

WAC 358-20-040 Filing appeals. (1) An appeal must be received in writing at the principal office of the personnel appeals board within 30 days after: (a) The effective date of the disciplinary or dismissal for abandonment action (WAC 358-20-010); (b) notification of disability separation (WAC 358-20-010); (c) notification of the allocation determination of the director of personnel or director's designee made pursuant to WAC 356-10-060(5), 251-06-060, or their successor rule or rules (WAC 358-20-030); (d) the effective date of the exemption of a position (WAC 358-20-032); or (e) the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim under WAC 358-20-020 or the stated effective date of the action, whichever is later.

(2) The appeal shall include the name and address of the appellant, the name of the agency, or institution of higher education and any relevant department that took the action which is being appealed, a telephone number at which the appellant can be reached, the job classification or position of the employee at the time of the action which is being appealed, a short statement of the grounds or reasons for the appeal, a short statement of the relief or remedy sought by the appellant, and a brief explanation if the appellant does not believe this case would be appropriate for mediation. The appeal should also include a listing of any related or companion cases filed, if known, and an indication of whether the parties have met to attempt to resolve the issue prior to filing the appeal. The appellant is responsible for notifying the board of any change in address or telephone number. Appellants who are represented shall include the name, address and telephone number of their representative.

(3) An appeal of a violation of the state civil service law or of the rules promulgated thereunder must cite the law(s) or rule(s) which the appellant claims has been violated, the particular circumstances of the alleged violation, and how the employee is adversely affected by the alleged violation.

(4) An appeal of a disciplinary action, disability separation, or layoff or reduction in force shall include the effective date of the action and the employee's appointment status at the time of the action. An appeal of a disciplinary action shall include a short statement of the nature of the disciplinary action which is being appealed or a copy of the disciplinary letter from the agency or institution of higher education.

(5) An appeal of an allocation determination should include a copy of the determination of the director or designee of the department of personnel.

(6) Forms which may be used in filing appeals shall be available from the executive secretary of the board. In the alternative, appellants may prepare and use their own appeal documents. However, such documents must contain all of the information required by subsections (2) through (5) of this section, as appropriate.

(7)(a) Upon receipt of an appeal, the executive secretary or his/her designee will review the document(s) filed to determine whether the information required by this section has been provided.

(b) If any of the required information is not provided with the appeal, the appellant will be directed, with notification to all affected parties, to provide such information.

(c) The appellant must provide the missing information as requested within twenty-one calendar days of the date the notification is mailed.

(d) Upon receipt of the requested information, the executive secretary or his/her designee will send a copy to the other affected parties.

(8) If an appellant fails to provide required information within the time limits set forth in subsection (7) of this section, the executive secretary or his/her designee shall note the matter for a dismissal or other nonmonetary sanctions by the board. The executive secretary or his/her designee shall provide notice to the parties that the matter will be considered for dismissal by the board. The board's order will be based on the information available at the time the matter is considered for dismissal. The appellant shall have the burden of demonstrating compliance with this section. The respondent(s) may submit written argument prior to the date set for the board's dismissal of the appeal. Oral argument shall be allowed at the request of either party and may be presented by telephone or other electronic media pursuant to WAC 358-30-028.

(9) Failure of an appellant to comply with the requirements of this section may result in dismissal for failure to state grounds for an appeal.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). WSR 95-07-074, § 358-20-040, filed 3/15/95, effective 4/15/95. Statutory Authority: Chapter 41.64 RCW. WSR 87-20-035 (Order 87-1), § 358-20-040, filed 9/30/87. Statutory Authority: RCW 41.64.060 and chapter 41.64 RCW. WSR 82-14-007 and 82-16-027 (Orders 82-1 and 82-1A), § 358-20-040, filed 6/25/82 and 7/28/82. Statutory Authority: Chapter 41.64 RCW. WSR 82-01-053 (Order 81-4), § 358-20-040, filed 12/16/81.]