

**Chapter 358-01 WAC
GENERAL PROVISIONS**

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WAC

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WAC 358-01-010 Declaration of purpose. The purpose of the personnel appeals board is to provide a system of adjudication of appeals for eligible state employees.

[Statutory Authority: Chapter 41.64 RCW. WSR 82-01-053 (Order 81-4), § 358-01-010, filed 12/16/81.]

WAC 358-01-020 Personnel appeals board—Composition—Appointment.

(1) The personnel appeals board shall consist of three members appointed by the governor and confirmed by the senate. Each member must be qualified by experience and training in the field of administrative procedures and merit principles.

(2) No member shall hold other employment with the state.

(3) No member may during the term to which he/she is appointed be or become a candidate for public office, hold any other public office or trust, engage in any occupation or business which interferes or is inconsistent with his/her duties as a member of the board, serve on or under any committee of any political party nor have been an officer of a political party for a period of one year immediately prior to appointment.

(4) No member may act in a representative capacity before the board on any matter for a period of one year after the termination of his/her membership on the board.

(5) Members of the board shall serve overlapping terms of six years. A member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term. Each member shall continue to hold office after expiration of his/her term until a successor has been appointed.

(6) The board shall elect a chairperson and vice chairperson from among its members in July of each year to serve one year.

[Statutory Authority: Chapter 41.64 RCW. WSR 82-01-053 (Order 81-4), § 358-01-020, filed 12/16/81.]

WAC 358-01-030 Personnel appeals board—Powers—Duties. It shall be the responsibility of the personnel appeals board to:

(1) Hear appeals filed pursuant to RCW 41.06.170 and issue findings, conclusions and orders.

(2) Establish general policies, rules and regulations for the hearing of appeals.

(3) Maintain a journal containing a record of all official actions of the board with the exception of findings and decisions.

(4) Perform all the powers and duties specified by chapter 41.64 RCW or as otherwise provided by law.

[Statutory Authority: Chapter 41.64 RCW. WSR 82-01-053 (Order 81-4), § 358-01-030, filed 12/16/81.]

WAC 358-01-040 Personnel appeals board—Procedure—Quorum. (1)

The principal office of the board shall be at the state capitol but it may sit or hold hearings at any other place in the state.

(2) A majority of the board shall constitute a quorum for making orders or decisions, promulgating rules necessary for the conduct of its powers and duties, or transacting other official business. The board may act though one position on the board be vacant.

(3) One or more members may hold hearings and take testimony to be reported for action by the board.

[Statutory Authority: Chapter 41.64 RCW. WSR 82-01-053 (Order 81-4), § 358-01-040, filed 12/16/81.]

WAC 358-01-042 Personnel appeals board—Regular meetings. (1)

Regular meetings of the personnel appeals board will be held at 10:00 a.m. every Monday, except holidays, in which case the meeting will be cancelled.

(2) Allowance for public comment on the operational procedures of the personnel appeals board will be included on the agenda of the regular board meeting on the second Monday of every month. The board may invite testimony as to operational procedures from specific organizations or individuals at these meetings.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). WSR 95-07-074, § 358-01-042, filed 3/15/95, effective 4/15/95.]

WAC 358-01-044 Personnel appeals board—Motions calendar, oral and written argument. (1)

The board's normal time and place for considering motions, other than motions heard in conjunction with and at the time of hearings, shall be Mondays, except holidays, at 1:30 p.m., in Olympia, Washington. In addition, the board may periodically announce a supplemental calendar of dates and times for considering motions in other locations throughout the state. Except when presented at hearings, all motions shall be submitted in writing. The party making the motion shall note the motion on the board's motions calendar, regardless of whether or not oral argument is requested.

(2) At the request of either party, oral argument shall be allowed for dispositive motions, such as motions to dismiss or motions for summary judgment. Oral argument may be presented by telephone or other electronic media pursuant to WAC 358-30-028. Nondispositive motions shall be considered upon written argument and affidavit only unless the board specifically authorizes oral argument.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). WSR 95-07-074, § 358-01-044, filed 3/15/95, effective 4/15/95.]

WAC 358-01-050 Executive secretary—Appointment—Removal. (1) An executive secretary, who shall be exempt from the provisions of chapter 41.06 RCW, may be appointed and discharged by the board.

(2) The executive secretary's salary shall be fixed by the governor pursuant to RCW 43.03.040.

[Statutory Authority: Chapter 41.64 RCW. WSR 82-01-053 (Order 81-4), § 358-01-050, filed 12/16/81.]

WAC 358-01-060 Executive secretary—Powers—Duties. (1) The executive secretary shall direct and supervise all administrative activities in accordance with the provisions of chapter 41.64 RCW and the rules and regulations approved and promulgated by the personnel appeals board.

(2) The executive secretary shall appoint staff as necessary.

(3) The executive secretary may delegate authority to subordinates to act for him or her in carrying out duties assigned. Such delegations of authority shall be in writing and the board shall be notified of them.

[Statutory Authority: Chapter 41.64 RCW. WSR 82-01-053 (Order 81-4), § 358-01-060, filed 12/16/81.]