

Title 132B WAC

COMMUNITY COLLEGES—GRAYS HARBOR COMMUNITY COLLEGE

Chapters

- 132B-12** Personnel rules for the classified staff service of Grays Harbor College.
- 132B-128** Policies and procedures for tenure and dismissal.
- 132B-276** Public records policy.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

Chapter 132B-14 TENURE REGULATIONS

132B-14-010, 132B-14-020, 132B-14-030, 132B-14-040, 132B-14-050, 132B-14-060, 132B-14-070, 132B-14-080, 132B-14-090, 132B-14-100. [Order 2, filed 2/18/71.] Repealed by Order, filed 3/28/73.

Chapter 132B-12 WAC PERSONNEL RULES FOR THE CLASSIFIED STAFF SERVICE OF GRAYS HARBOR COLLEGE

WAC

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WAC 132B-12-003 Purpose. It is the purpose of these rules to give effect to the State Civil Service Law, chapter 41.06 RCW, of the state of Washington. It is the further purpose of these rules to provide basic statements of personnel policy and procedures which shall be applied equitably to all employees in the classified staff service of Grays Harbor College. They are intended to provide a modern workable system of personnel administration based on merit principles. They are published to inform employees, supervisors and administrators of their rights and responsibilities under these rules, and to define the basis on which the office of the director shall conduct a comprehensive system of personnel management. [Order 1, § 132B-12-003, filed 6/4/68.]

WAC 132B-12-006 Positions covered by the rules. The rules shall apply to all positions in the classified staff service as defined in the act and to such temporary employees as are included by the Personnel Committee. [Order 1, § 132B-12-006, filed 6/4/68.]

WAC 132B-12-009 Adoption of rules. Thirty days after adoption by the Personnel Committee of the Board of Trustees of Grays Harbor College, these rules shall be in full force and effect. [Order 1, § 132B-12-009, filed 6/4/68.]

WAC 132B-12-012 Amendment of rules. These rules may be amended by action of the Personnel Committee as provided in the act. It is recognized that the background and experience of each of the state Institutions of Higher Learning in the administration of the act will be of valuable assistance to the Personnel Committee of other such institutions. The desirability of uniformity in these rules of the Personnel Committees of the several Institutions of Higher Learning, where practicable, is likewise recognized.

It shall be the duty of the Director of Personnel to review with the other Institutions of Higher Learning any proposed modification of these rules, and thereafter to

submit recommendations to the committee for amendments to these rules. [Order 1, § 132B-12-012, filed 6/4/68.]

WAC 132B-12-015 Definitions. The following terms wherever used in these rules shall have the meaning indicated below except where the context clearly indicates otherwise:

"ACT." The State Civil Service Law, chapter 1, Laws of 1961 (chapter 41.06 RCW) of the state of Washington and amendments thereto.

"ALLOCATION." The assignment of an individual position to an appropriate class on the basis of kind, difficulty, and responsibility of the work of the position.

"APPOINTING AUTHORITY." The Board of Trustees of Grays Harbor College, or the president of the college if so designated by the board.

"BOARD." The Board of Trustees of Grays Harbor College.

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

"CLASSIFIED SERVICE." All positions in Grays Harbor College subject to the provisions of the Civil Service Law.

"COMMITTEE." The Personnel Committee of the Board of Trustees of Grays Harbor College.

"COMPETITIVE SERVICE." Those classes of positions for which a competitive examination shall be given for determination of the rank order of merit of the competing candidates.

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

"DIRECTOR." The Director of Classified Staff Personnel.

"DISMISSAL." The separation from employment for cause reflecting discredit upon the employee.

"ELIGIBLE." Any person whose [name] appears on an eligible list.

"ELIGIBLE LIST." A list of persons who have successfully passed a noncompetitive, open competitive, or promotional examination or who are on an appropriate reemployment list by reason of layoff, request for transfer, or reclassification of their positions.

"EXEMPT POSITION." A position excluded from coverage by the provisions of the act.

"LAYOFF." The removal of an employee from his position because of lack of work, lack of funds, or work reorganization and which reflects no discredit upon the employee.

"NONCOMPETITIVE SERVICE." Those positions within the classified service for which recruitment results in less than two more applicants than there are vacancies to be filled.

"ORGANIZATIONAL UNIT." An administrative division of the institution established for the purposes of personnel administration.

"PERMANENT EMPLOYEE." An employee appointed to a classified position continuing for more than six months and who has successfully completed his probationary period.

"POSITION." A group of current duties and responsibilities requiring the full or part-time employment of one person.

"PROBATIONARY PERIOD." A working test period of six months to be considered an integral part of the examination process, during which a new appointee is required to demonstrate his suitability for the position by actual performance of its duties.

"PROMOTION." The change of an employee from a position in one class to a position in another class having a higher maximum salary.

"PROVISIONAL APPOINTMENT." An appointment for not more than six months to fill a vacancy, pending the establishment of an eligible list for the position.

"RESIGNATION." The separation from employment by an employee made at his own request.

"STUDENT EMPLOYEE." An employee who is enrolled for more credit hours of academic work than that permitted in staff employment as provided in WAC 132B-12-318 through 132B-12-327.

"SUSPENSION." The temporary and involuntary separation on an employee from the institution's service for disciplinary reasons.

"TRANSFER." The change of an employee from one position to another position in the same class or in another class with essentially the same maximum salary. [Order 1, § 132B-12-015, filed 6/4/68.]

WAC 132B-12-018 Organization. The board shall designate three of its members as a permanent personnel committee. The term of service shall continue through the member's term of service as trustee. [Order 1, § 132B-12-018, filed 6/4/68.]

WAC 132B-12-021 Compensation. Each member of the committee shall be compensated for his services and necessary expenses in accordance with the act. [Order 1, § 132B-12-021, filed 6/4/68.]

WAC 132B-12-024 Election of officers. The committee shall elect a chairman and vice chairman from among its members, to serve one year. The presence of at least two members of the committee shall constitute a quorum to transact business. A written public record shall be kept by the committee of all its actions. The director shall serve as secretary. [Order 1, § 132B-12-024, filed 6/4/68.]

WAC 132B-12-027 Meetings. Meetings, including hearings, shall be held at the call of the chairman or of any two members. All members shall be provided reasonable advance notice of the time and place of the meetings. Statements of findings and release of material shall be made only with the approval of a majority of

the committee. A member of the committee or the secretary may administer oaths. [Order 1, § 132B-12-027, filed 6/4/68.]

WAC 132B-12-030 Powers and duties. The committee shall have such powers, duties, and responsibilities as are required by the act, requested by the board, or otherwise required. [Order 1, § 132B-12-030, filed 6/4/68.]

WAC 132B-12-033 Appointment. Upon the recommendation of the president, the board shall designate a qualified full-time, nonacademic employee who shall act as Director of Personnel for the classified staff service. [Order 1, § 132B-12-033, filed 6/4/68.]

WAC 132B-12-036 Powers and duties. The director shall direct and supervise all of the administrative and technical personnel activities for the classified staff service in accordance with the act and rules and regulations approved and promulgated thereunder. [Order 1, § 132B-12-036, filed 6/4/68.]

WAC 132B-12-039 Content. The Personnel Committee shall maintain a Classification Plan for all positions in the classified service. The plan shall consist of specifications for each class, including a title, description of the duties and responsibilities, and the qualifications required and/or desired of an incumbent. [Order 1, § 132B-12-039, filed 6/4/68.]

WAC 132B-12-042 Amendment. The Classification Plan may be amended by action of the committee as provided in the act. [Order 1, § 132B-12-042, filed 6/4/68.]

WAC 132B-12-045 Allocation. Each position in the classified service shall be allocated to an established class in the Classification Plan. An appointment may be made only to a position that has been classified.

(1) **New Allocation.** Whenever the Appointing Authority desires to fill a new position, a notice of such proposed action together with a description of the duties of the position shall be submitted to the director. The director shall allocate such position and notify the Appointing Authority of the allocation.

(2) **Reallocation.** Whenever the Appointing Authority makes a permanent and substantial change in the duties or responsibilities of a position, written notice of the changes shall be submitted to the director for determination of the proper allocation of the position. The director shall notify the Appointing Authority of such allocation. The director may, upon his own initiative or at the request of the Appointing Authority or an employee or an employee's representative, study the duties of any position to determine if its allocation is proper. Following such studies, the director may reallocate the position to the appropriate class.

(3) **Effect of Reallocation.** An employee occupying a position which has been reallocated shall continue in the position only if he possesses the minimum qualifications or training and experience established for such position

as measured by a qualifying examination. A reallocated position shall be considered the same as a vacant position and shall be filled in accordance with the provisions governing appointment, promotion, demotion, or transfer of employees. When an incumbent is ineligible to continue in the position and is not transferred, promoted, or demoted, the layoff provisions of these rules shall apply.

(4) **Appeal of Allocation.** If an employee believes his position to be improperly allocated, or if the Appointing Authority believes a position to be improperly allocated, either may appeal the allocation.

(a) A written appeal shall be prepared, stating the reasons for such appeal and arguments in support of it.

(b) The appeal shall be sent to the director for referral to the committee, whose decision shall be final. [Order 1, § 132B-12-045, filed 6/4/68.]

WAC 132B-12-048 Interpretation of specifications. The definitions in class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities, and are not to be construed as declaring what the duties or responsibilities of any position may be or as limiting or modifying the power of the Appointing Authority to assign, direct, and control the work of the employees. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned but which are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included. [Order 1, § 132B-12-048, filed 6/4/68.]

WAC 132B-12-051 Use in allocation. In determining the class to which any position shall be allocated, the specifications describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, education and experience requirements, and relationships to other classes, as a composite description of the kind of employment that the class is intended to embrace. [Order 1, § 132B-12-051, filed 6/4/68.]

WAC 132B-12-054 Use in examination. The class specifications shall be used as a basis for determining the suitability of candidates for employment by supplying data basic to the preparation of qualifying tests and examinations. [Order 1, § 132B-12-054, filed 6/4/68.]

WAC 132B-12-057 Statement of general qualifications. Qualifications commonly required of all incumbents of positions of different classes, such as acceptable physical condition and freedom from disabling defects, honesty, sobriety and industry, shall be deemed to be implied as entrance requirements to each class, and need not be specifically mentioned in the specifications. However, nothing in the rules shall be deemed to prohibit employing handicapped persons who are otherwise qualified. [Order 1, § 132B-12-057, filed 6/4/68.]

WAC 132B-12-060 Authority. The specifications for any class as interpreted herein shall constitute the basis and source of authority for the tests to be included

in an examination for the class and for the evaluation of the qualifications of applicants. [Order 1, § 132B-12-060, filed 6/4/68.]

WAC 132B-12-063 Use of class titles. The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be the title used on all payroll, budget, and other official records and reports relating to the position. Any abbreviation or code symbol approved by the director may be used in lieu of the class title to designate the class of a position for official records. Other working titles may be authorized by the Appointing Authority to be used as a designation of a position for purposes of internal administration or in oral or written contacts with the public or students. [Order 1, § 132B-12-063, filed 6/4/68.]

WAC 132B-12-066 General policies. A Compensation Plan for classified positions shall be maintained to provide for equitable pay for classified employees. Pay rates shall be linked directly to the Classification Plan and shall reflect not less than prevailing rates in Washington state private industries and other governmental units for positions of a similar nature. [Order 1, § 132B-12-066, filed 6/4/68.]

WAC 132B-12-069 Content. A Compensation Plan for the classified staff service shall consist of schedules of rates or ranges in monthly amounts, with regular increment increases, showing the assignment of such pay rates to the classes of positions. It shall also consist of such paragraphs as are necessary to describe basic compensation policies. [Order 1, § 132B-12-069, filed 6/4/68.]

WAC 132B-12-072 Amendment. The Compensation Plan may be amended by action of the committee as provided in the act. It is the responsibility of the director to maintain a continuing review of the adequacy and equity of the Compensation Plan, and he shall propose amendments that are required to adjust it. He shall periodically secure comparative wage information, with one such inquiry to be conducted a year prior to the convening of each regular session of the State Legislature. [Order 1, § 132B-12-072, filed 6/4/68.]

WAC 132B-12-075 Payroll certification. Salary payment to classified employees may not be approved until the director has certified that their appointment has been made in accordance with these rules. [Order 1, § 132B-12-075, filed 6/4/68.]

WAC 132B-12-078 Hours of work. Hours of work shall be specified by job class. They may vary for different classes but shall be uniform for all employees in the same class.

(1) Two general work schedules are recognized. The assignment of an employee to a particular schedule will be stated in the class specifications as described in the Classification Plan. The employee shall be informed of such assignment when notified of the terms of his appointment.

(a) **Plan A.** Forty hours per week shall constitute full-time employment. The normal work week is considered to be eight hours per day for five consecutive days, from 8:00 a.m. to 4:30 p.m., with one-half hour for lunch. The Appointing Authority may adjust the schedule of an individual employee or a group of employees to provide different schedules of daily hours of working days, or to provide for extra services outside of normal work hours, provided that such adjustment shall not result in requiring an average work week of either less or more than forty hours per week for full-time employment. Reasonable notice will be given the employee whose schedule of hours must be changed.

(b) **Plan B.** Employees whose duties are primarily professional or supervisory, or who are assigned the responsible charge of a work program that cannot be restricted to a specific schedule of hours, shall work during such periods as their duties require. [Order 1, § 132B-12-078, filed 6/4/68.]

WAC 132B-12-081 Rest periods. Each employee shall be entitled to not less than a ten minute rest period for each four hours of work. Each eight-hour shift shall include two rest periods, even though the shift is unequally divided. [Order 1, § 132B-12-081, filed 6/4/68.]

WAC 132B-12-084 Holidays. The following holidays with pay, in addition to other days designated under the authority of the board, shall be allowed employees working on a continuous basis or on leave with pay on the last working day preceding the holiday:

New Year's Day	Labor Day
Washington's Birthday	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

In substitution for Lincoln's Birthday, Columbus Day, and General Election Day, which are established as legal holidays for state employees by RCW 1.16.050, the following days will be granted:

- The Friday following Thanksgiving
- The last working day before Christmas
- The last working day before New Year's Day.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be a legal holiday. Whenever an employee is required to work any of the legal holidays, he shall be given a compensatory day off with pay.

(1) Holiday time worked shall be treated as overtime work as defined in the Compensation Plan.

(2) When a holiday falls on an employee's scheduled day off, he shall be given a day of compensatory time off. [Order 1, § 132B-12-084, filed 6/4/68.]

WAC 132B-12-087 Annual leave. Classified employees shall earn annual leave at rates based on the schedule of their duties.

(1) Annual leave with pay shall accrue to employees whose work is scheduled under PLAN A of these rules

at the rate of one working day for each month of continuous service if their employment is continuous for six months or longer.

(a) One additional day of annual leave shall be allowed each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

(b) Beginning with the tenth year of continuous employment, in recognition of continuity of service, one additional working day of annual leave shall be allowed for each additional year of continuous service thereafter until a maximum of twenty-two working days of annual leave is allowed.

(2) Annual leave with pay shall accrue to employees whose work is scheduled under PLAN B of these rules at the rate of one day for each twenty-two working days.

(3) Where less than full-time service is required, annual leave shall accrue at the appropriate fraction of the rates set forth under these rules, after the employee has completed not less than one year in such service.

(4) New employees may not take annual leave until they have completed their probationary period of six months' service.

(5) Annual leave shall be scheduled by the employing department at a time most convenient to the work of the department, the determination of which shall rest with the Appointing Authority. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount up to the total of his earned leave credits.

(6) Unused annual leave credits may be accumulated to a maximum of thirty working days, except that if an employee's request for leave is deferred by the Appointing Authority and a statement of the necessity is filed with the director, then the maximum of thirty days' accrual shall be extended for each month that the leave is deferred. Annual leave earned by the employee must be allowed him during the period it is available to him. No extra compensation in lieu of annual leave shall be paid the employee.

(7) Upon separation from the classified service in good standing after six months of continuous employment, annual leave pay shall be allowed to the extent of the employee's accrued and unused annual leave credits as shown by the records of the director. [Order 1, § 132B-12-087, filed 6/4/68.]

WAC 132B-12-090 Sick leave. Sick leave with full pay shall accrue to classified employees at the rate of one working day per month of completed service.

(1) Sick leave shall be allowed an employee up to the amount of his earned credits under the following conditions:

(a) Because of and during illness or injury which has incapacitated the employee from performing his duties.

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

(c) Because of emergencies caused by serious illness or death in the immediate family of the employee that

require the assistance of the employee in circumstances arising from the care of the patient or arrangements for the deceased. Leave for the purpose of condolence or bereavement may be granted only with the approval of the Appointing Authority.

(d) For the purpose of medical, dental or optical appointments, if arranged in advance with the Appointing Authority.

(2) Maternity leave may be authorized for a period of nonwork in accordance with Industrial Welfare Order no. 2-62(10), effective 3-21-62 published by the Department of Labor and Industries of the state of Washington, which reads as follows:

"(10) **Maternity.** No female employee shall be knowingly employed for a period of four months before confinement for childbirth, or six weeks thereafter, except that upon presentation of a letter of request from the employer together with a doctor's certificate stating her health will not be impaired by such employment to a specified time, a special permit may be granted for continued employment by the Supervisor of Women and Minors."

(3) Sick leave payments to employees suffering illness or injury compensable under industrial insurance provisions shall be in amounts to which they would be entitled if on duty minus any industrial insurance payments received by the employee in compensation for the time loss resulting from such illness or injury, for the period of such leave.

(4) Sick leave shall accumulate to a maximum of one hundred eighty working days of unused leave.

(5) Illness or disability shall be reported at the beginning of any period of sick leave to the immediate supervisor by the employee or the person to act for him. Upon his return to work, the employee may be required by the Appointing Authority to submit a written statement explaining the nature of the disability.

(6) A physician's certificate of illness or injury satisfactory to the Appointing Authority may be required for approval of sick leave.

(7) Upon separation of an employee from the classified service for any cause, compensation shall not be paid for accrued sick leave credits. Employees who have been laid off will have previous sick leave credits reinstated upon their return to active service. [Order 1, § 132B-12-090, filed 6/4/68.]

WAC 132B-12-093 Military training leave with pay. An employee in the classified staff service shall be entitled to military leave of absence without loss of pay for active duty in the Washington National Guard, or in the Army, Air, Marine, or Naval Reserve Forces of the United States for purposes of attending annual field training exercises or otherwise discharging reserve obligations. Military training leave shall not exceed fifteen calendar days in any one year as provided by statute. [Order 1, § 132B-12-093, filed 6/4/68.]

WAC 132B-12-096 Military leave without pay. A classified employee shall be entitled to military leave of

absence without pay for service in the armed forces of the United States or the state, and to reinstatement, upon application to the director within ninety days after the expiration of such period of military service, to his former position or to one of like class in accordance with state law governing this matter. [Order 1, § 132B-12-096, filed 6/4/68.]

WAC 132B-12-099 Leave for civil duty. Leave of absence for jury duty, to serve as a witness at trials or to exercise other civil duties may be granted an employee. In such cases a salary adjustment shall be made to deduct any amount received for such civil duty, less expenses, from the employee's monthly salary warrant, so that there is neither a financial gain nor loss to the employee. [Order 1, § 132B-12-099, filed 6/4/68.]

WAC 132B-12-102 Leave of absence without pay. Leave of absence without pay may be allowed a classified employee for specific periods for any of the reasons applicable for leave with pay and for maternity leave.

(1) Leave of absence without pay may be allowed, upon the approval of the Appointing Authority and the director, in an amount not to exceed twelve months.

(2) Leave of absence without pay extends from the time an employee's name is removed from the payroll until he returns to continuous service.

(3) Annual leave or sick leave credit will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month. [Order 1, § 132B-12-102, filed 6/4/68.]

WAC 132B-12-105 Absence without authorized leave. Leave of absence whether with or without pay, must be authorized in writing by the Appointing Authority and the director. Absence other than on duly authorized leave shall be treated as leave without pay, and, in addition, may be grounds for disciplinary action. [Order 1, § 132B-12-105, filed 6/4/68.]

WAC 132B-12-108 Selection by examination. Appointments to positions in the classified staff service shall be made according to merit and suitability. Merit and suitability in the competitive service shall be ascertained by examination which shall be selected or specified by the director, and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the position. [Order 1, § 132B-12-108, filed 6/4/68.]

WAC 132B-12-111 Content of announcements. Announcements shall specify the title and salary range of the class for which the examination is announced; the nature of the work to be performed; the experience and training required; the time, place, and manner of making application; the necessary qualifications established for admission to the examination; and other pertinent information consistent with the act and these rules. [Order 1 § 132B-12-111, filed 6/4/68.]

WAC 132B-12-114 Distribution of announcements. Public notice of examinations shall be given at least one

calendar week in advance of the last date for filing of applications by means of announcements posted on bulletin boards. Announcements of examinations shall be given such other publicity as the director deems warranted in the interest of attracting adequate numbers of qualified applicants. [Order 1, § 132B-12-114, filed 6/4/68.]

WAC 132B-12-117 Open competitive examinations. Examinations designed to establish employment lists shall be open to all who appear to meet the qualifications and other requirements for the class as set forth in the examination announcement. Probationary employees may be admitted to open competitive examinations. [Order 1, § 132B-12-117, filed 6/4/68.]

WAC 132B-12-120 Promotional examinations. Promotional examinations shall be open to any permanent employee in the classified staff service who meets the necessary qualifications. [Order 1, § 132B-12-120, filed 6/4/68.]

WAC 132B-12-123 Forms of application. Applications for an examination shall be filed on such application forms as may be prescribed by the director. To be accepted for review, applications must be delivered to the office of the director prior to the closing date specified in the announcement or postmarked before midnight of that date. Applications shall include a statement from the applicant with all pertinent information regarding his education, experience, and other personal data which the director deems necessary. Applications must be signed by the applicants, and the truth of all statements contained therein certified by such signature. The director may require such proof of age, residence, education, veteran's preference and other claims as he deems appropriate. [Order 1, § 132B-12-123, filed 6/4/68.]

WAC 132B-12-126 Freedom from bias. No question in any application form or any examination shall be so framed as to elicit any information concerning political or religious opinions or affiliations or the race of any applicant nor shall any inquiry be made concerning such opinions or affiliations. The foregoing shall not prevent any inquiry as to whether the applicant, employee, or eligible, advocates or is a member of any organization which advocates the overthrow of or resistance by force to our form of government where the conditions of the employment in question require such inquiry. [Order 1, § 132B-12-126, filed 6/4/68.]

WAC 132B-12-129 Admission to examination. Persons who submit applications on or before the last date of filing and whose applications clearly show that they meet the requirements for admission to the examination shall be admitted to compete in the examination for which they are applying. No person shall be permitted to take an examination without an authorization or other satisfactory evidence of acceptance or conditional acceptance of his application. Any applicant who, for illness or other good cause, is unable to appear as notified may be given the examination at a later date, but only if

the candidate advised the director of his inability prior to the time he was originally scheduled to appear. [Order 1, § 132B-12-129, filed 6/4/68.]

WAC 132B-12-132 Disqualification of applicants. The director may reject the application of any person or admission to an examination, or decline an applicant who:

(1) Is found to lack the qualifications prescribed for admission to the examination;

(2) Is physically unfit to perform effectively the duties of the class;

(3) Is addicted to the habitual use of alcoholic beverages to excess or to the use of narcotics;

(4) Has been adjudged guilty of a crime involving moral turpitude, or infamous or disgraceful conduct, or who has been dismissed from a position for delinquency or misconduct;

(5) Has used or attempted to use influence or bribery to secure an advantage in an examination or appointment;

(6) Has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or examination; or

(7) Has otherwise violated provisions of the law or these rules. Whenever the director refuses an applicant under the provisions of these rules, he shall furnish him a statement of the reasons therefor. [Order 1, § 132B-12-132, filed 6/4/68.]

WAC 132B-12-135 Original examinations. Examinations for original appointment to the classified service shall relate to those matters which fairly test the capacity and suitability of the persons examined to discharge duties of positions sought. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, evaluations of training and experience, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, skills, abilities, character, physical fitness, or any other qualifications or attributes which in the judgment of the director shall enter into the determination of the relative fitness of applicants. [Order 1, § 132B-12-135, filed 6/4/68.]

WAC 132B-12-138 Promotional examinations. Promotional examinations shall be of like kind and character to those for original appointment to the service. In addition to other factors, promotional examinations shall take into consideration quality and nature of experience as well as length of service. [Order 1, § 132B-12-138, filed 6/4/68.]

WAC 132B-12-141 Noncompetitive examinations. The director may conduct for the noncompetitive service an examination which consists only of the determination of whether or not the applicant meets the minimum qualifications for the position for use in positions declared to be in the noncompetitive service. An unranked eligible list will be established from such examinations. [Order 1, § 132B-12-141, filed 6/4/68.]

WAC 132B-12-144 Open-continuous examination.

When it is necessary to meet continued requirements for filling positions and there is not available a sufficient number of qualified applicants for a class, the closing date for an examination may be indefinite and applicants may be tested continuously as they appear, in such manner and at such times and places as the director may provide. The closing date for any open-continuous examination may be set at any time by the director but notice of this action shall be posted in a public place at least one week prior to the effective date of the closing. [Order 1, § 132B-12-144, filed 6/4/68.]

WAC 132B-12-147 Conduct of examinations.

Examinations shall be held at such times and places as, in the judgment of the director, most nearly meet the convenience of applicants, practicability of administration, and needs of the service. The examination shall be conducted either by the director or by persons designated by him. [Order 1, § 132B-12-147, filed 6/4/68.]

WAC 132B-12-150 Anonymity of applicants.

All reasonable precautions shall be taken to preserve the anonymity of applicants in the conduct and scoring of examinations. [Order 1, § 132B-12-150, filed 6/4/68.]

WAC 132B-12-153 Rating of examinations.

In all examinations the minimum ratings by which eligibility may be achieved shall be set by the director. The final examination grade shall be based on all factors of the examination and shall be determined by the ratings on each part of the examination in accordance with the weight established for each part by the director prior to the date of the examination. All competitors may be required to obtain a minimum rating in one or each part of the examination in order to achieve a final passing grade or to be rated on the remaining parts. [Order 1, § 132B-12-153, filed 6/4/68.]

WAC 132B-12-156 Establishment and maintenance.

The director shall establish and maintain eligible lists necessary to carry out the purpose of the act and these rules. [Order 1, § 132B-12-156, filed 6/4/68.]

WAC 132B-12-159 Organizational units.

The committee shall establish organizational units for purposes of employment or layoff based upon seniority. The director shall notify the Appointing Authority and all employees of the establishment of such organizational units. The committee may modify or cancel established organizational units, upon notice to the Appointing Authority and the employees concerned, at any time when such action is in the best interest of the classified service. [Order 1, § 132B-12-159, filed 6/4/68.]

WAC 132B-12-162 Merit lists.

On the following lists the names of eligibles for positions in the competitive service shall be placed in order of their final earned rating on examinations plus any preference credits. In case of a tie between a veteran and a nonveteran, the name of the veteran shall be placed ahead of that of the nonveteran. In the case of other ties in final ratings,

names shall be placed on the list in the order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by casting lots.

(1) **Open Competitive List.** Each open competitive list shall be established by class of employment and shall consist of a list of names of all persons who have passed examination for the class for which the open competitive list is established.

(2) **Institution-wide Promotional Lists.** Institution-wide promotional lists shall be established by class of employment and shall consist of the names of permanent employees who have passed a promotional examination for the class for which the list is established.

(3) **Organizational Unit Promotional Lists.** Organizational unit promotional lists shall consist of names of all permanent employees in an organizational unit who have passed the promotional examination for the class for which the list is established. Promotional lists shall be established for an organizational unit only after such subdivision has been approved by the director prior to the date of the examination. [Order 1, § 132B-12-162, filed 6/4/68.]

WAC 132B-12-165 Layoff lists. Names shall be placed on the following lists in order of the length of the employee's previous service in the class for which the list is established.

(1) **Organization Unit Layoff List.** An organizational unit layoff list shall contain the names of all permanent and probationary employees laid off from the class of employment in the approved organizational unit for which the list is established.

(2) **Institution-wide Layoff List.** An institution-wide layoff list shall contain the names of all permanent and probationary employees laid off from the class of employment for which the list is established. [Order 1, § 132B-12-165, filed 6/4/68.]

WAC 132B-12-168 Unranked lists. Names shall be placed unranked on the following lists:

(1) **Transfer Lists.** A transfer list shall contain the names of all permanent employees who are currently employed and have submitted a written request to be considered for transfer to another position.

(2) **Reemployment Lists.** A reemployment list shall contain the names of all permanent employees who have resigned from the class of employment in good standing, and who have requested reemployment in the class, provided that they meet the minimum requirements for the class at the time of their application.

(3) **Noncompetitive Service Lists.** A noncompetitive list shall include the names of applicants who successfully meet the minimum requirements for the class of employment for which the list is established, where the class has been previously declared by the director to be a part of the noncompetitive service. [Order 1, § 132B-12-168, filed 6/4/68.]

WAC 132B-12-171 Duration of eligible lists. The committee shall determine the period during which promotional or open-competitive lists shall remain in effect.

When an eligible list exists for any class, and the committee deems it necessary to establish another such list for the same class, the existing list ordinarily shall be canceled. If the committee finds it necessary to cancel a promotional list, notice will be given to the eligibles on the list canceled. [Order 1, § 132B-12-171, filed 6/4/68.]

WAC 132B-12-174 Registers—Generally. The establishment, maintenance, and adequacy of all ranked and unranked registers shall be the responsibility of the director. The life of a register shall be measured for each individual person and from the date that person's name is placed on the register. [Order 1, § 132B-12-174, filed 6/4/68.]

WAC 132B-12-177 Registers—Unranked transfer—Duration. This register will be established by the appropriate classes and will include the names of all permanent employees who are employed and have submitted a written request to be considered for transfer. The life of this register shall be one year. [Order 1, § 132B-12-177, filed 6/4/68.]

WAC 132B-12-180 Registers—Open-competitive—Duration. This register will be established by appropriate classes and shall include the names of all persons who have passed the entrance examinations, and shall be ranked by the final grades. The life of this register shall normally be for one year unless extended by the director. [Order 1, § 132B-12-180, filed 6/4/68.]

WAC 132B-12-183 Removal of names from eligible lists. A person who is appointed to a permanent position through certification or appointed to a trial service or a probationary position shall have his name removed from the list of eligibles. All other names will remain on the list, except that the director may remove names from eligible lists permanently or temporarily for any of the following reasons, subject to appeal rights as provided in these rules:

(1) Failure to respond within ten days to a written inquiry or within three days to a telegraphed inquiry from the director or Appointing Authority relative to availability for appointment.

(2) Declination of appointment under such conditions as the eligible previously indicated he would accept.

(3) Failure to report for duty within the time prescribed by the Appointing Authority.

(4) Failure to maintain a record of his current address at the office of the director. For this purpose the return of a letter by the postal authorities, if properly addressed to the last address on record, shall be deemed sufficient grounds for such removal of the name from the eligible list.

(5) Upon certification three times to the Appointing Authority, if not appointed. When so removed the applicant will be informed in writing.

(6) In the case of organizational unit promotional lists, or transfer lists, appointment or transfer of the employee to a position in another organizational unit.

(7) In the case of institution-wide promotional lists or transfer lists, upon separation from the classified service. [Order 1, § 132B-12-183, filed 6/4/68.]

WAC 132B-12-186 Comparable lists. If a vacancy exists in a class for which there is no existing list, the director may prepare an appropriate list for the class from one or more existing related lists. For this purpose the director shall select lists from classes for which the examination and qualifications are similar to those required for the class in which the vacancy exists. [Order 1, § 132B-12-186, filed 6/4/68.]

WAC 132B-12-189 Availability of eligibles. It shall be the responsibility of eligibles to notify the office of the director in writing of any change affecting availability for employment. However, the director may circularize lists or use other methods to determine at any time the availability of eligibles. [Order 1, § 132B-12-189, filed 6/4/68.]

WAC 132B-12-192 Request for employees. When a vacancy in the classified staff service is to be filled, the Appointing Authority shall submit a requisition to the director on such form and in such manner as the director may prescribe. The requisition shall state the class title, the number of positions to be filled, and other appropriate information. In addition, desirable or necessary special or outstanding qualifications for the position under consideration may be indicated, and the reasons therefor. Eligibles shall be certified in strict order of standing on the appropriate list except in cases where the director has determined that he should certify eligibles with special qualifications. In the latter case, eligibles meeting the special qualifications shall be certified in the order of their standings on the list. Any permanent employee who is adversely affected by such certification may appeal the action to the committee. [Order 1, § 132B-12-192, filed 6/4/68.]

WAC 132B-12-195 Method of certification. Upon receipt of a personnel requisition, the director shall certify in writing two more names than there are vacancies to be filled. The following eligible lists shall be used in the order of priority indicated:

- Organizational Unit Layoff Lists
- Institution-wide Layoff lists
- Organizational Unit Promotional Lists
- Transfer Lists
- Institution-wide Promotional Lists
- Reemployment Lists
- Open-Competitive and Noncompetitive Lists

[Order 1, § 132B-12-195, filed 6/4/68.]

WAC 132B-12-198 Ranked lists. Where ranked lists are used, the director shall certify in writing the three names highest on the appropriate list. If more than one vacancy in the same class is to be filled by an organizational unit, he shall submit two more names of eligibles than there are vacancies. [Order 1, § 132B-12-198, filed 6/4/68.]

WAC 132B-12-201 Related lists. The director may at his discretion certify from eligible lists for higher classes to vacancies occurring in lower classes or from eligible lists for one class to vacancies in another class for which no appropriate list exists when he determines that the examination reasonably measures the ability of the eligible to perform the duties in the class to which certification is made. [Order 1, § 132B-12-201, filed 6/4/68.]

WAC 132B-12-204 Selection. The Appointing Authority shall return the list of names certified indicating the action taken on the certifications, within a time limit set by the director from the date of certification.

(1) When a choice is made for appointment, the name of the eligible selected shall be indicated.

(2) When an eligible declines an appointment, he shall be required to submit a request in writing in order to remain on the eligible list. [Order 1, § 132B-12-204, filed 6/4/68.]

WAC 132B-12-207 Probationary appointments. Probationary appointments shall be made only after certification from eligible lists. The director shall be notified of the selection made as provided in WAC 132B-12-204 above. [Order 1, § 132B-12-207, filed 6/4/68.]

WAC 132B-12-210 Provisional appointments. When the Appointing Authority certifies to the director that there is urgent need to fill a position for which there are no qualified eligibles, the director may authorize that the position be filled by provisional appointment of any person who meets the minimum requirements for the class of work. Such appointment shall be terminated within six months or upon certification and appointment from an eligible list, whichever occurs first. No person shall receive more than one provisional appointment. No seniority shall be gained as the result of a provisional appointment except for continuance of seniority in a lower class upon provisional promotion to a higher class. During the time a position is filled by provisional appointment, the director shall conduct a wide and continuous search for applicants for the position and conduct examinations for the same. If no other person applies within six months, the provisional appointee may be examined and appointed.

In situations wherein qualified eligibles are available but less than the three required for certification, a provisional appointment of an eligible may be made. If the director is unable within thirty days of the effective date of the provisional appointment to attract the number of candidates necessary for full certification, the person holding the provisional appointment may be given a probationary appointment provided he passed the examination for the class. [Order 1, § 132B-12-210, filed 6/4/68.]

WAC 132B-12-213 Transfer. A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same maximum salary. Transfers must be approved by

the Appointing Authority and the director. [Order 1, § 132B-12-213, filed 6/4/68.]

WAC 132B-12-216 Demotion. A position may be filled by the demotion of an employee in accordance with the procedures set forth in these rules. [Order 1, § 132B-12-216, filed 6/4/68.]

WAC 132B-12-219 Purpose. A probationary or working test period shall be an integral part of the examination process and shall be utilized as an opportunity to observe an employee's work, to train and aid the employee in adjustment to his position, and to reject any employee whose work performance fails to meet required work standards. [Order 1, § 132B-12-219, filed 6/4/68.]

WAC 132B-12-222 Duration. All original and all promotional appointments shall be tentative and subject to a probationary period of six months of actual service which starts on the effective date of an appointment. [Order 1, § 132B-12-222, filed 6/4/68.]

WAC 132B-12-225 Removal during probationary period. At any time during the trial period the Appointing Authority may remove an employee whose performance does not meet the required standards, provided that the removal and the reasons therefor shall be reported in writing to the director and to the employee concerned before the effective date of separation. Notice of two weeks will normally be given an employee who is removed. If more than three employees are removed successively from the same position during their trial service period, the director shall immediately investigate and determine whether the removals were because the employees did not meet the required standards, and shall submit a report of his investigations together with his conclusions to the committee. If the employees were removed for reasons other than that their performance did not meet the required standards, the committee shall order their reinstatement. Dismissal during the probationary period is not, however, appealable by the employee. [Order 1, § 132B-12-225, filed 6/4/68.]

WAC 132B-12-228 Demotion during probationary period. At any time during the probationary period when an employee is about to be laid off because of reduction in force, the Appointing Authority, with the consent of the employee, may demote such employee in lieu of lay-off if he is otherwise eligible and work is available in a lower class. The name of such an employee shall be restored to the lists from which it was removed at the time of appointment. The probationary period of an employee demoted in lieu of layoff during that period shall include the period of probation in the higher class. No demotion of this kind shall be made if it will result in the separation of any other employee with greater length of service.

An employee serving as a result of appointment from a promotional list, who is removed from the new position for reasons other than misconduct or delinquency and who was a permanent employee in another position in

the classified staff service immediately prior to his promotional appointment, shall be reinstated in his former position or in one of like status and pay. [Order 1, § 132B-12-228, filed 6/4/68.]

WAC 132B-12-231 Separation. Resignation, retirement, layoff, dismissal, or abandonment of the position shall constitute separation from service. [Order 1, § 132B-12-231, filed 6/4/68.]

WAC 132B-12-234 Resignation. Any employee may resign from service and should present his resignation in writing to the Appointing Authority. To resign in good standing an employee must give at least two calendar weeks' notice, unless the director waives the notice requirement. Such resignation shall be promptly forwarded to the director by the Appointing Authority. [Order 1, § 132B-12-234, filed 6/4/68.]

WAC 132B-12-237 Reduction in force—Layoff. The Appointing Authority may separate an employee without prejudice because of lack of funds, reorganization or curtailment of work. Notice of at least two calendar weeks must be given to such employee.

(1) **Order of Layoff.** Layoff of permanent employees will be made in inverse order of seniority in the class of work and the organizational unit involved. Seniority shall be measured by the period of unbroken service in the class and organizational unit, including authorized leaves of absence. Where two or more employees in the same class have equal seniority, layoff will be in alphabetic order of the last names of the employees affected.

(2) **Transfer or Voluntary Demotion.** In the event of a reduction in force, a permanent employee shall not be laid off while any probationary, provisional, or temporary employee is continued in a position of the same class. An employee in a higher class of a series of related classes who has greater seniority shall be offered voluntary demotion to a lower class, provided he qualifies for the class and has greater seniority than the occupant of the position in the lower class.

(3) **Laid-Off Employees on Layoff Registers.** The names of permanent and probationary employees who have been laid off shall be placed on the appropriate layoff list in accordance with WAC 132B-12-165. [Order 1, § 132B-12-237, filed 6/4/68.]

WAC 132B-12-240 Dismissal. The Appointing Authority may dismiss any employee for cause by delivering to him at least fifteen calendar days before the effective date of the dismissal a statement of the specific charges, with a copy to the director. Such statement may be delivered to the employee personally or sent to him by certified mail to his last known address. If because of the circumstance and legal cause set forth in the written statement for the dismissal the Appointing Authority desires to separate the employee from the service immediately, suspension of the employee without pay pending dismissal may be effected by written notice issued in accordance with the provisions of WAC 132B-

12-249. Such action shall automatically result in permanent separation at the end of the period of suspension. Suspensions pending dismissal shall be subject to limitations provided in WAC 132B-12-078 through 132B-12-105. The Appointing Authority may withdraw or modify a dismissal within fifteen calendar days after the original written notice is filed. A permanent employee so dismissed shall have the right to appeal in writing to the committee not later than thirty calendar days after the effective date of the dismissal and shall be granted a hearing as provided in WAC 132B-12-255 and 132B-12-258. [Order 1, § 132B-12-240, filed 6/4/68.]

WAC 132B-12-243 Abandonment of position. An employee who is absent from his position for three consecutive days without notice to the Appointing Authority may be considered to have abandoned his position. A notice of dismissal shall be sent by certified mail to the last known address of the employee forthwith. [Order 1, § 132B-12-243, filed 6/4/68.]

WAC 132B-12-246 Disciplinary action. Any action which reflects discredit upon the employer or is a direct hindrance to the effective performance of institutional functions shall be considered sufficient cause for disciplinary action. Sufficient cause shall include but not be limited to: Neglect of duty, inefficiency, incompetence, insubordination, indolence, conviction of a crime involving moral turpitude, malfeasance, or gross misconduct. [Order 1, § 132B-12-246, filed 6/4/68.]

WAC 132B-12-249 Suspension. The Appointing Authority may suspend an employee without pay for cause for a period or periods not exceeding thirty calendar days in any one calendar year and not exceeding fifteen calendar days for any single offense. The Appointing Authority shall notify the employee concerned in writing by certified mail, with a copy to the director, not later than one day after the suspension is made effective. Such notice shall include the specified charges for and the duration of the suspension. Any permanent employee who is suspended shall have the right to appeal to the committee not later than thirty calendar days after the effective date of such action. [Order 1, § 132B-12-249, filed 6/4/68.]

WAC 132B-12-252 Demotion. The Appointing Authority may demote an employee for cause. A written statement of the specified charges for any such action shall be furnished to the employee by certified mail and a copy filed with the director at least fifteen calendar days prior to the effective date of the action. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in the lower class, and shall not be made if any permanent employee in the lower class will be laid off by reason of the action. A permanent employee who is demoted shall have the right to appeal to the committee not later than thirty calendar days after the effective date of such action. [Order 1, § 132B-12-252, filed 6/4/68.]

WAC 132B-12-255 Who may appeal. Any permanent employee who is suspended, demoted, reduced, or dismissed shall have the right to appeal to the committee not later than thirty days after the effective date of such action. The request for an appeal must be in writing, and must be filed through the director. The committee shall hear such appeals within thirty calendar days of the receipt of such request. [Order 1, § 132B-12-255, filed 6/4/68.]

WAC 132B-12-258 Procedures for hearing appeals. The following provisions of RCW 41.06.180 through 41.06.210 govern the conduct of appeal hearings by the committee as well as appellate hearings by civil courts:

RCW 41.06.180 Hearings on such appeals shall be open to the public, except for cases in which the (committee) 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 the rules of privilege recognized by law. Both the employee and his appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the (committee). Members of the (committee) may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the (committee). The board shall certify to the Superior Court the facts of any refusal 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 hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it 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 therefor. 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.

RCW 41.06.190 Within thirty days after the conclusion of the hearing the (committee) shall make and fully record in its permanent records findings of facts, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as herein after provided at the same time sending a copy of the findings, conclusions and order by registered mail to the employing agency and to the employee at his address as given at the hearing or to a representative designated by him to receive the same.

RCW 41.06.200

(1) Within thirty days after the recording of the order and mailing thereof, the employee may appeal to the Superior Court of Thurston County, or in the case of an

employee of Institution of Higher Learning, to the Superior Court of the county in which such institution is located, on one or more of the grounds that the order was:

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of facts;

(c) Materially affected by unlawful procedures;

(d) Based on violation of any constitutional provision, or;

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, the copies thereof served on the Director of Personnel or a member of his staff or a member of the (committee) and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice or within such further time as the court may allow, the (committee) shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency 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.

RCW 41.06.210 (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in the case of alleged irregularities in procedure before the (committee) 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 (committee), remand the matter for further proceedings before the (committee), or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the Supreme Court from the order of the Superior Court as in other civil cases. [Order 1, § 132B-12-258, filed 6/4/68.]

Reviser's note: RCW 41.06.200 and 41.06.210, as set forth in the above section, do not reflect their amendment by section 25, chapter 36, Laws of 1969 ex. sess. and section 101, chapter 81, Laws of 1971, respectively.

WAC 132B-12-261 Reemployment list—Reinstatement after appeal. The provisions of RCW 41.06.220 shall apply in the placing of names of terminated employees on reemployment lists and restoration of rights and benefits to employees reinstated after appeal, as follows:

(1) An employee who is terminated from service may request the committee to place his name on an appropriate reemployment list, and the committee shall grant this request where the circumstances are found to warrant reemployment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement, and OASI credits. [Order 1, § 132B-12-261, filed 6/4/68.]

WAC 132B-12-264 Agreements between agencies and employee organizations. State employees shall have the right to affiliate with and participate in the management of employee organizations and to be represented by such organizations in negotiations with appointing authorities. The rights described herein shall not, however, extend to employees where such affiliation, participation, or representation would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee. [Order 1, § 132B-12-264, filed 6/4/68.]

WAC 132B-12-267 Notice of intent by bargaining unit. Any labor organization desiring to represent employees must first file with the director a notice of intent to represent. The notice shall state the organization's name and office address. The organization shall also provide the director with a copy of its constitution and bylaws. [Order 1, § 132B-12-267, filed 6/4/68.]

WAC 132B-12-270 Determination of bargaining unit. Determination, alteration, modification, or combination of an appropriate bargaining unit shall be made by the committee upon request from the Appointing Authority, an employee organization, or upon the committee's own motion, after twenty days' notice has been given to the Appointing Authority and to affected employees and their representatives. [Order 1, § 132B-12-270, filed 6/4/68.]

WAC 132B-12-273 Bargaining factors. In determining a bargaining unit, the committee shall consider the following factors:

- (1) Duties, skills and working conditions of the employees;
- (2) History of collective bargaining by the employees and their representatives.
- (3) Extent of organization among the employees;
- (4) Desire of the employees. [Order 1, § 132B-12-273, filed 6/4/68.]

WAC 132B-12-276 Certification by director—Notice of petition. 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 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 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 in accordance with WAC 132B-12-276 through 132B-12-291 and that the petition may be contested. In the event that proof is not satisfactory

to the director, he may require an election to be held. [Order 1, § 132B-12-276, filed 6/4/68.]

WAC 132B-12-279 Election of representative organization—Notice. The director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty percent representation within the unit. Upon granting a request for an election, the director shall give notice thereof and allow ten 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. [Order 1, § 132B-12-279, filed 6/4/68.]

WAC 132B-12-282 Election rules—Ballots. 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. The election shall not be held for at least thirty days. [Order 1, § 132B-12-282, filed 6/4/68.]

WAC 132B-12-285 Majority of votes required. An employee organization receiving a majority of all votes cast in such an election shall be certified by the director as the exclusive representative of the employees of the bargaining unit. [Order 1, § 132B-12-285, filed 6/4/68.]

WAC 132B-12-288 Representation upon certification. When an employee organization has been certified as the exclusive representative of the employees of a bargaining unit, it shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees. Individual grievances or minority group grievances of employees may, however, be presented to the Appointing Authority and may be adjusted by the Appointing Authority so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments. Minority employee organizations may also present their view to the Appointing Authority. [Order 1, § 132B-12-288, filed 6/4/68.]

WAC 132B-12-291 Decertification. Upon petition to the director by not less than thirty percent of the employees of a bargaining unit, decertification or a new certification shall be determined by a majority of the votes cast in a secret vote of the employees of the bargaining unit, provided twelve months have elapsed since the last certification. The election shall be conducted in accordance with WAC 132B-12-276 through 132B-12-291. No question concerning representation may be raised within six months of an election in a bargaining unit. [Order 1, § 132B-12-291, filed 6/4/68.]

WAC 132B-12-294 Personnel matters. Written agreements may contain provisions covering all personnel matters over which the Appointing Authority of the agency may lawfully exercise discretion. [Order 1, § 132B-12-294, filed 6/4/68.]

WAC 132B-12-297 Grievance procedure. Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and may provide for binding arbitration by the committee. [Order 1, § 132B-12-297, filed 6/4/68.]

WAC 132B-12-300 Payroll deduction. Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member. An employee may cancel his payroll deduction of employee organization dues by filing a written notice with the Appointing Authority and the employee organization thirty days prior to the effective date of such cancellation. [Order 1, § 132B-12-300, filed 6/4/68.]

WAC 132B-12-303 One year duration. Written agreements shall be for no more than one year in duration. Automatic renewal or extension provisions shall not be valid. [Order 1, § 132B-12-303, filed 6/4/68.]

WAC 132B-12-306 Filing—Conflict with Civil Service Act. Written agreements shall be filed with the director. Provisions of such agreements shall not prevail if in conflict with the Civil Service Rules of the State Civil Service Law. [Order 1, § 132B-12-306, filed 6/4/68.]

WAC 132B-12-309 Conference on disputes. If agreement cannot be reached within a reasonable time in negotiations between the Appointing Authority and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the director who shall confer with both parties in an effort to resolve such dispute. [Order 1, § 132B-12-309, filed 6/4/68.]

WAC 132B-12-312 Hearing on disputes. If the director is unable to resolve the dispute, the Appointing Authority or the certified exclusive representative may submit such dispute to the committee. The committee shall hold a hearing in the same manner as provided for appeals from demotions, suspensions and dismissals, and the decision of the committee shall be final and binding. [Order 1, § 132B-12-312, filed 6/4/68.]

WAC 132B-12-315 Service ratings. The director may in cooperation with the Appointing Authority, provide for the rating of the service performance of employees in the classified staff service. Such service ratings shall be made in such manner and upon such forms as the director may prescribe and may be used as a means of evaluating the employee's performance. [Order 1, § 132B-12-315, filed 6/4/68.]

WAC 132B-12-318 Education and training. An employee may enroll in course work not to exceed six credit

hours during any one quarter, with the approval of the Appointing Authority and the director. Participating employees must meet regular academic and admissions regulations and are subject to fee schedules established by the board. [Order 1, § 132B-12-318, filed 6/4/68.]

WAC 132B-12-321 Outside course work. An employee who has completed his probationary period may enroll in course work of his choice, to be taken outside of working hours or with an adjusted schedule of working hours and compensation. [Order 1, § 132B-12-321, filed 6/4/68.]

WAC 132B-12-324 Classes during working hours—Compensation—Authorization. An employee may enroll in course work judged to be directly related to improvement of the effectiveness of the employee's work with the approval or at the request of the Appointing Authority and the director. Classes for such work may be attended during normal working hours without adjustment of compensation, but if such classes do not occur during normal working hours, compensating time off duty will not be allowed for class hours attended. Such course work must be taken for credit and a satisfactory grade point average maintained. [Order 1, § 132B-12-324, filed 6/4/68.]

WAC 132B-12-327 Special training programs. Special training programs may be conducted to improve employees' service and to assist employees to enhance their opportunities for promotion. Such programs may be offered during the normal working hours and the participating employee may attend the sessions without adjustment of compensation. This program shall be available to all classified employees on an equal basis. [Order 1, § 132B-12-327, filed 6/4/68.]

WAC 132B-12-330 Political activity. Solicitation for or payment to any partisan political organization, or for any partisan political purpose of any compulsory assessment or involuntary contribution is prohibited. No person shall solicit on state property any contribution to be used for partisan political purposes.

Employees shall have the right to vote and express their opinions on all political subjects and candidates, but shall not hold any political party office or participate in the management of a partisan political campaign. Nothing in this section shall prohibit a classified employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

Nothing in this section shall prohibit appointment, nomination or election to part-time public office in a political subdivision of the state when the holding of such office is not incompatible with, nor substantially interferes with, the discharge of official duties in state employment. [Order 1, § 132B-12-330, filed 6/4/68.]

WAC 132B-12-333 Outside employment. No employee in the classified staff service shall undertake employment other than his position in the classified staff

service if such employment brings discredit to the institution or has an adverse affect upon the employee's performance of his duty. [Order 1, § 132B-12-333, filed 6/4/68.]

WAC 132B-12-336 Employment of more than one member of a family. The appointment of more than one member of a family as a permanent employee in the classified staff service requires special justification in terms of personnel requirements and the unusual qualifications of the individual. Such appointment must have the prior approval of the director and is subject to periodic review. Two persons who are related by blood ties or by marriage may not be appointed to positions where one might exert any influence or produce any consequence upon the employment of the other. In general, people who are so related may not be employed in the same organizational unit. [Order 1, § 132B-12-336, filed 6/4/68.]

WAC 132B-12-339 False statements—Fraud. No persons shall make any false statement, certificate, mark, rating or report with regard to any test, certification, or appointment made under any provision of the act or these rules, or in any manner commit any fraud preventing the impartial execution of the act and these rules. [Order 1, § 132B-12-339, filed 6/4/68.]

WAC 132B-12-342 Bribery. No persons seeking appointment to or promotion in the classified staff service shall give, render or pay any money, service or any other valuable thing to any person in connection with his seat, appointment, or promotion. [Order 1, § 132B-12-342, filed 6/4/68.]

WAC 132B-12-345 Interference by officials. No employee of the office of the director, examiner, or other person shall defeat, deceive, or obstruct any person in his right to his examination, eligibility, certification or appointment under the act or these rules or furnish to any person any special or privileged information for the purpose of affecting the rights or prospects of any other person with respect to employment in the classified service. [Order 1, § 132B-12-345, filed 6/4/68.]

WAC 132B-12-348 Penalties. Any person who willfully violates any of the provisions of the act or these rules shall be subject to dismissal and such other punishment as may be provided by law. [Order 1, § 132B-12-348, filed 6/4/68.]

WAC 132B-12-351 Discrimination. No question in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations of any applicant, and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened or promised by any employee or the Appointing Authority against or in favor of any applicant, eligible, or employee because of his political or religious opinion or affiliations or of his race. No discrimination shall be exercised because of

the age or sex of any applicant, eligible or employee. [Order 1, § 132B-12-351, filed 6/4/68.]

WAC 132B-12-354 Personnel records. The office of the director shall be the central depository of all such personnel files and records as the director deems necessary and as are required by the act and these rules. [Order 1, § 132B-12-354, filed 6/4/68.]

WAC 132B-12-357 Roster. The director shall establish and maintain a roster of all employees in the classified staff service showing for each employee the class title, the organizational unit assignment, salary, and such other employment data as he deems pertinent. [Order 1, § 132B-12-357, filed 6/4/68.]

WAC 132B-12-360 Reports to the personnel director. Every appointment, transfer, termination, promotion, demotion, dismissal, leave of absence, change of salary rate, and other temporary or permanent change in the status of employees in the classified staff service, shall be reported to the office of the director in writing. The director is authorized to prescribe the time, manner, form, and method of making any written report that may be stipulated in any of these rules. [Order 1, § 132B-12-360, filed 6/4/68.]

WAC 132B-12-363 Public records. Records of the office of the director, such as examination, personal history and other papers, disclosure of which could render harm to the employee without serving a necessary and useful purpose, shall be considered confidential. The use of such documents will be specified by the director. Such records of the office as may be defined by law as public records shall be open to inspection by legitimately interested parties only during regular office hours for reasonable periods of time and in accordance with such procedures as the director may provide. [Order 1, § 132B-12-363, filed 6/4/68.]

Chapter 132B-128 WAC

POLICIES AND PROCEDURES FOR TENURE AND DISMISSAL

WAC

- 132B-128-010 General statement of policy.
- 132B-128-020 Definitions.
- 132B-128-030 Procedure for granting tenure.
- 132B-128-040 Basis for dismissal.
- 132B-128-050 Procedures for dismissal.
- 132B-128-100 Academic employee reduction procedure.

WAC 132B-128-010 General statement of policy. In accordance with the provisions of sections 32 through 45, chapter 283, Laws of 1969 ex. sess., as amended by chapter 5, Laws of 1970 ex. sess., the following procedures for tenure at Community College District No. 2 will be implemented as of January 29, 1973. These procedures supersede the previously adopted TENURE REGULATIONS, Grays Harbor College. Granting of tenure should be the rule, not the exception; if denial of tenure becomes the rule, the hiring practices of the college shall be reevaluated.

Tenure Policy Statement. The only difference between a nontenured and a tenured faculty member is that the latter is evaluated periodically for the purpose of improving services and instruction and the former is evaluated regularly for the additional purpose of granting tenure. The dean of instruction shall hold an election and select a tenure review committee which will interview and evaluate the probationer and will make recommendations to the board of trustees regarding the professional qualifications of the nontenured faculty member.

It shall be the policy of Community College District No. 2 that the board of trustees, on the recommendation of the tenure review committee which has interviewed and evaluated the probationer, may grant tenure at any time between the assumption of his faculty position and the end of the two year probationary period, except that compelling reasons must be shown for the award of tenure prior to the second year of probation. [Order, § 132B-128-010, filed 3/28/73.]

WAC 132B-128-020 Definitions. Faculty Appointment – Full-time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian.

Full-time Position – One in which the faculty member receives a contract labeled full-time and works a regular load of his division or area for any three complete quarters in one calendar year. Only special circumstances, which shall be described in writing, will permit the faculty member to work less than a regular load and retain a full-time contract.

Dismissal Review Committee – A committee to hear dismissal cases shall be composed of members of the administrative staff and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each tenure review committee shall be selected by a majority of the teaching faculty and faculty division heads acting in a body as specified by the dismissal policy.

Faculty Peer – One who holds a faculty appointment.

Probationer – Any individual holding a probationary faculty appointment.

Probationary Faculty Appointment – A faculty appointment for a designated period of time which may be terminated without sufficient cause upon expiration of the probationer's terms of employment.

Tenure – A faculty appointment for an indefinite period of time which may be revoked only for sufficient cause and by due process.

Tenure Review Committee – A committee composed of the probationer's faculty peers and the administrative staff of the community college providing that the majority of the committee shall consist of the probationer's faculty peers and that the faculty members be elected as

specified by the tenure policy by a majority of the faculty members.

Appointing Authority – Shall mean the board of trustees of Community College District No. 2.

Administrative Appointment – Shall mean employment in a specific administrative position as determined by the appointing authority.

Administrative Position – For purposes of this document, the following positions are considered administrative positions at Grays Harbor College: President, dean of instruction, business manager, director of student activities, registrar, director of vocational education, director of continuing education. [Order, § 132B-128-020, filed 3/28/73.]

WAC 132B-128-030 Procedure for granting tenure.

(1) Selection of the Tenure Review Committee –

(a) A tenure review committee shall be established for each probationer. The committee shall be responsible for the probationer until he is either granted tenure or is no longer employed within Community College District No. 2. If a vacancy occurs during the terms of service of the tenure review committee members, the dean of instruction will call a special election within two weeks to fill that position.

(b) The dean of instruction shall be responsible for the establishment of each tenure review committee, which shall normally begin functioning no later than four weeks after the day that the probationer has begun his faculty duties.

(c) Each tenure review committee shall be composed of five members. There shall be automatic nomination of the appropriate division chairman to position number one. One faculty member shall be nominated by the probationer to position number two. After these nominations are made, the dean of instruction shall call an all-faculty meeting at which faculty members shall nominate one faculty member for position number three and may nominate faculty members for positions one and two. A vote shall be taken and the nominee receiving a majority vote for a particular position shall be elected. If no candidate for a particular position receives a majority vote, a run-off election shall be held within five days between the two candidates receiving the largest number of votes. The president of the college shall appoint members to positions four and five (the membership of the presently constituted tenure review committees will not be changed because of the passage of this code).

(2) Evaluation of the Probationer –

If the probationer disagrees with the tenure review committee's recommendation, he shall be given an opportunity to challenge it before the college president.

(3) Final Action on Tenure –

(a) The final decision to award or withhold tenure shall rest with the board of trustees (appointing authority) after it has given reasonable consideration to the recommendations of the tenure review committee, and reasonable consideration to the recommendation of the college president. Any recommendations of the tenure review committee and the president shall be advisory

only and not binding upon the board of trustees (appointing authority).

(b) If the probationer is not to be retained, he must be informed no later than the last day of winter quarter.

(c) If the probationer is dismissed prior to the termination of his contract, his case shall be considered by the dismissal review committee in accordance with the laws of the state of Washington and the dismissal policy of Community College District No. 2. [Order, § 132B-128-030, filed 3/28/73.]

WAC 132B-128-040 Basis for dismissal. A tenured faculty member shall not be dismissed from his appointment except for sufficient cause, nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the dates established in the written terms of his appointment except for sufficient cause which is of a substantial nature and is not frivolous or inconsequential as determined by the board of trustees, and when it is determined by the board of trustees that the termination of his employment would be in the best interests of the community college district. [Order, § 132B-128-040, filed 3/28/73.]

WAC 132B-128-050 Procedures for dismissal. (1) A dismissal review committee created for the express purpose of hearing dismissal cases shall be established no later than October 15 of each academic year (except if this provision is passed after October 15 of any academic year, the dismissal review committee will be chosen within thirty days after passage of this provision), and shall be comprised of the following members:

(a) One member chosen by the college president

(b) Two faculty members chosen by the faculty and division heads acting in a body and in the following manner:

(i) Two individuals will be nominated for each of positions one and two by a district-wide random selection process as described in (v) below.

(ii) Two individuals will be nominated in the same manner as (i) above to run for each of two alternate positions identified as alternate one and alternate two.

(iii) The nominees receiving a majority of the votes cast will be elected for a one-year term.

(iv) In case of a vacancy in either position one or two occurring any time after the election, the vacancy will be filled by the alternates, beginning with alternate one.

(v) A district-wide random selection process will be developed by the president of Grays Harbor College. This selection process will be designed to remove any element of preselection or predisposition from the dismissal review committee selection process.

(c) The college president shall choose one alternate member to serve on the dismissal review committee should the regularly appointed member be unable to serve on the committee.

(d) The dismissal review committee will select one of its members to serve as chairman.

(2) When the president receives or initiates a formal written recommendation about a faculty member which may warrant dismissal, he shall inform that faculty member. Within ten days after having been so informed,

the faculty member will be afforded an opportunity to meet with the president or his designee and the chairman of the division. At this preliminary meeting, which shall be an information-gathering session, an adjustment may be mutually agreed upon. If the matter is not settled or adjusted to the satisfaction of the college president, he shall recommend that the faculty member be dismissed.

(3) If the president recommends that the faculty member be dismissed, he shall:

(a) Deliver a short and plain statement to the faculty member which shall contain

(i) The grounds for dismissal in reasonable particularity;

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) Reference to any particular statutes or rules involved.

(b) Call into action the dismissal review committee and deliver the above statement to the members of the dismissal review committee, if the professional requests a hearing.

(4) After receiving the president's recommendation for dismissal, the affected professional may request a hearing within the following five days. If the president does not receive this request within five days, the professional's right to a hearing will be deemed waived.

(5) If the president receives a request for a hearing, the dismissal review committee shall, after receiving the written recommendation from the college president, establish a date for a committee hearing giving the faculty member so charged twenty days notice of such hearing, and inform in writing the faculty member so charged of the time, date and place of such hearing.

(6) The dismissal review committee shall:

(a) Hear testimony from all interested parties, including but not limited to other faculty members and students and receive any evidence offered by same;

(b) Afford the faculty member whose case is being heard the right of cross-examination and the opportunity to defend himself and be accompanied by legal counsel;

(c) Allow the college administration to be represented by an assistant attorney general.

(7) The dismissal review committee shall include a neutral presiding officer appointed by the appointing authority. Such presiding or hearing officer shall not be a voting member of the committee; it shall be his responsibility to:

(a) Make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings;

(b) Meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) Appoint a court reporter, who shall operate at the direction of the presiding officer and shall record all testimony, receive all documents and other evidence introduced during the course of hearings, and record any other matters related to the hearing as directed by the presiding officer;

(d) Prepare a record which shall include:

- (i) All pleadings, motions and rulings;
- (ii) All evidence received or considered;
- (iii) A statement of any matters officially noticed;
- (iv) All questions and offers of proof, objections and rulings thereon;
- (v) Proposed findings and exceptions;
- (vi) A copy of the recommendations of the dismissal review committee.

(8) A copy of the above shall be transcribed and furnished upon request to the faculty member whose case is being heard.

(9) The hearing shall be closed. However, interested parties, including but not limited to faculty members and students, will be given an opportunity to present evidence.

(10) Within ten college calendar days of the conclusion of the hearing, the dismissal review committee will arrive at its recommendations in conference on the basis of the hearing. Before doing so, it should give the faculty member or his counsel(s) and the representative designated by the president of the college the opportunity to argue orally before it. If written briefs would be helpful, the dismissal review committee may request them. The dismissal review committee may proceed to a recommendation promptly or await the availability of a transcript if making a fair recommendation would be aided thereby. Within fifteen college calendar days of the conclusion of the hearing the president of the college, the faculty member and the board of trustees will be presented with recommendations in writing and given a copy of the record of the hearing.

(11) The board of trustees shall meet within a reasonable time subsequent to its receipt of the dismissal review committee recommendations to consider those recommendations. The board of trustees shall afford the parties the right to oral and written argument with respect to whether they will dismiss the faculty member involved. The board of trustees may hold such other proceedings as they deem advisable before reaching their decision. A record of the proceedings at the board level shall be made and the final decision shall be based only upon the record made before the board and the dismissal review committee, including the briefs and oral arguments. The decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the board of trustees after giving reasonable consideration to the recommendations of the dismissal review committee. The dismissal review committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision maker, the board of trustees. The board of trustees shall within fifteen days following the conclusion of their review, notify the charged faculty member in writing of its final decision.

(12) Suspension of the faculty member by the president during the administrative proceedings involving him (prior to the final decision of the board of trustees) is justified if immediate harm to himself or others is threatened by his continuance. Any such suspension shall be with pay.

(13) Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the faculty member, the dismissal review committee or administrative officers of the board of trustees until all administrative proceedings and appeals have been completed.

(14) Any dismissed faculty member shall have the right to appeal the final decision of the board of trustees within ten days of the receipt of the notice of dismissal. The filing of an appeal shall not stay enforcement of the decision of the board of trustees.

(15) If the president of Grays Harbor College initiates a formal written recommendation that a faculty member be dismissed and the board of trustees decides to retain the faculty member, or if the trustees' decision to dismiss a faculty member is reversed by a court, all evidence concerning the dismissal will be removed from the faculty member's permanent personnel file if the reason for the denial of the recommendation was the president's failure to establish the facts which were the basis for the dismissal recommendation.

If the facts which were the basis for the dismissal recommendation were shown to the satisfaction of the trustees and the courts, but the dismissal recommendation was not followed because the trustees or the courts decided that the facts were not sufficient to warrant dismissal, the facts which were shown would be retained in the faculty member's permanent personnel file along with a record of the outcome of the dismissal proceeding.

If the facts are to be retained in the faculty member's permanent personnel file, the faculty member will be given an opportunity to review the facts and to write an explanation which will be retained along with the findings of fact. [Order, § 132B-128-050, filed 3/28/73.]

WAC 132B-128-100 Academic employee reduction procedure. If an academic employee with a full-time faculty appointment is to be laid off for program termination or reduction, decreases in enrollment, changes in educational policy or substantial evidence of a serious shortage of funds, the Grays Harbor College Policies and Procedures for Tenure and Dismissal will be utilized and the following criteria and procedures will be used:

(1) The president, with consultation from his administrative staff, will review the nature of the problem facing the college. If the president determines that reductions in staff are or will be necessary in the near future, he will give notice of the potential reductions to the recognized academic employee organization. The notice which the president gives to the recognized academic employee organization shall include:

- (a) The reasons for the proposed reductions in force;
- (b) The number of academic employees to be considered for layoff.

(2) The recognized academic employee organization will then have the right to meet with the president who shall fully document the need for such reductions in staff. The president shall present and explain the major criteria to be used to identify those to be laid off. If any courses currently in the curriculum are expected to be

eliminated, he shall identify those courses and explain why they have been judged not to be the most necessary course offerings to maintain the best possible quality educational opportunities at Grays Harbor College.

(3) The need for a reduction in force will be determined on the basis of the need for reduction in each division of Grays Harbor College.

(4) The divisions at Grays Harbor College, for purposes of this document, shall be Business Administration, English-Speech, Health and Physical Education, Humanities, Life Sciences, Physical Science and Mathematics, Social Science, Vocational-Technical, Administration, Library, and Student Services.

(5) Within a reasonable time after the start of the fall quarter of each year, the dean of instruction, with advice from the appropriate division chairman, shall assign each academic employee to a division. An academic employee may not be a member of more than one division. (If this code is passed during the school year, the dean of instruction shall assign the academic employees to their respective divisions within a reasonable period of time after passage of this code.)

(6) If the number of academic employees is to be reduced, the president, with advice from the dean of instruction and division chairmen, shall decide in the case of each affected division what course offerings and/or other services are most necessary to maintain quality education at Grays Harbor College. The president shall consider but not be limited to the following factors:

(a) The enrollment and the trends in enrollment for not less than four consecutive quarters, if applicable, and their effect upon each division;

(b) The goals and objectives of Grays Harbor College and the State Board for Community College Education;

(c) Information concerning faculty and administrative vacancies occurring through retirement, resignation, sabbaticals and leaves of absence.

(7) Those duties associated with the course offerings and/or other services determined to be most necessary at Grays Harbor College will be considered needed duties of an academic employee.

(8) The president's determination of the most necessary course offerings and/or other services is not subject to review by the dismissal review committee.

(9) If a reduction is necessary within a division, the following order of layoff will be utilized provided there are qualified academic employees to replace and perform all the needed duties of the academic employees to be laid off: First, part-time academic employees; second, probationary appointees with the least seniority; third, full-time tenured academic employees with the least seniority.

(10) Seniority shall be determined by establishing the date of the signing of the first full-time contract for the most recent period of continuous full-time professional service for Grays Harbor College which shall include leaves of absence, sabbatical leaves, and periods of layoffs. (This shall include professional services for the Aberdeen School District No. 5 prior to July 1, 1967, if assigned to Grays Harbor College.) The longest terms of employment as thus established shall be considered the highest level of seniority. In instances where academic

employees have the same beginning date of full-time professional services, seniority shall be determined in the following order:

(a) First date of the signature of a letter of intent to accept employment;

(b) First date of application for employment.

(11) An academic employee shall be qualified to instruct courses which the president, with advice from the dean of instruction and the appropriate division chairman, determines the academic employee is qualified to instruct. The president's determination of what duties an academic employee is qualified to perform is not subject to review by the dismissal review committee.

(12) A full-time tenured academic employee whose contract was not renewed as a result of this academic employee staff reduction procedure has a right to recall to any teaching position, either a newly created one or a vacancy, providing he is qualified as determined by the college president. The recall shall be in reversed seniority, the most senior first. The right of recall shall extend three years from the date of layoff. Full-time tenured academic employees who have been laid off will retain all accrued benefits, such as sick leave and seniority. Upon recall they shall be placed at least at the next higher increment on the salary schedule than at the time of layoff and will retain their tenured status. [Order, § 132B-128-100, filed 3/28/73.]

Chapter 132B-276 WAC PUBLIC RECORDS POLICY

WAC

132B-276-010	Purpose.
132B-276-020	Definitions.
132B-276-030	Description of central and field organization of Community College District No. 2.
132B-276-040	Operations and procedures.
132B-276-050	Public records available.
132B-276-060	Public records officer.
132B-276-070	Office hours.
132B-276-080	Requests for public records.
132B-276-090	Copying.
132B-276-100	Exemptions.
132B-276-110	Review of denials of public records requests.
132B-276-120	Protection of public records.
132B-276-130	Records index.
132B-276-990	Appendix A—Request for public record to Community College District No. 2.

WAC 132B-276-010 Purpose. The purpose of this chapter shall be to ensure compliance by Community College District No. 2 with the provisions of chapter 42.17 RCW, commonly called Initiative No. 276, and in particular with RCW 42.17.250 - 42.17.340 of that act dealing with public records. [Order, § 132B-276-010, filed 10/28/74.]

WAC 132B-276-020 Definitions. (1) "Public records" include 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.

(3) "Community College District No. 2" is an agency organized by statute pursuant to RCW 28B.50.040 and shall hereinafter be referred to as the "district". Where appropriate, the term district also refers to the board of trustees and employees of the district. [Order, § 132B-276-020, filed 10/28/74.]

WAC 132B-276-030 Description of central and field organization of Community College District No. 2. District No. 2 is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff is located at Grays Harbor College, Aberdeen, Washington 98520. [Order, § 132B-276-030, filed 10/28/74.]

WAC 132B-276-040 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members, each appointed by the governor to a term of five years. The trustees meet the third Monday of each of the following months: September, November, January, March and May in the Administrative Conference Room of Grays Harbor College, unless public notice is given of a special meeting. At such time the trustees exercise the powers and duties granted them under RCW 28B.50.140. [Order, § 132B-276-040, filed 10/28/74.]

WAC 132B-276-050 Public records available. All public records of the district, as defined in WAC 132B-276-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 132B-276-100. [Order, § 132B-276-050, filed 10/28/74.]

WAC 132B-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative offices of the district. The public records officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW. [Order, § 132B-276-060, filed 10/28/74.]

WAC 132B-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, the customary office hours shall be from

9:00 a.m. to noon, and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Order, § 132B-276-070, filed 10/28/74.]

WAC 132B-276-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at its administrative office. The form shall be presented to the public records officer, or to any member of the district's staff if the public records officer is not available, at the administrative offices of the district during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the district's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested. [Order, § 132B-276-080, filed 10/28/74.]

WAC 132B-276-090 Copying. No fee shall be charged for the inspection of public records. The district shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance. [Order, § 132B-276-090, filed 10/28/74.]

WAC 132B-276-100 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132B-276-080 is exempt under the provisions of chapter 42.17 RCW.

(2) In addition, pursuant to RCW 42.17.310, the district reserves the right to delete identifying details when it makes available or publishes any public record 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 will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order, § 132B-276-100, filed 10/28/74.]

WAC 132B-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or his designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the district has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order, § 132B-276-110, filed 10/28/74.]

WAC 132B-276-120 Protection of public records. Requests for public records shall be made in the administration building of Grays Harbor College. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made at Grays Harbor College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132B-276-090. [Order, § 132B-276-120, filed 10/28/74.]

WAC 132B-276-130 Records index. (1) **Index** - the district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or any private party.

(2) **Availability** - the current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order, § 132B-276-130, filed 10/28/74.]

WAC 132B-276-990 Appendix A—Request for public record to Community College District No. 2.

APPENDIX "A"

REQUEST FOR PUBLIC RECORD TO COMMUNITY COLLEGE DISTRICT NO. 2

Signature Name (please print)

Name of Organization

Mailing Address of Applicant Phone Number

Date Request Made at Community College District No. 2 Time of Day of Request

Nature of Request

Identification Reference on Current Index (please describe)

Description of record or matter requested, if not identifiable by reference to current index of Community College District No. 2.

Request Approved Date By Public Records Officer

Request Denied Reasons for Denial

Referred to Date

[Order, Appendix A (codified as WAC 132B-276-990), filed 10/28/74.]