

Title 356 WAC

DEPARTMENT OF PERSONNEL

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Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-060.

Personnel board—Procedure—Quorum. [M.S.R. 356.04.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-070.

Personnel board—Powers—Duties. [Order 12, § 356-04-110, filed 4/3/69; M.S.R. 356.04.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-080.

Director—Appointment—Removal. [M.S.R. 356.04.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-090.

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Agency personnel officers—Appointment—Powers, duties. [M.S.R. 356.04.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

Chapter 356-08 CLASSIFICATIONS

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 356-04 GENERAL PROVISIONS

356-04-001	Preamble statement of policy. [Preamble, filed 5/26/66; M.S.R. preamble, filed 3/21/61; 3/24/60.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-001.
356-04-010	Definitions. [Order 34, § 356-04-010, filed 5/13/71, effective 6/13/71; Order 30, § 356-04-010, filed 2/11/71, effective 3/9/71; Order 3 (part), § 356-04-010, filed 5/1/68, effective 6/1/68; M.S.R. 356.04.010, filed 5/26/66; Subsection 35 through 45 added by filing of 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-010.
356-04-020	Exemptions—Positions—Agencies. [Order 21, § 356-04-020, filed 3/9/70, effective 4/9/70; M.S.R. 356.04.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-020.
356-04-030	Personnel services—Grant in aid. [M.S.R. 356.04.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
356-04-040	Personnel services—Governmental agencies. [M.S.R. 356.04.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-030.
356-04-050	Classified services—Redefined. [M.S.R. 356.04.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-040.
356-04-060	Competitive service—Redefined. [M.S.R. 356.04.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-040.
356-04-070	Noncompetitive service—Redefined. [M.S.R. 356.04.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-040.
356-04-080	Exempt services—Redefined. [M.S.R. 356.04.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-06-050.
356-04-090	Personnel board—Composition—Appointment. [M.S.R. 356.04.090, filed 5/26/66.] Repealed by

356-08-010	Classification plans—Preparation. [M.S.R. 356.08.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-10-010.
356-08-020	Classification plans—Adoption. [M.S.R. 356.08.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-10-020.
356-08-030	Classification plans—Revision. [M.S.R. 356.08.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-10-030.
356-08-040	Positions—Allocation. [M.S.R. 356.08.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-10-030.
356-08-050	Positions—Reallocation. [Order 3 (part), § 356-08-050, filed 5/1/68, effective 6/1/68; M.S.R. 356.08.050, filed 5/26/66, subsections (2) and (3) filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-10-030.
356-08-060	Positions—Reallocation downward, permanent employees. [Order 8, § 356-08-060, filed 8/30/68, effective 10/1/68; M.S.R. 356.08.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-10-040.
356-08-070	Positions—Reallocation downward, temporary employees. [M.S.R. 356.08.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
356-08-080	Positions—Reallocation upward—Incumbents. [Order 5, § 356-08-080, filed 6/4/68; Order 3 (part), § 356-08-080, filed 5/1/68, effective 6/1/68; M.S.R. 356.08.080, filed 5/31/66; M.S.R. 356.08.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-10-050.
356-08-084	Classes—Adjustment upward, incumbents. [M.S.R. 356.08.084, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-150.
356-08-090	Allocation—Appeals. [Order 2, § 356-08-090, filed 3/1/68, effective 4/1/68; M.S.R. 356.08.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-10-060.
356-08-100	Comprehensive classification plans—Implementation. [M.S.R. 356.08.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

- 356-08-110 Compensation plan—Preparation. [M.S.R. 356.08.110, filed 5/31/66; M.S.R. 356.08.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-010.
- 356-08-115 Compensation plan—Basis and provisions. [M.S.R. 356.08.115, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-010.
- 356-08-120 Compensation plan—Adoption. [M.S.R. 356.08.120, filed 5/31/66; M.S.R. 356.08.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-020.
- 356-08-121 Compensation plan—Approval by state budget director. [M.S.R. 356.08.121, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-030.
- 356-08-130 Salary—Limits. [Order 20, § 356-08-130, filed 2/9/70; M.S.R. 356.08.130, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-070.
- 356-08-131 Salary—Entrance. [M.S.R. 356.08.131, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-080.
- 356-08-132 Salary—Appointments above minimum. [M.S.R. 356.08.132, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-100.
- 356-08-133 Salary—Increment increases. [M.S.R. 356.08.133, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-08-134 Salary—Periodic increase date—Original. [M.S.R. 356.08.134, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-110.
- 356-08-135 Salary—Periodic increase date—Promotion. [Order 1, § 356-08-135, filed 1/31/68, effective 3/1/68; M.S.R. 356.08.135, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-120.
- 356-08-136 Salary—Concurrence of promotion and periodic increase date. [M.S.R. 356.08.136, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-130.
- 356-08-137 Salary—Concurrence of probation, trial service period and periodic increase date. [M.S.R. 356.08.137, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-130.
- 356-08-138 Salary—Existing periodic increase dates. [M.S.R. 356.08.138, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-08-139 Salary—Increase on promotion. [Order, § 356-08-139, filed 5/31/67; M.S.R. 356.08.139, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-140.
- 356-08-140 Salary—Part-time services—Computation. [M.S.R. 356.08.140, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-190.
- 356-08-141 Salary—Transfers between agencies—How computed. [M.S.R. 356.08.141, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-200.
- 356-08-145 Salary—Accrued leave—Transfer—Effect. [M.S.R. 356.08.145, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-210.
- 356-08-150 Salary—Overtime records. [M.S.R. 356.08.150, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-220.
- 356-08-151 Salary—Duplicate payment prohibited. [M.S.R. 356.08.151, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-230.
- 356-08-152 Salary—Overtime compensation method. [M.S.R. 356.08.152, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-240.
- 356-08-153 Salary—Compensatory time. [M.S.R. 356.08.153, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-260.
- 356-08-154 Salary—Maximum—Overtime accumulation. [M.S.R. 356.08.154, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-250.
- 356-08-155 Salary—Overtime—Liquidation. [Order (part), filed 8/8/66; M.S.R. 356.08.155, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-260.
- 356-08-156 Salary—Overtime payment on separation from job. [M.S.R. 356.08.156, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-270.
- 356-08-157 Salary—Overtime computation. [M.S.R. 356.08.157, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-08-158 Salary—Overtime, effect on retirement, increment, promotion. [M.S.R. 356.08.158, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-240.
- 356-08-170 Salary—Per diem reimbursement excluded. [M.S.R. 356.08.170, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-08-180 Compensation plan—Periodic review. [M.S.R. 356.08.180, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-040.
- 356-08-181 Compensation plan—Reporting periodic recommendations. [M.S.R. 356.08.181, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-050.
- 356-08-185 Compensation plan—Additional wage surveys. [M.S.R. 356.08.185, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-060.

Chapter 356-12

WAGES AND REGULATIONS

- 356-12-010 Office hours—Established—Variances. [M.S.R. 356.12.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-010.
- 356-12-020 Sick leave—Pay—Computation—Rules. [Order, § 356.12.020, filed 1/4/67; Order (part), § 356.12.020, filed 8/8/66; M.S.R. 356.12.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-050, 356-18-060.
- 356-12-021 Sick leave—Reporting. [Order (part), § 356.12.021, filed 1/4/67; Order (part), § 356-12-020 (3)(b), filed 8/8/66; M.S.R. 356.12.020 (3)(b), filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-070.
- 356-12-022 Sick leave—Adjustment for workmen's compensation. [Order (part), § 356.12.022, filed 1/4/67.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-080.
- 356-12-030 Sick leave—Part-time—Seasonal employees. [Order (part), § 356.12.030, filed 8/8/66; M.S.R. 356.12.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-210.
- 356-12-040 Sick leave—Cumulative—Limitations. [M.S.R. 356.12.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-050.
- 356-12-050 Sick leave—Injury—Infectious disease—Exemptions permitted. [M.S.R. 356.12.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-12-060 Annual leave—Pay—Computation—Rules. [M.S.R. 356.12.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-090.

- 356-12-070 Annual leave—Increase—Computation—How made. [Order 30, § 356-12-070, filed 2/11/71, effective 3/9/71; M.S.R. 356.12.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-100.
- 356-12-080 Annual leave—Six months limitation. [M.S.R. 356.12.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-12-090 Annual leave—Cumulative—Limitation. [M.S.R. 356.12.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-090.
- 356-12-100 Annual leave—Sick leave—Pay—Compensation. [Order 28, § 356-12-100, filed 12/22/70; Order 24, § 356-12-100, filed 8/11/70, effective 9/11/70; Order (part), § 356.12.100, filed 1/4/67; M.S.R. 356.12.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-060, 356-18-100, 356-18-110.
- 356-12-110 Leave—Civil duties—Limitations. [M.S.R. 356.12.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-120.
- 356-12-120 Leave—Military—Pay—Limitations. [M.S.R. 356.12.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-130.
- 356-12-130 Leave—Without pay—When permitted. [Order 3 (part), § 356-12-130, filed 5/1/68; M.S.R. 356.12.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-140.
- 356-12-140 Leave—Exceptions to limitations. [Order 27, § 356-12-140, filed 11/17/70; M.S.R. 356.12.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-140.
- 356-12-150 Leave—Military—Reemployment rules. [M.S.R. 356.12.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-160.
- 356-12-160 Leave—Reemployment—Generally—Rules—Hospitalization. [M.S.R. 356.12.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-160.
- 356-12-170 Leave—Reemployment—Government service—Rules. [Order 3 (part), § 356-12-170, filed 5/1/68; M.S.R. 356.12.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-170.
- 356-12-180 Leave—Prohibitions—Exceptions. [M.S.R. 356.12.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-140.
- 356-12-190 Leave—Maternity—Provision. [Order 26, § 356-12-190, filed 11/10/70; Order (part), § 356.12.190, filed 1/4/67; M.S.R. 356.12.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-150.
- 356-12-200 Leave—Extended—Anniversary date—Effect—Exceptions. [Order 30, § 356-12-200, filed 2/11/71, effective 3/9/71; Order 27, § 356-12-200, filed 11/17/70; Order 3 (part), § 356-12-200, filed 5/1/68; Order, § 356.12.200, filed 8/23/67; M.S.R. 356.12.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-220.
- 356-12-210 Leave—Returning employees—Status—Rules. [M.S.R. 356.12.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-180.
- 356-12-220 Leave—Appointments to positions during absence—Conditions—Rules. [M.S.R. 356.12.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-190.
- 356-12-230 Leave—Absence—Unauthorized—Effect. [M.S.R. 356.12.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-200.
- 356-12-240 Leave—Credits—Cancellation—How computed. [M.S.R. 356.12.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-12-350 Holidays—Listed. [Order 32, § 356-12-350, filed 2/11/71, effective 3/9/71; Order § 356.12.350, filed 10/27/67; M.S.R. 356.12.350, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-020.
- 356-12-360 Holidays—Rules, regulations governing. [Order 25, § 356-12-360, filed 10/16/70; M.S.R. 356.12.360, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-030.
- 356-12-370 Holidays—Employees on leave without pay—Rule. [M.S.R. 356.12.370, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-040.
- 356-12-380 Holidays—Temporary, part-time employees—Rules. [M.S.R. 356.12.380, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-18-030.

**Chapter 356-16
EXAMINATIONS**

- 356-16-010 Examinations—Notices—Recruitment—Generally. [M.S.R. 356.16.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-010.
- 356-16-020 Recruitment—Time periods—Requirements. [Order 19, § 356-16-020, filed 1/13/70, effective 2/13/70.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-020.
- 356-16-030 Recruitment—Definite time—Notice requirements. [M.S.R. 356.16.030, filed 5/26/66.] Repealed by Order 19, filed 1/13/70, effective 2/13/70.
- 356-16-040 Recruitment—Inter-agency—Notice requirements. [M.S.R. 356.16.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-030.
- 356-16-050 Recruitment—Intra-agency—Notice requirements. [M.S.R. 356.16.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-030.
- 356-16-060 Recruitment—Other governmental agencies—Notice requirements. [M.S.R. 356.16.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-16-070 Applications—Contents. [M.S.R. 356.16.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-040.
- 356-16-080 Applications—Religious, political affiliation, race—Solicitation restricted. [Order 25, § 356-16-080, filed 10/16/70; M.S.R. 356.16.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-040.
- 356-16-090 Applications—Noncitizen—Rules, regulations. [M.S.R. 356.16.090, filed 5/26/66.] Repealed by Order 11, filed 3/3/69.
- 356-16-100 Applications—Residence and citizenship requirements—Notice. [Order 11, § 356-16-100, filed 3/3/69; M.S.R. 356-16-100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-050.
- 356-16-110 Applications—Filing—Time limit. [M.S.R. 356.16.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-060.
- 356-16-120 Applications—Disqualification—Grounds, listed. [M.S.R. 356.16.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-070.
- 356-16-130 Applications—Disqualification—Notice requirements. [M.S.R. 356.16.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-080.

- 356-16-140 Applications—Investigation of—Effect. [M.S.R. 356.16.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-200.
- 356-16-150 Examinations—How, when held—General rules. [M.S.R. 356.16.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-100.
- 356-16-160 Examinations—Prohibition on identity—Exception. [M.S.R. 356.16.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-16-170 Examinations—Reexamination—Procedure—Requirements. [M.S.R. 356.16.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-140.
- 356-16-175 Examinations—Classes previously held—Questions—How resolved. [Order 30, § 356-16-175, filed 2/11/71, effective 3/9/71.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-10-030.
- 356-16-180 Examinations—General rules. [M.S.R. 356.16.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-090.
- 356-16-190 Examinations—How determined—Method. [M.S.R. 356.16.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-090.
- 356-16-200 Examinations—Ratings—How computed. [M.S.R. 356.16.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-160.
- 356-16-210 Examinations—Results—Notice requirements. [M.S.R. 356.16.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-170.
- 356-16-220 Examinations—Oral—How conducted. [M.S.R. 356.16.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-180.
- 356-16-230 Examinations—Special—When permitted. [M.S.R. 356.16.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-150.
- 356-16-240 Examinations—Physical—When required. [M.S.R. 356.16.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-190.
- 356-16-250 Examinations—Records—How kept. [M.S.R. 356.16.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-210.
- 356-16-260 Examinations—Veterans preference—Eligibility periods—Percentage allowance. [Order 17, § 356-16-260, filed 9/17/69, effective 10/17/69; M.S.R. 356.16.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-220.
- 356-16-270 Examinations—Noncompetitive—How scheduled. [M.S.R. 356.16.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-16-280 Examinations—Noncompetitive—Register—How maintained. [M.S.R. 356.16.280, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-230.
- 356-16-290 Examinations—Noncompetitive—Appointments—How made. [Order 30, § 356-16-290, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.290, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-020.
- 356-16-300 Examinations—Noncompetitive—Applicability of rules. [M.S.R. 356.16.300, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-16-310 Examinations—Grade records—Duration of maintenance. [Order 30, § 356-16-310, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.310, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-240.
- 356-16-320 Registers—Generally. [M.S.R. 356.16.320, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-010.
- 356-16-330 Registers—Departmental reduction in force—Duration. [Order 30, § 356-16-330, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.330, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-030.
- 356-16-340 Registers—Classified service-wide—Reduction in force—Duration. [Order 30, § 356-16-340, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.340, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-030.
- 356-16-350 Registers—Intra-departmental promotion—Duration. [Order 30, § 356-16-350, filed 2/11/71, effective 3/9/71; Order 6, § 356-16-350, filed 6/28/68, effective 8/1/68; M.S.R. 356.16.350, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-030.
- 356-16-360 Registers—Inter-departmental promotion—Duration. [Order 30, § 356-16-360, filed 2/11/71, effective 3/9/71; Order 6, § 356-16-360, filed 6/28/68, effective 8/1/68, M.S.R. 356.16.360, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-030.
- 356-16-370 Registers—Departmental unranked reinstatement—Duration. [M.S.R. 356.16.370, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-030.
- 356-16-380 Registers—Classified service-wide unranked reinstatement—Duration. [M.S.R. 356.16.380, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-030.
- 356-16-390 Registers—Unranked transfer—Duration. [M.S.R. 356.16.390, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-030.
- 356-16-400 Registers—Open-competitive—Duration. [M.S.R. 356.16.400, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-030.
- 356-16-410 Registers—Name removal for cause—Grounds enumerated—Requirements. [Order 30, § 356-16-410, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.410, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-040.

Chapter 356-20
APPOINTMENTS

- 356-20-010 Certification—Requests for—Generally. [M.S.R. 356.20.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-050.
- 356-20-020 Certification—General methods—Exceptions. [Order 1 (part), § 356-20-020, filed 1/31/68, effective 3/1/68; M.S.R. 356.20.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-060.
- 356-20-030 Certification—Registers—Order of rank—Exception. [Order 30, § 356-20-030, filed 2/11/71, effective 3/9/71; Order 1 (part), § 356-20-030, filed 1/31/68, effective 3/1/68; M.S.R. 356.20.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-070.
- 356-20-040 Certification—Exhausted registers—Procedure—Exception. [M.S.R. 356.20.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-080.
- 356-20-044 Certification—Exhausted or incomplete registers—Underfill. [Order 3, § 356-20-044, filed 5/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-090.

356-20-050 Certification—Local areas—How, when permitted. [M.S.R. 356.20.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-100.

356-20-060 Certification—When not necessary. [M.S.R. 356.20.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-070 Certification—Actions required—By whom—Procedure. [M.S.R. 356.20.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-110.

356-20-080 Certification—Erroneous reports—Directors authority to revoke. [M.S.R. 356.20.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-120.

356-20-090 Certification—Selective—When permitted. [Order 23, § 356-20-090, filed 7/13/70, effective 8/15/70; M.S.R. 356.20.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-26-130.

356-20-100 Appointments—Original—General provisions. [M.S.R. 356.20.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-105 Appointments—Original—Prohibition of discrimination—Exceptions. [Order 18, § 356-20-105, filed 12/9/69, effective 1/9/70.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-010.

356-20-110 Appointments—Original—Appointing authority—Right to examine records, applicant. [M.S.R. 356.20.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-120 Appointments—Original—Declination by eligible—Effect. [M.S.R. 356.20.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-130 Appointments—Provisional—General provisions. [M.S.R. 356.20.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-140 Appointments—Provisional—Directors duty to recruit. [M.S.R. 356.20.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-020.

356-20-150 Appointments—Provisional—Limitations—Prohibitions. [M.S.R. 356.20.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-030.

356-20-160 Appointments—Provisional—Employees taking same—Effect. [M.S.R. 356.20.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-040.

356-20-170 Appointments—Emergency—How made—Status. [M.S.R. 356.20.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-050.

356-20-180 Appointments—In-training—How made—Status. [M.S.R. 356.20.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-184 Appointments—Underfill. [Order 3, § 356-20-184, filed 5/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-060.

356-20-190 Appointments—Temporary, part-time. [M.S.R. 356.20.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-194 Appointments—Acting. [Order 3, § 356-20-194, filed 5/1/68, effective 6/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-070.

356-20-200 Appointments—Interim. [M.S.R. 356.20.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-210 Probation, trial service period—Distinguished. [M.S.R. 356.20.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-220 Probation period—Six months provisions—Status of employee. [Order 30, § 356-20-220, filed 2/11/71,

effective 3/9/71; M.S.R. 356.20.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-260.

356-20-230 Probation period—Counseling, training, during interim. [M.S.R. 356.20.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-240 Probation period—Dismissal—Notice requirements—Rights acquired. [M.S.R. 356.20.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-270.

356-20-250 Probation period—Transfer—Intra-departmental appointment to higher class. [Order 30, § 356-20-250, filed 2/11/71, effective 3/9/71; M.S.R. 356.20.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-280.

356-20-260 Trial service—General provisions—Status on reversion. [M.S.R. 356.20.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-320.

356-20-270 Trial service—Counseling, training during interim. [M.S.R. 356.20.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-310.

356-20-280 Trial service—Promotion—Reversion status. [Order 1 (part), § 356-20-280, filed 1/31/68, effective 3/1/68; M.S.R. 356.20.280, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-285 Trial service—Appointment from reduction in force registers—Status. [Order 32, § 356-20-285, filed 3/8/71, effective 4/8/71.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-290 Training programs—Generally duty of director to promulgate. [M.S.R. 356.20.290, filed 5/26/66.] Repealed and readopted by Order 27, filed 11/17/70. See WAC 356-36-020(3). Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-300 Training programs—Probationary, trial service—Availability. [M.S.R. 356.20.300, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-310 Training programs—When conducted—Allowances in compensatory time. [M.S.R. 356-20-310, filed 5/26/66.] Repealed and readopted by Order 27, filed 11/17/70. Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-36-180.

356-20-320 Training programs—Credit for completion—Effect. [M.S.R. 356-20-320, filed 5/26/66.] Repealed and readopted by Order 27, filed 11/17/70. Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-36-190.

Chapter 356-24

PROMOTIONS—DEMOTIONS—TRANSFERS

356-24-010 Promotion—Statement of policy. [M.S.R. 356.24.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-150.

356-24-020 Promotion—Examination—Rules—Regulations. [Order 30, § 356-24-020, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-24-024 Promotion—Examinations—Minimum qualifications waived or modified. [Order 3 (part), § 356-24-024, filed 5/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-22-130.

356-24-030 Promotion—Registers—How maintained. [M.S.R. 356.24.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-24-040 Promotion—Probationary employees—Restrictions—Exceptions. [M.S.R. 356.24.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-160.

356-24-050 Promotion—Trial service period requirements—Reversion—Status. [M.S.R. 356.24.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

- 356-24-054 Promotion—Underfill. [Order 3 (part), § 356-24-054, filed 5/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-170.
- 356-24-060 Promotion—Transfers not to be considered. [M.S.R. 356.24.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-070 Transfer—Domiciliary movement—Requirements. [M.S.R. 356.24.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-180.
- 356-24-080 Transfer—Within class—Agency—Permitted—Report. [Order 30, § 356-24-080, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-190.
- 356-24-090 Transfer—Between classes—Restrictions. [M.S.R. 356.24.090, filed 5/26/66.] Repealed by Order 36; filed 7/1/71, effective 8/1/71. See WAC 356-30-200.
- 356-24-100 Transfer—Between agencies—Restrictions. [Order 30, § 356-24-100, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-210.
- 356-24-110 Reinstatements—Rules—Regulations status. [M.S.R. 356.24.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-220.
- 356-24-120 Demotion—Voluntary—Generally. [Order 30, § 356-24-120, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-230.
- 356-24-130 Demotion—Voluntary—Same—Requirements. [M.S.R. 356.24.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-230.
- 356-24-140 Demotion—Voluntary—Same—Permanent employee—Status. [M.S.R. 356.24.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-230.
- 356-24-150 Demotion—Voluntary—Salary—Method of computation. [M.S.R. 356.24.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-160.
- 356-24-160 Demotion—Voluntary—Subsequent elevation—Rules, requirements. [M.S.R. 356.24.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-14-170, 356-30-240.
- 356-24-170 Noncitizen employees—Status—Dismissal, demotion—Grounds—Exceptions. [M.S.R. 356.24.170, filed 5/26/66.] Repealed by Order 11, filed 3/3/69.
- 356-24-180 Voluntary resignations—Requirements—Rules. [M.S.R. 356.24.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-250.
- 356-24-190 Service ratings—How computed—Effect. [M.S.R. 356.24.190, filed 5/26/66.] Repealed by Order 10, filed 1/2/69.
- 356-24-191 Performance evaluation—Planning—Procedure—Requirements. [Order 10, § 356-24-191, filed 1/2/69.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-300.
- 356-24-200 Intermittent employment—Rules—Regulations. [Order 9, § 356-24-200, filed 10/29/68, effective 12/1/68; Order, filed 2/1/67; M.S.R. 356.24.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-140.
- 356-24-210 Temporary employment—Defined—Exception. [M.S.R. 356.24.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-080.
- 356-24-220 Temporary employment—Appointment from register required—Exception. [M.S.R. 356.24.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-230 Temporary employment—Reappointment prohibited—Exceptions. [M.S.R. 356.24.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-080.
- 356-24-240 Temporary employment—Status—Transfers—Requirements. [M.S.R. 356.24.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-080.
- 356-24-250 Temporary employment—Retention on permanent register—Requirements. [M.S.R. 356.24.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-260 Temporary employment—Voluntary demotion—Requirements. [M.S.R. 356.24.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-270 Temporary employment—Separation—Notice requirements. [M.S.R. 356.24.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-100.
- 356-24-280 Temporary employment—Permanent employees—Status. [M.S.R. 356.24.280, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-090.
- 356-24-290 Seasonal employment. [M.S.R. 356.24.290, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-130.
- 356-24-300 Part-time employment—Hiring procedure. [M.S.R. 356.24.300, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-310 Part-time employment—Rights acquired. [Order 9, § 356-24-310, filed 10/29/68, effective 12/1/68; M.S.R. 356.24.310, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-120.
- 356-24-320 Part-time employment—Limitation on movement status. [M.S.R. 356.24.320, filed 5/26/66.] Repealed by Order 9, filed 10/29/68, effective 12/1/68.]
- 356-24-330 Demotion—Suspension—Dismissal—Grounds for enumerated—Cause. [M.S.R. 356.24.330, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-010.
- 356-24-340 Reduction in lieu of dismissal—Procedure. [M.S.R. 356.24.340, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-020.
- 356-24-350 Suspension—Grounds for—Election of term—Notice. [M.S.R. 356.24.350, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-030.
- 356-24-360 Dismissal—Grounds for—Notice requirements. [M.S.R. 356.24.360, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-370 Dismissal, suspension—Concurrently—Notice requirements. [M.S.R. 356.24.370, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-050.
- 356-24-380 A.W.O.L.—Presumption of abandonment—Notice. [M.S.R. 356.24.380, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-060.
- 356-24-390 Dismissal, demotion, suspension—Withdrawal of charges by appointing authority—Time limitation. [M.S.R. 356.24.390, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-070.
- 356-24-400 Reduction in force—Rules—Regulations—Procedure. [Order 34, filed 5/13/71, effective 6/13/71; Order 30, § 356-24-400, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.400, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-30-330.

Chapter 356-28

APPEALS

- 356-28-010 Appeals—Generally. [M.S.R. 356.28.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-080.
- 356-28-020 Appeals—Applicants, eligibles, grounds for—Requirements. [M.S.R. 356.28.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-090.
- 356-28-030 Appeals—Terminated employee—Request for reemployment list—Status. [M.S.R. 356.28.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-250.
- 356-28-040 Appeals—How taken. [M.S.R. 356.28.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-080.
- 356-28-050 Appeals—Receipt of—Procedure. [M.S.R. 356.28.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-080.
- 356-28-060 Appeals—Hearings before the board—Rules. [M.S.R. 356.28.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-110.
- 356-28-070 Appearance and practice before the board—Who may appear. [M.S.R. 356.28.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-120.
- 356-28-080 Standards of ethical conduct. [M.S.R. 356.28.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-140.
- 356-28-090 Appearance by former officer or employee of the board. [M.S.R. 356.28.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-130.
- 356-28-100 Computation of time. [M.S.R. 356.28.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-150.
- 356-28-110 Notice and opportunity for hearing. [M.S.R. 356.28.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-110.
- 356-28-120 Service of process—By whom served. [M.S.R. 356.28.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-160.
- 356-28-130 Upon whom served. [M.S.R. 356.28.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-160.
- 356-28-140 Method of service. [M.S.R. 356.28.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-160.
- 356-28-150 When service complete. [M.S.R. 356.28.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-160.
- 356-28-160 Filing with board. [M.S.R. 356.28.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-170.
- 356-28-170 Subpoenas—Form. [M.S.R. 356.28.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-180.
- 356-28-180 Issuance to parties. [M.S.R. 356.28.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-180.
- 356-28-190 Service of subpoena. [M.S.R. 356.28.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-180.
- 356-28-200 Fees. [M.S.R. 356.28.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-190.
- 356-28-210 Proof of service. [M.S.R. 356.28.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-200.
- 356-28-220 Quashing. [M.S.R. 356.28.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-210.
- 356-28-230 Depositions—Right to take. [M.S.R. 356.28.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-240 Scope. [M.S.R. 356.28.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-250 Officer before whom taken. [M.S.R. 356.28.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-260 Authorization. [M.S.R. 356.28.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-270 Protection of parties and deponents. [M.S.R. 356.28.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-280 Oral examination and cross-examination. [M.S.R. 356.28.280, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-290 Recordation. [M.S.R. 356.28.290, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-300 Signing, attestation, and return. [M.S.R. 356.28.300, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-310 Use and effect. [M.S.R. 356.28.310, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-320 Fees of officers and deponents. [M.S.R. 356.28.320, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-330 Depositions upon interrogatories—Submission. [M.S.R. 356.28.330, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-340 Interrogation. [M.S.R. 356.28.340, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-350 Attestation and return. [M.S.R. 356.28.350, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-360 Provisions of deposition rule. [M.S.R. 356.28.360, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-370 Interrogatories to parties. [M.S.R. 356.28.370, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-380 Scope—Protection of parties. [M.S.R. 356.28.380, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-390 Discovery and production of documents and things for inspection, copying, or photographing. [M.S.R. 356.28.390, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-400 Protection of parties. [M.S.R. 356.28.400, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-410 Savings. [M.S.R. 356.28.410, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-420 Enforcement. [M.S.R. 356.28.420, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-220.
- 356-28-430 Burden of proof. [M.S.R. 356.28.430, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-230.
- 356-28-440 Appeals—Findings of fact—Conclusions of law—Filing procedure. [M.S.R. 356.28.440, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-240.

Title 356 WAC

Title 356 WAC: Department of Personnel

- 356-28-450 Appeals—Restoration of rights. [M.S.R. 356.28.450, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-250.
 - 356-28-460 Appeals—Correction of rating—Effect. [M.S.R. 356.28.460, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-260.
 - 356-28-470 Appeals—Grounds for—To superior court. [M.S.R. 356.28.470, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-270.
 - 356-28-480 Appeals—Grounds—Notice requirements. [M.S.R. 356.28.480, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-280.
 - 356-28-490 Appeals—Hearings—Time limitations—Preparation of transcript—Costs. [M.S.R. 356.28.490, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-290.
 - 356-28-500 Appeals—Court hearing—How record considered. [M.S.R. 356.28.500, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-300.
- Chapter 356-32
MISCELLANEOUS**
- 356-32-010 Membership in employee organizations. [Order 22, § 356-32-010, filed 4/7/70; Order 17, § 356-32-010, filed 9/17/69; Order 7, § 356-32-010, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-010.
 - 356-32-015 Definitions. [Order 22, § 356-32-015, filed 4/7/70; Order 7, § 356-32-015, filed 7/31/68, effective 9/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
 - 356-32-020 Determination of bargaining unit. [Order 7, § 356-32-020, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-020.
 - 356-32-030 Election and certification of exclusive representative. [Order 7, § 356-32-030, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-030.
 - 356-32-040 Decertification. [Order 7, § 356-32-040, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-040.
 - 356-32-050 Contents of written agreements. [Order 7, § 356-32-050, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-050.
 - 356-32-051 Contents of written agreements—Unfair practices for management. [Order 17, § 356-32-051, filed 9/17/69; Order 7, § 356-32-051, filed 7/31/68, effective 9/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-060.
 - 356-32-052 Contents of written agreements—Unfair practices for employee organizations. [Order 17, § 356-32-052, filed 9/17/69; Order 7, § 356-32-052, filed 7/31/68, effective 9/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-070.
 - 356-32-053 Contents of written agreements—Unfair practice—Hearings. [Order 17, § 356-32-053, filed 9/17/69; Order 7, § 356-32-053, filed 7/31/68, effective 9/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-080.
 - 356-32-060 Mediation. [Order 7, § 356-32-060, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-090.
 - 356-32-070 Arbitration. [Order 7, § 356-32-070, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.070, filed 5/26/66.]

- 356-32-080 Savings provisions—Applicability—Rule construed. [M.S.R. 356.32.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-42-110.
- 356-32-090 Agency hearings—Generally. [M.S.R. 356.32.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-100.
- 356-32-100 Agency hearings—Board, director—Summary of proceedings. [M.S.R. 356.32.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-100.
- 356-32-110 Agency hearings—Employees right to request—Exception. [M.S.R. 356.32.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-100.
- 356-32-120 Agency hearings—Use of for delay—Prohibited. [M.S.R. 356.32.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-34-100.
- 356-32-130 Hearings—Applicants—rights to be heard—Discretion of director. [M.S.R. 356.32.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-32-140 Political activity—Rules, regulations—Exceptions. [M.S.R. 356.32.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-010.
- 356-32-150 Discrimination—Prohibitions against. [M.S.R. 356.32.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-020.
- 356-32-160 Disclosure of political, religious, or other affiliations—Prohibited. [M.S.R. 356.32.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-030.
- 356-32-170 Conflict of employment—Prohibited. [M.S.R. 356.32.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-040.
- 356-32-180 Payrolls—Certification required. [M.S.R. 356.32.180, filed 5/26/66.] Repealed by Order 4, filed 5/31/68, effective 7/1/68. See WAC 356-32-181.
- 356-32-181 Payroll certification. [Order 4, § 356-32-181, filed 5/31/68, effective 7/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-050.
- 356-32-190 Agencies—Personnel records—How kept. [M.S.R. 356.32.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-32-200 Agencies—Reports on employee status changes—Requirements. [Order 20, § 356-32-200, filed 2/9/70; Order 4, § 356-32-200, filed 5/31/68, effective 7/1/68; M.S.R. 356.32.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-070.
- 356-32-210 Agencies—Attendance and leave records—How kept. [M.S.R. 356.32.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-060.
- 356-32-214 Agencies—Position control—Requirements. [Order 3 (part), § 356-32-214, filed 5/1/68, effective 6/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-080.
- 356-32-220 Personnel records—Right of personnel board to inspect. [M.S.R. 356.32.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-060.
- 356-32-230 Personnel department—Availability of services to other state, federal agencies. [M.S.R. 356.32.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-090.
- 356-32-240 Rules—Amendments to—Regulations. [M.S.R. 356-32-240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-100.

- 356-32-250 Words, phrases—Definitions—How determined. [M.S.R. 356.32.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-32-260 Severability. [M.S.R. 356.32.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-110.
- 356-32-270 Repeals—Savings. [M.S.R. 356.32.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. See WAC 356-46-120.

Chapter 356-36

EMPLOYEE TRAINING—PURPOSE AND OBJECTIVES

- 356-36-010 Employee training—Training general—Purpose and objectives. [Order 27, § 356-36-010, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-020 Employee training—Training—Responsibility. [Order 27, § 356-36-020, filed 11/17/70. Formerly WAC 356-20-290.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-030 Employee training—Agency organization for training. [Order 27, § 356-36-030, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-060 Employee training—Inservice training—Definition—Biennial plan. [Order 27, § 356-36-060, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-070 Employee training—Outservice training—Definitions—Exclusions. [Order 27, § 356-36-070, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-080 Employee training—Outservice training—General. [Order 27, § 356-36-080, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-090 Employee training—Outservice training—Selection of employees. [Order 27, § 356-36-090, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-100 Employee training—Outservice training—Salary and related costs. [Order 27, § 356-36-100, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-110 Employee training—Outservice training—Employee contracts. [Order 27, § 356-36-110, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-120 Employee training—Outservice training—Uncompleted assignments. [Order 27, § 356-36-120, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-130 Employee training—Outservice training—Agency policy and plan. [Order 27, § 356-36-130, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-140 Employee training—Tuition reimbursement—Definition—Purpose. [Order 27, § 356-36-140, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-150 Employee training—Tuition reimbursement—Eligibility conditions of reimbursement. [Order 27, § 356-36-150, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-160 Employee training—Educational leave of absence—Condition. [Order 27, § 356-36-160, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-170 Employee training—Annual training reporting. [Order 27, § 356-36-170, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-180 Employee training—Training—When conducted—Allowances in compensatory time. [Order 27, § 356-36-180, filed 11/17/70. Formerly WAC 356-20-

- 310.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-190 Employee training—Training—Credit for completion—Effect. [Order 27, § 356-36-190, filed 11/17/70. Formerly WAC 356-20-310.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.

**Chapter 356-38
TRAINING**

- 356-38-010 Training general—Purpose and objectives. [Order 36, § 356-38-010, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-020 Training—Responsibility. [Order 36, § 356-38-020, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-030 Agency organization for training. [Order 36, § 356-38-030, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-040 In-service training—Definition—Biennial plan. [Order 36, § 356-38-040, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-050 Out-service training—Definitions—Exclusions. [Order 36, § 356-38-050, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-060 Out-service training—General. [Order 36, § 356-38-060, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-070 Out-service training—Selection of employees. [Order 36, § 356-38-070, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-080 Out-service training—Salary and related costs. [Order 36, § 356-38-080, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-090 Out-service training—Employee contracts. [Order 36, § 356-38-090, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-100 Out-service training—Uncompleted assignments. [Order 36, § 356-38-100, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-110 Out-service training—Agency policy and plan. [Order 36, § 356-38-110, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-120 Tuition reimbursement—Definition—Purpose. [Order 36, § 356-38-120, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-130 Tuition reimbursement—Eligibility conditions of reimbursement. [Order 93, § 356-38-130, filed 11/2/76; Permanent and Emergency Order 39, § 356-38-130, filed 9/15/71; Order 36, § 356-38-130, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-140 Educational leave of absence—Condition. [Order 71, § 356-38-140, filed 12/30/74; Order 36, § 356-38-140, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-150 Annual training reporting. [Order 36, § 356-38-150, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-160 Training—When conducted—Allowances in compensatory time. [Order 36, § 356-38-160, filed

7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).

356-38-170 Training—Credit for completion—Effect. [Order 36, § 356-38-170, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).

Chapter 356-06 WAC GENERAL PROVISIONS

WAC

356-06-001	Declaration of purpose.
356-06-002	Scope and construction of terms.
356-06-010	Definitions.
356-06-020	Exemptions.
356-06-030	Personnel services—Governmental agencies.
356-06-040	Classified service.
356-06-050	Exempt service.
356-06-055	Exempt—Classified service—Movement between.
356-06-060	Personnel board—Composition—Appointment.
356-06-070	Personnel board—Procedure—Quorum.
356-06-080	Personnel board—Powers—Duties.
356-06-090	Director—Appointment—Removal.
356-06-100	Director—Powers—Duties.

WAC 356-06-001 Declaration of purpose. The general purpose of these rules is to establish for the state a system of personnel administration based on merit principles and scientific methods of governing the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline and welfare of its civil employees, and other incidents of state employment. All appointments and promotions to positions, and the retention therein, in the state service shall be made on the basis of policies hereinafter specified. [Order 36, § 356-06-001, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-001.]

WAC 356-06-002 Scope and construction of terms. Terms used in these merit system rules will have the meaning given to them except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary. [Order 63, § 356-06-002, filed 2/26/74.]

WAC 356-06-010 Definitions. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT – An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL – Employees who regularly exercise discretion and independent judgment in

the performance of: (1) Work related directly to management policy; or (2) work providing direct assistance to executive or administrative personnel.

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – 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.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

ANNIVERSARY DATE – Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY – A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD – The state personnel board.

BUMPING – The replacement of an incumbent by another employee subject to reduction in force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41-06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

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

DATE OF ELECTION – The date of election is the date the director of personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

EXCHANGE TIME – Equal time off for excess hours worked by exceptions work period employees.

EXIT LEAVE – The paid hours of nonworking time taken by an employee who is not eligible to receive a lump sum cash payment for accrued vacation leave. Exit leave is taken following the last designated work day prior to an employee's resignation, dismissal, or separation due to reduction in force or disability and continuing until all the employee's accrued vacation leave is exhausted.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per

week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons 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.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the merit system rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the merit system rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060 (2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or re-employment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356-30-260.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the director of personnel as "project employment," that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of an employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION IN FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction in force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the re-employment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SCHEDULING PLAN – A series of schedules, approved for specific positions by the director of personnel or the personnel board, through which schedules the incumbents move in an established pattern.

SEASONAL CAREER EMPLOYEES – Incumbents who have been appointed into seasonal career positions or employees who have repeatedly returned to state employment in the same agency in a work pattern defined as seasonal career employment.

SEASONAL CAREER EMPLOYMENT – Two work patterns are included: (1) Work in positions, not intermittent in nature nor exempted by statutes or the provisions of WAC 356-06-020, which is cyclic in nature and beginning at approximately the same time each year lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period; and (2) work patterns in positions as in (1) above but lasting for only a minimum of three months each season and for the past three consecutive seasons in the same agency.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register. Leaves without pay granted to directly or indirectly reduce the possible effect of reduction in force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(6). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1)

Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER – The change of an employee from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person

who has one or more years of 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: *Provided*, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unremarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: *Provided* such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class. [Statutory Authority: RCW 41.06.150. 84-02-030 (Order 194), § 356-06-010, filed 12/30/83; 83-01-115 (Order 179), § 356-06-010, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-06-010, filed 9/22/82; 82-09-022 (Order 169), § 356-06-010, filed 4/12/82; 82-03-030 (Order 165), § 356-06-010, filed 1/18/82; 81-23-031 (Order 163), § 356-06-010, filed 11/16/81; 80-13-047 (Order 147), § 356-06-010, filed 9/16/80; 80-09-010 (Order 145), § 356-06-010, filed 7/8/80; 78-02-049 (Order 116), § 356-06-010, filed 1/19/78; Order 113, § 356-06-010, filed

11/30/77; Order 112, § 356-06-010, filed 11/7/77; Order 109, § 356-06-010, filed 9/7/77; Order 100, § 356-06-010, filed 3/30/77; Order 98, § 356-06-010, filed 1/13/77, effective 2/13/77; Order 94, § 356-06-010, filed 11/2/76, effective 1/1/77; Order 92, § 356-06-010, filed 10/5/76, effective 11/5/76; Order 89, § 356-06-010, filed 6/30/76, effective 7/31/76; Order 86, § 356-06-010, filed 5/4/76; Order 82, § 356-06-010, filed 9/26/75; Order 80, § 356-06-010, filed 7/16/75; Order 78, § 356-06-010, filed 5/19/75, effective 7/1/75; Order 77, § 356-06-010, filed 5/7/75; Order 74, § 356-06-010, filed 3/7/75; Order 71, § 356-06-010, filed 12/30/74; Order 69, § 356-06-010, filed 9/30/74; Order 63, § 356-06-010, filed 2/26/74; Order 58, § 356-06-010, filed 9/10/73; Order 57, § 356-06-010, filed 7/31/73; Order 51, § 356-06-010, filed 12/19/72; Order 47, § 356-06-010, filed 6/14/72; Order 42, § 356-06-010, filed 1/11/72; Permanent and Emergency Order 39, § 356-06-010, filed 9/15/71; Order 36, § 356-06-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-010.]

WAC 356-06-020 Exemptions. The provisions of this title do not apply to:

(1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.

(2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.

(4) Employees of the state printing office.

(5) The officers of the Washington state patrol.

(6) Elective officers of the state.

(7) The chief executive officer of each agency.

(8) In the departments of employment security and fisheries, the director and the director's confidential secretary.

(9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: *Provided*, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected,

appointed by the governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

[(g)] Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington state fruit commission.

(b) Washington state apple commission.

(c) Washington state dairy products commission.

(d) Washington state wheat commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: *Provided, however,* That rules and regulations adopted by the state personnel board pursuant to RCW 41.06-.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously

held, or to a position of similar nature and salary. [Statutory Authority: RCW 41.06.150(17). 80-06-032 (Order 143), § 356-06-020, filed 5/9/80, effective 6/12/80; 79-12-012 (Order 137), § 356-06-020, filed 11/13/79; 78-05-025 (Order 119), § 356-06-020, filed 4/14/78; Order 63, § 356-06-020, filed 2/26/74; Order 37, § 356-06-020, filed 8/17/71, effective 9/17/71; Order 36, § 356-06-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-020.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 356-06-030 Personnel services—Governmental agencies. The services of the state department of personnel may be available upon request, on a reimbursable basis, to:

(1) Either the legislative or judicial branch of the state government.

(2) Any county, city, town, or other municipal subdivision of the State. [Order 36, § 356-06-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-040.]

WAC 356-06-040 Classified service. Positions subject to these rules are in the classified service and will be designated by the personnel board as competitive or noncompetitive. (1) The competitive service includes positions in classes for which a competitive examination is required prior to appointment.

(2) The noncompetitive service includes those unskilled, seasonal and temporary classes or positions for which the personnel board has determined ranked registers to be impracticable.

(3) The director of personnel may at any time review the duties and requirements of any class or position to determine the practicality of competitive examinations and after such studies, present to the personnel board for determination, the proper inclusion or exclusion from the noncompetitive service.

(4) No positions in agencies designated as grant-in-aid, will be included in the noncompetitive service except those positions that need not meet the federal merit system standards or positions which can be placed in the noncompetitive service according to the federal merit system standards. [Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-06-040, filed 3/14/80; Order 71, § 356-06-040, filed 12/30/74; Permanent and Emergency Order 39, § 356-06-040, filed 9/15/71; Order 36, § 356-06-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-050, 356-04-060, 356-04-070.]

WAC 356-06-050 Exempt service. The exempt service includes only the positions and agencies, officers and employees listed in WAC 356-06-020. Appointments to any exempt position in branches, departments, or agencies not exempted by statute shall be reported by the director to the board and shall include such information as may be required to ascertain that the position is properly included in the exempt service. The director

may at any time study the duties of a position in this service. [Order 36, § 356-06-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-080.]

WAC 356-06-055 Exempt--Classified service--Movement between. (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, 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 personnel 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 as of that date. Such employee must apply to return to classified service within 30 calendar days of:

- (i) Termination of employment in such exempt position, or
- (ii) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(2) Any classified employee who holds a position in the classified service which is subsequently exempted and who previously held permanent status in another classified position shall have a right to return to the highest classified position in which the employee previously held permanent status or to a similar position. Such employee must apply to return to classified service within 30 calendar days of:

- (a) Termination of employment in such exempt position, or
- (b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(3) Employees exercising return rights within the time specified, as provided in WAC 356-06-055, shall return:

- (a) At the time of separation or application, whichever is later.
- (b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.
- (c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from the classified service and with no break in service.

(4) An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in subsection (1) of this section.

(5) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC 356-30-330.

(6) Classified employees under the jurisdiction of the higher education personnel board who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction in force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board provided:

(a) The employees are qualified as determined by the director of personnel, or designee; and

(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the reduction in force registers, or transferred, or promoted into vacancies; and

(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction in force action; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

(7) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction in force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (21) or (22) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

- (a) Meet the minimum qualifications;
- (b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or certifications from the reduction in force register. [Statutory Authority: RCW 41.06.150. 83-09-030 (Order 183), § 356-06-055, filed 4/15/83. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-06-055, filed 10/26/82; 82-19-092 (Order 175), § 356-06-055, filed 9/22/82; Order 82, § 356-06-055, filed 9/26/75; Order 69, § 356-06-055, filed 9/30/74; Order 63, § 356-06-055, filed 2/26/74.]

WAC 356-06-060 Personnel board--Composition--Appointment. (1) The personnel board shall consist of three members appointed by the governor and confirmed by the senate. Each member must: 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 within one year prior to appointment; shall not become a candidate for partisan political office during his/her term on the board.

(2) Members of the board shall serve overlapping terms of six years. A member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the remainder of such term.

(3) The board shall annually elect a chairman and vice chairman from among its members to serve one year. [Statutory Authority: RCW 41.06.150(17). 78-

05-025 (Order 119), § 356-06-060, filed 4/14/78; Order 36, § 356-06-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-090.]

WAC 356-06-070 Personnel board--Procedure--Quorum. In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. The board shall conduct hearings when called by the chairman of the board or by a majority of the members. An official notice of the calling of a hearing shall be filed with the secretary, and all of the members shall be notified of the hearing within a reasonable period of time prior to its convening. When merit system rules, personnel policies, classification and pay plans, and amendments thereto are to be considered by the board, 20 days' notice shall be given to employee representatives and agencies affected. The board will give due consideration to proposals submitted by such representatives or agencies prior to action on such personnel policies, classifications or pay plans. The presence of two members of the board shall constitute a quorum to transact business. In the conduct of hearings or investigations, a member of the board, or the director of personnel, may administer oaths. A written public record of the actions of the board will be maintained. No material may be released nor statement of findings may be made without the approval of a majority of the board. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-06-070, filed 4/14/78; Order 36, § 356-06-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-100.]

WAC 356-06-080 Personnel board--Powers--Duties. It shall be the responsibility of the personnel board to:

- (1) Establish general policies for the administration of merit system examinations and the hearing of personnel appeals.
- (2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.
- (3) Hear personnel appeals.
- (4) Promote public understanding of the purposes, policies, and practices of the merit system.
- (5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the state civil service law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:
 - (a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.
 - (b) Certification of names for vacancies including departmental promotions with the number of names equal to four more names than there are vacancies to be filled. The names shall represent applicants ranked highest on eligibility lists.
 - (c) Examinations for all positions in the competitive and noncompetitive service.
 - (d) Appointments.
 - (e) Probationary periods of six to twelve months and rejections therein.

- (f) Transfers.
- (g) Sick and vacation leaves.
- (h) Hours of work.
- (i) Layoffs, when necessary, and subsequent reemployment.
- (j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.
- (k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position.
- (l) Allocation and reallocation of positions within the classification plan.
- (m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the director of the office of financial management in accordance with the provisions of chapter 43.88 RCW.
- (n) Training programs, including in-service, promotional and supervisory.
- (o) Regular increments within the series of steps for each pay range, based on length of service for all non-management employees whose standards of performance are such as to permit them to retain job status in the classified service; and increment and merit increases based on performance for all management employees.
- (p) Compliance with existing veterans preference statutes. [Statutory Authority: RCW 41.06.150. 83-13-091 (Order 186), § 356-06-080, filed 6/17/83. Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-06-080, filed 4/14/78; Order 75, § 356-06-080, filed 3/24/75; Order 36, § 356-06-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-110.]

WAC 356-06-090 Director--Appointment--Removal. (1) The director of personnel shall be appointed by the governor from a list of three names submitted to him by the board with its recommendations; the names submitted shall be the three highest ranking following competitive examination conducted by a committee of three persons appointed by the board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management shall be eligible to take the examination.

(2) The director of personnel may be removed for cause by the governor with the approval of a majority of the board, or by a majority of the board.

(3) The director's salary shall be fixed by the board. [Order 36, § 356-06-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-120.]

WAC 356-06-100 Director--Powers--Duties. (1) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of the state civil service law and the rules and regulations approved and promulgated thereunder. The director shall

prepare proposed rules and regulations for consideration by the board.

(2) The director shall establish a department completely separate from other state agencies and shall select a staff of assistants whose employment shall be subject to the provisions of these rules.

(3) The director shall serve as secretary to the board.

(4) The director may delegate authority to subordinates to act for him or her in carrying out duties duly assigned to the director in merit system rules. Such delegations of authority shall be in writing and the board shall be notified of them. [Order 71, § 356-06-100, filed 12/30/74; Order 36, § 356-06-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-130.]

Chapter 356-07 WAC

OPERATIONS AND PUBLIC RECORDS

WAC

356-07-010	Purpose.
356-07-020	Definitions.
356-07-030	Description and location of departmental organization.
356-07-040	General method of operation.
356-07-050	Office hours.
356-07-060	Records availability—Copies obtained.
356-07-070	Exemptions—Public records.

WAC 356-07-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department of personnel with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25 through 32 of that act [RCW 42.17.250 through 42.17.350], dealing with public records. [Order 60, § 356-08-010 (codified as WAC 356-07-010), filed 12/13/73.]

WAC 356-07-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. [Order 60, § 356-08-020 (codified as WAC 356-07-020), filed 12/13/73.]

WAC 356-07-030 Description and location of departmental organization. (1) The central office[(s)] of the Department of Personnel is located at 600 South Franklin Street, Olympia, Washington.

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

(a) Operations division which provides for recruitment, examination, examination development, classification, hearings, certification, agency services and staffing review and affirmative action.

(b) Standards and surveys division which provides for salary surveys, compensation plan administration, research services, and special projects.

(c) Employee development and training division (located at 400 East Union Street, Olympia, Washington) which provides consultation on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.

(d) Insurance benefits division (located at 497 Tye Drive, Tumwater, Washington) which provides for employee insurance programs and employee advisory services. The employee advisory service offices are at the following locations: 402 Security Building, Olympia, Washington; 444 NE Ravenna Boulevard, Suite 409, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

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

(f) Information systems division (located at Building #1, Rowsix, Lacey, Washington) which administers the central personnel/ payroll and insurance eligibility computer systems. [Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-07-030, filed 4/12/82; 78-05-025 (Order 119), § 356-07-030, filed 4/14/78; Order 60, § 356-08-030 (codified as WAC 356-07-030), filed 12/13/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 356-07-040 General method of operation. (1) The general conduct of agency business is pursuant to the charter established in chapters 41.06 and 41.05 RCW, and Title 356 WAC.

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

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

(4) Informal work sessions with interested parties are conducted by staff of the department of personnel as necessary to ensure representation from interested parties before proposals are made to the board. [Order 60, § 356-08-040 (codified as WAC 356-07-040), filed 12/13/73.]

WAC 356-07-050 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department of personnel. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. [Order 60, § 356-08-050 (codified as WAC 356-07-050), filed 12/13/73.]

WAC 356-07-060 Records availability--Copies obtained. (1) Copies of all public records defined in WAC 356-08-020 and identified in current indexes maintained in the Olympia office of the department of personnel shall be made available upon request to the staff member designated by the director or his designee. Response to such requests will be in the order received.

(2) Available indexes shall include the following:

- (a) Merit system rules;
- (b) Twenty-day notice and minutes of meetings – regular and special;
- (c) Board orders;
- (d) Department of personnel budget and planning documents;
- (e) Staff administrative procedures manuals;
- (f) Department of personnel classification and compensation plans;
- (g) Factual staff reports and studies;
- (h) Documents filed with department of personnel as required by merit system rules or board order, e.g., reduction in force procedures, collective bargaining agreements, and holiday schedules.

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

(4) Copies of records will be made available at not more than actual cost to the department of personnel as determined by the director. Rules and regulations will be made available without charge. [Order 60, § 356-08-060 (codified as WAC 356-07-060), filed 12/13/73.]

WAC 356-07-070 Exemptions--Public records. (1) The department of personnel shall determine which public records requested in accordance with these rules are exempt under the provisions of RCW 42.17.310.

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

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

(4) Denials of requests for public records will be reviewed by the director within two working days. [Order 60, § 356-08-070 (codified as WAC 356-07-070), filed 12/13/73.]

Chapter 356-10 WAC CLASSIFICATION

WAC

356-10-010	Classification plan—Preparation—Content.
356-10-020	Classification plan—Revision.
356-10-030	Positions—Allocation—Reallocation.
356-10-040	Positions—Downward or lateral reallocation—Employees.
356-10-050	Positions—Reallocation upward—Incumbents.
356-10-060	Allocation—Request for review.

WAC 356-10-010 Classification plan--Preparation--Content. The director shall maintain a position classification plan in consultation with agency management, employee organizations and other knowledgeable persons. The plan shall be based upon investigation and analysis of the duties and responsibilities of each position. The completed plan shall include the following for each class: A specification, including appropriate title, description of duties and responsibilities and minimum requirements and/or desirable training, experience, or other qualifications. [Order 36, § 356-10-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-010.]

WAC 356-10-020 Classification plan--Revision. The director shall submit proposed revisions to the classification plan to the board for review and approval. The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals. [Order 36, § 356-10-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-020.]

WAC 356-10-030 Positions--Allocation--Reallocation. (1) Position allocations or reallocations shall be based upon an investigation of duties and responsibilities assigned and/or performed and other information and recommendations. Every position shall be allocated to an established class.

(2) Allocations may be made by:

(a) The director or designated staff of the department of personnel; OR,

(b) By agency directors or other designees authorized under (3) below.

(3) Agency directors may request and the director of personnel may approve, the authorization of the agency director or designee to approve or disapprove the allocation or reallocation of positions to established classes under the merit system rules and procedures approved by the director of personnel.

(4) It shall be the duty of the appointing authority and/or the personnel representative to report to the director of personnel any changes in duties, responsibilities or organization in a position which may affect position allocation.

(5) Agencies shall establish procedures for processing and reporting new positions, changes in position duties, and requests for position review to provide proper maintenance of the classification plan. The procedure shall provide for individual employee requests for position review, based on duties and responsibilities, through the

agency personnel office to the director of personnel. This procedure will not cause undue delay in the director of personnel or designee reviewing the requested reclassification. Such procedures shall be reviewed and approved by the director of personnel or designee. Notice of changes in this procedure initiated by agencies, will be provided to exclusive bargaining representatives and a copy to the director of personnel.

(6) Questions concerning the previous classification of employees due to the retitling, reallocating or reclassification of positions will be determined by the director of personnel or designee.

(7)(a) Employees affected by agency initiated reallocations shall be notified in writing by the agency not less than 20 calendar days in advance of the intended date of the action, provided that this notice requirement shall not preclude the establishment of effective dates for other than competitive reallocations as provided in WAC 356-10-050.

(b) Any official authorized in (2) above to make allocation or reallocation determinations shall immediately transmit a written notice of the determination to the employee in the position affected by that determination. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 79-03-010 (Order 128), § 356-10-030, filed 2/14/79; 78-12-026 (Order 126), § 356-10-030, filed 11/15/78; Order 77, § 356-10-030, filed 5/7/75; Order 75, § 356-10-030, filed 3/24/75; Order 36, § 356-10-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-030, 356-08-040, 356-08-050, and 356-16-175.]

WAC 356-10-040 Positions--Downward or lateral reallocation--Employees. (1) When a position occupied by an employee is reallocated downward, or laterally to a different classification with the same salary range, the director of personnel shall notify the incumbent and the agency in writing at least 30 calendar days prior to the effective date of the reallocation. This action shall not preclude the employee from accepting a transfer or promotion to a vacant position.

(2) The employee may elect to remain in a position which is reallocated downward or laterally provided he/she meets the minimum or desirable qualifications for the new classification or acceptable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(3) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (2) of this section and he/she is not transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(4) The employee who remains in a position which is reallocated downward may have his/her name placed upon the agency reduction in force register for the classification to which his/her position was previously allocated.

(5) An employee who continues in a position which is reallocated downward shall be paid an amount equal to

his/her previous salary if such amount is within the salary subrange for the lower class. Employees whose current salary falls between two steps or exceeds the top step of the new position shall be Y-rated.

(6) The employee shall retain his/her existing periodic increment date provided the salary is not equal or greater than the maximum of the lower subrange. Employees whose salaries are Y-rated between steps will move to the first dollar amount step for the class in the lower subrange on their periodic increment date.

(7) Employees who retain their salaries as provided in subsection (5) of this section will not be entitled to promotional salary increases if they are subsequently hired off the agency reduction in force register; however, if the salary falls between the steps of the higher subrange, the employees' salaries will be increased to the first dollar amount step for the class in the higher subrange upon promotion.

(8) The salary and periodic increment date of an employee who continues in a position which is reallocated laterally shall remain unchanged. [Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-10-040, filed 11/28/83; Order 109, § 356-10-040, filed 9/7/77; Order 90, § 356-10-040, filed 9/7/76, effective 10/8/76; Order 36, § 356-10-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-060.]

WAC 356-10-050 Positions--Reallocation upward--Incumbents. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the director of personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the rule governing promotion.

(2) Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee.

(b) The employee passes the appropriate examination.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within 60 days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a provisional appointment under these rules. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency- or major

subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the re-allocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) Paragraphs (1) or (2) apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) The effective date of other than competitive reallocations and appointments in (2) and (5) above will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel. [Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-10-050, filed 9/16/80. Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 79-03-010 (Order 128), § 356-10-050, filed 2/14/79; 78-12-026 (Order 126), § 356-10-050, filed 11/15/78; 78-10-070 (Order 123), § 356-10-050, filed 9/26/78; Order 84, § 356-10-050, filed 10/20/75, effective 11/17/75; Order 64, § 356-10-050, filed 3/20/74; Order 36, § 356-10-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-080.]

WAC 356-10-060 Allocation--Request for review.

A review by the director of personnel or designee of the allocation or reallocation of a position may be requested by the incumbent in the position at the time the reallocation was requested, or on the date the allocation decision was issued, or at the conclusion of a class study, or by the agency director as follows:

(1) The written request for a review must be filed with the director of personnel within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The director of personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the director of personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the director of personnel or designee shall set a date for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated department of personnel analyst: *Provided*, That the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The director of personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency may appeal the determination of the director of personnel or designee to the state personnel appeals board as provided in Title 358 WAC.

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the director of personnel or designee has had a reasonable period of time to reexamine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision. [Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-10-060, filed 11/16/81; 80-13-047 (Order 147), § 356-10-060, filed 9/16/80. Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 79-03-010 (Order 128), § 356-10-060, filed 2/14/79; 78-12-026 (Order 126), § 356-10-060, filed 11/15/78; 78-10-070 (Order 123), § 356-10-060, filed 9/26/78; Order 87, § 356-10-060, filed 5/4/76, effective 6/5/76; Repealed by Order 81, § 356-10-060, filed 8/21/75, effective 9/21/75*; Order 36, § 356-10-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-090.]

***Reviser's note:** The amendment of this section by Order 81 was enjoined by the superior court of Thurston County in Cause No. 53071.

**Chapter 356-14 WAC
COMPENSATION PLAN**

WAC	
356-14-010	Compensation plan—Preparation—Basis and provisions.
356-14-020	Compensation plan—Adoption.
356-14-030	Compensation plan—Approval by the director of the office of financial management.
356-14-040	Compensation plan—Periodic review.
356-14-050	Compensation plan—Reporting periodic recommendations.
356-14-060	Compensation plan—Additional salary surveys.
356-14-065	Salary—Teachers of the deaf or blind.
356-14-070	Salary—Limits.
356-14-075	Y rate—Administration.
356-14-080	Salary—Entrance.
356-14-085	Salaries—Reduction in force register appointment.
356-14-090	Salary—Reemployment.
356-14-100	Reporting of appointments above the minimum.

356-14-110	Salary—Periodic increment dates—Original—Subsequent.
356-14-120	Salary—Periodic increment date—Promotion.
356-14-130	Salary—Concurrence of probation, trial service, and periodic increment date.
356-14-140	Salary—Increase on promotion.
356-14-150	Salary—Adjustment upward—Status—Incumbents.
356-14-160	Salary—Voluntary demotion—Computation.
356-14-170	Salary—Elevation—Computation.
356-14-180	Salary—Reversion—Computation.
356-14-190	Salary—Part-time employment computation.
356-14-200	Salary—Interagency movement.
356-14-210	Salary—Accrued leave credits—Transfer—Effect.
356-14-220	Salary—Wage and hour records.
356-14-230	Salary—Duplicate payment.
356-14-240	Salary—Overtime compensation method.
356-14-250	Salary—Maximum—Compensatory time.
356-14-260	Compensatory time—Liquidation.
356-14-270	Salary—Overtime payment on separation from job.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-14-025	Compensation—Housing committee—Responsibilities. [Order 77, § 356-14-025, filed 5/7/75.] Repealed by 78-05-025 (Order 119), filed 4/14/78. Statutory Authority: RCW 41.06.150(17).
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WAC 356-14-010 Compensation plan—Preparation—Basis and provisions. The director of personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

(1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in fixing the employee's salary.

(2) Salary range schedules including the first, intervening, and maximum steps of each range.

(3) Assignment of each classification to a salary range of not less than the prevailing rate in Washington state private industries, and other governmental units, for positions of a similar nature to provide like pay for like work.

(4) Work period designation of each classification, or individual positions within a classification.

(5) Rates of premium pay and shift differential and standby pay schedules determined by the personnel board in the same manner as are basic salaries. [Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-14-010, filed 11/16/81; Order 98, § 356-14-010, filed 1/13/77, effective 2/13/77; Order 86, § 356-14-010, filed 5/4/76, effective 10/1/76*; Order 78, § 356-14-010, filed 5/19/75; Order 71, § 356-14-010, filed 12/30/74; Order 36, § 356-14-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-110, 356-08-115.]

*Reviser's note: The effective date of Order 86 was postponed until January 1, 1977, by Emergency Order 91, filed 9/9/76.

WAC 356-14-020 Compensation plan—Adoption.

(1) The compensation plan as developed by the director shall be presented to the board for review and adoption after consultation with and consideration of proposals from employee representatives and agencies affected.

(2) Twenty calendar days prior to the open hearing on the plan, the board shall file notice with the office of the code reviser and circulate notice of the hearing to enable

employee representatives and agencies affected to present their views either orally or in writing. The notice shall state the date, time, and place of the hearing, and either the terms or a description of the proposed plan. The board may amend and adopt the plan at the hearing. [Order 36, § 356-14-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-120.]

WAC 356-14-030 Compensation plan—Approval by the director of the office of financial management. Adoption and revision of the compensation plan is subject to the approval of the director of the office of financial management in accordance with the provisions of RCW 43.88.160 (1)(c). [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-14-030, filed 4/14/78; Order 36, § 356-14-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-121.]

WAC 356-14-040 Compensation plan—Periodic review. (1) The board shall periodically revise the compensation plan after giving full consideration to prevailing rates in other public employment and in private employment in this state.

(2) The board shall have made periodic salary surveys with one such survey to be conducted each year prior to the convening of each regular session of the state legislature.

(3) The periodic salary surveys, preparation of findings and the board's revisions of the plan shall be conducted in the same manner as the original plan is developed. [Order 36, § 356-14-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-180.]

WAC 356-14-050 Compensation plan—Reporting periodic recommendations. The results of the salary survey shall be forwarded with a recommended salary schedule to the governor and the director of the office of financial management for their use in preparing budgets to be submitted to the succeeding legislature. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-14-050, filed 4/14/78; Order 36, § 356-14-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-181.]

WAC 356-14-060 Compensation plan—Additional salary surveys. Upon the establishment of new classes, redefinition of existing classes, realignment or reorganization of duties and responsibilities, recruitment difficulties, employee or agency salary protests, or whenever the board or director find it necessary, the director may conduct additional salary surveys. [Order 36, § 356-14-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-185.]

WAC 356-14-065 Salary—Teachers of the deaf or blind. In accordance with RCW 72.05.140(2), teachers of the deaf or blind will be paid, beginning with their 1981-82 school year, the same salaries paid to certified employees of similar background and experience in School District #37, Vancouver, Washington.

New yearly schedules will be published when received from that school district. [Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-14-065, filed 11/16/81.]

WAC 356-14-070 Salary--Limits. No employee shall be compensated at a basic salary rate greater than the maximum or less than the minimum step of the salary range to which the class had been allotted, unless the director authorizes a different rate in cases of reallocation downward or in other cases involving unusual circumstances where equity requires a different rate of pay. On appeals from reallocation downward the decision of the board may be made effective retrospectively to the effective date of the appealed reallocation. In all other cases the decision shall only be made effective prospectively. All such requests and justifications must be submitted to the board in writing within 15 calendar days from the effective date of the action from which the request originates. [Order 96, § 356-14-070, filed 12/10/76, effective 1/12/77; Order 36, § 356-14-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-130.]

WAC 356-14-075 Y rate--Administration. Y rate – A "Y rate" is a dollar amount that:

(1) Is treated as the "basic salary range" for an employee.

(2) Is set by the director or provisions of the merit system rules at an amount other than that which would be paid if such action were not taken.

(3) Will remain in effect until one of the following occurs:

(a) A specific date established by the director is reached; or

(b) The employee leaves the classification he/she occupied when the "Y rate" was approved; or

(c) The "Y rate" comes within the "salary range" to which the employee would normally be entitled, at which time the "basic salary range" becomes the step with the closest dollar amount that would not be less than the "Y rate"; or

(d) The employee's salary is reduced pursuant to WAC 356-34-020; or

(e) The "Y rate" is subsequently modified by the director.

(4) On its effective date will cause the employee to lose his or her periodic increment date unless the salary is between steps of the subrange which will be set again in accord with WAC 356-14-110 when the employee ceases to be "Y rated."

(5) The director shall report all "Y rate" approvals to the board. [Order 109, § 356-14-075, filed 9/7/77; Order 96, § 356-14-075, filed 12/10/76, effective 1/12/77; Order 92, § 356-14-075, filed 10/5/76, effective 11/5/76.]

WAC 356-14-080 Salary--Entrance. The entrance salary for an employee shall be the minimum salary step of the range unless the prospective employing agency has authorized a higher entrance salary step. [Order 75, §

356-14-080, filed 3/24/75; Order 36, § 356-14-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-131.]

WAC 356-14-085 Salaries--Reduction in force register appointment. When an eligible is appointed from a certification off of a reduction in force register, his/her salary will be set as follows:

(1) If the employee was demoted due to a reduction in force action or the reallocation of a position downward, the salary will be the basic dollar amount the employee was being paid at the time he/she left the range to which he/she is being appointed, plus, whatever the periodic increases and the salary adjustments that would have been made had the employee remained in that classification and range. If the employee was separated from state service due to a reduction in force action, the separation will not be regarded as a break in service. The time during which employees are off the payroll will not be used in computing periodic increases except for practices in effect prior to October 14, 1980, for setting periodic increment dates for employees involving recurring reduction in force. An eligible still employed by the state will not be entitled to further increases in salary based on promotion as prescribed in WAC 356-14-140.

(2) Such increases above the basic dollar amount in (1) above shall not place the employee higher than the maximum salary for the range, except general salary increase specifically granted to Y rated employees. [Statutory Authority: RCW 41.06.150. 83-06-005 (Order 180), § 356-14-085, filed 2/18/83. Statutory Authority: RCW 41.06.150(17). 81-11-032 (Order 154), § 356-14-085, filed 5/19/81; 81-01-054 (Order 150), § 356-14-085, filed 12/12/80.]

WAC 356-14-090 Salary--Reemployment. An employee appointed from the reemployment register as provided in these rules shall be compensated at the same salary step when last permanently employed in the classification to which he/she is being reemployed unless the agency authorizes a higher salary as provided in WAC 356-14-080. [Statutory Authority: RCW 41.06.150. 82-11-061 (Order 170), § 356-14-090, filed 5/14/82; Order 75, § 356-14-090, filed 3/24/75; Order 36, § 356-14-090, filed 7/1/71, effective 8/1/71.]

WAC 356-14-100 Reporting of appointments above the minimum. The employing agencies shall retain records of all appointments above the minimum and shall furnish such records to the director upon request. [Order 75, § 356-14-100, filed 3/24/75; Order 36, § 356-14-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-132.]

WAC 356-14-110 Salary--Periodic increment dates--Original--Subsequent. (1) The periodic increment date (PID) is the date on which an employee automatically advances to a higher dollar amount in the range to which the employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit his/her retention in a job status.

(2) The dollar amount of the increase will be two salary schedule increments; except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15.

(3) The original periodic increment date for an employee is:

(a) Six continuous months from the date the employee began work at the first step of a salary range, or

(b) One calendar year from the date on which the employee began work at an intervening salary step; provided that in either (a) or (b):

(i) Any work period starting before the 16th of the month will count as a full month.

(ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

(4) The date shall be recomputed following leaves of absence without pay, in accordance with WAC 356-18-220, breaks in serve due to reduction in force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

(5) A periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the merit system rules. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-110, filed 9/18/79; 78-06-017 (Order 120), § 356-14-110, filed 5/12/78; Order 109, § 356-14-110, filed 9/7/77; Order 36, § 356-14-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-134.]

WAC 356-14-120 Salary--Periodic increment date--Promotion. An employee who receives a salary increase through promotion shall retain his/her present periodic increment date except:

(1) When the employee is placed at the first step, the employee either retains his/her present periodic increment date or assumes a new one six calendar months from the promotion, whichever date occurs first.

(2) An employee with no periodic increment date, because he/she is being promoted from a maximum step or a Y rated amount above the maximum step of a range, will assume a new periodic increment date if the employee is moving to a minimum or intervening salary step as provided in WAC 356-14-110. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-120, filed 9/18/79; Order 109, § 356-14-120,

filed 9/7/77; Order 36, § 356-14-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-135.]

WAC 356-14-130 Salary--Concurrence of probation, trial service, and periodic increment date. When the date of promotion and the periodic increment date coincide, the periodic increment shall be paid prior to the promotional increase. Periodic increment dates and completion dates for probationary and trial service periods shall be computed separately. [Order 36, § 356-14-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-136, 356-08-137.]

WAC 356-14-140 Salary--Increase on promotion.

(1) An employee who is promoted less than six basic salary ranges shall have his/her salary increased by the next two salary schedule increments over the basic salary he/she received immediately prior to the promotion, or

(a) To the minimum step of the newly assigned range, if the minimum dollar amount is higher, or

(b) To the maximum step of the newly assigned range, if a two-increment increase would have otherwise placed the employee above the maximum step of the range, or

(c) To the next higher salary schedule dollar amount which would represent more than a one-increment increase but no more than a two-increment increase, if the employee's basic salary was between two salary schedule steps, and (a) or (b) above do not apply.

(2) When an employee is promoted to a new classification at least six basic salary ranges above his/her former classification, he/she shall have his/her salary increased by the next four salary schedule increments over his/her former basic salary; or

(3) When an employee who is working in a position that is included in an approved class series study accepts a promotion within his/her agency to a classification impacted by the same study, he/she shall be paid not less than the salary that would have been paid had the employee remained in the former position and benefited from an upward reallocation. In no event, however, shall the employee receive a salary higher than the maximum step of the classification to which he/she promotes. The higher salary shall become effective upon the effective date of the class study.

(4) When an employee is promoted in either situation (a) or (b) below, his/her salary shall be increased by the next four salary schedule increments over his/her former salary:

(a) The employee is promoted over an intervening class in his/her class series, or

(b) An employee is promoted from one class series to a higher class series and over an intervening class in the new series which would have represented a promotion.

(5) Whenever a promotion would require an employee to move his/her residence to another geographic area to be within a reasonable commuting distance of the new place of work, he/she shall have his/her salary increased by the next four salary schedule increments over the former basic salary.

(6) Employees will be entitled to only one of the increases of (2), (4) or (5) above, and not the accumulation, when the situations happen within 12 months of each other.

(7) When the increase prescribed in (2), (4) and (5) above would result in a salary above the maximum of a range or the increase was from an amount between the steps, then the same limitations prescribed in (1) (a), (b) or (c) will prevail.

(8) Any additional salary ranges that were afforded by a special pay provision shall not be used in the above computations.

(9) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15 but will not be used in the above computation.

(10) Increases will not be provided as above when teachers' salaries are prescribed in the teachers and principal salary schedules. [Statutory Authority: RCW 41.06.150(17). 80-03-024 (Order 141), § 356-14-140, filed 2/19/80; 79-10-064 (Order 133), § 356-14-140, filed 9/18/79; 78-06-017 (Order 120), § 356-14-140, filed 5/12/78; Order 109A, § 356-14-140, filed 10/6/77, effective 11/6/77; Order 109, § 356-14-140, filed 9/7/77; Order 36, § 356-14-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-139.]

WAC 356-14-150 Salary--Adjustment upward--Status--Incumbents. The following provisions apply to employees occupying positions in classes which have been adjusted upward in salary ranges:

(1) Adjustment in salary range based on salary survey, no change in class concept, duties, and responsibilities.

(a) Employee retains existing appointment status.

(b) Salary is adjusted to the same step in new range as held in previous range.

(2) Adjustment in salary range based on a change in duties and responsibilities in all positions in the class.

(a) Employee retains existing appointment status.

(b) Employee's salary is adjusted in accordance with the rules governing promotion. [Order 36, § 356-14-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-084.]

WAC 356-14-160 Salary--Voluntary demotion--Computation. (1) An employee accepting a demotion shall receive credit for all continuous employment in the higher range in determining the step in the lower salary range except that the employee who has not been employed in a lower salary range shall be reduced on a step-for-step basis.

(2) Exceptional qualifications or unusual circumstances may warrant a salary different than prescribed above. In such cases, the employing agency may authorize a higher salary step within the lower salary range. Employing agencies shall retain records of such actions. [Order 77, § 356-14-160, filed 5/7/75; Order 36, § 356-14-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-150.]

WAC 356-14-170 Salary--Elevation--Computation. When an employee has been elevated following a demotion, the salary shall be computed by the rule governing promotion. [Order 82, § 356-14-170, filed 9/26/75; Order 36, § 356-14-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-160.]

WAC 356-14-180 Salary--Reversion--Computation. A reverted employee shall be paid at the step of the range which he/she normally would have received had he/she not been promoted. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-180, filed 5/12/78; Order 36, § 356-14-180, filed 7/1/71, effective 8/1/71.]

WAC 356-14-190 Salary--Part-time employment computation. Part-time employment shall be compensated on the basis of the ratio of hours worked to those required for full-time employment. [Order 36, § 356-14-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-140.]

WAC 356-14-200 Salary--Interagency movement. An employee who moves from one agency to another shall remain on his/her present payroll through the final calendar day preceding the change and be entered upon the payroll of the new employing agency upon his/her first work day. If the change occurs following the last day of the month, he/she shall be entered on the new employer's payroll on the first day of the succeeding month. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-200, filed 5/12/78; Order 36, § 356-14-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-141.]

WAC 356-14-210 Salary--Accrued leave credits--Transfer--Effect. When an employee moves from one state agency to another, regardless of status and with no interruption in service, the accrued leave shall be transferred to the new agency even though the employee may not be eligible to use the vacation leave until he/she has completed a total of six months' continuous service. The employee is not entitled to separation pay for the accrued leave as a result of the change. Pay for the accrued vacation leave is due only when an employee separates from state service. Movement from one agency to another is not termination of employment with state government. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-210, filed 5/12/78; Order 36, § 356-14-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-145.]

WAC 356-14-220 Salary--Wage and hour records. (1) Each agency shall maintain records of its employees' overtime accrual and compensation separate from the scheduled work and compensation record. These time records will be subject to review by the director.

(2) For its employees covered by the overtime provisions of the FLSA, each agency shall maintain for at least three years records of the wages, hours, and other

conditions and practices of employment that it maintains. Although no official forms are required, records shall include:

Name, home address and birthdate
 Sex and class title
 Hour and day when workweek begins
 Regular hourly pay rate for any week when overtime is worked
 Hours worked each workshift and total hours worked each workweek
 Total daily or weekly or monthly straight time earnings
 Deductions or additions to wages
 Total wages paid each pay period
 Date of payment and pay period covered

These records may be subject to review by the Wage and Hour Division of the U.S. Department of Labor. [Order 78, § 356-14-220, filed 5/19/75; Order 36, § 356-14-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-150.]

WAC 356-14-230 Salary--Duplicate payment. Nothing in this rule shall be interpreted in such a manner as to result in duplicate payment for the same work time. Where time worked by an employee would qualify for premium payment under more than one article, that article authorizing the highest compensation shall apply provided that: Nothing herein shall preclude payment of premiums for shift differential and overtime for the same hours. Hazard premium shall be paid as authorized in the compensation plan regardless of other premiums being paid concurrently. [Order 36, § 356-14-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-151.]

WAC 356-14-240 Salary--Overtime compensation method. Overtime for state employees shall be compensated in accordance with WAC 356-15-030.

(1) Scheduled and nonscheduled work period employees shall be compensated for overtime in cash or compensatory time off, both at the rate of time-and-one-half.

Only when an agency and the employee agree may compensatory time off be used in lieu of cash compensation for overtime. When compensatory time off is utilized, it shall be liquidated in accordance with WAC 356-14-260.

(2) Cash compensation for overtime shall be deemed salary for the purposes of state retirement contributions and taxation. Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences. [Order 98, § 356-14-240, filed 1/13/77, effective 2/13/77; Order 86, § 356-14-240, filed 5/4/76, effective 10/1/76*; Order 78, § 356-14-240, filed 5/19/75; Order 36, § 356-14-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-152, 356-08-158.]

*Reviser's note: The effective date of Order 86 was postponed until January 1, 1977, by Emergency Order 91, filed 9/9/77.

WAC 356-14-250 Salary--Maximum--Compensatory time. The maximum compensatory time accrual is limited to 320 hours in any 365 calendar days.

(1) Compensatory time exceeding these limitations shall be compensated monthly in cash.

(2) Cash compensation for compensatory time shall be computed using the salary applicable to the employee at the time the compensatory time was accrued.

(3) If any compensatory time has not been liquidated within 365 days of accrual, the employee will be compensated in cash for that compensatory time, except that all compensatory time accumulated during a fiscal biennium shall be compensated in cash at the end of that biennium (June 30 of each odd-numbered year) if it has not been previously liquidated in cash or compensatory time. [Statutory Authority: RCW 41.06.150. 83-15-047 (Order 188), § 356-14-250, filed 7/20/83; Order 65, § 356-14-250, filed 4/22/74; Order 36, § 356-14-250, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-154.]

WAC 356-14-260 Compensatory time--Liquidation. Compensatory time off shall be scheduled as soon as possible after accrual and with due regard for the employee's needs, insofar as this can be accomplished without detracting from sound and orderly administration. Accumulated compensatory time shall be liquidated before vacation leave is granted except in those instances where this procedure would result in loss of accumulated vacation leave. [Statutory Authority: RCW 41.06.150. 83-12-002 (Order 184), 356-14-260, filed 5/19/83; Order 36, § 356-14-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-153, 356-08-155.]

WAC 356-14-270 Salary--Overtime payment on separation from job. Employees moving from one to another agency or employees leaving state employment shall be compensated in cash for accumulated overtime by the agency from which the employee is being separated. (1) In the event of death of an employee, accumulated overtime shall be paid to appropriate persons as provided by law.

(2) If a function or program, together with assigned employees, is transferred from one to another agency, all accumulated overtime shall also be transferred. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-270, filed 5/12/78; Order 36, § 356-14-270, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-156.]

Chapter 356-15 WAC COMPENSATION PLAN APPENDIX

WAC	
356-15-010	Compensation plan appendix--Preparation--Provisions.
356-15-020	Work period designations.
356-15-030	Overtime provisions and compensation.
356-15-040	Overtime compensation for travel time.

356-15-050	Holiday compensation.
356-15-060	Shift differential provisions and compensation.
356-15-070	Split shift provisions and compensation.
356-15-080	Standby provisions and compensation.
356-15-090	Schedule/shift change provisions and compensation.
356-15-100	Call-back provisions and compensation.
356-15-110	Provisions and compensation for work on scheduled days off or holidays.
356-15-125	Assignment pay provisions.
356-15-130	Special pay ranges.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-15-120	Special assignment pay provisions. [Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-15-120, filed 6/15/81; 79-12-012 (Order 137), § 356-15-120, filed 11/13/79; 79-08-029 (Order 130), § 356-15-120, filed 7/16/79; 79-01-023 (Order 127), § 356-15-120, filed 12/18/78; 78-12-026 (Order 126), § 356-15-120, filed 11/15/78; 78-07-008 (Order 121), § 356-15-120, filed 6/12/78; Order 110, § 356-15-120, filed 10/6/77; Order 100, § 356-15-120, filed 3/30/77; Order 98, § 356-15-120, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-120, filed 5/4/76, effective 10/1/76.*] Repealed by 81-23-031 (Order 163), filed 11/16/81. Statutory Authority: RCW 41.06.150(17).
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*Reviser's note: The effective date of Order 86, filed 5/4/76, was postponed until January 1, 1977, by Emergency Order 91, filed 9/9/76.

WAC 356-15-010 Compensation plan appendix--Preparation--Provisions. The board shall establish rules as an appendix to the compensation plan which shall provide for:

- (1) Definitions of work period designations.
- (2) Definitions of authorized overtime and the rate of overtime compensation for all work period groups.
- (3) Compensation rates and provisions for holidays, travel time, shift differential, split shift, standby, shift changes, call back, and work on scheduled days off or holidays.
- (4) Definitions and provisions for special pay assignments and special pay ranges. [Order 98, § 356-15-010, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-010, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-020 Work period designations. The personnel board shall assign a specific work period designation to each classification. The personnel board may authorize a work period designation which differs from the class-wide designation for specific positions having atypical working conditions. When two or more designations are indicated for a job classification, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed.

(1) Scheduled (S):

(a) Standard: Full time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours, and occurring within the same workweek.

(b) Alternate: Full time positions with conditions of employment which may be completed within:

- (i) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or
- (ii) Four work days lasting not more than ten working hours each within the same workweek; or
- (iii) Ten consecutive work days with four consecutive days off; or
- (iv) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(v) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than 52 40-hour workweeks per year. Positions are limited to communications officers and scheduled weight control officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(c) Unlisted: Full time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(2) **Nonscheduled (NS):** Full time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions normally have no scheduled starting and/or quitting time, but management may designate specific tasks which require assigned hours.

(3) **Exceptions (E):** In determining which positions are designated in the "exceptions" work period, the personnel board shall consider the following factors:

(a) Positions which meet the definition (WAC 356-06-010) of administrative personnel, agricultural personnel, executive personnel, housed personnel, law enforcement personnel, professional personnel.

(b) Positions which have historically been paid overtime by the state.

(c) Positions which have direct counterparts in private industry or other governmental jurisdictions and which have an historical or prevailing practice of paying overtime.

(d) Other factors it may deem to be appropriate. [Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-15-020, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 82-05-034 and 82-06-009 (Order 167 and 167-A), § 356-15-020, filed 2/16/82 and 2/19/82; 79-10-064 (Order 133), § 356-15-020, filed 9/18/79; Order 113, § 356-15-020, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-020, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-020, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-030 Overtime provisions and compensation. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty working hours in one workweek or eighty working hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (1)(b)(iv).

(c) Work on a holiday (except Sunday when it is within the assigned workshift).

(d) Work on a scheduled day off.

(e) Law enforcement work in excess of 240 hours in a work period of 28 consecutive days (60 hours in a work period of 7 consecutive days or in the case of any work period between 7 and 28 days, a proportionate number of hours in such a work period).

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section. However, an agency is not obligated to pay overtime due to a change in the work day or workweek, when such change is in response to a written request from an employee for employee convenience.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(b) of this section.

(4) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed one and one-half times the employee's regular rate of pay. As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed 174 hours.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of 80 hours prior to

each April 1 and October 1, or other semi-annual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(f) Law enforcement employees shall receive overtime compensation for work that meets subsection (1)(e) of this section and at the rate of time-and-one-half.

(5) Unless otherwise provided in the work period designations or other personnel board decisions, the rate of overtime compensation for scheduled and nonscheduled work period employees shall be time-and-one-half.

Overtime compensation shall be paid in either cash or compensatory time off, provided that such compensation is paid in a manner consistent with the overtime liquidation provisions of the merit system rules.

Only when an agency and the employee agree may compensatory time off be used in lieu of cash compensation for overtime. When compensatory time is utilized by scheduled or nonscheduled work period employees it shall be compensated at the rate of time-and-one-half. [Statutory Authority: RCW 41.06.150. 84-02-030 (Order 194), § 356-15-030, filed 12/30/83. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-15-030, filed 9/18/79; Order 113, § 356-15-030, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-030, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-030, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-040 Overtime compensation for travel time. Overtime compensation shall not be paid for travel time outside an employee's normal working hours except where such travel time, or a portion thereof, is considered to be time worked. If such travel time is scheduled at the convenience of the employee, overtime compensation shall not be paid. [Order 98, § 356-15-040, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-040, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-050 Holiday compensation. (1) All full-time employees shall be compensated for the days that are designated as holidays, except Sundays, as listed in WAC 356-18-020 and 356-18-030 (2), (3) and (4) at a straight-time rate even though they do not work. In addition:

(a) Scheduled and nonscheduled work period employees shall be compensated for the hours actually worked on a holiday at a time-and-one-half rate.

(b) Exception work period employees, while not normally compensated additionally for work performed on a holiday, may be compensated for the hours actually worked on a holiday at a rate not to exceed time-and-one-half, when their appointing authority deems it appropriate.

(2) Compensation shall be in either cash or compensatory time as indicated in WAC 356-15-030(5). [Statutory Authority: RCW 41.06.150(17), 78-07-008 (Order 121), § 356-15-050, filed 6/12/78; Order 98, § 356-15-050, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-050, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-060 Shift differential provisions and compensation. (1) Any employee working a shift shall be paid a shift premium (as shown in the shift differential schedule) under any one of the following conditions:

(a) When her/his scheduled working hours extend before 6 a.m. or beyond 6 p.m., she/he shall receive the premium rate for those hours that so extend.

(b) The premium rate shall be paid for all hours worked on a scheduled evening or night shift. Evening or night shifts are defined as those in which four or more hours of a scheduled shift extend beyond 6 p.m. or in which three or more hours of a scheduled shift are completed prior to 6 a.m.

(2) **Monthly shift differential rates:** In cases where shift differential hours are regularly scheduled over a year, agencies may pay shift differential at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (1) of this rule were applied. This option is granted to simplify book-keeping and is not authorized to establish shift differential rates higher or lower than those set by the board.

(3) **Shift differential and overtime:** When a scheduled work period employee works overtime on a shift which qualifies for shift differential, her/his overtime shall be computed as one-and-one-half times her/his basic salary and shift differential combined.

(4) **Payment during leave periods:** Employees eligible for shift differential will receive the shift differential rate for authorized periods of paid leave, i.e., vacation leave, sick leave, military leave, holiday leave, etc.

**SHIFT DIFFERENTIAL SCHEDULE
(Effective 7-1-75)**

Code	Title	Hourly Premium
5630-5634	Registered nurses	23¢
0628-0641	Liquor store personnel/ working in the stores	23¢
	All other classes	20¢

[Order 98, § 356-15-060, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-060, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-070 Split shift provisions and compensation. When an employee's assigned workshift is split (e.g., 6 a.m. to 10 a.m., 4 p.m. to 8 p.m. with the intervening hours not worked) she/he shall receive the premium rate set in the shift differential schedule for all hours worked. The provisions of WAC 356-15-060 (2) through (4) shall apply to employees working split shifts. [Order 98, § 356-15-070, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-070, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-080 Standby provisions and compensation. (1) **Requirements:**

(a) An employee is in standby status when she/he is required to put in time (outside her/his normal working hours) during which both of the following conditions exist:

(i) She/he is required by her/his agency to remain in a specified duty station or predetermined location during specified hours.

(ii) She/he is required by her/his agency to be prepared to do full time work if the need arises, although the need for her/him to work might not arise.

NOTE: Standing by must include restriction to a specific location. When the nature of a duty station confines an employee during her/his off duty hours (e.g., a ship), and that duty station is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status (b) (outside her/his normal working hours) when required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

Standby status (b) shall not be considered time worked for any employee.

(2) **Payment:** Any scheduled or nonscheduled work period employee required by her/his agency to stand by shall be paid the hourly standby rate as shown in the standby pay schedule. Standby pay may be authorized for exceptions work period employees if the appointing authority deems it appropriate. For exceptions work period employees, standby may be compensated for by the use of compensatory time. This compensatory time shall be in an amount equivalent to the proportion of the hourly salary schedule salary that the hourly standby pay schedule salary represents. Overtime pay and standby pay shall not be paid for the same hours. Shift differential premium and standby pay shall not be paid for the same hours.

(3) In cases where standby hours are scheduled over a number of months, agencies may pay standby pay at a monthly rate which is equal for all months in which an employee stands by. Such monthly rates shall be calculated by dividing the number of months containing standby time into the total amount of standby pay the employee would earn during those months if the hourly standby pay schedule identified in subsection (2) of this

rule was applied. This option is granted to simplify bookkeeping and is not authorization to establish standby rates higher or lower than those set by the personnel board. [Statutory Authority: RCW 41.06.150(17), 82-22-020 (Order 177), § 356-15-080, filed 10/26/82; 81-20-060 (Order 161), § 356-15-080, filed 10/5/81; Order 98, § 356-15-080, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-080, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-090 Schedule/shift change provisions and compensation. The appointing authority shall schedule the working days/hours of their scheduled work period employees.

(1) This schedule shall remain in effect for at least seven calendar days, and may only be changed with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the appointing authority changes employees' assigned days/hours without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled days/hours at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned days/hours are made without proper notice, employees may work their scheduled days/hours unless the appointing authority deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) the work which normally would have been performed within the scheduled days/hours cannot be performed.

(b) The state is not obligated to pay for those scheduled days/hours not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and schedule/shift change pay shall not be paid for the same incident.

(3) The transition period for necessary schedule changes from one scheduled standard work period to another scheduled standard work period shall be considered and filed as a scheduled alternate work period in accordance with WAC 356-15-020 (1)(b) except that:

(a) Transitioning employees may receive the overtime rate for all hours worked in the month which exceed the number of scheduled hours of Monday through Friday counterpart employees during the month of the transition; or

(b) Transitioning employees may receive the overtime rate of pay for those shifts actually worked that would be the sixth and/or seventh scheduled shift in the previous work week if the employee is not scheduled to have two consecutive days off.

The new scheduled standard work period and work day shall be identified and begin during the schedule transition period.

(4) Contingency scheduling is allowed for those positions having the following responsibilities: Highway snow, ice and avalanche control, grain inspection, horticulture inspection, and in the department of natural resources, forest fire suppression, "hoot owl," forest fuels management and aerial applications.

Therefore, for those positions, the appointing authority shall not be bound by the above scheduled shift change notice requirement, if the appointing authority notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the appointing authority shall pay affected employees the overtime rate for all hours worked outside the original schedule at least the employee's first shift of the contingency schedule. [Statutory Authority: RCW 41.06.150, 83-18-031 (Order 191), § 356-15-090, filed 8/31/83; Order 114, § 356-15-090, filed 12/21/77; Order 98, § 356-15-090, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-090, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-100 Call-back provisions and compensation. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after their workshift ends or to change the starting time of their next scheduled workshift.

(a) Failure to give such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the straight time rate (or two hours at one-and-one-half times the regular rate of pay) in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in subsection (1) above.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled and exception work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back. [Order 98, § 356-15-100, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-100, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-110 Provisions and compensation for work on scheduled days off or holidays. Management may assign scheduled and nonscheduled work period employees to work on a day off or holiday. Management must make such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(1) If management fails to give such notice, affected employees shall receive a penalty payment of three hours pay at their straight time rate (or two hours at one-and-one-half times the regular rate of pay) in addition to all other compensation due them.

(2) Management may cancel work assigned on a day off or holiday. However, if management fails to notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at their straight time rate (or two hours at one-and-one-half times the regular rate of pay).

(3) These provisions shall apply to employees in paid leave status.

(4) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(3). [Order 98, § 356-15-110, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-110, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-125 Assignment pay provisions. The personnel board may grant additional pay to recognize assigned duties that exceed ordinary conditions. Hazards, equipment operations and other specialized skills are examples of areas for personnel board consideration. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan. [Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-15-125, filed 11/16/81.]

WAC 356-15-130 Special pay ranges. These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

(1) **"E" range:** This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as Step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at Step E and two annually thereafter up to the maximum step of the range.

(2) **"L" range:** This special range is used only for the class of liquor store clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is Steps A, D, G and K, which represents ten percent per periodic increase.

(3) **"T" range:** Used only for the classes of institution teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular state ranges as "Step 10" of the T-range; the lower nine steps of the T-range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.

(4) **"V" range:** Used only for the classes of teachers of the deaf or blind and principals, school for the deaf or blind. "V" ranges are the same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience. Advancement through the range is at the rate of one step per year. [Statutory Authority: RCW 41.06.150. 83-08-010 (Order 181), § 356-15-130, filed 3/25/83. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-15-130, filed 11/16/81; 79-12-012 (Order 137), § 356-15-130, filed 11/13/79; Order 109, § 356-15-130, filed 9/7/77; Order 98, § 356-15-130, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-130, filed 5/4/76, effective 10/1/76.*]

**Chapter 356-18 WAC
LEAVE**

WAC

356-18-010	Hours of work.
356-18-020	Holidays.
356-18-025	Holidays—Selective personal holiday—Regulations governing.
356-18-030	Holidays—Rules—Regulations governing.
356-18-040	Holidays—During leave without pay.
356-18-050	Sick leave credit—Purpose—Accrual—Conversion.
356-18-060	Paid sick leave—Use.
356-18-070	Sick leave—Reporting—Payment.
356-18-080	Sick leave—Workmen's compensation—Adjustment.
356-18-090	Vacation leave—Accrual.
356-18-095	Vacation leave—Accumulation—Excess.
356-18-100	Accrued vacation leave disposition—Computation—How made.
356-18-105	Exit leave.
356-18-110	Vacation leave—Allowance.
356-18-115	Leave due to inclement weather.
356-18-116	Leave due to child care emergencies.
356-18-120	Miscellaneous leave.
356-18-130	Military training leave—Paid.
356-18-140	Leave without pay.
356-18-150	Leave—Newborn or adoptive child care—Provision.
356-18-160	Military leave—Reemployment.
356-18-170	Government service leave—Reemployment.
356-18-180	Returning employee rights.
356-18-190	Interim employee rights.
356-18-200	Unauthorized leave.
356-18-220	Leave—Extension of anniversary date—Periodic increment date—Effect—Exceptions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-18-210	Part-time employees—Vacation and sick leave. [Order 36, § 356-18-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-030.] Repealed by 81-13-030 (Order 157), filed 6/15/81. Statutory Authority: RCW 41.06.150(17).
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WAC 356-18-010 Hours of work. Requirements as to working hours shall be specified for all employees by the agency but shall not result in full-time employment

being compensated for less than 40 hours per week. [Order 78, § 356-18-010, filed 5/19/75; Order 36, § 356-18-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-010.]

WAC 356-18-020 Holidays. (1) Legal holidays are designated by statute. The following are legal holidays as established by RCW 1.16.050:

Sunday	
New Year's Day	January 1
Lincoln's Birthday	February 12
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
The day immediately following Thanksgiving Day	
Christmas Day	December 25

(2) Employees, except hourly rated faculty employees and those employees employed on the basis of contracts for a specified number of work days or faculty appointments, may select another day each calendar year on which to take an additional holiday as provided in WAC 356-18-025. [Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-18-020, filed 3/9/78; Order 109, § 356-18-020, filed 9/7/77; Order 87, § 356-18-020, filed 5/4/76; Order 65, § 356-18-020, filed 4/22/74; Order 36, § 356-18-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-350.]

WAC 356-18-025 Holidays--Selected personal holiday--Regulations governing. (1) An employee may select one personal holiday each calendar year, as referred to in WAC 356-18-020 and the agency must grant the day provided:

(a) The employee has been or is scheduled to be continuously employed by the state for more than four months, and

(b) The employee has given not less than 14 calendar days' written notice to the supervisor, provided, however, the employee and the supervisor may agree upon an earlier date, and

(c) The number of employees selecting a particular day off does not prevent an agency from providing continued public service.

(2) The personal holiday must be taken during the calendar year or entitlement to the day will lapse, except when an employee has requested a personal holiday and the request has been denied.

(3) Agencies may also establish qualifying policies for determining which of the requests for a particular day will or will not be granted when the number of requests for a personal holiday would impair operational necessity. [Order 87, § 356-18-025, filed 5/4/76.]

WAC 356-18-030 Holidays--Rules--Regulations governing. (1) The holidays cited in WAC 356-18-020 except Sundays are paid nonworking days for eligible employees.

(2) When operational necessity requires that employees work on a holiday except Sundays, they shall be compensated in accordance with the applicable provisions of the compensation plan appendix and chapter 356-15 WAC.

(3) For employees on a Monday through Friday work schedule:

(a) Whenever any legal holiday falls on a Saturday, the preceding Friday shall be the holiday. Whenever any legal holiday, other than a Sunday, falls on a Sunday, the following Monday shall be the holiday.

(4) For employees working at least thirty-two hours per week but not on a Monday through Friday work schedule:

(a) When a holiday (other than Sunday) as identified in WAC 356-18-020(1) falls on the employee's scheduled work day, that day will be considered the holiday.

(b) When a holiday (other than Sunday) as identified in WAC 356-18-020(1) falls on the employee's scheduled day off, agency heads shall, with respect to each individual employee, treat either the last preceding or the next following work day as the holiday.

(5) Temporary employees shall be given compensatory time or compensated for holidays in the same manner as permanent employees.

(6) Part-time employees who were on the payroll for at least ten working days during the month (but not including the holiday) and on their regularly scheduled work day immediately preceding the holiday and their regularly scheduled work day immediately following the holiday will be given compensatory time for the holiday in a proportionate amount of time actually worked during the month. [Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-18-030, filed 3/9/78; Order 109, § 356-18-030, filed 9/7/77; Order 36, § 356-18-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-360, 356-12-380.]

WAC 356-18-040 Holidays--During leave without pay. An employee who would otherwise be entitled to a holiday but is on leave without pay will receive compensation for the holiday provided he/she has been in pay status for ten working days during the month, not counting the holiday. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-040, filed 5/12/78; Order 36, § 356-18-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-370.]

WAC 356-18-050 Sick leave credit--Purpose--Accrual--Conversion. (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) Eight hours of sick leave credit shall be granted for each month in which a fulltime employee is in pay status for 15 or more calendar days. Sick leave credit for part time, intermittent, hourly, or seasonal employees shall be computed and accrued at the ratio of payroll hours to payroll hours required for fulltime employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds 480 hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(c) No contributions are to be made to the department of retirement systems (DRS) for such payments in (a) or (b) above, nor shall such payments be reported to DRS as compensation.

(4) An employee who separates for any reason other than retirement or death shall not be paid for his/her accrued sick leave.

(5) Former employees who are again employed within two years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3)(b).

(6) Employees coming under the jurisdiction of the state personnel board from the jurisdiction of the higher education personnel board by the provisions of WAC 356-06-055(6) shall be credited with their sick leave accumulated with the higher education system. [Statutory Authority: RCW 41.06.150. 83-12-002 (Order 184), 356-18-050, filed 5/19/83. Statutory Authority: RCW 41.06.150(17). 81-03-017 (Order 151), § 356-18-050, filed 1/12/81; 79-10-064 (Order 133), § 356-18-050, filed 9/18/79; Order 80, § 356-18-050, filed 7/16/75; Order 69, § 356-18-050, filed 9/30/74; Order 52, § 356-18-050, filed 12/19/72; Order 49, § 356-18-050, filed 8/17/72; Order 48, § 356-18-050, filed 7/19/72; Order 36, § 356-18-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020, 356-12-040.]

WAC 356-18-060 Paid sick leave--Use. (1) Personal illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(2) Illness of relatives or household members: Accumulated sick leave shall be granted up to five days for each occurrence or as extended by the agency when an employee is required to be absent from work for any of the following reasons:

(a) Illness, injury or preventative health care of members of the employee's household or relatives of the employee that requires the employee's attendance.

(b) For purposes of provisions of (2), "relatives" shall include:

(1) Spouse.

(2) Son, daughter, grandchild, or foster child.

(3) Grandparent or parent.

(c) For purposes of the provisions of (2) and (3)(a) below:

Members of household means "persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

(3) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

(a) Death of members of the employee's household or relatives of the employee or the employee's spouse.

(b) For purposes of the provisions of (3), "relatives" shall include:

(1) Spouse.

(2) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.

(3) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

(4) Inability of employee to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

(5) In addition to the reasons listed above, emergency care of a child in the custody of and residing in the home of an employee. (Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.)

(6) When a condition listed under (1)(a) or (c) above arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC

356-18-100(2). [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-18-060, filed 9/22/82; 79-03-010 (Order 128), § 356-18-060, filed 2/14/79; Order 84, § 356-18-060, filed 10/20/75; Order 64, § 356-18-060, filed 3/20/74; Order 51, § 356-18-060, filed 12/19/72; Order 48, § 356-18-060, filed 7/19/72; Order 46, § 356-18-060, filed 5/9/72; Order 44, § 356-18-060, filed 4/14/72; Order 36, § 356-18-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020 (part), 356-12-100 (part).]

WAC 356-18-070 Sick leave--Reporting--Payment. (1) Sick leave shall be reported at the beginning of the absence and in accordance with agency procedure.

(2) Upon returning to work the employee shall report the general reason or circumstance for the sick leave as found in WAC 356-18-060(1) through (6). A medical certificate may be required for any length of sick leave taken, but must be required if the reason was personal illness as cited in WAC 356-18-060 (1)(a), (b), or (c), and continued for more than ten continuous work days.

(3) Sick leave shall be charged on an hourly basis.

(4) The accounting procedures established by the office of financial management prescribe the payments of sick leave for the reasons found in WAC 356-18-060(1) so as to exclude the payments from the meaning of "wages" under the Federal Old Age and Survivors Insurance. [Statutory Authority: RCW 41.06.150(17). 80-02-037 (Order 140), § 356-18-070, filed 1/11/80; 78-06-017 (Order 120), § 356-18-070, filed 5/12/78; Order 36, § 356-18-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-021.]

WAC 356-18-080 Sick leave--Workmen's compensation--Adjustment. (1) The employee shall file an application for workmen's compensation in accordance with state law for a period of absence from work due to injury or occupational disease resulting from state employment.

(2) An employee may elect to receive only time loss compensation rather than utilize any available sick leave credits. The employing agency shall make such option known to the employee.

(3) Should an employee elect to receive both time loss compensation and paid sick leave, sick leave credits may be used only to the following extent:

(a) Total number of hours which would have been charged to sick leave, minus number of hours at regular salary for which payment was made by the workmen's compensation fund.

(4) If an employee has no sick leave accumulated, the words *vacation leave* may be substituted for *sick leave* above.

(5) Should any employee apply for time loss compensation and the claim is then or later denied, sick leave and vacation leave may be used for the absence in accordance with other provisions of this rule.

(6) Until eligibility for workmen's compensation is determined by the department of labor and industries, the agency may pay full sick leave, provided that the employee shall return any subsequent overpayment to

the agency. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-080, filed 5/12/78; Order 36, § 356-18-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-022.]

WAC 356-18-090 Vacation leave--Accrual. (1) Fulltime employees who were in pay status for 15 or more calendar days including holidays shall be credited monthly with the following rates of vacation leave for each year of employment. Part time, intermittent, hourly or seasonal employees whose payroll hours are usually less than 40 hours a week shall be credited with vacation leave under the same conditions as a fulltime employee. The hours credited shall be at the respective ratio of payroll hours to the payroll hours requirement for full-time employment.

(a) During the first year of current continuous employment — 96 hours (12 days) per annum.

(b) During the second year of current continuous employment — 104 hours (13 days) per annum.

(c) During the third and fourth years of current continuous employment — 112 hours (14 days) per annum.

(d) During the fifth, sixth, and seventh years of current continuous employment — 120 hours (15 days) per annum.

(e) During the eighth, ninth, and tenth total years of employment — 128 hours (16 days) per annum.

(f) During the eleventh, twelfth, and thirteenth total years of employment — 136 hours (17 days) per annum.

(g) During the fourteenth, fifteenth, and sixteenth total years of employment — 144 hours (18 days) per annum.

(h) During the seventeenth, eighteenth, and nineteenth total years of employment — 152 hours (19 days) per annum.

(i) During the twentieth, twenty-first, and twenty-second total years of employment — 160 hours (20 days) per annum.

(j) During the twenty-third, twenty-fourth, and twenty-fifth total years of employment — 168 hours (21 days) per annum.

(k) During the twenty-sixth year of total employment and after — 176 hours (22 days) per annum.

(2) Vacation leave is cumulative to a maximum of 240 hours (30 working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the director of personnel. Such deferred leave may be credited in excess of the 30-day maximum until such leave is granted by the employing agency. [Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-18-090, filed 6/15/81; Order 45, § 356-18-090, filed 4/17/72; Order 36, § 356-18-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-060, 356-12-090.]

WAC 356-18-095 Vacation leave--Accumulation--Excess. Vacation leave may be accumulated to a maximum of 30 days (240 hours). However, there are two methods which allow vacation leave to be accumulated above the maximum.

(1) If an employee's request for vacation leave is denied by the employing agency, then the maximum of 30 working days' accrual shall be extended for each month that the leave is deferred, provided a statement of necessity justifying the denial is filed with the department of personnel.

(2) As an alternative to (1) above, employees may also accumulate vacation leave in excess of 30 days as follows:

(a) An employee may accumulate the vacation leave days between the time 30 days is accrued and his/her anniversary date of state employment.

(b) Such leave accumulated shall be used by the anniversary date and at a time convenient to the employing institution/agency. If such leave is not used prior to the employee's anniversary date, such leave shall be automatically extinguished and considered to have never existed.

(c) Such leave credit acquired and accumulated shall never, regardless of circumstances, be deferred by the employing institution/agency by filing a statement of necessity as described in (1) above. [Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-18-095, filed 8/31/83.]

WAC 356-18-100 Accrued vacation leave disposition--Computation--How made. (1) When an employee who is a member of the public employees retirement system Plan 1 separates from service by reason of resignation, layoff, dismissal, retirement or death, he or she is entitled to a lump sum cash payment of all unused vacation leave. The compensation shall be computed by using the formula published by the office of financial management.

(2) When an employee who is not a member of the public employees retirement system Plan 1 separates from service by reason of resignation, layoff, dismissal, or retirement, agencies or departments shall provide methods whereby all accumulated vacation leave may be taken as vacation leave. In the case of death, compensation for unused vacation leave shall be computed and paid as prescribed by the office of financial management. No lump sum cash payment for unused vacation leave shall be made upon termination of employment, except for vacation leave earned prior to July 1, 1982, or in case of death.

(3) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction in force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), 41.06.100, or WAC 356-06-055.

(4) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

(5) The separation cited in subsection (3) of this section will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register. [Statutory Authority: RCW 41.06.150. 83-01-115 (Order 179), § 356-18-100, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-18-100, filed 9/22/82; 78-06-017 (Order 120), § 356-18-100, filed 5/12/78; Order 109, § 356-18-100, filed 9/7/77; Order 82, § 356-18-100, filed 9/26/75; Order 63, § 356-18-100, filed 2/26/74; Order 48, § 356-18-100, filed 7/19/72; Order 45, § 356-18-100, filed 4/17/72, effective 6/1/72; Order 36, § 356-18-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-070, 356-12-100 (part).]

WAC 356-18-105 Exit leave. (1) Employees who separate from the state service (voluntarily or involuntarily, except by death) and are not members of the public employees retirement system Plan 1 shall exhaust their accrued vacation leave to which they are entitled by taking exit leave.

(2) Time spent in exit leave by employees in probationary or trial service status shall not be credited toward gaining permanent status.

(3) Time spent in exit leave shall not be counted as part of the advance notice required for dismissals, demotions, suspensions, or separations due to reduction in force.

(4) Employees may not take accrued sick leave during the period of exit leave. [Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-18-105, filed 8/31/83; 83-01-115 (Order 179), § 356-18-105, filed 12/22/82.]

WAC 356-18-110 Vacation leave--Allowance. (1) Full time employees shall not use or be compensated for vacation leave credits until completion of six months continuous state service. Employees whose payroll hours are usually less than 40 hours a week shall not use nor be compensated for vacation leave credits until completion of twelve months of regularly scheduled service with state government.

(2) All requests for vacation leave shall be in writing and must be approved in advance of the effective date unless used in lieu of sick leave or for emergency child care, or the supervisor chooses to approve the vacation leave on a retrospective basis.

(3) In granting requests for vacation leave the employing agency shall give due regard to the needs of the employee but may require that leave be taken when it will least interfere with the work of the agency. [Statutory Authority: RCW 41.06.150(17). 81-07-030 (Order 152), § 356-18-110, filed 3/13/81; Order 84, § 356-18-110, filed 10/20/75; Order 45, § 356-18-110, filed 4/17/72; Order 36, § 356-18-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-100(6).]

WAC 356-18-115 Leave due to inclement weather.

(1) Absence due to an employee's inability to report for scheduled work because of severe inclement weather or conditions caused by severe inclement weather shall be charged to the following in the order listed:

- (a) Any earned compensatory time;
- (b) Any accrued vacation leave;
- (c) Accrued sick leave up to a maximum of three days in any calendar year;
- (d) Leave without pay.

(2) Although the types of paid time off shall be used in the alphabetical order listed in paragraph (1) above, and each type of paid time off shall be exhausted before the next (in alphabetical order) is used, employees shall be permitted to use leave without pay rather than paid time off at their request.

(3) Tardiness due to an employee's inability to report for scheduled work because of severe inclement weather or conditions caused by severe inclement weather will be allowed up to one hour at the beginning of the work day. Inclement weather tardiness in excess of one hour shall be charged as provided in (1) above. [Order 64, § 356-18-115, filed 3/20/74.]

WAC 356-18-116 Leave due to child care emergencies. Absence due to an employee's inability to report for scheduled work because of emergency child care requirements shall be authorized in any of the leave categories listed below at the employee's desire:

- (1) Compensatory time.
- (2) Vacation leave.
- (3) Accrued sick leave.
- (4) Leave without pay. [Order 84, § 356-18-116, filed 10/20/75.]

WAC 356-18-120 Miscellaneous leave. (1) Leave with pay may be allowed to permit an employee to take an examination for a state position, serve as a member of a jury, or perform other civil duties.

(2) Employees who receive compensation for performing civil duties during working hours shall retain their regular salary but the amount of such additional compensation up to the amount of the employee's basic salary shall be returned or credited back to the agency. The employees shall retain travel reimbursement, and per diem, if any. [Statutory Authority: RCW 41.06.150(17), 79-10-064 (Order 133), § 356-18-120, filed 9/18/79; Order 77, § 356-18-120, filed 5/7/75; Order 36, § 356-18-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-110.]

WAC 356-18-130 Military training leave—Paid.

(1) Paid leave not to exceed 15 calendar days in any one calendar year shall be allowed an employee ordered to active duty training in:

- (a) Washington National Guard.
- (b) U.S. Army, Navy, Air Force, Coast Guard or Marine Corps Reserve.
- (c) Any organized reserve or armed forces of the United States.

(2) Such leave shall be in addition to any vacation leave to which an employee might otherwise be entitled and shall not involve any loss of efficiency rating, privileges or pay. [Order 36, § 356-18-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-120.]

WAC 356-18-140 Leave without pay. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.
- (c) Newborn or adoptive child care leave as provided in WAC 356-18-150.
- (d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the director of personnel.

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force, leaving the employee's standing with regard to the RIF register in tact.

(3) Leave without pay shall not total more than 12 months in any consecutive five-year period, except for:

- (a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;
- (b) Authorized government leave not exceeding two years;
- (c) Employees receiving time loss compensation; or

(d) Educational leaves under provisions of WAC 356-39-120. [Statutory Authority: RCW 41.06.150(17), 81-20-060 (Order 161), § 356-18-140, filed 10/5/81; 79-10-064 (Order 133), § 356-18-140, filed 9/18/79; 78-10-070 (Order 123), § 356-18-140, filed 9/26/78; Order 99, § 356-18-140, filed 2/24/77; Order 69, § 356-18-140, filed 9/30/74; Order 63, § 356-18-140, filed 2/26/74; Order 46, § 356-18-140, filed 5/9/72; Order 36, § 356-18-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-130, 356-12-140, 356-12-180.]

WAC 356-18-150 Leave—Newborn or adoptive child care—Provision. Child care leave without pay may be authorized to a permanent employee who is the parent of a newborn child or is the adoptive parent of a child if the leave is requested in advance by the employee (leave must be requested within 60 days of adoption). The duration of the leave shall be no more than six months. Prior to taking child care leave, employees shall indicate in writing the duration of the leave. Employees shall be allowed to use their accrued vacation leave, or any portion thereof, in conjunction with unpaid child care leave granted in accordance with this rule. Because of operational necessity, an agency may deny child care leave. In such cases employees shall be informed of their right to petition this decision to the director of personnel. The director may require that child care leave be granted by the agency upon petition by the employee. When an agency denies child care leave under

this rule, and the director of personnel does not require it, an employee who vacates her/his position for the purpose of child care may request reemployment at any time within a six month period after vacating the position, and after such request to the department of personnel shall be offered the first opening in the former class and work location. This offer of employment shall take precedence over all registers except the reduction in force register. [Statutory Authority: RCW 41.06.150(17). 81-09-037 (Order 153), § 356-18-150, filed 4/15/81; Order 90, § 356-18-150, filed 9/7/76; Order 77, § 356-18-150, filed 5/7/75; Order 36, § 356-18-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-190.]

WAC 356-18-160 Military leave--Reemployment.

(1) Any person who is a resident of this state and who voluntarily or upon demand vacates a position of employment to determine physical fitness to enter or who actually does enter upon active duty or training in the Washington National Guard, the armed forces of the United States or the United States public health service shall be reemployed within 90 days of discharge under the conditions prescribed in WAC [RCW] 73.16.031 through 73.16.061.

(2) Such persons must return to state service within three months after serving four years or less provided that any additional service imposed by law will not affect their reemployment rights (RCW 73.16.035). [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-160, filed 5/12/78; Order 36, § 356-18-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-150, 356-12-160.]

WAC 356-18-170 Government service leave--Reemployment. Employees returning to state service from authorized government service leave must apply in the same manner and within the same time limits as persons returning from military leave. [Order 36, § 356-18-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-170.]

WAC 356-18-180 Returning employee rights. Employees returning from authorized leave without pay shall be employed in the same position, or in another or similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to reduction in force. [Order 36, § 356-18-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-210.]

WAC 356-18-190 Interim employee rights. (1) The appointment and employment of any person on a position vacated under the provision governing leave without pay shall be temporary under the meaning of this rule, except that the temporary period may be extended to cover the period of the leave of absence by the director and shall end not later than 30 days after the end of the leave of absence. The appointing authority shall advise the temporary employee in writing of the temporary status of the appointment.

(2) If the employee on leave without pay does not return to the position after the above 30 calendar days have elapsed, except in the case of military leave, the temporary incumbent employee may be given a permanent appointment in accordance with the rules governing certification. [Order 36, § 356-18-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-220.]

WAC 356-18-200 Unauthorized leave. Unauthorized absence shall be treated as absence without pay and may be grounds for disciplinary action. Upon return the employee shall give a written statement to the appointing authority explaining the reason for the absence. [Order 36, § 356-18-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-230.]

WAC 356-18-220 Leave--Extension of anniversary date--Periodic increment date--Effect--Exceptions.

When an employee is on leave of absence without pay for any period in excess of 15 consecutive calendar days, except military and U.S. Public Health Service leave, state service in an exempt position, or from government service which had director of personnel approval or on leave following injuries sustained while performing the state-position duties, the anniversary date and periodic increment date of such employees shall be moved forward in amount equal to the entire duration of that leave of absence. A leave of absence without pay of 15 calendar days or less will not affect the anniversary date. The periodic increment date and anniversary date will be continued if the leave of absence was an educational leave of absence in accordance with the provisions of WAC 356-39-120, or if the leave without pay is taken voluntarily by an employee to help reduce the effect of an agency reduction in force. When an employee is in a position assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a 12-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates. [Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-18-220, filed 10/5/81; 78-10-070 (Order 123), § 356-18-220, filed 9/26/78; Order 36, § 356-18-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-200.]

Chapter 356-22 WAC

RECRUITMENT--EXAMINATIONS

WAC	
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-22-110	Examinations—Anonymity of applicant. [Order 36, § 356-22-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-160.] Repealed by Order 44, filed 4/14/72.
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WAC 356-22-010 Recruitment—Examination notices. (1) Recruitment shall be conducted publicly in any manner which will attract a sufficient number of qualified persons to meet the needs of the classified service. Recruitment will be coordinated through the director. Examination notices shall be posted publicly, as selected by the director, and at all offices of the department of personnel. Public notice, hereinafter defined as an examination announcement, shall specify title and salary range of the class, information of the duties performed, applicable minimum or desirable qualifications, and type of examination.

(2) The director may limit recruitment to applicants meeting selective criteria.

(3) The director may limit open competitive recruitment to applicants available for employment to specific geographic locations.

(4) Registers established under (2) and (3) above will be used exclusively for filling positions for which such recruitment has been conducted. [Order 63, § 356-22-010, filed 2/26/74; Order 36, § 356-22-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-010.]

WAC 356-22-020 Recruitment—Time periods—Requirements. Examination announcements may be issued for either definite or indefinite time periods. When recruitment is conducted for a definite time period, the examination announcement shall specify the closing date for receipt of applications: *Provided*, That the recruiting period shall be for no less than five working days. When recruitment is conducted for an indefinite time period, the announcement may be canceled at any time upon appropriate public notice. [Order 36, § 356-22-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-020.]

WAC 356-22-030 Recruitment—Promotional—Notice requirements. Announcements will be distributed to all agency personnel offices when recruitment is conducted on a service-wide basis. Appropriate and reasonable distribution within agencies is the responsibility of the agencies. When recruitment is conducted on an intra-agency basis, distribution of the examination announcement will be the responsibility of the agency. [Order 36, § 356-22-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-040 and 356-16-050.]

WAC 356-22-040 Applications—Contents—Restrictions. (1) All applications shall be on a form prescribed by the department of personnel. The applicant's signature shall certify the truth of the stated information.

(2) The application shall include pertinent information regarding experience, training, and other information as deemed necessary by the director. A certificate of physical fitness from one or more licensed physicians may be required by the director if necessary.

(3) No information shall be solicited or accepted which reveals religious or political affiliations of the applicant. Information regarding the race or color of applicants shall be solicited only for use in an affirmative action minority employment program and shall be accepted only if it is voluntarily given by the applicant.

(4) Information regarding the nature and extent of a handicap including a physician's statement, may be requested for affirmative action purposes and/or admittance to modified examinations under conditions specified in Merit System Rule 356-22-130. [Order 81, § 356-22-040, filed 8/21/75, effective 9/21/75; Order 80, § 356-22-040, filed 7/16/75, effective 8/16/75; Order 36, § 356-22-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-070 and 356-16-080.]

WAC 356-22-050 Applications—Residence and citizenship requirements. Residence in the state of Washington, or United States citizenship, or both may be required as a condition for filing application for examinations only in those instances where the director determines that such qualifications are necessary for compliance with federal or state law or as a condition for receipt of federal funds, provided that notice of such requirement accompanies the announcement. [Order 36, § 356-22-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-100.]

WAC 356-22-060 Applications—Filing—Time limit. Only those applications filed with the department of personnel by the date specified in the examination announcement need be considered for an examination. [Order 36, § 356-22-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-110.]

WAC 356-22-070 Applications—Disqualification. The director is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, or, after examination, may disqualify such applicant or remove his/her name

from a register or refuse to certify any person otherwise eligible on a register if:

(1) The applicant is found to lack any of the requirements established for the class.

(2) The applicant is so disabled as to be rendered unfit to perform the duties of the class.

(3) The applicant is addicted to the use of narcotics, or the habitual excessive use of intoxicating liquors.

(4) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he[]/she is applying.

(5) The applicant has made a false statement of material fact in the application.

(6) The applicant has previously been dismissed or requested to resign from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(7) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(8) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(9) The applicant has otherwise violated provisions of these rules.

(10) The applicant has taken part in the compilation, administration or correction of the examination. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-070, filed 5/12/78; Order 36, § 356-22-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-120.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 356-22-080 Applications—Disqualification—Notice requirements. (1) Disqualified applicants or applicants who are not admitted to an examination shall be promptly notified by mail to their last known address. Applicants shall be notified of right to request a hearing of the director within fifteen calendar days of notice of rejection.

(2) The hearing will be informal and conducted by the director, or designee. The hearing date will be scheduled within ten calendar days following receipt of the request.

(3) Applicants shall be notified of the hearing date and place at least ten calendar days in advance of the hearing date. Attendance of other interested parties may be limited by the director if good order, justice, and fairness will be promoted. Applicants shall be notified of the director's decision within five calendar days following the hearing.

(4) Unfavorable decisions of the director shall be appealable to the board. [Order 87, § 356-22-080, filed 5/4/76; Order 81, § 356-22-080, filed 8/21/75, effective 9/21/75*; Order 56, § 356-22-080, filed 6/25/73;

Order 36, § 356-22-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-130.]

***Reviser's note:** The amendment of this section by Order 81 was enjoined by the superior court of Thurston County in Cause No. 53071.

WAC 356-22-090 Examinations—Composition. (1) The director of personnel, or designated representative, shall determine, by uniform standards, the appropriate examination for a register for a class and the tests, or combination of tests and relative weights to be assigned. Examinations shall be practical in nature and of such character as to determine the capacity of the applicant to perform the duties of the particular class of positions for which the applicant is competing as well as the applicant's general background and related knowledge, and shall be rated objectively. A passing score may be required on each test included in the examination.

Examinations shall normally consist of one or a combination of the following:

- (a) A written test.
- (b) A performance test.
- (c) An oral test.
- (d) An evaluation of experience and training.

(2) When the director of personnel determines that the number of applicants responding to an examination announcement is excessive in relation to the number of projected job openings, the director may limit admission to the oral test to those scoring highest on a preliminary test which may be a written test, performance test, or an evaluation of experience and training. The number admitted to the oral test shall be at least twice the number of anticipated vacancies for the subsequent year or 20% of those applicants with passing scores, whichever is greater; but never less than 16 or the entire body of passing applicants, whichever is less.

(3) When the director of personnel determines that the number of applicants to be admitted to the oral examination will be limited by a screening procedure as authorized by WAC 356-22-090(2), the department will ensure that, in addition, a representative number of those protected group members who were accepted under the examination announcement and who passed the preliminary test are also admitted to the oral examination. [Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-22-090, filed 6/15/81; Order 49, § 356-22-090, filed 8/17/72; Order 44, § 356-22-090, filed 4/14/72; Order 36, § 356-22-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-180 and 356-16-190.]

WAC 356-22-100 Examinations—Time and place. Examinations shall be held at such times and places as are necessary to meet the requirements of the state service, provide economical administration, and be generally convenient for applicants. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-100, filed 5/12/78; Order 36, § 356-22-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-150.]

WAC 356-22-11001 Examinations—Use of aids by applicants. (1) The director may allow applicants to use

mechanical, electrical, or electronic devices, or combinations thereof, that supplement the applicant's capabilities, provided:

(a) The devices are judged by the director to have physical characteristics such as size, acoustical qualities, and portability that will make them not physically disturbing to other applicants taking the examination.

(b) The devices are suitable for and actually allowed to be used in performing the duties of the class for which the applicant is being tested.

(c) The devices do not enhance a physical capability or a mental capability that the test designers intended should be measured unaided by such supplements.

(d) The devices do not supply knowledge to the applicants that the test designers intended should be measured unaided by such supplements.

(2) Unless the device has previously been determined by the director as allowable for use in the examination, applicants will not be allowed to use it.

(3) The use, when allowable, of such devices is optional by the applicants. The department of personnel shall not be required to furnish such devices or make special arrangements for their use. [Order 71, § 356-22-110 (codified as WAC 356-22-11001), filed 12/30/74.]

WAC 356-22-120 Examinations--Promotional--Evaluations--Regulations. (1) Inter-agency and intra-agency promotional examinations shall be announced as the director of personnel determines the need and shall be open to current employees and employees who have been separated by reduction in force within the last year who meet the minimum requirements of the position. Promotional examinations shall consist of any combination of written, performance or oral test, or rating of training and experience.

(2) The announcement of the promotional examination shall specify the desirable or minimum requirements, the parts of the examination and the method of rating. Announcements shall be prominently posted by all appropriate agencies to ensure that the information is reasonably available to all.

(3) For a class used by only one agency, a promotional evaluation may be used in promotional scores if the class is in workweek group E and all competing employees are employed by the same agency at the time of the examination.

(4) When any of the conditions in (3) above are not met, a promotional evaluation may be used in promotional scores provided that the director of personnel determines such promotional evaluations are practical and necessary to improve the effectiveness of the examination. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-22-120, filed 9/22/82; 78-06-017 (Order 120), § 356-22-120, filed 5/12/78; Order 49, § 356-22-120, filed 8/17/72; Order 42, § 356-22-120, filed 1/11/72; Order 36, § 356-22-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-020.]

WAC 356-22-130 Examinations--Minimum qualifications waived or modified--Examinations modified.

(1) Upon the written request of the appointing authority, the director of personnel may waive or modify the minimum qualifications for a class to fill a vacant position on a one-examination basis only when (a) there is an incomplete register following recent recruiting; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the director of personnel determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The director of personnel may admit to an examination an applicant who does not technically meet the published minimum qualifications if the director determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The director of personnel may modify or substitute, for a handicapped applicant, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the handicap of the individual to be tested when, in the judgment of the director, all or portions of the examination constitutes an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the handicap.

(4) When a development plan established and administered by the division of human resource development is available for a classification, confirmed completion of this class development plan (CDP) admits the applicant to the next examination for that class. [Statutory Authority: RCW 41.06.150(17). 80-06-033 (Order 144), § 356-22-130, filed 5/9/80; 78-06-017 (Order 120), § 356-22-130, filed 5/12/78; Order 80, § 356-22-130, filed 7/16/75, effective 8/16/75; Permanent and Emergency Order 50, § 356-22-130, filed 10/19/72; Order 36, § 356-22-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-024.]

WAC 356-22-132 Applications--Minimum qualifications--Volunteer experience. Unless prohibited by the minimum qualifications for a class, experience requirements may be satisfied by related volunteer experience. Such experience shall be computed on the basis of 174.3 hours equals one month's experience. [Order 74, § 356-22-132, filed 3/7/75.]

WAC 356-22-135 Applications--Minimum qualifications--Education--Substitution. A Washington certificate of educational competence as awarded by the Washington state superintendent of public instruction, or an official report of equivalent acceptable scores on the general educational development test, shall be accepted in lieu of a high school diploma when considering applicants for employment or promotion. [Order 47, § 356-22-135, filed 6/14/72.]

WAC 356-22-140 Applications--Reexamination. Upon request, the director may authorize an applicant to retake a test provided that: (1) At least 30 calendar days

have elapsed between the dates of the successive test administrations.

(2) The test is taken not more than three times within a 12-month period unless the examination content has been substantially changed.

(3) The class is open for filing indicating a continuing recruitment need at the time of applicant's request. [Order 36, § 356-22-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-170.]

WAC 356-22-150 Applications--Special. No applicant shall be given a special examination unless the director determines that the applicant's failure to take or complete an examination was due to an error for which the applicant was not responsible. [Order 36, § 356-22-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-230.]

WAC 356-22-160 Examination ratings--Computation. All applicants for the same register for a class shall be accorded uniform and equal treatment in all phases of the examination procedure. All scores shall be based on a uniform rating or scoring procedure. In establishing passing points, the director may take into consideration the number of candidates and anticipated openings within limits established by the relevant job standards. [Order 49, § 356-22-160, filed 8/17/72; Order 36, § 356-22-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-200.]

WAC 356-22-170 Examination results--Notice requirements. Each applicant shall receive written notice of his/her final rating as soon as it is computed. Within 30 calendar days following the test, the applicant may request and receive information regarding his/her score on any part of the examination, or may give written authorization for the appointing authority, personnel officer, or employee representative to obtain the information. The same information may, upon request, be furnished to an agency personnel officer or appointing authority concerning a certified eligible. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-170, filed 5/12/78; Order 36, § 356-22-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-210.]

WAC 356-22-180 Examination--Oral examining board. The members of oral examining boards shall be chosen primarily for their ability to judge the technical and personal qualifications of people in their general field of work, impartially and objectively. At least one member by past experience and training shall be generally familiar with the nature of work in the class. No examining board may have less than two members. No person holding political office or any officer or committee member of any political organization shall serve as a member of such board. If conditions require establishing multiple boards, tests and instructions shall be structured to insure uniformity of examining conditions and rating standards. Members of an oral examination board

shall disclose each instance in which they know an applicant to the extent that they have formed a prior personal bias for or against an applicant and shall disqualify themselves without rating the applicant or biasing the remaining members. [Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-22-180, filed 3/9/78; Order 36, § 356-22-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-220.]

WAC 356-22-190 Examinations--Physical. Before appointment, applicants may be required to pass a health examination relevant to the physical demands of the work. The cost of such examination will be borne by the employing agency. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-190, filed 5/12/78; Order 36, § 356-22-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-240.]

WAC 356-22-200 Examination--Verification of application content. The director may investigate the applicant's training and experience to verify the statements contained in the application. If the investigation produces information affecting the rating of training and experience, the director shall rerate the applicant's record accordingly and make any necessary adjustments in the register. The director shall also promptly notify the applicant of such rerating within ten calendar days following completion of the investigation. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-200, filed 5/12/78; Order 36, § 356-22-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-140.]

WAC 356-22-210 Examinations--Records and retention. Applications and other necessary records shall be kept during the life of the register. Applications or copies of appointees' applications may be transmitted to agency personnel offices or appointing authorities on request. Examination records of applicants not appointed shall be destroyed 30 calendar days after the register expires. [Order 36, § 356-22-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-250.]

WAC 356-22-220 Examinations--Veterans preference--Eligibility periods--Percentage allowance. (1) The term veteran as used in this rule shall include any person who has served in any branch of the armed forces of the United States during World War II, the Korean Conflict, the Viet Nam Era and the period beginning and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress.

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

(3) In all competitive examinations, veterans shall be given a preference by adding to the passing grade, based upon a possible rating of 100 points as perfect, a percentage of such passing grade under the following conditions:

(a) Ten percent to a veteran who is not receiving any veterans retirement payments. This preference shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.

(b) Five percent to a veteran who is receiving any veterans retirement payments. This percentage shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.

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

(4) The above preference provisions must be claimed within eight years of the date of release from active service. [Order 68, § 356-22-220, filed 6/25/74; Order 36, § 356-22-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-260.]

WAC 356-22-230 Examinations--Noncompetitive.

(1) The non-competitive service comprises those unskilled, seasonal and temporary classes or positions for which the personnel board has determined ranked registers to be impracticable. Although exactly the same selection procedures may be used as in the competitive service, they need not be applied beyond the point of determining that a given applicant achieves a passing score.

(2) The director of personnel may designate agency personnel officers to act in the director's behalf, as agents of the department of personnel, for purposes of establishing and maintaining unranked registers within the noncompetitive service for those positions approved by the personnel board. The director of personnel shall be responsible for developing necessary procedures which include yearly audit provisions. Applicants shall have appeal rights to the director of personnel in accordance with other provisions of these rules. [Statutory Authority: RCW 41.06.150(17), 79-11-046 (Order 136), § 356-22-230, filed 10/15/79, effective 1/1/80; Order 77, § 356-22-230, filed 5/7/75, effective 6/7/75; Order 71, § 356-22-230, filed 12/30/74; Order 36, § 356-22-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-280.]

WAC 356-22-240 Examinations--Score records--Duration of maintenance. (1) Any and all grades used in ranking a register shall be nullified at the end of one year. However, the grade will be automatically nullified if a substantially new test is devised and administered to applicants for the class involved.

(2) The director may extend or update the life of the written, oral, performance, and/or evaluation of training and experience grades by class or by individuals who have been continuously doing essentially the same kind of work as that for which tested since the date the score was earned.

(3) Whenever a person is promoted and then reverted, except when demoted in lieu of reduction in force, all his

examination grades for the class from which he is reverted will be nullified. [Order 36, § 356-22-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-310.]

Chapter 356-26 WAC REGISTERS--CERTIFICATION

WAC	
356-26-010	Registers--Responsibility--Duration--Maintenance.
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356-26-100	Certification--Local areas--Conditions.
356-26-110	Certification--Actions required.
356-26-120	Certification--Errors--Correction.
356-26-130	Certification--Selective--When permitted.

WAC 356-26-010 Registers--Responsibility--Duration--Maintenance. (1) The establishment, maintenance, and adequacy of all ranked and unranked registers shall be the responsibility of the director.

(2) A person's standing on a register shall be measured from the date that person's name is placed on the register.

(3) Each register shall be established by appropriate class. The availability of persons according to geographic area, and other appropriate considerations as determined by the director, shall be indicated on each register.

(4) The director may, as requested, designate agency personnel officers to act in his/her behalf as agents of the department of personnel for the purposes of establishing and/or maintaining ranked and unranked local list registers unique to the employing agency and certifying names therefrom under the merit system rules. The director will be responsible for establishing the necessary procedures which shall include a yearly audit. Applicants shall have appeal rights to the director in accordance with all other provisions of the rules. [Order 77, § 356-26-010, filed 5/7/75; Order 36, § 356-26-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-320.]

WAC 356-26-020 Registers--Appointments--How made. (1) When a vacancy occurs, the appointing authority may appoint any person referred from the register maintained for that class of position after making reference to lists of employees who have been officially notified they are scheduled for reduction in force.

(2) Requests for appointments from unranked registers will be made on the prescribed form and forwarded to the director together with a completed official application. The director shall ascertain that the appointment was made from the appropriate register and will notify the agency of approval or disapproval of appointment. [Order 36, § 356-26-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-290.]

WAC 356-26-030 Register designation. (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) Employee's names shall not appear for classes at or below the range level of a class in which the employees are serving on a permanent fulltime basis, except when the employees have accepted options beyond a reasonable commuting distance in lieu of separation due to reduction in force. In the excepted cases, the employees' names may appear for classes at the same or lower range levels when the availability would return the employees back to their previous work locations.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes and shall include the names of those employees who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

- (c) Life of register.
 - (i) An eligible's name will normally remain on this register for two years.
- (d) Special provisions.
 - (i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.
- (6) Transfer.
 - (a) Composition.
 - (i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.
 - (b) Method of ranking.
 - (i) This register will be unranked.
 - (c) Life of register.
 - (i) An eligible's name shall normally remain on this register for one year.
 - (d) Special provisions.
 - (i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.
- (7) Voluntary demotion.
 - (a) Composition.
 - (i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.
 - (b) Method of ranking.
 - (i) This register shall be unranked. However, employees subject to reduction in force shall have priority.
 - (c) Life of register.
 - (i) An eligible's name shall normally remain on this register for one year.
 - (d) Special provisions.
 - (i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.
- (8) Service-wide promotional.
 - (a) Composition.
 - (i) This register shall contain the names of those employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.
 - (b) Method of ranking.
 - (i) This register shall be ranked according to final score, from the highest to the lowest.

- (c) Life of register.
 - (i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.
- (d) Special provisions.
 - (i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.
- (9) Reemployment.
 - (a) Composition.
 - (i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.
 - (b) Method of ranking.
 - (i) This register shall be unranked.
 - (c) Life of register.
 - (i) An eligible's name will normally remain on this register for two years.
 - (d) Special provisions.
 - (i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.
- (10) Open competitive.
 - (a) Composition.
 - (i) This register will contain the names of all persons who have passed the entrance examination.
 - (b) Method of ranking.
 - (i) This register shall be ranked by the final score.
 - (c) Life of register.
 - (i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.
 - (d) Special provisions.
 - (i) Persons on this register will indicate the geographic areas for which they are available. [Statutory Authority: RCW 41.06.150. 83-01-115 (Order 179), § 356-26-030, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-030, filed 9/22/82; 81-20-060 (Order 161), § 356-26-030, filed 10/5/81; 80-13-047 (Order 147), § 356-26-030, filed 9/16/80; Order 58, § 356-26-030, filed 9/10/73; Permanent and Emergency Order 50, § 356-26-030, filed 10/19/72; Order 40, § 356-26-030, filed 12/10/71; Order 36, § 356-26-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-330, 356-16-340,

356-16-350, 356-16-360, 356-16-370, 356-16-380, 356-16-390, 356-16-400.]

WAC 356-26-040 Registers--Name removal for cause--Grounds enumerated--Requirements. (1) Upon notifying the personnel board of the intended action, the director of personnel or designee may remove the name of an eligible from a register for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction in force register, a dual agency reversion register, or a promotional register has twice waived consideration for a position in the class for which the register was established.

(e) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(f) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(g) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times.

(h) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in (1)(b) or (c) above. The director of personnel should advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the personnel board upon appeal. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-040, filed 9/22/82; 81-13-030 (Order 157), § 356-26-040, filed 6/15/81; Order 87, § 356-26-040, filed 5/4/76, effective 6/5/76; Order 81, § 356-26-040, filed 8/21/75, effective 9/21/75*; Order 76, § 356-26-040, filed 3/31/75; Order 36, § 356-26-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-410.]

*Reviser's note: The amendment of this section by Order 81 was enjoined by the superior court of Thurston County in Cause No. 53071.

WAC 356-26-050 Certification--Requests for. (1) Requests for certification will be submitted on the prescribed form by the appointing authority to the director when filling vacancies in existing or newly allocated positions. Such requests shall constitute assurance to the

director that funds are available for filling vacancies for which registers are requested.

(2) Except for an emergency appointment, no appointment to a classified position shall be made without prior authorization by the director.

(3) No certification may be cancelled except for reasons filed with and approved by the director. [Order 40, § 356-26-050, filed 12/10/71; Order 36, § 356-26-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-010.]

WAC 356-26-060 Certification--General methods. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to four more than there are vacancies to be filled from the ranked registers except:

(1) When there are names to be certified from the agency reduction in force register and/or the service-wide reduction in force register and when the number of names is less than equal to four more names than there are vacancies to be filled, the director of personnel shall initially certify only the reduction in force register's names. The appointing authority may request additional names in ranked register order to satisfy the statutory maximum allowed provided the appointing authority has first indicated, in writing, to the director of personnel and the certified candidates why additional names are being requested.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: *Provided*, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute five names per vacancy to be filled.

(3) When more than one candidate has the same examination rating and when necessary to limit the number of names to four more than the number of vacancies, ties shall be broken by lot upon each instance of certification.

(4) An unranked register may be used to complete a certification. In such cases, all names appearing on that register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

(5) The director of personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the director of personnel with employees being automatically advanced after completion of one year's service in the lower level class.

(6) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing

registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, state law against discrimination, or for federal contract compliance purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the department of personnel a determination prior to the utilization of this rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The director of personnel or designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than five names available to fill the position:

- Messenger clerk
- Receptionist
- Clerk 1
- Clerk 2
- Clerk-Steno 1 visually handicapped
- Clerk-Steno 2 visually handicapped
- Clerk-Typist 1
- Clerk-Typist 2
- Dictating machine transcriber
- Word processing operator 1
- Word processing operator 2
- Clerk-Steno 1
- Clerk-Steno 2
- PBX operator
- Data entry operator 1
- Data entry operator 2

If such certification contains five or more available promotional candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-060, filed 9/22/82; 81-20-060 (Order 161), § 356-26-060, filed 10/5/81; 81-03-017 (Order 151), § 356-26-060, filed 1/12/81. Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-26-060, filed 3/14/80. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-060, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-060, filed 10/15/79, effective 1/1/80; Order 112, § 356-26-060, filed 11/7/77; Order 96, § 356-26-060, filed 12/10/76 and 12/20/76; Order 77, § 356-26-060, filed 5/7/75; Order 68, § 356-26-060, filed 6/25/74; Order 66, § 356-26-060, filed 5/28/74; Order 56, § 356-26-060, filed 6/25/73; Order 54, § 356-26-060, filed 4/26/73; Order 36, § 356-26-060,

filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-020.]

WAC 356-26-070 Certification--Registers--Order of rank--Exception. The director of personnel will normally certify names from the registers in the following order:

- (1) Agency reduction in force register.
- (2) Service-wide reduction in force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Service-wide reversion register.
- (6) Transfer register.
- (7) Voluntary demotion register.
- (8) Service-wide promotional register.
- (9) Reemployment unranked register.
- (10) Open competitive register.

However, if the director of personnel and appointing authority establish that it is in the best interest of the state to broaden the competition, agencies may request the director of personnel to certify names combined from registers (4), (8), and (10) provided:

(a) That the written request to the director shall be evidence of assurance that:

(i) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.

(ii) If the position is within a collective bargaining unit, the exclusive representative will be provided copy of the request.

(iii) That the request is in the best interest of the state and not solely intended to circumvent the policy of promotion from within the state as provided in WAC 356-30-150.

(b) Request for combined registers must be made on a position-by position or a class basis and prior to recruitment. [Statutory Authority: RCW 41.06.150. 83-09-030 (Order 183), § 356-26-070, filed 4/15/83. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-26-070, filed 10/5/81; 79-12-072 (Order 138), § 356-26-070, filed 11/30/79, effective 1/1/80; Order 72, § 356-26-070, filed 1/30/75; Order 36, § 356-26-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-030.]

WAC 356-26-080 Certification--Exhausted registers--Procedure. (1) While all names need not be taken from the same register, each register must be exhausted before using the next register.

(2) When there are fewer names than constitute a complete certification for the class, the director may substitute an allied series of registers if he determines the allied registers are sufficiently similar.

(3) When there are fewer names than constitute a complete certification for the class and no allied register is determined appropriate, the remaining names on all incomplete registers will be certified. However, an appointing authority may request a provisional appointment providing full and fair consideration has been given to those names certified, and the director determines that the person meets the announced qualifications and

grants approval. [Order 36, § 356-26-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-040.]

WAC 356-26-090 Certification--Exhausted or incomplete registers--Underfill. (1) The director may authorize the underfilling of a position if he determines a register to be exhausted or incomplete following active recruiting. Upon such authorization, a certification shall be made from the next lower class in the series or a related class as determined by the director. For incomplete registers, only the number of eligibles needed to complete the certification will be referred.

(2) Eligibles so certified shall be advised during the employment interview with the appointing authority of the underfill status of the appointment, which shall be confirmed in writing.

(3) An underfilled position shall not be certified against from a subsequently developed higher register unless:

(a) The employee does not successfully complete the probationary or trial service period or the employee does not qualify for the higher level class within four months after being admitted to the examination.

(4) Should the employee not qualify for promotion, the rules regarding transfer, promotion, demotion, or reduction in force shall apply. [Order 36, § 356-26-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-044.]

WAC 356-26-100 Certification--Local areas--Conditions. The appointing authority may request and the director of personnel may designate, by agency, classes of positions for which only persons living in the area of a vacancy will be considered available for employment. Such classes shall be only those for which there is evidence to show that certification on a statewide basis constitutes a hindrance to efficient and economical hiring by the agency. If certification of at least five names from the register for that class is not possible, certification shall be from eligibles who have indicated willingness for consideration in that geographic area. [Statutory Authority: RCW 41.06.150. 83-08-010 (Order 181), § 356-26-100, filed 3/25/83; Order 36, § 356-26-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-050.]

WAC 356-26-110 Certification--Actions required. Reports of actions taken on certified eligibles by the appointing authority shall be in writing to the director within ten working days following certification unless the director has specifically granted an extended time. Fair consideration must be given to all names certified.

The following actions are allowed and/or required:

(1) Appropriate appointment of one of the names certified.

(2) Request for additional names to replace names of eligibles who:

(a) Were considered, provided they were only from unranked registers.

(b) Waived consideration, which shall be confirmed by the director.

(c) Failed to reply within four days of notice to appear for consideration.

(d) Were not satisfactory for valid and pertinent reasons directly connected with the position as determined by the director from a written report by the appointing authority.

The preceding actions may be taken, provided the additional name or names do not cause the total number of names certified to exceed the number normally certified.

(3) Request for cancellation of the certification in accordance with WAC 356-26-050. [Order 40, § 356-26-110, filed 12/10/71; Order 36, § 356-26-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-070.]

WAC 356-26-120 Certification--Errors--Correction. (1) The director shall ensure that the proper actions have been taken and reported.

(2) In the event that a name is certified in error and the error is discovered before one of the named applicants is notified that he or she is appointed, the erroneous certification will be withdrawn and a correct certification made. If a certification is to fill more than one position, only that portion of it pertaining to positions for which applicants have not been notified that they are appointed will be withdrawn.

(3) In the event a name is certified in error and the error is discovered after one of the named applicants is notified that he or she is appointed but prior to the effective date of the appointment, the certification and appointment will be withdrawn as in (2) above unless:

(a) Acceptance of the appointment caused the named applicant to change his or her place of residence.

(b) Acceptance of the appointment caused the named applicant to resign from a position that cannot be regained. When the named applicant is a state employee, the agency from which he or she resigned will reinstate the named applicant in his or her previous status.

(4) In the event a name is certified in error and the error is discovered after the effective date of the appointment of one of the named applicants, the director may revoke the appointment and make a proper certification of names. [Order 76, § 356-26-120, filed 3/31/75; Order 36, § 356-26-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-080.]

WAC 356-26-130 Certification--Selective--When permitted. An appointing authority may request a selective certification of eligibles who have specialized qualifications that are required for the successful performance of the duties of the position. This request must be made prior to certification.

If the director of personnel determines that the facts and reasons justify the request, the highest ranking eligibles who have the specialized qualifications shall be certified.

(1) Selective certification of eligibles of only one sex shall not be made unless there is clear evidence that efficient performance of duties to be assigned could be performed by only the sex specified.

(2) Notwithstanding any other provision of these Rules, selective certification from the open competitive

register may be initiated by the director of personnel to increase employment of minority personnel, which for purposes of this regulation shall include Blacks, Orientals, Indians, other nonwhites, and Mexican- and Spanish-Americans. Such selective certification may be initiated when the director of personnel determines that minority personnel are, in proportion to the total minority population of the state, under-represented either within state employment as a whole or in a geographical area of work. Such selective certification shall apply only when all names are from the open competitive register.

(3) The director of personnel may selectively certify eligibles who are filling project positions to fill permanent positions. Such selective certification shall apply only from names on an open competitive register. [Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-130, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-130, filed 10/15/79, effective 1/1/80; Order 69, § 356-26-130, filed 9/30/74; Order 47, § 356-26-130, filed 6/14/72; Order 39, § 356-26-130, filed 9/15/71; Order 36, § 356-26-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-090.]

Chapter 356-30 WAC APPOINTMENTS--SEPARATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-30-045	Appointments--Past exempt employees--To classified positions. [Order 82, § 356-30-045, filed 9/26/75, effective 10/27/75; Order 63, § 356-30-045, filed 2/26/74.] Repealed by 82-19-092 (Order 175), filed 9/22/82. Statutory Authority: RCW 41.06.150(17).
356-30-146	Project employment--CETA--Title II and VI. [Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-30-146, filed 3/14/80. Statutory Authority: RCW 41.06.150(17). 79-09-034 (Order 132), § 356-30-146, filed 8/16/79, effective 10/1/79; Order 106, § 356-30-146, filed 7/25/77.] Repealed by 83-01-115 (Order 179), filed 12/22/82. Statutory Authority: RCW 41.06.150.

WAC 356-30-005 Appointments--Permitted within rules. No person may be appointed to or within the classified service except as provided by these rules. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-30-005, filed 5/12/78.]

WAC 356-30-007 Appointment--Authority--Delegation of. Appointments will be made by the appointing authority or authorities of an agency. A head of an agency may delegate the responsibilities and duties of an appointing authority to appoint persons to be employees of their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are at least the heads of a major subdivision of an agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-007, filed 9/22/82.]

WAC 356-30-010 Appointments--Prohibition of discrimination--Exceptions. All appointments, promotions, and assignments of work in the state service shall be made on the basis of merit and fitness without regard to race, color, creed, national origin, sex or age; except that such restrictions on appointments, promotions and assignments of work may be considered by appointing authorities only after adoption by the board of such restriction as a bona fide occupational qualification necessary to the performance of work in a particular employment classification. [Order 36, § 356-30-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-105.]

WAC 356-30-015 Appointments--Prohibition of multiple appointments to single position--Exceptions.

Multiple appointments to single positions within the classified service shall be restricted to the following situations:

(1) Tandem or part-time employment where the total FTE's for all persons in the position(s) does not exceed one FTE per position

(2) Reasonable training periods

(3) Periods of approved leave of absence

(4) Emergency, temporary, or acting appointments made in accordance with the merit system rules.

Any exceptions not permitted by this section must be approved in advance by the director of personnel, or designee. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-092 (Order 124), § 356-30-015, filed 10/2/78.]

WAC 356-30-020 Appointments—Provisional—Recruitment. (1) The director may approve a provisional appointment when no complete register exists for the class in which a vacancy occurs.

(2) Upon authorizing a provisional appointment, the director shall immediately endeavor to recruit candidates for the class and conduct appropriate examinations.

(3) If the director has conducted wide, continuous, and positive recruitment for a period of 30 days without attracting the number of successful candidates necessary to fill a certification, the person holding the provisional appointment or filing for the position may be given a probationary appointment; provided that the person has passed the examination given for that class. [Order 36, § 356-30-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-140.]

WAC 356-30-030 Appointments—Provisional—Limitations—Prohibited. (1) No provisional appointment shall continue for more than six months unless the recruitment period extends beyond six months and then the provisional appointment shall be continued to no more than thirty calendar days after an appropriate register has been established for the class, if the register was not established during the six-month period.

(2) Successive provisional appointments of the same person to different classes of positions shall not be made.

(3) No provisional appointment of persons failing to pass the appropriate examination shall continue unless the director of personnel is conducting wide, continuous and positive recruitment; and is conducting examinations for those applicants who qualify.

(4) The appointing authority shall advise the appointee in writing of the provisional status of the appointment.

(5) The period of a provisional appointment shall not constitute a part of the probationary period. [Statutory Authority: RCW 41.06.150. 83-12-002 (Order 184), § 356-30-030, filed 5/19/83; Order 36, § 356-30-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-150.]

WAC 356-30-040 Appointments—Provisional—Employees accepting. (1) Employees leaving other classified service positions to accept provisional appointments shall have their time spent in the provisional status credited to the status held in the position which they left.

(2) Provisional employees who are not selected as a result of the competitive procedure shall be returned to their previous position, if any, and a reduction in force procedure will apply when the previous position was within the same agency. Employees with permanent or trial service status shall be placed on the reduction in force register if the previous position was in another agency. [Order 36, § 356-30-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-160.]

WAC 356-30-050 Appointments—Emergency—How made—Status. (1) When an emergency occurs requiring the immediate services of a person or persons, the appointing authority may appoint a person without following the normal procedures governing appointment. However, the appointment shall be based on the availability and fitness of the applicant without regard to race, religion, sex, age, national origin, political affiliation or other nonjob related considerations. Emergency appointments and their justification shall be reported immediately to the director of personnel on the approved form.

(2) An emergency appointment of an individual shall not exceed 60 calendar days.

(3) Service in an emergency appointment shall not constitute a part of the employee's probationary service. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 79-08-029 (Order 130), § 356-30-050, filed 7/16/79; Order 109, § 356-30-050, filed 9/7/77; Order 36, § 356-30-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-170.]

WAC 356-30-060 Appointments—Underfill. (1) When an underfill appointment has been made from a certification authorized within these rules, the employee shall be advised in writing by the appointing authority of the underfill status of the appointment.

(2) The employee shall be paid within the salary range for the class from which certified and shall be evaluated against the standards for the lower class.

(3) The appointing authority shall provide the additional supervision and training to prepare the employee for the duties of the higher level class. [Order 36, § 356-30-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-184.]

WAC 356-30-070 Appointments—Acting. (1) An acting appointment is an appointment of a temporary nature made from within the service to a supervisory or managerial position.

(2) Acting appointments must be approved in advance by the director of personnel and shall not exceed six months; however, in the event of pending major organizational changes or a class study being conducted by the

department of personnel affecting the position, the director of personnel may approve requests for month to month extensions for a period not to exceed 30 days beyond the date of the appointment of a permanent incumbent to that position.

(3) Appointment shall be from among those employees interested and available to accept such an appointment regardless of minimum requirements. Primary consideration should, however, be given to eligibles on the agency promotional register for the class or for a related class as determined by the director of personnel and the agency.

(4) An employee accepting an acting appointment shall be paid according to the rule regarding promotion, and if competitively appointed to the position will continue the basic salary and periodic increment dates set under the acting conditions.

(5) An employee shall not achieve permanent status in the higher class and upon termination of the acting appointment shall resume his/her permanent position and salary including increments which may have accrued. [Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-30-070, filed 3/14/80. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-30-070, filed 11/30/79, effective 1/1/80; Order 56, § 356-30-070, filed 6/25/73; Order 36, § 356-30-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-194.]

WAC 356-30-075 Appointments--Veterans--Noncompetitive. (1) Appointing authorities shall prefer veterans, as defined in (2)(a) below and their widows, widowers and spouses during their initial entrance into state service when considering selecting persons from eligible lists to fill vacancies in the noncompetitive service as described in WAC 356-22-230(1). Those veterans, widows, widowers and eligible spouses determined to be at least equal to nonveterans shall be preferred over the nonveterans except appointing authorities may, with the approval of the director of personnel, consider sex, race, national origin, handicaps, and periods of military service when endeavoring to satisfy their established and approved agency affirmative action plans.

(2) For the purpose of defining the eligible veterans and their widows, widowers and spouses referred to in (1) above:

(a) "Veteran" means honorably discharged persons following active service in any war of the United States or in any military campaign for which a campaign ribbon shall have been awarded.

(b) "Widow" and "widower" means the person who was married to the veteran defined in (a) above at the time of the veteran's death and who has not since remarried.

(c) "Spouse" means the person married to the veteran as defined in (a) above, when that veteran has a service connected permanent and total disability.

(3) "Equal" as referred to in (1) above shall be determined by the appointing authorities as follows:

(a) Filling vacancies from the lists in the noncompetitive service. The appointing authority shall use a score

resulting from an established systematic evaluation of the applicant's work and/or educational and training background, evaluated both for length of time and quality of experiences. Also, appointing authorities may uniformly use other merit factors that are specifically job-related in making determinations. When appointing authorities do select persons other than those listed in (2) who have lesser scores than those persons listed in (2), they shall forward to the director of personnel an explanation and the relative standing of the eligibles selected.

(b) A description of the established systematic evaluation system by agencies must be submitted to the director of personnel. Upon request, the director of personnel will make the services of the department of personnel available, to recommend the merit and job-related factors and procedures for judging relative qualities. [Statutory Authority: RCW 41.06.150(17). 79-11-046 (Order 136), § 356-30-075, filed 10/15/79, effective 1/1/80.]

WAC 356-30-080 Temporary employment--Exempt service. Appointments to temporary positions as defined in WAC 356-06-020(15) are exempt from these rules provided:

(1) There is no involvement in federal grant-in-aid.

(2) Positions have been reported to the director of personnel.

(3) Compensation and minimum qualifications of appointees are consistent with those for comparable classified positions.

(4) That the appointment lasts for no more than nine months for single appointments, or no more than nine cumulative months for multiple appointments within a continuous twelve month period, except when a temporary employee replaces a permanent employee who has been granted a leave of absence without pay in accordance with WAC 356-18-140 and 356-39-120 and 356-39-130. In such cases, the temporary appointment may extend to the date the employee on leave is scheduled to return.

(5) That a two-month break in service has occurred since the last temporary appointment of the same person in the same agency, except for multiple appointments as indicated in (4) above.

Established registers, certification, and referral service are available for use in filling temporary positions. A temporary employee, appointed following certification from the register, may enter a probationary period and subsequently gain permanent status, when a change in agency needs results in the permanent availability of the position. [Statutory Authority: RCW 41.06.150(17). 80-15-052 and 81-03-064 (Orders 148 and 148A), § 356-30-080, filed 10/13/80 and 1/20/81; 78-12-026 (Order 126), § 356-30-080, filed 11/15/78; Order 36, § 356-30-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-210, 356-24-230, 356-24-240.]

WAC 356-30-090 Temporary employment--Employment--Permanent employees--Status. A permanent employee has the right to assume a temporary position

and the right to resume a permanent position with permanent status at the conclusion of such temporary appointment. [Order 36, § 356-30-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-280.]

WAC 356-30-100 Termination of temporary employment--Notice. A temporary employee may be terminated from temporary service without the right of appeal or hearing after being given one full working day's notice prior to the effective date of the termination. [Order 36, § 356-30-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-270.]

WAC 356-30-110 Permanent part-time employment--Hiring procedure. Appointments to permanent part-time positions shall be made, where possible, from among those on an established register who have indicated availability for permanent part-time employment. [Order 36, § 356-30-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-300.]

WAC 356-30-120 Part-time employment--Rights acquired. Any person certified from the register and employed regularly as a part-time employee for six months will be eligible to promote to another part-time position but may assume the rights of a permanent full-time employee, for promotional purposes, only after completing 1040 hours of employment in that position. [Order 36, § 356-30-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-310.]

WAC 356-30-130 Seasonal career employment. (1) Seasonal career positions are those established to respond to work that is cyclic in nature beginning at approximately the same time each year and lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period. Seasonal career employees are those in seasonal career positions or employees whose repeated pattern of work is defined as the second pattern (2) in the definition of seasonal career employment.

(2) The appointing authority may establish seasonal positions to respond to cyclic work load requirements; provided, that the agency will not establish seasonal positions which circumvent the utilization of full time positions. Seasonal career employees are those who have been appointed to a seasonal career position with the mutual expectations of continued employment season after season.

(3) An initial appointment into seasonal career employment shall be from a register.

(4) Upon completion of the probationary period of 1040, 1560, or 2080 accumulated scheduled hours (if serving a six-month, nine-month, or twelve-month probationary period), employees in seasonal career positions shall assume the rights of a permanent employee. Past service that entitles employees to seasonal career employment will count toward permanent status at the beginning of the fourth qualifying season.

(5) Reduction in force, or reduction in hours of work, a subsequent reemployment or increase in scheduled

hours of work affecting seasonal career employees in seasonal career positions shall be by seniority within their seasonal career layoff unit; provided, notification of reduction in force or alteration of work schedules shall be given no later than two working days prior to the effective date. Seasonal career employees shall not accrue seniority while on seasonal layoff.

(6) Agencies shall maintain and post seasonal reduction in force registers for reemployment to seasonal career positions in accordance with the agency's reduction in force policy.

(7) Seasonal career employees who have completed one season of employment shall be placed on a separate seasonal reduction in force register for that season of employment. [Statutory Authority: RCW 41.06.150. 84-02-030 (Order 194), § 356-30-130, filed 12/30/83; Order 58, § 356-30-130, filed 9/10/73; Order 36, § 356-30-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-290.]

WAC 356-30-140 Intermittent employment--Rules--Regulations. (1) The director may not authorize an intermittent appointment beyond a total working time of nine months (1560 hours) during any consecutive 12-month period. Any position which is filled beyond the nine-month cumulative period shall be considered a full time position and will be filled in accordance with WAC 356-26-010 through 356-26-130.

(2) The appointing authority is not obligated to consult the register, but he may request the director to furnish the register as a service.

(3) No person can become a permanent employee because of time served as an intermittent employee. [Order 36, § 356-30-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-200.]

WAC 356-30-143 Intergovernmental mobility. In accordance with the intent of the Intergovernmental Personnel Act (P.L. 91-648) regarding mobility assignments and/or notwithstanding any other provisions of these rules, the state personnel board or designee may authorize appointments into the classified service from other governmental units when such appointments are for purposes of cross-training or sharing of expertise across governmental boundaries. Such appointments shall be time limited. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-30-143, filed 9/26/78. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-30-143, filed 5/12/78.]

WAC 356-30-145 Project employment. (1) Project employment when designated by the director, is the grouping together of employees whose length of employment is contingent on state, federal or other grant funding of specific and noncontinuing projects.

(2) Proposals for the designation of project employment will be initiated by the or one of the involved agencies and made to the director. Such proposal will include:

(a) The nature and scope of the program.

- (b) Source and conditions of funding.
 - (c) Relationship of project to regular operations and programs of the agencies.
 - (d) Number of positions.
 - (e) Duration.
 - (f) Employee organizations affected.
 - (g) Project employees benefits.
- (3) Permanent employees in regular positions may transfer, promote, or voluntarily demote into project employment positions as provided by these rules unless prohibited by the contract that established the project.
- (4) Positions in project employment will be designated as in the noncompetitive or competitive service as the situation and director determines. Positions in this grouping of employment will be so designated and the employees filling the positions will be notified, in writing, of the expected ending date of their employment.
- (5) Project employees, who have transferred into project employment without permanent status, will gain permanent status upon completion of their probation period and shall be entitled to appropriate rights within project employment. Employees filling project positions, who have entered project employment through the non-competitive procedure, may apply for regular positions via the open competitive route; once permanent project status has been gained, project employees may have their names placed on the transfer register for regular positions in the same or similar job classes for which permanent project status has been gained. In addition, permanent project employees may have their names placed on the voluntary demotion register for similar job classes for which permanent project status has been gained. Permanent project employees may not transfer or voluntarily demote directly into regular positions without first being certified from the appropriate register. Project employees who have gained permanent status within the boundaries of the project, and transfer or voluntarily demote into a regular position, will not be required to serve a probationary period. Project employees who are currently on the registers will continue to be on the registers and may be certified as provided in these rules.
- (6) Employees who left a state agency with permanent status and came directly into project employment will continue to have promotional opportunities and transfer rights of their former position as though they were still employed in that agency. Also, employees with permanent status who entered project positions in the competitive service via the competitive procedure may be accepted as promotional candidates to regular positions as though they had been employees with permanent status with the sponsoring agency.
- (7) Project employees will have reduction in force rights within their project boundaries only and will compete according to "seniority," except employees who left regular positions to accept project employment will have the reduction in force rights of the position they left. This time spent in project employment will also be credited to the employees' seniority for use in competing in the regular state positions, provided there is no break in

service. Names of project employees separated by reduction in force actions, who did not leave regular classified positions to accept project employment, will be placed on the reemployment register WAC 356-26-030(9) for the usual life of that register.

(8) The time spent in project employment will also be credited toward periodic increment dates, annual leave, sick leave and other benefits provided to employees in these rules and/or as provided in project contracts. [Order 112, § 356-30-145, filed 11/7/77; Order 74, § 356-30-145, filed 3/7/75; Order 51, § 356-30-145, filed 12/19/72; Order 47, § 356-30-145, filed 6/14/72; Permanent and Emergency Order 39, § 356-30-145, filed 9/15/71.]

WAC 356-30-150 Promotion--Policy. Insofar as practicable, consideration shall be given to employees within an agency and vacancies filled by intra-agency promotion before consideration of employees on the inter-agency promotional register or open competitive register. [Order 36, § 356-30-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-010.]

WAC 356-30-160 Eligibility for promotional examination and certification. No probationary employee shall be certified from a promotional register until the employee has served at least six months of a probationary period; however, a probationary employee may be admitted to a promotional examination if the announcement for the position vacancy has an established closing date and if the employee has served four months of the probationary period. Employees who are otherwise qualified will be admitted to promotional examinations if they are within two months of the experience minimum qualifications and are assigned to a position which provides qualifying experience. [Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-30-160, filed 9/22/82; Order 36, § 356-30-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-040.]

WAC 356-30-170 Promotion--Underfill. (1) When an employee underfilling a position meets the requirements for the higher class, he shall be promoted following successful completion of the examination.

(2) The director may waive the minimum qualifications and admit the employee to the examination upon certification of the appointing authority that the employee has satisfactorily performed in the position for a minimum of one year. [Order 36, § 356-30-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-054.]

WAC 356-30-180 Transfer--Domiciliary movement. All transfers of permanent employees from one established position to another established position which require an incumbent to move his/her domicile to another geographic area to be within reasonable commuting distance of the new position will be with the voluntary concurrence of the incumbent. Such actions shall be reported to the director.

Relocation of positions from one geographic area to another geographic area because of a reduction of work,

lack of work, lack of funds, or good faith reorganization for efficiency purposes shall be made in accordance with the reduction in force rules and employee rights therein. [Order 112, § 356-30-180, filed 11/7/77; Order 36, § 356-30-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-070.]

WAC 356-30-190 Transfer--Within class--Agency--Permitted--Report. A transfer of a permanent employee from a position within a subdivision or in one organizational subdivision of an agency to a position in the same class in another organizational subdivision of the same agency may be made at any time by the appointing authority concerned provided employees who have been separated due to a reduction in force and employees who have been notified they are scheduled for reduction in force, first within the layoff unit, and secondly within the department, have been offered the transfers in accordance with their seniority. Such transfers shall be reported to the director. However, transfers within the employee's own layoff unit may be made prior to consulting the reduction in force registers. [Order 36, § 356-30-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-080.]

WAC 356-30-200 Transfer--Between classes--Approval. (1) A transfer of a permanent employee from a position in one class to a position in another class having the same salary range may be made upon approval of the director of personnel that the employee has the minimum qualifications for the position to which transfer is proposed. The director of personnel may require a qualifying examination.

(2) A permanent employee may also apply promotionally for positions in other class series which by definition are transfers. Employees who transfer under the provisions of this subsection shall serve a trial service period. [Statutory Authority: RCW 41.06.150(17). 81-01-054 (Order 150), § 356-30-200, filed 12/12/80; Order 36, § 356-30-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-090.]

WAC 356-30-210 Transfer--Between agencies--Restrictions. The transfer of a permanent employee between agencies, within class or between classes (subject to the limitations of WAC 356-30-200), may be made at any time with the approval of the appointing authorities concerned, provided employees who have been separated due to reduction in force and employees who have been notified that they are scheduled for reduction in force have first been offered the transfer in accordance with their seniority. Report of the transfer shall be made to the director of personnel. Employees who transfer under the provisions of this section shall not serve a trial service period and shall be permanent employees of the gaining agency. For purposes of this section, each institution and branch office may be considered an agency. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-30-

210, filed 9/26/78; Order 53, § 356-30-210, filed 1/15/73; Order 36, § 356-30-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-100.]

WAC 356-30-220 Reemployment--Status. (1) Any person who has received permanent appointment to a position in the state service and who has separated therefrom, may be reemployed to a position with the same or similar duties to those he previously performed, provided he has been certified from the reemployment register. [Order 36, § 356-30-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-110.]

WAC 356-30-230 Demotion--Voluntary. (1) A permanent employee, or an employee separated within the last year by reduction in force, or an employee who has been notified that he is scheduled for reduction in force may voluntarily take a position, which is by definition a demotion, when the position is in a class which is the same as or a related class for which the person qualified, as determined by the director. When such voluntary demotions are granted as an option to fill vacancies, they shall be done according to seniority and offered first, within the employee's layoff unit, then within the department, and then service-wide. No further examination will be required.

(2) A proposed demotion shall be approved by the director prior to the effective date of the action.

(3) A permanent employee may also qualify or compete for classes of positions in other series which by definition are demotions, by completing an application form and taking the appropriate examination. [Order 36, § 356-30-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-120, 356-24-130 (part), 356-24-140.]

WAC 356-30-240 Demotion--Subsequent elevation. Employees who take demotions may be elevated with permanent status to the class from which they descended; or to any intermediate class in the class series; provided they have held permanent status previously in the class from which they descended; and further provided that elevations may not be made to a position for which eligibles on either agency reduction in force or service-wide reduction in force registers are available. No further examination will be required. The elevation shall be approved by the director prior to the effective date of the action. [Order 82, § 356-30-240, filed 9/26/75, effective 10/27/75; Order 80, § 356-30-240, filed 7/16/75; Order 36, § 356-30-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-160.]

WAC 356-30-250 Resignations--Leave penalties--Withdrawals. (1) An employee who gives 15 calendar days' written notice to the appointing authority shall be entitled to compensation for accrued vacation leave computed as provided in these rules.

(2) Employees giving less than 15 calendar days' written notice, without adequate reason or justification, may be denied compensation for their accrued vacation leave.

(3) The written notice shall include the date of submittal, the effective date, and the reason for the resignation. The effective date and the reason for the resignation shall be reported to the director.

(4) A permanent employee has the right to withdraw a resignation by submitting written notice of such withdrawal at any time within 72 hours (excluding Sundays and holidays) after submission of the resignation. Thereafter, the appointing authority may permit withdrawal of a resignation at any time prior to the effective date of the resignation. [Order 100, § 356-30-250, filed 3/30/77; Order 36, § 356-30-250, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-180.]

WAC 356-30-260 Probationary period--Provisions--Status of employee. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the personnel board. The personnel board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The personnel board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

OR

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

OR

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(5) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary

employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-260, filed 9/22/82; Order 36, § 356-30-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-220.]

WAC 356-30-270 Probationary period--Dismissal--Notice--Rights acquired. (1) An employee may be dismissed during a probationary period after being given written notice five working days prior to the effective date of dismissal. However, if the agency believes the good of the service requires the immediate dismissal of the probationary employee, written notice of only one full working day prior to the effective date of the dismissal will be required. The reasons for the dismissal shall be filed with the director of personnel and the personnel appeals board.

(2) An employee dismissed during a probationary period shall not have the right to appeal the dismissal. When proper advance notice of the dismissal is not given, the employee may enter an appeal for payment of salary for up to five days which the employee would have worked had proper notice been given. If such a claim is sustained, the employee will be entitled to the appropriate payment of salary but will not be entitled to reinstatement. [Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-30-270, filed 8/31/83; Order 36, § 356-30-270, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-240.]

WAC 356-30-280 Probationary period--Transfer, intra-agency appointment to higher class. (1) An employee shall not be transferred during the probationary period except as provided in subsection (3) below. An employee may be promoted after serving six months in a probationary period and shall begin a trial service period upon promotion.

(2) When an employee is appointed to a higher class while serving in a probationary period, the probationary period and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original probationary period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class. In such cases where the lower class has a longer probationary period than trial service period for the higher class, the probationary period for the lower class shall continue to run under its original terms as long as the employee continues to perform satisfactorily in the higher class.

(3) An employee in a probationary period may be transferred in lieu of reduction in force or for training purposes related to the probationary period and will continue to serve out the probationary period. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-280, filed 9/22/82; 82-03-030 (Order 165), § 356-30-280, filed 1/18/82; Order 36, § 356-

30-280, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-250.]

WAC 356-30-290 Reassignment. A probationary employee may be assigned to another position in the same class if both positions are in the same work unit and the agency shall notify the director of personnel of the change. [Statutory Authority: RCW 41.06.150(17). 82-03-030 (Order 165), § 356-30-290, filed 1/18/82; Order 36, § 356-30-290, filed 7/1/71, effective 8/1/71.]

WAC 356-30-300 Performance evaluation--Requirements--Monitoring. (1) Agencies shall evaluate the performance of their employees during their probationary or trial service periods and at least once a year thereafter.

(2) The evaluation will be conducted during the month preceding the employee's anniversary date, except an agency can establish, on a consistent basis, a date which better accommodates a specific work cycle.

(3) Agencies will utilize the procedures and evaluation forms prescribed by the director of personnel, supplement shall include provisions whereby individual agencies may, with the approval of the director of personnel, supplement the process with special performance factors peculiar to the specific organizational needs.

(4) The procedures and forms shall:

(a) Be designed to aid in communications between supervisors and subordinates and clarify duties and expectations.

(b) Be designed to inform employees of their performance strengths and weaknesses.

(c) Be based on performance toward the goals and objectives of the agency and its sub-units.

(d) Include provisions for the counseling and the development of employees.

(5) The department of personnel shall monitor the evaluation of employees for timeliness, effectiveness and standardization.

(6) Allowing a probationary employee to gain permanent status or a trial service employee to gain permanent status in the class to which he/she has been promoted without completion of an evaluation may be regarded as neglect of duty, incompetence or insubordination on the part of the supervisor and may be cause for disciplinary action. [Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-30-300, filed 8/31/83. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-300, filed 9/22/82; 78-12-026 (Order 126), § 356-30-300, filed 11/15/78; Order 36, § 356-30-300, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-191.]

WAC 356-30-305 Trial service period--Provision. (1) Employees who are promoted, demoted, or who are appointed from a promotional register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the

employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-305, filed 9/22/82.]

WAC 356-30-310 Trial service--Counseling--Training. (1) During the trial service period, supervisor shall counsel the trial service employees to inform them of their work performance. The counseling will inform the employees of their strengths, weaknesses, and methods of improvement. In addition, it shall include a signed acknowledgment by the employee of the supervisory evaluation.

(2) The director shall make the training services of the department of personnel available to all agencies requesting aid in developing a training program for trial service personnel. [Order 36, § 356-30-310, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-270.]

WAC 356-30-320 Trial service--Reversion--Status. (1) An employee who was either promoted, demoted, or appointed from a promotional register within an agency and fails to satisfactorily complete the trial service period shall automatically revert to a position in the former classification.

(2) An employee who was promoted, demoted, or appointed from a promotional register into another agency and who fails to satisfactorily complete the trial service period shall be given 15 calendar days' written notice and placed on the dual-agency reversion register and the service-wide reversion register for his or her former class. Employees who are reverted do not have the right of appeal. If an employee elects not to accept the first offer of employment, his/her name is then placed on the reemployment register.

(3) Employees who are reemployed from the service-wide reversion registers shall enter a trial service period. Names of employees reverted during this period will be placed on the register from which they came.

(4) Employees who voluntarily revert to their former class may request of the director of personnel reactivation of their promotional score for the class from which reverted. [Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-30-320, filed 9/16/80; Order 43, § 356-30-320, filed 3/17/72; Order 36, § 356-30-320, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-260.]

WAC 356-30-330 Reduction in force--Reasons, regulations--Procedure. (1) The reasons for reduction in force actions and the minimum period of notice are:

(a) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(b) When employees have statutory and merit system rule rights to return to the classified service and the total number of employees exceeds the number of positions to be filled in the classification, those employees in excess will have the reduction in force rights prescribed in this section.

(2) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-06-010, and, if necessary, by measuring the employees' last continuous time within their current classification; and, if still necessary, by measuring the employees' last continuous time in their current agency. When the above seniority determination process results in a tie, the tie will be broken by comparing the employees' last regular annual performance evaluation.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
- (ii) Classification in which the "bumping" employee previously held permanent status; and
- (iii) Position at the current salary range of the employee doing the bumping, or lower; and
- (iv) Employee with the least seniority within the same category of full-time or part-time employment; and
- (v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there

is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;
- (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;

(iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;

(iv) Is located within a reasonable commuting distance of the employee's permanent work location; and

(v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in subsection (2)(m) of this section are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall submit the procedure to the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(5) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) above, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(7) Time to be spent on exit leave shall not be considered in determining reduction in force options or the order of separation due to reduction in force. [Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-30-330, filed 11/28/83; 83-13-091 (Order 186), § 356-30-330, filed 6/17/83; 83-08-010 (Order 181), § 356-30-330, filed 3/25/83; 83-01-115 (Order 179), § 356-30-330, filed 12/22/82. Statutory Authority: RCW

41.06.150(17). 82-19-092 (Order 175), § 356-30-330, filed 9/22/82; 81-20-060 (Order 161), § 356-30-330, filed 10/5/81; Order 112, § 356-30-330, filed 11/7/77; Order 63, § 356-30-330, filed 2/26/74; Order 58, § 356-30-330, filed 9/10/73; Order 36, § 356-30-330, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-400.]

WAC 356-30-335 Reduction in force—Voluntary leave without pay—Return—Procedures. (1) Upon written agreement between an employee and the employing agency, an employee may voluntarily take leave without pay or reduced hours to reduce the effect of an agency reduction in force.

(2) An employee on leave without pay or reduced hours under the provisions of this rule may, after giving the employing agency 15 days written notice, return to the former full or parttime work status.

(3) The employing agency may, upon giving an employee on leave without pay or reduced hours under the provisions of this rule 15 days written notice, return the employee to the former full- or part-time work status. [Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-30-335, filed 4/12/82.]

Chapter 356—34 WAC

DISCIPLINARY ACTIONS—APPEALS

WAC	
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-34-103	Appeals—Hearings examiners. [Order 59, § 356-34-103, filed 10/17/73.] Repealed by Order 80, filed 7/16/75, effective 8/16/75. The repeal of this section by Order 80 was enjoined by the superior court of Thurston County in Cause No. 49073.
356-34-104	Appeals—Hearings examiners—Authority. [Order 59, § 356-34-104, filed 10/17/73.] Repealed by Order 80, filed 7/16/75, effective 8/16/75. The repeal of this section by Order 80 was enjoined by the superior court of Thurston County in Cause No. 49073.
356-34-105	Appeals—Hearings examiners—Decisions. [Order 59, § 356-34-105, filed 10/17/73.] Repealed by Order 80, filed 7/16/75, effective 8/16/75. The repeal of this section by Order 80 was enjoined by the superior court of Thurston County in Cause No. 49073.
356-34-106	Appeals—Hearings examiners—Review of recommended decisions. [Order 59, § 356-34-106, filed 10/17/73.] Repealed by Order 80, filed 7/16/75, effective 8/16/75. The repeal of this section by Order 80 was enjoined by the superior court of Thurston County in Cause No. 49073.
356-34-240	Appeals—Recording of findings. [Order 36, § 356-34-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-440.] Repealed by Order 89, filed 6/30/76, effective 7/31/76.

WAC 356-34-010 Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal. Appointing authorities may demote, suspend, reduce in salary, or dismiss a permanent employee under their jurisdiction for any of the following causes:

- (1) Neglect of duty.
- (2) Inefficiency.
- (3) Incompetence.
- (4) Insubordination.
- (5) Indolence.
- (6) Conviction of a crime involving moral turpitude.
- (7) Malfeasance.
- (8) Gross misconduct.
- (9) Willful violation of the published employing agency or department of personnel rules or regulations.

[Order 36, § 356-34-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-330.]

WAC 356-34-011 Appointing authority—Delegation of. A head of an agency may delegate the responsibilities and duties of an appointing authority including authority to reduce, dismiss, suspend, or demote employees within their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are the heads of the major divisions of the agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate. [Statutory Authority: RCW

41.06.150(17). 82-19-092 (Order 175), § 356-34-011, filed 9/22/82.]

WAC 356-34-012 Dismissal—Failure to comply with a union shop requirement. An appointing authority must give written notice of dismissal to any employee who fails to meet the union shop membership or union shop fee requirement as provided in WAC 356-42-043. [Order 89, § 356-34-012, filed 6/30/76, effective 7/31/76; Order 57, § 356-34-012, filed 7/31/73.]

WAC 356-34-020 Reduction in salary—Demotion—Procedure. Appointing authorities may reduce the salary of a permanent employee within the range or may demote an employee to a position at a lesser pay range, in lieu of dismissal for cause, as specified in these rules. The specified charges for either of these actions shall be furnished in writing to the employee and a copy filed with the personnel appeals board at least 15 calendar days prior to the effective date of the action. The employee must meet the minimum qualifications for the class to which being demoted. [Statutory Authority: RCW 41.06.150. 83-13-091 (Order 186), § 356-34-020, filed 6/17/83; Order 89, § 356-34-020, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-340.]

WAC 356-34-030 Suspension—Duration—Procedure. Appointing authorities may suspend a permanent employee without pay for cause as specified in these rules for a period not exceeding 15 calendar days as a single penalty; or for a total of 30 calendar days in any calendar year as an accumulation of several penalties. The specified charges and duration of the action shall be furnished in writing to the employee with a copy submitted to the personnel appeals board not later than one calendar day after the suspension becomes effective. Notice to the employee shall be made in the manner described in these rules. No qualifying time or seniority shall be denied for any period of suspension. [Statutory Authority: RCW 41.06.150. 83-13-091 (Order 186), § 356-34-030, filed 6/17/83; Order 89, § 356-34-030, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-350.]

WAC 356-34-040 Dismissal—Procedure. (1) Appointing authorities may dismiss a permanent employee for cause as specified in these rules. The employee shall be furnished with the specified charges in writing at least 15 calendar days prior to the effective date of the action.

(2) The notification shall be furnished directly to the employee during working hours or if this is not possible because the employee works in a branch office or remote location or is absent on a regularly scheduled working day, mailed by certified letter to the employee's last known address. A copy of the specified charges shall be submitted to the personnel appeals board at the same time. [Statutory Authority: RCW 41.06.150. 83-13-091

(Order 186), § 356-34-040, filed 6/17/83; Order 102, § 356-34-040, filed 5/13/77; Emergency Order 101, § 356-34-040, filed 3/30/77; Order 36, § 356-34-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-360.]

WAC 356-34-050 Suspension--Followed by dismissal--Procedure. (1) A permanent employee who is to be dismissed for cause may be suspended without pay for the period between the notice and the effective date of the dismissal, if the appointing authority believes the good of the service requires the immediate separation of the employee.

(2) The appointing authority, when applying an immediate suspension followed by dismissal, shall notify the employee in writing, as provided in WAC 356-34-040, of such combined action. The notification shall state the justification for immediate removal from staff in addition to the specified causes for dismissal. [Order 87, § 356-34-050, filed 5/4/76, effective 6/5/76; Order 36, § 356-34-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-370.]

WAC 356-34-060 Unauthorized absence--Presumption of abandonment--Procedure. An employee who is absent from his position for three consecutive working days without notice to the appointing authority may be presumed to have abandoned his position. Notice of dismissal upon the grounds of abandonment of position shall be sent by certified mail to the last known address of the employee within seven calendar days after the three consecutive days of absence with a copy submitted to the personnel appeals board within one calendar day of the action. The dismissal may be made effective one day after mailing of the notice. [Statutory Authority: RCW 41.06.150. 83-13-091 (Order 186), § 356-34-060, filed 6/17/83; Order 36, § 356-34-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-380.]

WAC 356-34-070 Demotion--Suspension--Reduction--Dismissal--Withdrawal of charges by appointing authority--Time limitation. Appointing authorities may, within the limitations and in accordance with the provisions of these rules, withdraw or modify any of the above actions prior to an appeal hearing. [Order 36, § 356-34-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-390.]

WAC 356-34-080 Appeals from disciplinary actions, presumed abandonment, violations of law or rules--Filing period. (1) Any permanent employee who is demoted, suspended, reduced, dismissed, or presumed to have abandoned his/her position may appeal such action to the personnel appeals board as provided in Title 358 WAC.

(2) Any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or of the merit system rules (Title 356 WAC) may appeal such violation to the personnel appeals board as provided in Title 358 WAC. [Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-

34-080, filed 11/16/81; Order 89, § 356-34-080, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-010, 356-28-040, 356-28-050.]

WAC 356-34-085 Appeals--Notice of hearing--Hearings officers recommended decisions--Board hearings and decisions. (1) Upon receipt of a notice of appeal, a copy of the notice shall be forwarded to the other affected parties, and, as soon as possible, a hearing before the board or hearings officer shall be arranged, with each party to be afforded not less than 20 days notice of such hearing, unless all parties agree to waive such notice.

(2) The hearings officer shall serve his/her recommended decision, including findings of fact, conclusions of law, and order, upon the board and upon each party and counsel of record as soon as possible after conclusion of the hearing. Within 30 days after service of the recommended decision, any party adversely affected thereby may appeal to the board by filing a written notice of appeal at the director's office. The notice of appeal shall set forth specific exceptions, if any, to the recommended decision and any additional contentions to be considered by the board. If no such notice of appeal is filed, the recommended decision shall become final within 40 days after service thereof, unless the board notifies each party within that 40 day period that a hearing will be scheduled to reconsider the recommended decision.

(3) Hearings by the board on any appeal may be conducted by only two members of the board, provided that if the two members cannot agree on a decision, a second hearing shall be held in the presence of all three members of the board. Hearings by the board on appeals from the recommended decisions of the hearings officers shall not be limited to the record but shall be limited to the contentions set forth in the notice of appeal. In any appeal or upon reconsideration, the board shall issue its decision, including findings of fact, conclusions of law, and order, to each party and counsel of record either within 90 days from the date the appeal was first received from the employee, unless all parties agree to extend the decision period, or within 30 days after conclusion of the hearing by the board, whichever is sooner. The decision and order of the board shall be final, subject to action by the court on appeal. [Order 89, § 356-34-085, filed 6/30/76, effective 7/31/76.]

WAC 356-34-090 Protests--Requirements for applicants and eligibles. An applicant whose application has been rejected or having been admitted to an examination feels the score or examination unfair, in error, not applied or arrived at uniformly; or an eligible whose name has been removed from the register may appeal, provided he/she has submitted a written request for review by the director within 15 calendar days following notification of the results. [Order 87, § 356-34-090, filed 5/4/76, effective 6/5/76; Order 81, § 356-34-090, filed 8/21/75, effective 9/21/75*; Permanent and Emergency Order 50, § 356-34-090, filed 10/19/72;

Order 36, § 356-34-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-020.]

*Reviser's note: The amendment of this section by Order 81 was enjoined by the superior court of Thurston County in Cause No. 53071.

WAC 356-34-100 Agency hearings--General provisions. (1) Agencies and appointing authorities may conduct and take testimony concerning any actions for cause prior to demotion, suspension, reduction, dismissal, and abandonment; or during suspension or advance notice of such actions.

(2) No hearing shall be used to delay a person from appealing.

(3) Any employee with the right to appeal may request an agency to conduct a hearing concerning actions for cause prior to the effective date, or up to 30 calendar days after the effective date, provided the appeal has not been heard by the board. The appointing authority shall notify the director in writing of agency hearing dates if the agency grants the request for a hearing. [Order 36, § 356-34-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-090, 356-32-100, 356-32-110, 356-32-120.]

WAC 356-34-10501 Hearings officers. The board may appoint, following consultation with employee organizations and employing agencies, one or more hearings officers to preside over, conduct and make recommended decisions in accordance with rules established by the board in all cases of employee appeals to the board. Hearings officers shall not be employees of the state. Hearings officers shall be compensated on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts. Hearings officers shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board. [Order 89, § 356-34-105 (codified as WAC 356-34-10501), filed 6/30/76, effective 7/31/76.]

WAC 356-34-110 Appeals--Board hearings--Procedure--Record. Hearings on all appeals shall be open to the public, except for cases in which the board or hearings officer determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings, except for the rules of privilege recognized by law.

All parties may select representatives of their choosing (subject to the provisions of WAC 356-34-120 and 356-34-130), present and cross-examine witnesses, and give evidence before the board or hearings officer.

Members of the board or the hearings officer may, and shall at the request of either party, issue subpoenas duces tecum. All testimony shall be on oath administered by a member of the board or hearings officer. The board or hearings officer shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the

evidence on such refusal and, if the evidence warrants, punish such refusal in the same manner and to the same extent as for contempt committed before or in connection with the proceedings of the court.

The board or hearings officer shall prepare an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits. The board or hearings officer shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge. Payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails. [Order 89, § 356-34-110, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-060, 356-28-110.]

WAC 356-34-113 Prehearing procedures--Exhibits and possible stipulations--Witnesses. (1) At any hearing before the personnel board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six copies; one each for the opposing party(ies), for the personnel board members or hearings officer copies; one each for the opposing party(ies), for the personnel board members or hearings officer, for the court reporter, if any, and for the personnel board's hearings coordinator.

(2) The parties shall arrive at the hearing location in sufficient time before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. Whenever practicable, the parties shall have the exhibits which they intend to offer into evidence premarked for identification by the personnel board's hearings coordinator before the scheduled time for commencement of the hearing.

(3) Whenever practicable, the parties should discuss the possibility of obtaining stipulations, admissions of facts and of documents prior to the hearing. If a particular matter appears from the file to be complex, or if the parties so request, the personnel board may request its hearings coordinator to meet with the parties prior to the day set for the hearing to discuss the possibility of obtaining stipulations, admissions of fact and of documents, and simplification of issues. The personnel board will not make such a request on its own motion unless all parties are appearing through representatives.

(4) Whenever practicable, the parties should exchange lists of witnesses prior to the day set for the hearing. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-34-113, filed 9/22/82; Order 89, § 356-34-113, filed 6/30/76, effective 7/31/76; Order 61, § 356-34-113, filed 1/15/74.]

WAC 356-34-115 Statement of position--Hearings. (1) Parties are encouraged to file prehearing statements of position with the personnel board. The statements should include a summary of the evidence the party intends to present; a listing of the rules, statutes, or contract provisions upon which the party intends to rely; a statement of the disposition requested; and an argument

as to why the party is entitled to the requested disposition.

(2) If a party wishes to provide a prehearing statement of position, he or she must serve a copy of the statement on each opposing party, on each personnel board member, and on the personnel board's hearings coordinator. Service shall be accomplished either personally or by mail. However service is made, it must be timed so that the statement will be received by the persons upon whom service is to be made at least three business days prior to the hearing.

(3) Statements of position filed at the time of the hearing will not be considered by the personnel board unless for good cause shown the personnel board directs otherwise. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-34-115, filed 9/22/82.]

WAC 356-34-117 Scheduling of hearings--Time allotted. In all hearings before the personnel board, the personnel board's hearings coordinator will set the date of the hearing and the amount of time allotted to each party for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates and length of hearing. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-34-117, filed 10/26/82.]

WAC 356-34-118 Hearings--Continuances. Upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring to continue the hearing to a later date shall make a request for continuance to the personnel board, or hearing examiner. All continuance requests shall be in writing and, in detail, shall specify the reasons the continuance is necessary. In passing upon a request for continuance, the personnel board, or hearing examiner, shall consider whether the request was promptly and timely made. For good cause shown, the personnel board, or hearing examiner, may grant a continuance and may at any time order a continuance on its or his/her own motion. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-34-118, filed 10/26/82.]

WAC 356-34-119 Argument--Time limitation--Hearings. As a general rule, the personnel board will restrict the argument portion of a proceeding to thirty minutes per side. The personnel board may grant additional time as it deems necessary under the circumstances. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-34-119, filed 10/26/82.]

WAC 356-34-120 Appearance and practice before the board. At hearings on disciplinary actions or presumed abandonment, no person may appear in a representative capacity before the board or hearings officer other than the following:

(1) Attorneys at law or other persons duly qualified and entitled to appear in a representative capacity before the courts of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state and if not otherwise prohibited by Washington state law. [Order 89, § 356-34-120, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-070.]

WAC 356-34-130 Appearance by former officer or employee of the board. No person who has served as an officer or employee of the board shall, within a period of two years after the termination of such service or employment, appear before the board or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which such person was directly concerned and in which he personally participated during the period of his service or employment. [Order 36, § 356-34-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-090.]

WAC 356-34-140 Ethical conduct before board. All persons appearing in proceedings before the board or hearings officer in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to these standards, the board or hearings officer may decline to permit such person to appear in a representative capacity. [Order 89, § 356-34-140, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-080.]

WAC 356-34-150 Computation of time on service of papers. The day of the act, event, or default after which the designated period of time begins to run is not to be included in computing any period of time prescribed or allowed by the board rules, by order of the board, or by any applicable statute. The last day of the period so computed is to be included unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Sundays and holidays shall be excluded in the computation. [Order 36, § 356-34-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-100.]

WAC 356-34-160 Service of process. (1) The board shall cause to be served all orders, notices, and other papers issued by the board, together with any other papers which the board is required by law to serve. Every other paper shall be served by the party filing the notice, document or paper.

(2) All notices, documents, or papers served by either the board or any other party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel; provided that this rule shall not constitute an amendment to WAC 356-

34-020 through 356-34-060 and 356-34-080 and 356-34-100. Service of papers shall be made either personally or by registered or certified mail unless otherwise provided by law.

(3) Service upon parties shall be regarded as complete when personnel service has been accomplished; or by mail upon deposit in the United States mail properly stamped and addressed. [Order 36, § 356-34-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-120, 356-28-130, 356-28-140, 356-28-150.]

WAC 356-34-170 Filing of papers with the state personnel board. Papers required to be filed with the state personnel board shall not be deemed filed until actual receipt of the papers by the personnel board at the office of the director of personnel in Olympia, Washington. The director of personnel or designee shall issue an acknowledgment stating the date filed. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-34-170, filed 9/26/78; Order 36, § 356-34-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-160.]

WAC 356-34-180 Subpoenas--Content--Service. (1) Every subpoena shall name the board and the title of the proceedings, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his control at a specified time and place.

(2) Upon application of counsel or any party not represented by counsel, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding.

(3) Service of subpoena shall be made by delivering a copy of the subpoena to such person and by tendering him on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law. [Order 36, § 356-34-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-170, 356-28-180, 356-28-190.]

WAC 356-34-190 Witness fees. Witnesses summoned before the board shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington. State employees who remain in pay status shall be compensated for travel only. [Order 36, § 356-34-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-200.]

WAC 356-34-200 Proof of subpoena service. The person serving the subpoena shall make proof of service by filing the subpoena and if such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service. [Order 36, § 356-34-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-210.]

WAC 356-34-210 Quashing. Upon motion promptly made by a party or by the person to whom the subpoena is directed and upon notice to the party who issued the subpoena, the board or hearings officer may:

(1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or

(2) Condition denial of the motion upon just and reasonable conditions. [Order 89, § 356-34-210, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-220.]

WAC 356-34-220 Orders for discovery. The board or hearings officer may issue orders for discovery by analogy to the superior court rules or the requirements of justice. [Order 89, § 356-34-220, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-230 through 356-28-420.]

WAC 356-34-230 Proof of charges. At any hearing on appeal from a disciplinary action, the appointing authority shall have the burden of supporting the charges upon which the action was initiated. At any other hearing, the party filing the appeal shall have the burden of proof. [Order 89, § 356-34-230, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-430.]

WAC 356-34-250 Appeals--Restoration of rights and benefits. (1) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASDI credits.

(2) An employee who is terminated from state service may request the board to place his name on an appropriate re-employment list. The board shall grant this request where the circumstances are found to warrant reemployment. [Order 36, § 356-34-250, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-030, 356-28-450.]

WAC 356-34-260 Appeals--Correction of rating. A correction of a rating shall not affect a certification or appointment which has already been made from the register. The decision of the board in these matters shall be final. [Order 36, § 356-34-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-460.]

WAC 356-34-270 Appeals--To superior court--Filing period and reasons. Within 30 calendar days after the recording of the order and the mailing thereof, the employee may appeal to the superior court of Thurston County on one or more grounds that the order was:

(1) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations.

(2) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding of findings of fact.

- (3) Materially affected by unlawful procedure.
 (4) Based on violation of any constitutional provision.
 (5) Arbitrary or capricious. [Order 36, § 356-34-270, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-470.]

WAC 356-34-280 Filing of court appeals. Such grounds shall be stated in written notice of appeal filed with the court with copies thereof served on the director of personnel or a member of his staff or a member of the board and on the appointing authority, all within the time stated. [Order 36, § 356-34-280, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-480.]

WAC 356-34-290 Appeals—Transcript preparation and cost for court hearings. Within 30 calendar days after service of such notice or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the appointing authority and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript. [Order 36, § 356-34-290, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-490.]

WAC 356-34-300 Appeals—Court hearing—Consideration of record. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits except that in case of alleged irregularities in procedure before the board, not shown by the transcript, the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated.

(3) The employee may appeal the order of the superior court to the supreme court as in other civil cases. [Order 36, § 356-34-300, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-500.]

Chapter 356-35 WAC

DISABILITY—SEPARATION—APPEALS—PROCEDURES

WAC
356-35-010 Disability—Separation—Appeals—Procedures.

WAC 356-35-010 Disability—Separation—Appeals—Procedures. (1) When a permanent employee becomes disabled, employment may be terminated by the appointing authority after a minimum of 60 calendar days written notice, provided that the employee shall be allowed to exhaust accrued sick leave before separation if the disability prevents attendance at work. Separations

due to disability shall not be considered disciplinary actions and shall be appealable to the personnel appeals board on grounds that a disability does not exist. The 60 calendar days notice shall not be required when the employee requests and the appointing authority approves a shorter notice period.

(2) For purposes of this rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a physician's written statement. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician of the agency's choice. In such cases, the agency shall provide the physician with the specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician regarding the employee's physical ability to perform the specified duties.

(3) At the time of notification that his/her employment will be terminated because of disability, the employee shall be informed by the appointing authority of the right to appeal. The appeal must be filed in writing to the personnel appeals board as provided in Title 358 WAC within 30 days after notice of separation is given.

(4) During the notice period required by paragraph (1) an employee being separated due to disability shall be counseled by the agency regarding benefits for which the employee may be eligible through employees' insurance plans, social security, worker's compensation, veteran's benefits, public assistance, disability retirement, vocational rehabilitation, and such other related programs as may be available.

(5) The names of permanent employees who have been separated because of disability shall be placed on reduction in force and promotional registers by the director of personnel as provided in WAC 356-26-030 upon submission of a physician's statement that they are physically able to perform the duties of the class(es) for which the registers are established. [Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-35-010, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-35-010, filed 4/12/82; 81-20-060 (Order 161), § 356-35-010, filed 10/5/81; Order 58, § 356-35-010, filed 9/10/73.]

Chapter 356-39 WAC

HUMAN RESOURCE DEVELOPMENT

WAC	
356-39-010	Chapter purpose.
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356-39-030	Human resource development—Assignment of responsibilities.
356-39-040	Agency job assignments for developmental purposes.
356-39-050	Agency human resource development planning.
356-39-060	Department of personnel human resource development planning.
356-39-070	Agency evaluation of human resource development activities.
356-39-080	Department of personnel review of agencies' human resource development reports.
356-39-090	Required managerial training.

356-39-100	Tuition reimbursement—Agency authority and responsibility.
356-39-110	Tuition reimbursement—Employee eligibility and responsibility.
356-39-120	Education leave without pay—Agency authority and responsibility.
356-39-130	Education leave without pay—Employee eligibility and responsibility.
356-39-140	Provisions for considering training as time worked.

WAC 356-39-010 Chapter purpose. This chapter sets forth the board's philosophy on elements of human resource development. Further, this chapter establishes regulatory policies on and assigns specific responsibilities for those elements of human resource development to the department of personnel, the agencies and individual employees. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-010, filed 1/19/78.]

WAC 356-39-020 Human resource development—State-wide philosophy/definition. Optimum utilization of its human resources aids state government in providing effective and economic services. Therefore, it is the personnel board's philosophy that a highly productive, motivated workforce be achieved and maintained through a state-wide program of human resource development. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-020, filed 1/19/78.]

WAC 356-39-030 Human resource development—Assignment of responsibilities. The responsibility for human resource development is shared by agencies and employees.

(1) Each agency is responsible for providing:

- (a) Orientation
- (b) Agency-required, job-related training
- (c) Assistance with career planning

(2) Each employee is responsible for:

- (a) Personal career planning
- (b) Maintenance of professional and other licenses
- (c) Participation in agency-required training

(3) The department of personnel shall support human resource development by:

(a) Consulting with agencies in their human resource development activities, upon request

(b) Providing training which is interagency in scope

(c) Providing guidelines for human resource development planning and evaluation in accordance with WAC 356-39-060 and 356-39-080. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-030, filed 1/19/78.]

WAC 356-39-040 Agency job assignments for developmental purposes. Agencies may make the following planned training assignments for employee development without incurring reallocation or compensation obligations:

(1) Performance of higher level responsibilities on a time-limited basis.

(2) Rotational or special project job assignments.

(3) Transfers or reassignments to different duties and responsibilities within job classification. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-040, filed 1/19/78.]

WAC 356-39-050 Agency human resource development planning. (1) Each agency shall prepare a human resource development plan for a biennial period, with revision as needed. The plan shall be based on an assessment of the human resource development needs within the agency and consideration of the agency's budget.

(2) The plan shall state the agency's policies and objectives for human resource development. The policies shall include at a minimum the following:

(a) Criteria for employee participation in human resource development activities during work hours

(b) Criteria for educational leave

(c) Criteria for tuition reimbursement

(d) Provisions for considering human resource development needs identified in the agency's performance appraisal process and affirmative action plan

(3) The plan shall identify the resources available to achieve its stated objectives. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-050, filed 1/19/78.]

WAC 356-39-060 Department of personnel human resource development planning. Each agency shall submit a summary of its biennial human resource development plan to the department of personnel for review.

(1) The department shall provide each agency with an evaluation of its plan. The evaluation shall include recommendations for sharing resources to meet common objectives among the agencies.

(2) Upon agency request, the department shall assist in the preparation of the agency's plan.

(3) The department shall prepare a human resource development plan with objectives and identification of resources to accomplish interagency human resource development activities which have been proposed through agency plans. The department shall distribute its plan to the agencies.

(4) The department shall consider each agency's human resource development activities in preparation of the state's classification plan and in the department's testing process. [Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-39-060, filed 9/16/80; 78-02-049 (Order 116), § 356-39-060, filed 1/19/78.]

WAC 356-39-070 Agency evaluation of human resource development activities. Each agency shall develop an evaluation process to determine the effectiveness of its human resource development activities.

(1) This evaluation process shall include an assessment of:

(a) The effectiveness of the training

(b) The impact of the training on job performance

(c) The contribution of the training to achievement of career development goals

(2) The department of personnel shall assist agencies in the development of their evaluation process upon their request.

(3) Each agency shall submit to the department of personnel an annual fiscal year summary of evaluation data on its human resource development activities and costs. Costs to be reported are for direct learning activities and include:

(a) Participants' travel, per diem, registration, and tuition reimbursement fees.

(b) All administrative and operational costs of the training and development unit(s) of the agency including:

- (i) Staff salaries and benefits (prorated, if required)
- (ii) Development costs
- (iii) Audio-visual aids
- (iv) Facility rental
- (v) Other materials.

(c) All costs of training programs, equipment, materials, and consultant fees purchased or leased from a vendor. [Statutory Authority: RCW 41.06.150(17). 81-01-054 (Order 150), § 356-39-070, filed 12/12/80; 80-13-047 (Order 147), § 356-39-070, filed 9/16/80; 78-02-049 (Order 116), § 356-39-070, filed 1/19/78.]

WAC 356-39-080 Department of personnel review of agencies' human resource development reports. The department of personnel shall review each agency's annual evaluation as it relates to the agency's human resource development plan.

(1) The department shall summarize the agencies' reports, highlighting innovative techniques that have inter-agency application, and shall submit the summary to the agencies, the personnel board, the governor and the legislature.

(2) The department shall develop an evaluation process to determine the effectiveness of its human resource development activities. In its annual evaluation summary, the department shall include data from this evaluation process. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-080, filed 1/19/78.]

WAC 356-39-090 Required managerial training. (1) An agency may require employees in positions with responsibilities which include planning, directing or evaluating the work of other employees to complete managerial training.

(2) Agencies shall require employees appointed to a supervisory or management position after June 12, 1980 to successfully complete an entry-level management training course as approved by the director, department of personnel. Employees shall be enrolled in this training within nine months of the date of their appointment, or if training is not available, as soon thereafter as it becomes available.

The conditions under which an employee shall be required to complete such training are:

(a) The employee is assigned to a position designated by the agency as entry-level supervisory or entry-level managerial; and

(b) The employee has not been a supervisor previously; and

(c) The employee has not successfully completed an approved or equivalent management training course within the past five years.

(3) Entry-level training shall not be required of any employee who has completed a management training course prior to the employee's appointment which is, in the judgment of the director, department of personnel, at least equivalent to the entry-level course. The department of personnel shall establish guidelines prescribing the conditions or criteria by which such training is approved or considered equivalent.

(4) When training opportunities are available, agencies may suspend the entry-level training requirement, for up to a maximum of six months, or for longer periods of time with approval of the department of personnel, in cases where the ability of an agency to perform its responsibilities would be adversely affected by absence of employee from work site.

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

(a) Agencies shall advise in writing affected individual employees of waivers to this training.

(b) Records of such waivers shall be placed in individual employee personnel files and shall be reported administratively to the department of personnel, under procedures outlined in guidelines published by the department of personnel.

(6) Agencies shall designate individual positions, or groups of positions, as being supervisory or management positions. Criteria for such designations shall be contained in guidelines published by the department of personnel. [Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-39-090, filed 9/16/80; 78-02-049 (Order 116), § 356-39-090, filed 1/19/78.]

WAC 356-39-100 Tuition reimbursement--Agency authority and responsibility. (1) Agencies may approve for full or partial tuition reimbursement a qualified course conducted by an educational institution, vocational school, or a professional training organization. To qualify, a course must have an objective of furthering an employee's career development plan and/or changing or enhancing the employee's skills, knowledge, attitude, or behavior. The course must be directly related to a function of state government.

(2) Agencies shall reimburse eligible employees who have satisfactorily completed a course which was previously approved for tuition reimbursement. Agencies may prepay employee's tuition or registration fees.

(3) Agency funds expended for tuition reimbursement will be limited to tuition or registration fees, and will not include textbooks, supplies or other school expenses.

(4) Approvals for any one employee should be limited to no more than nine quarter credit hours, or six semester hours, or other equivalent credits during any one academic quarter or semester.

(5) Absent an agreement to the contrary, when an employee moves to another agency prior to completion of an approved course, the approving agency shall retain the obligation for reimbursement if the course is satisfactorily completed. When payment is not made by the approving agency the gaining agency may, at its option, reimburse the employee. [Statutory Authority: RCW 41.06.150(17). 82-01-038 (Order 164), § 356-39-100, filed 12/15/81; 78-02-049 (Order 116), § 356-39-100, filed 1/19/78.]

WAC 356-39-110 Tuition reimbursement—Employee eligibility and responsibility. (1) An employee shall be in permanent, or permanent project, status at the time payment is made.

(2) An employee shall not receive federal or state educational reimbursement funds that exceed the total tuition for any course.

(3) An employee shall provide written evidence of satisfactory completion of the course for which payment is made. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-110, filed 1/19/78.]

WAC 356-39-120 Education leave without pay—Agency authority and responsibility. (1) An agency may authorize educational leave without pay for an eligible employee to attend an accredited educational institution in a matriculated status to enhance the employee's career service in state government.

(2) Educational leave without pay will be approved in advance for a specific period of time, not to exceed twenty-four continuous months.

(3) An employee on educational leave without pay will accrue seniority and periodic increments while on educational leave without pay, provided the employee has successfully completed the academic commitment for which the educational leave was granted.

(4) The return to employment will be in accordance with rules regarding reduction in force and all other applicable rules and must be accomplished within thirty days of course completion. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-120, filed 1/19/78.]

WAC 356-39-130 Education leave without pay—Employee eligibility and responsibility. (1) Employees with permanent, or permanent project, status are eligible to be considered for education leave.

(2) Employees granted educational leave are responsible for:

(a) Gaining matriculated status at an accredited educational institution.

(b) Maintaining a satisfactory standing consistent with the approved course of study.

(c) Supplying the agency with documentation of satisfactory progress toward and completion of the agreed upon academic commitment. [Statutory Authority:

RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-130, filed 1/19/78.]

WAC 356-39-140 Provisions for considering training as time worked. Agencies may require employees to attend training during and/or outside of working hours. However:

(1) Employee attendance at agency-required training, either during or outside working hours, shall be considered time worked and compensated in accordance with merit system rules.

(2) Employee attendance at training not required by an agency, either on approved leave from or outside of working hours, shall be voluntary and not considered time worked. Agencies need not compensate employees for attendance at training when it is not considered time worked.

(3) Agencies may develop policies which allow employees to attend time-limited human resource development activities without requiring employees to take leave. Such human resource development activities must be directly related to a function of state government. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-140, filed 1/19/78.]

Chapter 356-42 WAC LABOR RELATIONS

WAC

356-42-010	Membership in employee organization.
356-42-020	Determination of bargaining unit.
356-42-030	Determination of bargaining unit—Of exclusive representative.
356-42-040	Decertification of exclusive representative.
356-42-043	Union shop requirements.
356-42-045	Union shop elections.
356-42-047	Union shop decertification.
356-42-050	Contents of written agreements.
356-42-055	Arbitration—Grievance—Procedure.
356-42-060	Unfair labor practices for management.
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356-42-080	Unfair labor practice.
356-42-082	Filing unfair labor practice charge.
356-42-083	Investigation of and disposition of unfair labor practice charges.
356-42-084	Answer to complaint—Unfair labor practice.
356-42-085	Amendment of complaint or answer—Unfair labor practice.
356-42-086	Hearing—Unfair labor practice.
356-42-088	Hearings and investigation—Unfair labor practice.
356-42-089	Enforcement—Unfair labor practice.
356-42-090	Impasse mediation.
356-42-100	Impasse arbitration.
356-42-110	Savings provisions—Applicability—Rule construed.

WAC 356-42-010 Membership in employee organization. (1) State employees shall have the right to affiliate with, be represented by and participate in, the management of employee organizations. State employees shall have the right to be represented by such organizations in collective negotiations with appointing authorities. No persons or parties shall directly or indirectly interfere with, restrain, coerce or discriminate against any state employee or group of state employees in the free exercise of these rights. However, the right not to

affiliate with employee organizations shall be modified by the certification of a union shop representative according to WAC 356-42-043.

(2) Any employee organization or person desiring to represent state employees before the state personnel board or in collective negotiations with an appointing authority must first file a notice of intent to represent state employees with the director of personnel. Such notice of intent to represent state employees must set forth the name of the person or employee organization, and if the latter, the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation; and a copy of a constitution, by-laws, or any other documents defining powers and authorizing representation of the parties filing the notice of intent. [Statutory Authority: RCW 41.06.150(17), 80-13-047 (Order 147), § 356-42-010, filed 9/16/80; Order 69, § 356-42-010, filed 9/30/74; Order 36, § 356-42-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-010.]

WAC 356-42-020 Determination of bargaining unit.

(1) Determination, alteration, or modification of an appropriate bargaining unit shall be made by the personnel board upon petition from an employee organization, or upon the board's own motion after 20 days' notice has been given to the appointing authority and to affected employees and their representatives.

(2) Prior to an employee organization petitioning the personnel board for creation or modification of a bargaining unit, the petitioning employee organization will confer with the appointing authority on the proposed unit creation or unit modification.

(3) If an appointing authority has reason to believe that an existing bargaining unit in the appointing authority's agency or department is no longer appropriate, the appointing authority may request the personnel board to consider modification of the bargaining unit. However, if there is an employee organization certified as exclusive bargaining representative for that unit, the appointing authority will first confer with the certified employee organization on the proposed modification prior to presenting the request to the personnel board. The personnel board may choose to consider such unit modification questions and would act on its own motion as designated in 356-42-020(1).

(4) In determining a bargaining unit, the personnel 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 representatives.

(c) Extent of organization among the employees.

(d) Desires of the employees.

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

(6) After a hearing on a petition, the personnel board shall enter an appropriate order containing findings of

fact and conclusions. [Statutory Authority: RCW 41.06.150(17), 80-13-047 (Order 147), § 356-42-020, filed 9/16/80; Order 42, § 356-42-020, filed 1/11/72; Order 36, § 356-42-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-020.]

WAC 356-42-030 Determination of bargaining unit—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 representation may be contested. In the event that proof of representation is not satisfactory to the director, he may require an election to be held.

(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 30 percent representation within the unit at the close of the last preceding payroll period. Upon granting a request for an election, the director shall give 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 within the unit at the close of the last preceding payroll period.

(3) The director, after consultation with interested employee organizations and the appointing authority, shall promulgate rules for the conduct of the election 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 does not desire any representation. Where more than one organization is on the ballot and none of the choices 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 the second largest number of votes.

(4) An employee organization receiving a majority of all votes cast in such an election, or run-off election, shall be certified by the director of personnel as the exclusive representative of the employees of the bargaining unit. If no employee organization receives a majority of votes cast, the director will issue notification to that effect.

(5) When an employee organization has been certified as the exclusive representative of the employees of a bargaining unit, the employee organization shall be entitled to act for and to negotiate collective bargaining agreements covering all employees in the bargaining

unit. The certified employee organization 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 bargaining agreement and the exclusive representative has had an opportunity to review such adjustments. Noncertified employee representatives may also present their views to the appointing authority. [Order 36, § 356-42-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-030.]

WAC 356-42-040 Decertification of exclusive representative. (1) Upon petition to the director by no less than 30 percent of the employees of a bargaining unit, decertification or a new certification shall be determined by an election as prescribed in WAC 356-42-030; provided however, that no petition shall be honored where:

(a) Less than 12 months have elapsed since the last certification or election; or

(b) A valid collective bargaining agreement exists for the unit, except for that period of no more than 90 calendar days nor less than 60 calendar days prior to the expiration of the contract. This 30-day open period shall apply to the initial, extended and automatically renewed contract periods.

(2) The election shall be conducted at the close of the contract term, or at an appropriate time, if no contract exists for the unit. [Order 49, § 356-42-040, filed 8/17/72; Order 36, § 356-42-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-040.]

WAC 356-42-043 Union shop requirements. (1) Once an employee organization has been certified to a bargaining unit as union shop representative, all employees included in that unit, except for those employees who qualify for nonmembership on the basis of bona fide religious objection as stated in WAC 356-42-043(2), shall be required to become members of the employee organization within 30 calendar days following their start of employment or 30 calendar days after an employee organization wins certification as union shop representative, whichever is later. The 30 calendar days starts the first day of the employee's employment within the bargaining unit which has a certified union shop representative or starts the date of the director's certification of the election results, whichever is later.

(2) Employees who have a bona fide religious objection precluding them from membership in an employee organization, based on religious tenets or teachings, and who are members of the church or religious body holding such tenets or teachings, may satisfy the union shop requirement by paying to the union shop representative a union shop fee. This fee is an amount equivalent to the regular dues of the union shop representative, minus any monthly premiums for union sponsored insurance programs.

(3) Employees who wish the right of nonassociation from an employee organization, as provided in WAC 356-42-043(2), must submit their request to the union

shop representative. If the union shop representative rejects the employee's request or fails to respond within ten working days, either the employee or the union shop representative may submit the issue to the director or his designee who shall investigate and confer with the parties in an effort to resolve the dispute. If agreement is not reached, the director shall issue a written decision which shall be final.

(4) Once an employee has qualified to pay the union shop fee, the employee may designate that the fee go to that program or programs within the functions of the union shop representative in harmony with the employee's individual conscience.

(5) An employee who pays a union shop fee shall be entitled to full and complete representation rights.

(6) Once an employee organization has been certified as union shop representative, the affected bargaining unit employees shall be required to pay membership dues or union shop fees to that employee organization. Payment of dues or fees may be required on a monthly or other periodic basis. Such employees shall not be required to make payment of initiation fees, reinstatement fees, or any other fees or fines. All employees included in a bargaining unit to which an employee organization is certified as union shop representative, and who are members of the certified employee organization, will have full and complete rights as members within that employee organization.

(7) Failure of an employee to become a member of the union shop representative or make payment of the union shop fee within 30 calendar days following the employee's start of employment or within 30 calendar days after an employee organization has been certified as union shop representative, whichever is later, shall cause that employee to be dismissed as hereinafter provided.

(8) Employees on leave of absence without pay for an entire calendar month shall not be required to pay dues or union shop fees to the union shop representative during that month. When an employee returns from leave of absence to employment and pay status within the bargaining unit, he shall be considered included in the bargaining unit and required to pay the union dues or union shop fee.

(9) Once an employee organization has been certified by the director as a union shop representative, the affected appointing authority shall provide the employee organization with a monthly list of the employees in the bargaining unit.

(10) Upon written notification by the union shop representative that an employee has not complied with the union shop requirements, the appointing authority shall give written notification to the employee of 15 calendar days' notice of his or her dismissal for failure to join the union or pay union shop fees. If an employee complies with the union shop requirements within those 15 calendar days, the dismissal action shall be rescinded. [Order 57, § 356-42-043, filed 7/31/73.]

WAC 356-42-045 Union shop elections. (1) PURPOSE - To provide that union shop elections are truly

representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections will be encouraged to the greatest extent possible.

(2) The director or designee shall administer all union shop elections and be responsible for the processing and adjudication of all disputes that arise as a consequence of union shop elections.

(3) Upon submission of a timely filed petition by an employee organization, which is the certified exclusive bargaining representative for a bargaining unit, the director shall order a union shop representation election. A petitioning employee organization will be certified as union shop representative, if a majority of the employees who are included in the bargaining unit vote in favor of the union shop.

(4) An employee organization is eligible to petition for a union shop representation election if it is certified as exclusive bargaining representative in accordance with WAC 356-42-030.

(5) Upon being notified by the director or designee that a valid petition for a union shop election has been received, the affecting appointing authority shall submit to the director or designee and the petitioning employee organization a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employee's names, job classifications, work locations, and mailing addresses.

(6) Upon receipt of a valid petition for a union shop election, the director or designee shall conduct a preelection conference which shall include the director or designee, the representatives of the appointing authority, and the representatives of the petitioning employee organization. At the preelection conference determinations will be made on such matters as absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities and any other matter, that should be resolved concerning that election. Following the preelection conference, the director or designee will establish rules, regulations and procedures for the holding of each election.

(7) All on-site voting shall take place during the employee's regular work schedule and all eligible voters shall be given ample opportunity to vote during their work time.

(8) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.

(9) Rules governing campaign activities shall be determined at the preelection conference. Employees included in the affected bargaining unit and representatives of the petitioning employee organization, shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer is not disturbed.

(10) The petitioning employee organization shall take great care to avoid making untrue statements concerning union shop election issues.

(11) Within five calendar days of the date of the tally of ballots, the petitioning employee organization or an

employee in the bargaining unit may file objections to the election. The director or designee shall investigate and determine an appropriate remedy if the objection is found to be meritorious.

(12) The appointing authority shall cooperate with the director or designee to assure that eligible employees have a maximum opportunity to vote in union shop elections.

(13) The appointing authority, supervisors, and other representatives of management shall remain neutral on the questions, merits and issues of the union shop and the petitioning employee organization for the purposes of union shop elections. If an objection is made by the petitioning employee organization or by an employee included in the bargaining unit to written or oral statements made by the appointing authority, supervisors or other representatives of management, the director or designee shall investigate the objection and determine the appropriate remedy if the objection is found to be meritorious.

(14) No union shop election petition will be honored within twelve months following a prior union shop election or a prior union shop decertification election.

(15) An employee who cannot appear at the voting site on the date of the vote, may vote by absentee ballot. A request for an absentee ballot must be submitted to the director or designee prior to the close of voting at the employee's voting site.

(16) Any violation of these rules should be immediately reported to the director or designee. Upon receiving a complaint, the director or designee will immediately investigate; and if necessary, take steps to cause the violation to stop. If it is found by the director or designee that violations of these rules or the preelection agreements have affected the outcome of the election, the director may invalidate the election, order a new election, or take other appropriate remedial action. [Order 69, § 356-42-045, filed 9/30/74; Order 57, § 356-42-045, filed 7/31/73.]

WAC 356-42-047 Union shop decertification. (1) No union shop decertification election petition shall be honored within twelve months following a prior union shop election or union shop decertification election.

(2) Upon petition of 30 percent or more of the employees included in a bargaining unit, a union shop decertification election will be conducted by the director or his designee to determine whether the employee organization which is the union shop representative will remain certified as union shop representative for a bargaining unit.

(3) If a majority of the employees included in the bargaining unit vote to decertify the employee organization as union shop representative, the director will issue a notice of decertification. Once an employee organization has been decertified from a bargaining unit as union shop representative, all of its union shop rights cease in that unit.

(4) An employee organization is automatically decertified as union shop representative if it is decertified as exclusive bargaining representative in accordance with

WAC 356-42-040 Decertification of exclusive bargaining representative. [Order 57, § 356-42-047, filed 7/31/73.]

WAC 356-42-050 Contents of written agreements.

(1) Written agreements may contain provisions covering all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and shall provide for mediation by the director of personnel or his designee and for arbitration by the board.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues upon authorization by the employee member. Any employee may cancel his payroll deduction of employee organization dues by filing a written notice with the appointing authority and the employee organization 30 calendar days prior to the effective date of such cancellation. Where union shop union security provisions exist, payroll deduction rights shall also extend to those employees who, because of religious tenets, pay a union shop fee.

(4) The initial term of written agreements shall not exceed three years. Automatic renewal or extension provisions may extend the period of the contract for a period not to exceed one year at a time.

(5) Written agreements shall be filed with the director. Provisions of such agreements shall not prevail if in conflict with the merit system rule, the state civil service law or other applicable law. [Order 57, § 356-42-050, filed 7/31/73; Order 49, § 356-42-050, filed 8/17/72; Order 36, § 356-42-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-050.]

WAC 356-42-055 Arbitration--Grievance--Procedure. Whenever arbitration of a grievance is requested of the personnel board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the personnel board, or in a writing containing the same information as required on the form. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(2) A copy of the original grievance and copies of subsequent written statements of the grievance and the agency's written responses dated prior to submission of the grievance to mediation shall be attached to the request for arbitration.

(3) The personnel board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the personnel board's hearings coordinator determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1) of this section. When the personnel board's hearings coordinator is satisfied that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the personnel board's hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the personnel board upon motion of the requesting party.

(4) Within twenty days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the same shall answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth of or falsity of any particular alleged fact or contention. The answer shall be filed with the personnel board and served on the grievant, or, if represented, on the grievant's representative, all within the time provided. Failure to answer an allegation of fact within the time required, or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the personnel board provides otherwise. At the discretion of the personnel board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(5) After receipt of the answer, or if no answer is timely filed, the personnel board's hearings coordinator shall set the matter for arbitration. At least twenty days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(6) The grievant shall have the burden of proof and shall go forward with the evidence. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-055, filed 10/26/82.]

WAC 356-42-060 Unfair labor practices for management. It shall be an unfair labor practice for management:

(1) To interfere with, restrain, or coerce state employees in the exercise of their rights guaranteed by chapter 41.06 RCW and rules adopted pursuant thereto.

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

(3) To discriminate against a state employee who has filed an unfair labor practice charge.

(4) To refuse to engage in collective negotiations. [Order 36, § 356-42-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-051.]

WAC 356-42-070 Unfair labor practices for employee organizations. It shall be an unfair labor practice for employee organizations:

(1) To interfere with, restrain, or coerce state employees in the exercise of their rights guaranteed by chapter 41.06 RCW and rules adopted pursuant thereto.

(2) To induce management to commit an unfair labor practice.

(3) To discriminate against a state employee who has filed an unfair labor practice charge.

(4) To refuse to engage in collective negotiations. [Order 36, § 356-42-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-052.]

WAC 356-42-080 Unfair labor practice. The personnel board, or its designee whose final decision is appealable to the personnel board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-080, filed 10/26/82; Order 36, § 356-42-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-053.]

WAC 356-42-082 Filing unfair labor practice charge. (1) A charge or charges that any employing agency or employee organization has committed an unfair labor practice, as defined in these rules and RCW 41.56.150, may be filed with the personnel board by any employee, group of employees, employee organization, employing agency, or their authorized agents.

(2) Unfair labor practice charges shall be filed with the director of personnel, as secretary to the personnel board, at the principal office of the department of personnel.

(3) Unfair labor practice charges shall be in writing in the form of a complaint of unfair labor practices, or on a form provided by the personnel board or its designee. The charge shall contain the following:

(a) The name, address and telephone number of the charging party, and the name, address and telephone number of the party's principal representative, if any.

(b) The name, address and telephone number of the party against whom the charge is being filed, and, if known, the principal representative of the charged party.

(c) Clear and concise statements of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-082, filed 10/26/82.]

WAC 356-42-083 Investigation of and disposition of unfair labor practice charges. (1) Upon receipt of a properly completed unfair labor practice charge, the director of personnel's designee shall conduct an investigation to determine whether or not the charge(s) is frivolous or substantially without merit. If it is found that the charge(s) is not frivolous or is not without substantial merit, a complaint shall be issued. If the charge(s) is found to be frivolous or substantially without merit, the charge(s) shall be dismissed. Dismissal of the charge is appealable to the personnel board.

(2) If a charge does not contain all of the information required by WAC 356-42-082(3), the director of personnel or designee shall return the charge to the charging party for inclusion of the required information. If a complaint is issued, it shall be in the same form as the charge.

(3) The director of personnel or designee shall mail, or otherwise cause to be served, the complaint to the charged party. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-083, filed 10/26/82.]

WAC 356-42-084 Answer to complaint—Unfair labor practice. (1) The charged party shall have the right to file its answer to the unfair labor practice complaint with the personnel board within five days of service of the complaint, exclusive of Saturdays, Sundays, and holidays. After the expiration of such time period, the charged party shall no longer have the right to file an answer and may do so only if the personnel board, for good cause shown, permits an answer to be filed. The charged party shall serve its answer on the charging party when it files its answer with the personnel board.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-084, filed 10/26/82.]

WAC 356-42-085 Amendment of complaint or answer—Unfair labor practice. The personnel board may

allow a complaint or answer to be amended at any time before the close of the hearing, upon motion of the party concerned, for good cause shown and upon such terms as the personnel board may deem appropriate under the circumstances. Timeliness in making the motion shall be a factor in determining whether it will be granted. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-085, filed 10/26/82.]

WAC 356-42-086 Hearing--Unfair labor practice.

(1) After receipt of the answer of the charged party, the personnel board, or its designee, shall set the matter for hearing. The parties shall each be given at least twenty days notice of the hearing, unless they agree to waive such notice.

(2) The charging party shall prosecute the complaint and shall have the burden of proof.

(3) The hearing shall be limited to the issues and questions of fact raised by the complaint and answer of the parties.

(4) The technical rules of evidence prevailing in the courts need not be applied by the personnel board except for the rules of privilege. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-086, filed 10/26/82.]

WAC 356-42-088 Hearings and investigation--Unfair labor practice. For the purpose of all hearings and investigations, which, in the opinion of the personnel board or its designee, are necessary and proper for the exercise of the powers vested in it by chapter 41.56 RCW, the personnel board or its designee shall, at all reasonable times, have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The personnel board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the personnel board or its designee. The personnel board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-088, filed 10/26/82.]

WAC 356-42-089 Enforcement--Unfair labor practice. The personnel board or any party to the proceedings, at least thirty days after the personnel board has entered its findings of fact, conclusions of law and order, shall have power to petition the superior court for enforcement of its order and for appropriate temporary relief or restraining order, all as provided in RCW 41.56.190. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-089, filed 10/26/82.]

WAC 356-42-090 Impasse mediation. If agreement cannot be reached within a reasonable time in collective negotiation between the appointing authority or designee

and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the director of personnel or designee, who shall confer with both parties in an effort to resolve the dispute. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-090, filed 10/26/82; Order 36, § 356-42-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-060.]

WAC 356-42-100 Impasse arbitration. If the director of personnel is unable to bring the parties to agreement through mediation, the appointing authority or designee or the certified exclusive representative may submit the dispute to the personnel board. As soon as practicable after submission of the dispute to arbitration each party shall file with the personnel board a summary of:

- (1) The matters in dispute;
- (2) The position of the party on the matters in dispute; and
- (3) Desired contract language.

The personnel board shall then schedule and hold a hearing. The decision of the personnel board shall be final and binding. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-100, filed 10/26/82; Order 36, § 356-42-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-070.]

WAC 356-42-110 Savings provisions--Applicability--Rule construed. Nothing contained in this chapter shall be construed to annul or modify or to preclude the renewal or continuation of any lawful agreement heretofore entered into between any agency and any representative of its employees which does not violate the provisions of the State Civil Service Act or the rules adopted thereunder. [Order 36, § 356-42-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-080.]

Chapter 356-46 WAC MISCELLANEOUS

WAC	
356-46-010	Political activity--Regulations.
356-46-020	Discrimination--Prohibitions.
356-46-030	Disclosure of political, religious affiliations--Prohibited.
356-46-040	Conflict of employment--Prohibited.
356-46-050	Payroll certification.
356-46-060	Agencies--Personnel records.
356-46-070	Agencies--Reports on employee status changes--Requirements.
356-46-080	Agencies--Position control.
356-46-090	Personnel department--Reciprocity with other jurisdictions.
356-46-100	Rules--Amendments--Notice.
356-46-110	Severability.
356-46-120	Repeals--Savings.
356-46-130	State housing committee--Responsibilities.

WAC 356-46-010 Political activity--Regulations. (1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is

prohibited: *Provided, however,* That officers of employee organizations shall not be prohibited from soliciting dues or contributions from members of their organization. No person shall solicit on state property any contribution to be used for partisan, political purposes.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) A classified civil service employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties in state employment as determined by the appointing authority.

(4) The rules and regulations of the United States Office of Personnel Management which pertain to political activities may apply to some employees. Persons engaged in federal loans or grants-in-aid programs should inquire about their own situations and contemplated activities. [Statutory Authority: RCW 41.06.150. 83-01-115 (Order 179), § 356-46-010, filed 12/22/82. Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-010, filed 9/26/78; Order 75, § 356-46-010, filed 3/24/75; Order 36, § 356-46-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-140.]

WAC 356-46-020 Discrimination--Prohibitions. No discrimination shall be exercised, threatened, or promised by any person in the employ of the agency or the state personnel board against or in favor of any applicant, eligible, or employee because of political or religious opinions or affiliations, or race, sex, age, handicap or veteran's status. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-020, filed 9/26/78; Order 36, § 356-46-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-150.]

WAC 356-46-030 Disclosure of political, religious affiliations--Prohibited. No recommendation of any applicant, eligible or employee involving a disclosure of political or religious opinions or affiliations shall be considered or filed by the agencies, the state personnel board or any office or employee concerned in making appointments or promotions. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-030, filed 9/26/78. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-030, filed 6/12/78; Order 36, § 356-46-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-160.]

WAC 356-46-040 Conflict of employment--Prohibited. No employee shall have conflicting employment while in the employ of an agency. Determination of such

conflict shall be made by the employing agency. [Order 36, § 356-46-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-170.]

WAC 356-46-050 Payroll certification. Payroll registers will be certified in accordance with instructions set forth in paragraph 4.3.2.1.5 of the financial and administrative policies, regulations and procedures published by the office of financial management. [Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-46-050, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-050, filed 6/12/78; Order 36, § 356-46-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-181.]

WAC 356-46-060 Agencies--Personnel records. (1) Each agency shall maintain a record of each employee showing the name, title, position held, organizational assignment, salary, changes of employment status, attendance, leaves, and such other information as may be necessary for the administration of regulations. Personnel records shall be open to the inspection of the personnel board and shall accompany the employee throughout his/her service career.

(2) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records which are consistent with the following requirements:

(a) Agencies shall designate the official depository and custodian of personnel records.

(b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee.

(c) Employees and/or their representatives may review the employee's personnel records, subject to policies of the employing agency.

(d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information in the employee's personnel records may insert rebuttal or refuting documentation into their personnel records.

(e) Information in the personnel records relating to employee misconduct shall be destroyed in accordance with policies established in chapter 40.14 RCW in situations where the employee is exonerated or where the information is found to be false. The agency's record retention plan shall provide for the prompt destruction of this information.

(f) Information relating to employee misconduct committed in the performance of off-duty activities shall be placed in the personnel records and retained by the agency in accordance with policies established in chapter 40.14 RCW, only where said information has a reasonable bearing on the employee's job performance. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(g) Information relating to employee misconduct that is committed in the performance of state business shall be maintained by the agency for a minimum of six years

or in accordance with policies established in chapter 40.14 RCW. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(h) Notwithstanding paragraphs (e), (f) and (g) of this section, agencies may retain information relating to employee misconduct or alleged misconduct if the employee requests that the information be retained or if agency management reasonably expects that the information will be needed in a pending or prospective legal action.

(3) The agency shall submit its policy relating to the retention and confidentiality of personnel records to the director of personnel for approval and filing. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-46-060, filed 10/26/82; 80-06-033 (Order 144), § 356-46-060, filed 5/9/80; Order 100, § 356-46-060, filed 3/30/77; Order 36, § 356-46-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-210, 356-32-220.]

WAC 356-46-070 Agencies--Reports on employee status changes--Requirements. The director shall provide appropriate forms for reporting of appointment, transfer, promotion, demotion, salary change, and any other temporary or permanent change in status of any employee. Utilizing such forms, appointing authorities shall report each status change to the director. Except as provided below, the director will indicate approval or disapproval on the forms and return a copy to the agency. The director shall also maintain a copy of the completed forms in department of personnel files, or in lieu thereof, may maintain in the files copies of listings of transactions accomplished by automated data processing equipment: *Provided*, That periodic salary increment increases, as defined by WAC 356-14-110 through 356-14-120, shall not be individually approved by the director. Each agency head shall be responsible for approval of such increases and shall assure that such are made in accordance with the rules and the approved compensation plan of the board. [Order 75, § 356-46-070, filed 3/24/75; Order 36, § 356-46-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-200.]

WAC 356-46-080 Agencies--Position control. Each agency shall maintain a system of position identification and control indicating location, work shift, duties and organizational unit of each position as described on that position's classification questionnaire. A position may not be transferred from one officially designated unit to another without the prior approval of the director and reevaluation, if appropriate. [Order 36, § 356-46-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-214.]

WAC 356-46-090 Personnel department--Reciprocity with other jurisdictions. The board may cooperate with other state departments or with federal or local departments whose merit systems operate in conformity

with standards comparable to those contained in these rules. The board may announce and administer joint examinations in conformity with the provisions of these rules, and the board may, in the absence of an appropriate register for a particular class of positions, recognize an appropriate register for such class of position established under another merit system operating in conformity with these standards and may accept regular certification from such registers under the rules governing certification. [Order 36, § 356-46-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-230.]

WAC 356-46-100 Rules--Amendments--Notice. Whenever necessary or desirable, the director shall consult with agencies and employee representatives affected to receive recommended amendments to the merit system rules. After 20 calendar days' notice to the above affected groups, the board shall hold hearings to approve, modify or reject the recommendation. Copies of approved amendments shall be sent to all agencies and made available for public distribution. [Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-100, filed 6/12/78; Order 36, § 356-46-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-240.]

WAC 356-46-110 Severability. If any provision of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable. [Order 36, § 356-46-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-260.]

WAC 356-46-120 Repeals--Savings. All previous merit system and/or civil service rules and amendments thereto are hereby repealed. All actions in force under previous merit system and/or civil service rules will be honored. Unfinished actions which were initiated under previous merit system and/or civil service rules may be completed under those rules. [Order 36, § 356-46-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-270.]

WAC 356-46-130 State housing committee--Responsibilities. (1) To assist the personnel board in determining policy and establishing rental and utility charges and allowances for employees residing in agency-supplied housing, there is hereby created a state housing committee consisting of:

(a) A chairperson appointed by the director of personnel and from the staff of the department of personnel.

(b) A representative from:

- (i) Department of social and health services
- (ii) Department of transportation
- (iii) Department of natural resources
- (iv) Department of fisheries
- (v) Department of game
- (vi) Parks and recreation commission

- (vii) Department of veterans affairs
- (viii) Department of corrections, and
- (ix) Any employee organization representing affected employees of the above listed agencies.

Each agency shall appoint as its representative an employee who has knowledge of on-site housing conditions.

(2) It shall be the responsibility of the committee to:

(a) Establish procedures for

(i) Conducting committee business on a scheduled basis,

(ii) Reviewing problems concerning rent, utilities, and housing maintenance, and

(iii) Facilitating communications between affected agencies and employees; and

(b) Recommend to the personnel board for approval guidelines for determining rental rates, utility rates, and other incidences of agency-supplied housing.

(3) Any agency supplying housing shall determine the rental and utility rates to charge employees according to the guidelines and the findings approved by the personnel board.

(4) Within thirty days of the determination of such charges as rental or utility rates, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the affected agency or the employee may appeal to the personnel board for a decision which shall be final and binding upon all parties.

(5) All public meetings of the committee shall be held in compliance with the Open Public Meetings Act. [Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-46-130, filed 10/5/81; 78-07-008 (Order 121), § 356-46-130, filed 6/12/78; Order 106, § 356-46-130, filed 7/25/77; Order 103, § 356-46-130, filed 6/23/77; Order 100, § 356-46-130, filed 3/30/77.]

Chapter 356-47 WAC

CAREER EXECUTIVE PROGRAM

WAC

356-47-010	Career executive program—Purpose.
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356-47-030	Career executive program—General provisions.
356-47-040	Career executive program—Position nomination—Approval—Procedures.
356-47-050	Career executive program—Nomination of position and incumbent.
356-47-051	Career executive program—Recruitment—Procedures.
356-47-052	Career executive program—Appointments—Candidate list—Procedures—Probationary period.
356-47-060	Career executive program—Position removal—Incumbent removal—Return rights—Procedures.
356-47-070	Career executive program—Agreement of participation.
356-47-080	Career executive program—Performance appraisal—Performance recognition.
356-47-090	Career executive program—Development and training.
356-47-100	Career executive program—Classification—Allocation.

356-47-110	Career executive program—Inter-agency transfers—Intra-agency transfers.
356-47-120	Career executive program—Appeals.

WAC 356-47-010 Career executive program—Purpose. The purpose of the career executive program is to recognize the profession of management and to recognize excellence in managerial skills in order to identify, attract and retain highly qualified executive candidates, to provide outstanding employees a broad opportunity to career development, and to provide for the mobility of such employees among agencies. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-010, filed 10/6/81.]

WAC 356-47-020 Career executive program—Application of rules. Insofar as they do not conflict with the provisions of chapter 356-47 WAC, the remainder of the merit system rules shall apply. If there is an apparent conflict between chapter 356-47 WAC and the remainder of the merit system rules, the provisions of chapter 356-47 WAC shall apply. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-020, filed 10/6/81.]

WAC 356-47-030 Career executive program—General provisions. No more than one percent of employees covered by chapter 41.06 RCW, the state civil service law, may be placed in the career executive program at one time. Employees shall not be placed in positions in the career executive program without their prior written agreement. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-030, filed 10/6/81.]

WAC 356-47-040 Career executive program—Position nomination—Approval—Procedures. (1) The personnel board shall approve appropriate positions for inclusion in the career executive program. Only positions assigned management responsibility will be placed in the program. Such positions are usually assigned at range 47 (October 1980 schedule) or above and equivalent ranges following that date.

(2) Agency directors may nominate classified and exempt positions meeting the requirements of paragraph (1) and WAC 356-47-030 for inclusion in the program. Position nominations shall be filed with the director of personnel, or designee, in accordance with procedures published by the department of personnel. Nominations shall be published on the 20-day notice for consideration at regular personnel board meetings. The 20-day notice shall include the following information:

- (a) Requesting agency
- (b) Class title and number of the position proposed for inclusion
- (c) Description of the major duties and responsibilities of the position. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-040, filed 10/6/81.]

WAC 356-47-050 Career executive program—Nomination of position and incumbent. A permanent

employee of a classified position that is nominated for inclusion in the career executive program shall automatically move with the position into the program when the position is approved by the personnel board. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-050, filed 10/6/81.]

WAC 356-47-051 Career executive program--Recruitment--Procedures. (1) Recruitment shall be conducted to fill vacant positions in the career executive program if the agency director intends to consider persons who are not permanent state employees, unless those persons are already on the candidate list described in WAC 356-47-052.

(2) When filling vacant positions, if the agency director wishes to limit consideration to permanent state employees, recruitment shall be optional. The agency director will decide whether recruitment shall be conducted.

(3) The recruitment plan for any individual vacancy or group of vacancies shall be developed by the department of personnel in consultation with the appointing agency.

(4) Candidate nominations shall be submitted to the director of personnel, or designee. Nominations may be submitted by either the agency director or the nominees if recruitment for a vacancy is conducted. If recruitment is not conducted, nominations may be submitted only by the appointing agency director. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-051, filed 10/6/81.]

WAC 356-47-052 Career executive program--Appointments--Candidate list--Procedures--Probationary period. (1) Appointment of individuals in the career executive program shall be the responsibility of the agency director. Appointments shall be made with due regard to agency affirmative action plans. Appointments may be made without regard to established minimum qualifications.

(2) The registers and procedures described in chapter 356-26 WAC shall not apply to the career executive program.

(3) Except as provided in WAC 356-47-050, all appointments shall be made from a list of candidates maintained by the department of personnel. The candidate list shall be composed of:

(a) All candidates who have successfully undergone an evaluation of managerial qualifications developed and administered by the department of personnel;

(b) Permanent employees in career executive positions who indicate a willingness to be considered for other career executive positions; and

(c) All employees who were separated from the career executive program for reasons other than cause who wish to be considered for available career executive positions.

(4) The agency director may consider the names of all candidates when filling vacant positions in the program.

(5) Appointing agencies shall notify the director of personnel, or designee, of appointments to career executive positions within 15 days after the appointment. Such notification shall include:

- (a) Appointing agency
- (b) Effective date of appointment
- (c) Starting salary
- (d) Class title of the position
- (e) Position number

(6) Positions in the career executive program may be filled by more than one incumbent only for the purpose of orienting the new appointee to the responsibilities of the position. Such occupancy shall not exceed a period of 30 days.

(7) Employees without permanent status who receive appointments to classified career executive positions shall serve a probationary period of eighteen months. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-052, filed 10/6/81.]

WAC 356-47-060 Career executive program--Position removal--Incumbent removal--Return rights--Procedures. (1) Agencies may remove positions from the career executive program upon written notice from the agency director to the director of personnel, or designee.

(2) The personnel board may remove a position from the career executive program if the nature or use of the position is found to be inconsistent with the purposes of the program.

(3) When a classified position is removed from the program, the agency director may allow the incumbent to remain in the position: *Provided*, That the incumbent has permanent status.

(4) A career executive employee may voluntarily leave the program at any time.

(5) The agency director may impose a limit on the duration of an employee's participation in the career executive program: *Provided*, That the employee is informed in writing of that limitation upon entry into a position in the program. The agency director may remove the employee from the program at the end of the predetermined period. The decision of the agency director is final.

(6) An agency director may remove an incumbent from a position in the career executive program for cause; or may remove an incumbent from the program if the position is abolished for reasons of lack of funds, good faith reorganization, or lack of work. The decision of the agency director is final.

(7) Agencies shall notify the director of personnel, or designee, of career executive position vacancies within 30 days after the position is vacated.

(8)(a) Any permanent classified state employee, upon entering a position in the career executive program, shall be entitled subsequently to return to any class or position previously held with permanent status, or, if such position is not available, return to a position similar in nature and salary to the position previously held. The priority of the return rights shall be as follows:

(i) The employee returns within the employing agency to the same or similar position and class held immediately prior to entering the program; or, if unavailable,

(ii) The employee returns to the same or similar position and class held immediately prior to entering the program within the agency that he or she was then employed; or, if unavailable,

(iii) If the employee entered the program with his or her position, then the position must be removed from the program with the employee; or, if inapplicable,

(iv) The employee returns to an existing lower position that is most similar in nature and salary to the position held immediately prior to entering the program.

(b) For purposes of paragraph (8)(a) above, a position is unavailable if:

(i) The position has been abolished;

(ii) The duties for the position have been substantially changed and the position is allocated to a different class; or,

(iii) The present incumbent of the position has greater seniority than the returning employee.

(9) Employees have no bumping rights into or within the career executive program.

(10) Employees who promote into career executive positions and who are subsequently removed from the positions shall not have their names placed in the reduction in force register for the higher level class. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-060, filed 10/6/81.]

WAC 356-47-070 Career executive program--Agreement of participation. (1) Upon appointment in the career executive program, the employee and the appointing agency shall enter into an agreement specifying the conditions of participation in the program. Such agreement shall include the following items:

(a) A specific description of that for which the employee is accountable, including objectives to be achieved during the annual evaluation period prescribed by WAC 356-47-080 (1) and (2).

(b) The employee development and training plan prescribed in WAC 356-47-090.

(c) A statement of whatever pre-established limits on participant duration in the program that are imposed by the agency, as allowed in WAC 356-47-060(4).

(2) A copy of the agreement of participation must be filed with the director of personnel, or designee, within 45 calendar days after the effective date of the employee's inclusion in the career executive program. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-070, filed 10/6/81.]

WAC 356-47-080 Career executive program--Performance appraisal--Performance recognition. (1) Appointing authorities shall evaluate the performance of each career executive employee on the basis of results achieved and the manner in which they were achieved. Performance evaluations shall be conducted at least an annual basis.

(2) The performance appraisal process shall be conducted in accordance with procedures and forms developed by the department of personnel.

(3) Agencies and the director of personnel, or designee, shall develop specific nonmonetary means of recognizing superior performance.

(4) The director of personnel shall monitor the performance appraisal and reward process for timeliness, effectiveness and standardization. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-080, filed 10/6/81.]

WAC 356-47-090 Career executive program--Development and training. (1) Career executive employees shall be afforded development and training opportunities specifically designed to develop exceptional managerial knowledge, skills, and abilities.

(2) Each agency shall prepare a development and training plan for a 12-month period for each of its career executive employees. Each plan shall:

(a) Be based on an assessment of the individual's developmental needs insofar as they relate to managerial responsibilities.

(b) Wherever possible, include a plan for short-term mobility assignments within the agency, within other agencies, within other governmental entities, and/or in private organizations.

(c) Contain an evaluation process to determine the effectiveness of developmental activities.

(d) Be filed with the director of personnel, or designee, in accordance with WAC 356-47-070(2) and, subsequently, within 30 days after each annual evaluation period.

(3) Upon request, the department of personnel shall provide agencies with guidelines and assistance in the preparation of development and training plans for career executive employees. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-090, filed 10/6/81.]

WAC 356-47-100 Career executive program--Classification--Allocation. (1) All classified positions in the career executive program shall be allocated to board-approved classes.

(2) Agencies with approved positions in the career executive program may be authorized by the director of personnel, or designee, to reallocate such positions to appropriate classes when and if changes in duties or responsibilities occur: *Provided*, That a new classification questionnaire shall be provided to the director of personnel, or designee, within 30 calendar days after each decentralized reallocation. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-100, filed 10/6/81.]

WAC 356-47-110 Career executive program--Inter-agency transfers--Intra-agency transfers. (1) Incumbents in the career executive program, with their concurrence, may be transferred between agencies at any time with the agreement of the two agency directors. Such transfers shall be reported to the director of

personnel, or designee, not later than 30 days after the transfer.

(2) Positions and/or incumbents in the career executive program may be transferred within an agency at any time: *Provided*, That such moves are within a reasonable commuting distance for the employee. Such transfers shall be reported to the director of personnel, or designee, within 30 days after the transfer. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-110, filed 10/6/81.]

WAC 356-47-120 Career executive program--Appeals. The provisions of WAC 356-34-090 shall not apply to the career executive program. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-120, filed 10/6/81.]