requirement to be a member of a designated employee organization and/or to pay a union shop representation fee as a condition of employment.

(11) Payroll deductions for employee organization dues and/or union shop representation fees may be provided by the institution upon written authorization from the employee. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-14-058, filed 7/22/82, effective 9/1/82; Order 61, § 251-14-058, filed 8/30/77, effective 10/1/77; Order 25, § 251-14-058, filed 7/17/73.]

**Chapter 251-18 WAC**  
**EMPLOYMENT--APPOINTMENT**

## WAC

251-18-240	Certification--Method.
251-18-250	Certification--Selective.
251-18-260	Certification--Incomplete.
251-18-265	Certification--Concurrent.
251-18-280	Certification--Selection--Actions required.
251-18-320	Appointment--Probationary.
251-18-330	Trial service period.
251-18-340	Appointment--Permanent status.
251-18-350	Appointment--Temporary.

**WAC 251-18-240 Certification--Method.** (1) Upon receipt of a personnel requisition, the personnel officer shall provide to the employing official a certification of names in writing. Certification from eligible lists will be made in the manner and in the strict order of priority provided in subsections (3) and (4) of this section.

(2) The personnel officer shall certify to the employing official four more names than there are vacancies to be filled by the certification in strict order of standing on the eligible list(s).

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Except as provided in subsection (4) of this section eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

- (a) Institution-wide layoff list
- (b) Organizational unit promotion list
- (c) Institution-wide promotion list
- (d) Special employment program layoff list
- (e) State-wide layoff list
- (f) Open competitive or noncompetitive list.

(4) If the position for which certification is being made meets the HEPB definitions of administrative, executive, or professional employees and there are insufficient eligibles on the institution-wide layoff list for the class, the personnel officer may elect to combine eligible lists provided in subsection (3)(b) through (f) of this section per the provisions of WAC 251-18-181. Certification from this combined eligible list shall be on the basis of four more names than there are vacancies to be filled by the certification. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-18-240, filed 7/22/82, effective 9/1/82; 78-02-094 (Order 65), § 251-18-240, filed 1/30/78; Order 61, § 251-18-240, filed 8/30/77, effective 10/1/77; Order 57, § 251-18-240, filed 3/18/77, effective 4/18/77; Order 44, § 251-18-240, filed 6/25/75; Order 41, § 251-18-240, filed 3/17/75; Order 39, § 251-18-240, filed 12/24/74; Order 32, § 251-18-240, filed 3/19/74; Order 21, § 251-18-240, filed 5/24/73; Order 14, § 251-18-240, filed 6/18/72; Order 4, § 251-18-240, filed 2/19/71.]

**WAC 251-18-250 Certification--Selective.** (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/related board is utilizing a corrective employment program to increase the representation of employees by race, sex or handicap per provisions of WAC 251-18-390, Corrective employment programs.

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

(3) The eligibles selectively certified shall be in strict order of their standing on the appropriate lists from among those meeting the approved selective criteria. When selective certification for corrective employment purposes as provided in subsection (1)(b) of this section does not result in a complete certification of four more names than there are vacancies to be filled, the personnel officer may complete the certification by adding the necessary number of names from the top of the appropriate eligible list as provided in WAC 251-18-240(3).

(4) The appointment of employees hired or promoted through selective certification will be reported monthly to the director. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-18-250, filed 7/22/82, effective 9/1/82; 80-08-073 (Order 84), § 251-18-250, filed 7/2/80; Order 63, § 251-18-250, filed 11/22/77; Order 61, § 251-18-250, filed 8/30/77, effective 10/1/77; Order 19, § 251-18-250, filed 12/20/72; Order 3, § 251-18-250, filed 1/15/71.]

**WAC 251-18-260 Certification--Incomplete.** When the number of names available for filling any vacancy is fewer than five, the employing official may make an appointment from the certification or decline to do so. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-18-260, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-18-260, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-260, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-260, filed 1/15/71.]

**WAC 251-18-265 Certification--Concurrent.** When more than one department submits a request for certification for a class concurrently, the top five names on the appropriate employment list will be certified to each department for consideration and selection. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-18-265, filed 7/22/82, effective 9/1/82; Order 61, § 251-18-265, filed 8/30/77, effective 10/1/77.]

**WAC 251-18-280 Certification--Selection--Actions required.** (1) Following certification of eligibles and upon completion of the resulting interviews, 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 could not be contacted, provided he/she had been given at least two working days to respond to notice of certification;

(d) Eligible failed to appear for the interview; or

(e) Eligible was appointed to the position.

(2) When the number of certified eligibles available is reduced to less than four more than there are positions to be filled, upon request from the employing official the personnel officer may provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the scheduled interview. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-18-280, filed 7/22/82, effective 9/1/82; Order 61, § 251-18-280, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-280, filed 5/24/73; Order 4, § 251-18-280, filed 2/19/71.]

**WAC 251-18-320 Appointment—Probationary.** (1) Probationary appointment shall be made only upon appointment of eligibles from the:

(a) Open-competitive or noncompetitive list.

(b) Institution-wide layoff list – when the employee was in probationary status at the time of layoff.

(c) State-wide layoff list.

(d) Combined eligible list as provided in WAC 251-18-181 and 251-18-240(4) when the person appointed is not a permanent employee of the institution.

(2) The probationary period will continue for the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay for more than ten 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.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

(a) The employee shall begin a probationary period in the new class;

(b) The salary in the new class shall be established as provided in WAC 251-08-080;

(c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2). [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-18-320, filed 7/22/82, effective 9/1/82; Order 61, § 251-18-320, filed 8/30/77, effective 10/1/77; Order 32, § 251-18-320, filed 3/19/74; Order 3, § 251-18-320, filed 1/15/71.]

**WAC 251-18-330 Trial service period.** (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class, unless

(a) during the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) the class is lower in that same class series, or

(c) the employee is being reallocated per the provisions of WAC 251-06-080(1)(a), or

(d) the employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-18-400(5).

(2) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(3) Reversion from trial service must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

(b) A reasonable opportunity to overcome identified deficiencies.

(4) An employee who is reverted may appeal to the board regarding:

(a) Whether the employer complied with the requirements of WAC 251-18-330(3)(a) and (b); and

(b) Whether the claimed deficiencies existed at the time of reversion.

(5) The board may uphold the reversion action, extend the trial service period, overturn the reversion, grant permanent status or order such other actions as may be determined appropriate pursuant to the best standards of personnel administration.

(6) In the event an employee is on leave without pay status for more than ten 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.

(7) Successful completion of the trial service period shall result in permanent status in the class.

(8) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged. [Statutory Authority: RCW 28B.16.100. 81-22-065 (Order 91), § 251-18-330, filed 11/4/81; 81-15-003 (Order 88), § 251-18-330, filed 7/2/81; 78-02-094 (Order 65), § 251-18-330, filed 1/30/78; Order 61, § 251-18-330, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-330, filed 1/15/71.]

**WAC 251-18-340 Appointment--Permanent status.** Permanent status appointments shall be made under the following conditions:

(1) Upon successful completion of a probationary period or trial service period.

(2) Demotion, either voluntary or involuntary, when made to a class in which the employee has held permanent status during the current period of employment at the institution.

(3) Transfer within a class.

(4) Certification from a layoff list for a class in which the employee had permanent status at the time of layoff or lower classes in the same class series for which the employee is qualified.

(5) Conversion, per the provisions of WAC 251-18-420, of the incumbent of an exempt position which is converted to classified status, provided the incumbent has been employed for at least six months in the exempt position. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-18-340, filed 7/22/82, effective 9/1/82; 78-02-094 (Order 65), § 251-18-340, filed 1/30/78; Order 64, § 251-18-340, filed 12/23/77; Order 61, § 251-18-340, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-340, filed 1/15/71.]

**WAC 251-18-350 Appointment--Temporary.** (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-04-020.

(2) Temporary appointment to perform work in the absence of an employee on leave for ninety or more consecutive calendar days shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 28B.16 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the one hundred seventy-nine consecutive calendar day limitation identified in WAC 251-04-020(3) and subsection (5) of this section.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than ninety consecutive calendar days. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC

251-04-020(1) (a), (2), and (3) may be made without regard to the rules governing appointment.

(5) Upon prior approval of the director, a temporary appointment to a position identified in WAC 251-04-020(1)(a) may be extended beyond the eighty-ninth day, however the total period of appointment shall not exceed one hundred seventy-nine consecutive calendar days.

(6) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-04-020(1) (a), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

(7) At the conclusion of a temporary appointment of less than one hundred eighty consecutive calendar days, a permanent employee shall have the right to revert to his/her former position. [Statutory Authority: RCW 28B.16.100. 82-04-069 (Order 93), § 251-18-350, filed 2/3/82; Order 61, § 251-18-350, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-350, filed 5/24/73; Order 3, § 251-18-350, filed 1/15/71.]

## Chapter 251-20 WAC

### EMPLOYEE PERFORMANCE EVALUATION

#### WAC

251-20-030	Method of evaluation.
251-20-040	Employee performance evaluation--Procedure.
251-20-050	Employee performance evaluation--Appeal.

**WAC 251-20-030 Method of evaluation.** (1) Employee performance is to be rated for each "performance factor" on the approved form on the basis of criteria determined by the supervisor. To assist in the rating the employee's supervisor will:

(a) Provide the employee with a copy of the specification for the class; and

(b) Identify thereon, or on the approved form or attached thereto, the employee's specific position duties which relate to the specification; and

(c) Identify on the approved form or attached thereto criteria to be evaluated which set forth the supervisor's expectations with regard to factors of quality, quantity, job knowledge and working relationships as they relate to the employee's position.

(2) Criteria which set forth the supervisor's expectations shall remain in effect for future evaluations unless action is taken to modify or replace them and the employee has been provided with a copy of them.

(3) Each "performance factor" will be rated and recorded in one of the rating categories on the approved evaluation form. [Statutory Authority: RCW 28B.16.100. 81-15-021 (Order 89), § 251-20-030, filed 7/9/81, effective 8/10/81; 78-06-068 (Order 68), § 251-20-030, filed 5/25/78, effective 7/1/78.]

**WAC 251-20-040 Employee performance evaluation--Procedure.** (1) Each employee shall be evaluated at least annually by his/her supervisor. The evaluation process shall use the form(s) as provided in WAC 251-

20-020 and shall be in accord with the provisions of this chapter.

(2) Prior to review by the second level of supervision, the employee shall be provided an opportunity to comment on the evaluation and to discuss his/her comments and the final evaluation with the supervisor.

(3) The evaluation shall be reviewed by the employee's second level of supervision (or management designee as determined by the institution).

(4) A copy of the signed annual evaluation form will be provided to the employee upon request.

(5) Performance evaluations shall be retained in the employee's file for no more than three years. [Statutory Authority: RCW 28B.16.100. 81-15-021 (Order 89), § 251-20-040, filed 7/9/81, effective 8/10/81; 78-06-068 (Order 68), § 251-20-040, filed 5/25/78, effective 7/1/78.]

**WAC 251-20-050 Employee performance evaluation--Appeal.** An appeal against action under this chapter shall be restricted to allegations of irregularities in the use of the approved form and/or the procedures outlined in WAC 251-20-030 and 251-20-040. Performance evaluations shall not be used to initiate personnel actions such as transfer, promotion or discipline. [Statutory Authority: RCW 28B.16.100. 81-15-021 (Order 89), § 251-20-050, filed 7/9/81, effective 8/10/81; 78-06-068 (Order 68), § 251-20-050, filed 5/25/78, effective 7/1/78.]

### Chapter 251-22 WAC HOLIDAYS--LEAVE

#### WAC

251-22-090	Annual leave--Cash payment.
251-22-091	Annual leave--Separation.
251-22-111	Sick leave--Reporting--Verification.
251-22-200	Leave of absence without pay.
251-22-240	Suspended operation.

**WAC 251-22-090 Annual leave--Cash payment.** Classified employees who are members of public employees retirement system Plan I are entitled to a lump sum cash payment for all unused annual leave when they separate from service by resignation, layoff, dismissal, retirement or death. Compensation for unused annual leave shall be computed and paid as prescribed by the office of financial management. [Statutory Authority: RCW 28B.16.100. 82-19-067 (Order 102), § 251-22-090, filed 9/20/82, effective 10/25/82; Order 61, § 251-22-090, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-090, filed 1/15/71.]

**WAC 251-22-091 Annual leave--Separation.** Classified employees who have completed six continuous months of employment who are not members of public employees retirement system Plan I must be permitted to use all accumulated annual leave as vacation leave prior to their separation from service by resignation, layoff, dismissal or retirement. In case of death, compensation for unused annual leave shall be computed and

paid in a lump sum as prescribed by the office of financial management. Lump sum cash payment for unused vacation leave may be made upon termination of employment for vacation leave earned prior to July 1, 1982. [Statutory Authority: RCW 28B.16.100. 82-19-067 (Order 102), § 251-22-091, filed 9/20/82, effective 10/25/82.]

**WAC 251-22-111 Sick leave--Reporting--Verification.** (1) Employees shall report illness or disability to the immediate supervisor at the beginning of any period of sick leave and daily thereafter unless prearranged.

(2) Upon returning to work, the employee may be required by the employing official to submit a written statement or medical certificate explaining the nature of the disability. [Statutory Authority: RCW 28B.16.100. 82-10-006 (Order 95), § 251-22-111, filed 4/26/82, effective 6/1/82; 80-02-111 (Order 83), § 251-22-111, filed 1/28/80; Order 61, § 251-22-111, filed 8/30/77, effective 10/1/77.]

#### WAC 251-22-200 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 the public interest;

(e) To accommodate annual work schedules of employees occupying positions established on the basis of an instructional year as specified in WAC 251-18-380.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must 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/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Annual leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, except as provided in WAC 251-18-380(2).

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-22-200, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-22-200, filed 5/25/78, effective 7/1/78; Order 61, § 251-22-200, filed 8/30/77, effective 10/1/77; Order 12, § 251-22-200, filed 5/23/72, effective 6/25/72; Order 3, § 251-22-200, filed 1/15/71.]

**WAC 251-22-240 Suspended operation.** (1) Notwithstanding the provisions of WAC 251-10-030, if the chief executive officer of the institution determines that the public health or property or safety is jeopardized and it is advisable due to emergency conditions to suspend the operation of all or any portion of the institution, the following will govern classified employees:

(a) When prior notification has not been given, employees released until further notice after reporting to work, shall receive a minimum of four hours pay for the first day. The following options shall be made available to affected employees not required to work for the balance of the closure:

- (i) Annual leave, personal holiday; or
- (ii) Accrued compensatory time (where applicable); or
- (iii) Leave without pay; or
- (iv) Reasonable opportunity to make up work time lost as a result of the suspended operation as provided in subsection (1)(c).

(b) Employees required to work shall receive their regular rate of pay for work performed during the period of suspended operation. Overtime worked during the closure will be compensated as provided in chapter 251-09 WAC. The personnel officer may petition the director for approval of a special premium pay allowance due to hazardous working conditions encountered by employees required to work during the period of suspended operation.

(c) Employees who lose regular work time as a result of suspended operation may request to work additional hours during the ninety-day period immediately following the suspended operation. Compensation for such additional work shall be granted on a compensatory time basis at not less than straight time nor more than time and one-half, and shall be part of the institution's suspended operations procedures. The amount of compensation earned under this section should not exceed the amount of salary lost by the employee due to suspended operation. Management directed overtime shall be compensated as provided in chapter 251-09 WAC.

(2) Each institution/related board, together with the appropriate exclusive representative(s), shall develop and file with the director, subject to approval, a procedure to provide for staffing during periods of suspended operation. The procedure shall include identification of the manner in which employees will be notified of suspended operation by the chief executive officer.

(3) The provisions of this rule may be utilized only when an institutional procedure has been approved by the director and an official declaration of suspended operation has been made by the chief executive officer of the institution.

(4) The provisions of this section and institutional procedures adopted hereunder may not be in effect in excess of fifteen calendar days unless within the fifteen days the personnel officer requests the director's or designee's approval of an extension. Such approval is subject to confirmation by the board. [Statutory Authority: RCW 28B.16.100. 81-07-002 (Order 87), § 251-22-240, filed 3/6/81, effective 4/6/81; Order 61, § 251-22-240, filed 8/30/77, effective 10/1/77; Order 47, §

251-22-240, filed 11/19/75, effective 12/22/75; Order 41, § 251-22-240, filed 3/17/75.]

## Title 260 WAC HORSE RACING COMMISSION

### Chapters

<b>260-12</b>	<b>General rules.</b>
<b>260-20</b>	<b>Association grounds and facilities.</b>
<b>260-24</b>	<b>Association officials and employees.</b>
<b>260-28</b>	<b>Ownerships, trainers and employees.</b>
<b>260-32</b>	<b>Jockeys, apprentices and agents.</b>
<b>260-36</b>	<b>Occupational permits and licenses.</b>
<b>260-40</b>	<b>Entries, starts, declarations and scratches.</b>
<b>260-48</b>	<b>Mutuels.</b>
<b>260-52</b>	<b>The race--Paddock to finish.</b>
<b>260-60</b>	<b>Claiming.</b>
<b>260-70</b>	<b>Controlled medication program.</b>
<b>260-88</b>	<b>Appeal to the commission.</b>
<b>260-997</b>	<b>Index to Title 260 WAC (Horse Racing Commission).</b>

### Chapter 260-12 WAC GENERAL RULES

<b>WAC</b>	
260-12-010	Definitions.
260-12-050	Execution, filing, of application for license.
260-12-140	Owners, etc., bound by rules.
260-12-200	Number of races per day.

**WAC 260-12-010 Definitions.** In applying the rules herein set forth and all amendments thereof the following definitions, constructions and interpretations shall apply, except where otherwise indicated in said rules:

(1) Age of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.

(2) "Arrears" shall mean all moneys due for entrance forfeits, fees (including jockey's, etc. fees), forfeitures, subscriptions, stake, purchase money in claiming races, and also any default in money incident to the rules.

(3) "Authorized agent" shall mean a person appointed by a written instrument signed and acknowledged before a notary public by the owner and filed in accordance with the rules.

(4) "Association" shall mean any person or persons, associations, or corporations licensed by the commission to conduct racing for any stake, purse or reward.

(5) "Breeder" of a horse shall mean the owner of its dam at the time of foaling.

(6) "Breeding place" shall mean the place of horse's birth.

(7) "Calendar day" shall mean twenty-four hours ending at midnight.

(8) "Declaration" shall mean the act of withdrawing an entered horse from a race before the closing of overnight entries.