

Title 184 WAC

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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Chapter 184-01 WAC

COMPOSITION AND FUNCTION OF BOARD

WAC

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WAC 184-01-010 Members. The board is an independent agency of the state of Washington and is composed of twelve members as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, four employee and retired employee representatives from the state or its political sub-division employees, and four members representing fire fighters, law enforcement officers, city employers and county employers, respectively. [Order XX, § 184-01-010, filed 12/2/74; Rule .01.010, filed 3/23/60.]

WAC 184-01-020 Officers. The board shall appoint a director who shall be delegated the administrative detail and with the approval of the board, may employ or engage such clerical, technical and administrative employees or consultants as may be necessary for the proper operation of the retirement system. The board shall appoint a financial adviser, an actuary and a medical adviser to assist the director in performance of the administrative detail. The board shall, within the month of February each year, elect a chairman and a vice chairman from its membership. [Order XX, § 184-01-020, filed 12/2/74; Rule .01.020, filed 3/23/60.]

WAC 184-01-025 Reference to "Executive Secretary" amended to read "Director". In conformity with the provisions of chapter 174, Laws of 1963, whereby

the title of the chief executive officer of the retirement system was changed from "Executive Secretary" to "Director", all references in these rules of practice and procedure to the position of "Executive Secretary" or "Executive Secretary of the Board" shall be deemed amended to read respectively "Director" and "Director of the Retirement System". [Rule .01.025, filed 1/13/66.]

WAC 184-01-030 Function. The board shall be vested with the general administration and responsibility for the proper operation of the state employees' retirement system and for making effective the provisions of the statute. All final orders, decisions or awards of the board pertaining to administration of the retirement system and to disposition of disability claims, duty or non-duty, shall be in the form of resolutions passed by a majority vote of members of the board and subscribed to by the director or assistant director. A majority of the board shall constitute a quorum for transaction of business at any meetings of the board. For the purpose of these rules, all final orders, decisions or awards of the board shall be passed by resolutions and classified as administration, disability or miscellaneous. [Order XII, § 184-01-030, filed 7/12/73; Rule .01.030, filed 3/23/60.]

WAC 184-01-035 Name. In conformity with the provisions of chapter 190, Laws of 1973 ex. sess. the retirement system shall be known as the Public Employees' Retirement System and the retirement board shall be known as the Public Employees' Retirement Board. All reference in these rules to either term shall be considered amended to read as indicated. [Order XX, § 184-01-035, filed 12/2/74.]

WAC 184-01-040 Location. The board shall meet in the board room located in the headquarters of the state employees' retirement system, 201 General Administration Building, Olympia, Washington. [Rule .02.010, filed 3/23/60.]

WAC 184-01-050 Meetings. The board shall meet on the third Monday of each month except when that date falls upon a holiday, or when the board determines otherwise, in advance, in which case another meeting date shall be established by the director. Other meetings may be called by the director as needed. [Order XX, § 184-01-050, filed 12/2/74; Rule .02.020, filed 3/23/60.]

WAC 184-01-060 Office of director. (1) **Location.** The office of the director is currently located in the

headquarters of the public employees' retirement system, Capitol Plaza Building, Union & Eastside, Olympia, Washington.

(2) Business hours. The office of the director and the headquarters of the public employees' retirement system shall be open between the hours of 8 a.m. and 5 p.m., Monday through Friday, except legal holidays. [Order XX, § 184-01-060, filed 12/2/74; Rule .02.030, filed 3/23/60.]

WAC 184-01-070 Correspondence with the board. All correspondence and official communications, including notices, appeals and pleadings must be in writing, served and filed with the director at his office, Capitol Plaza Building, Union & Eastside, Olympia, Washington. [Order XX, § 184-01-070, filed 12/2/74; Rule .02.040, filed 3/23/60.]

WAC 184-01-07001 Nominations. Pursuant to RCW 41.40.030, nominations of candidates for the office of employee representative to the Public Employees' Retirement Board shall be conducted as follows: (1) Any employee desiring to become a candidate to represent employees in his classification may during the first two weeks of April of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the board.

(2) The letter supporting his candidacy must be signed by at least twenty active members of the retirement system in his classification.

(3) In those instances in which, at the close of the period for the submission of letters supporting candidacy, no more than one individual has filed a statement that he desires to become a candidate, with the supporting signatures, that individual shall be deemed to have been elected the employee representative of the classification of employees for which he has filed his nomination. [Order XVII, § 184-01-070 (codified as WAC 184-01-07001), filed 6/19/74.]

Chapter 184-03 WAC DISABILITY AND OTHER APPLICATIONS

WAC

184-03-010	Disability and benefit claims.
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184-03-050	Disability and benefit claims—Legal examination.
184-03-060	Disability and benefit claims—Medical examination.
184-03-070	Disability and benefit claims—Medical recommendation.
184-03-080	Disability and benefit claims—Recommendation and conclusion.
184-03-090	Disability and benefit claims—Board decision on application.
184-03-100	Disability and benefit claims—Notification of member.
184-03-110	Miscellaneous applications.
184-03-120	Identification.

WAC 184-03-010 Disability and benefit claims. A member, the employer or any other interested person, shall notify the executive secretary by written or oral statement when it is considered that a member is suffering a disability or entitled to claim a benefit under this chapter. [Rule .03.010, filed 3/23/60.]

WAC 184-03-020 Disability and benefit claims—Acknowledgment and forms. The executive secretary shall forthwith acknowledge any statement and provide the member and his employer with the following forms for completion: (1) S. F. 7812-A, application for disability retirement; (2) S. F. 7812-B, certification of employment and employer's statement; (3) S. F. 7812-C, examining physician's report. [Rule .03.020, filed 3/23/60.]

WAC 184-03-030 Disability and benefit claims—Processing applications. The processing of duty disability applications shall commence when the executive secretary receives the completed forms required in WAC 184-03-020. The processing of non-duty disability applications shall commence when the executive secretary receives the member's application and examining physician's report. [Rule .03.030, filed 3/23/60.]

WAC 184-03-040 Disability and benefit claims—Recording. The executive secretary shall examine the application and forms for completeness, make arrangements for filing and docketing the same and refer them to the legal adviser for examination. [Rule .03.040, filed 3/23/60.]

WAC 184-03-050 Disability and benefit claims—Legal examination. The legal adviser of the board, by law, is the attorney general of the state of Washington and a member of his staff may be designated as the legal adviser of the board. The executive secretary or the legal adviser shall examine the member's file for adequacy of the information presented to support the legal basis of the application. If it is felt that certain statements may be subject to question or that additional information cannot be supplied through correspondence, then the supervisor of audits, or other designated accounts auditors, shall investigate to establish and supply the necessary information required to complete the processing of the application. [Rule .03.050, filed 3/23/60.]

WAC 184-03-060 Disability and benefit claims—Medical examination. The executive secretary or legal adviser shall transmit the member's file to the medical adviser of the state employees' retirement system. If the medical adviser concludes that there are insufficient medical facts, then the executive secretary shall, at the request of the medical adviser, authorize a special examination of the member in a suitable locality, convenient to all parties. [Rule .03.060, filed 3/23/60.]

WAC 184-03-070 Disability and benefit claims—Medical recommendation. When the medical adviser has reached a conclusion on the medical facts, he shall return the member's file to the executive secretary or legal

adviser with his written recommendation regarding the disability application. [Rule .03.070, filed 3/23/60.]

WAC 184-03-080 Disability and benefit claims—Recommendation and conclusion. The executive secretary or the legal adviser shall review the conclusion of the medical adviser and prepare a summary and recommendation, based on all the facts in the member's file, and submit it to the board for review. [Rule .03.080, filed 3/23/60.]

WAC 184-03-090 Disability and benefit claims—Board decision on application. The board shall act on the application as follows:

- (1) Approval or denial by resolution.
- (2) Referral back to the executive secretary for further investigation or information. [Rule .03.090, filed 3/23/60.]

WAC 184-03-100 Disability and benefit claims—Notification of member. The executive secretary shall forthwith notify the member of the board's action and in case the decision is adverse to the member's application, shall notify the member of his right to appeal. [Rule .03.100, filed 3/23/60.]

WAC 184-03-110 Miscellaneous applications. Miscellaneous applications requiring the board's decision shall be subject to the same general procedure except for WAC 184-03-020 and 184-03-030. [Rule .03.110, filed 3/23/60.]

WAC 184-03-120 Identification. Records of members of the retirement system will be filed and identified in part by Social Security number. Each member of the system shall be required to supply his or her Social Security number for such record-keeping purposes. Such disclosure shall be voluntary and shall only be used for record-keeping and identification purposes. Failure to supply a Social Security number shall not result in the loss of any benefits supplied by this system. [Order XXII, § 184-03-120, filed 4/22/76.]

**Chapter 184-05 WAC
APPEALS TO THE BOARD**

WAC	
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184-05-060	Correction and amendment of notices and pleadings.
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184-05-080	Board action—Notice of hearing—Objections.
184-05-090	Board action—Hearing.
184-05-100	Board action—Order of proceedings at hearings.
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184-05-120	Board action—Evidence.
184-05-130	Disposition of appeals—In general.
184-05-140	Disposition of appeals—Orders on hearings.
184-05-150	Disposition of appeals—Decision and order on agreement of parties.

WAC 184-05-010 Filing appeals—Disability cases. See RCW 41.40.412. Any person aggrieved by any final decision of the board must, before he appeals to the court of Thurston county, invoke the jurisdiction of the board by filing with the executive secretary personally or by mail, within sixty days from the date such decision was communicated to such person, a notice of appeal before the board. The notice of appeal must contain:

- (1) The name and mailing address of the member or beneficiary, and the employer of the member at the time of the accident, injury or disease;
- (2) The name and legal residence of the appealing party, together with the mailing address of his representative, if any;
- (3) The date and nature of the accident, injury or disease, the place it occurred and location of the employer;
- (4) If the injury or disease did not occur in the county where the member or beneficiary resides, the name of the county in which the appealing party desires to have the hearing held and a city or town most convenient within the county where hearing is to be held;
- (5) A statement identifying the decision or award appealed from and that portion of the decision or award considered to be unjust or unlawful;
- (6) A clear and concise statement of facts in support of the grounds stated including, where applicable, a description of the physical facts constituting the claimant's present disability and how it is manifested;
- (7) The type of relief sought, including specific dates at which time the appealing party believes the benefit accrued;
- (8) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by his signature and the signature of his representative, if any;
- (9) The appealing parties shall file with the executive secretary by mail or otherwise, the original and two copies of the notice of appeal and the executive secretary shall forthwith acknowledge receipt of the copies filed with him and his stamp placed upon such copies shall be prima facie evidence of the date of receipt. The board may thereafter require additional copies to be filed if necessary. [Rule .04.010, filed 3/23/60.]

WAC 184-05-020 Filing appeals—In cases involving miscellaneous orders. The notice of appeal must contain:

- (1) The name and mailing address of the appealing party and his representative, if any;
- (2) The appealing party's legal residence or principal place of business within the state;
- (3) A statement identifying the order appealed from;
- (4) Grounds upon which the appealing party considers such order to be unjust or unlawful;
- (5) A statement of facts in support of and following each stated ground of contention;
- (6) The particular relief sought;
- (7) An affidavit of the appealing party and his representative, that they have read the notice of appeal and

believe the contents to be true. When the appealing party has no representative his affidavit alone will suffice;

(8) The notice of appeal must be phrased in direct language presenting the contents in the required order, and a statement of fact must be specific and detailed. [Rule .04.010, filed 3/23/60.]

WAC 184-05-030 Appearance. Upon receipt of the notice of appeal the executive secretary shall forthwith mail copies to the employer, or any other interested party (except the appealing party and the state employees' retirement board). Such parties must file with the executive secretary a written notice of appearance. The notice of appearance must contain:

(1) The name and address of the party.

(2) By whom appearance will be made and in case the party will not appear for himself or will be accompanied by a representative, the name and address of such representative. [Rule .05.010, filed 3/23/60.]

WAC 184-05-040 Parties. The parties to an appeal shall be the appealing party, the state employees' retirement board, all persons who have filed a notice of appearance after the receipt of a copy of the notice of appeal under WAC 184-05-010, and all persons who have otherwise filed a notice of appearance and made a proper showing of interest in the appeal. The executive secretary may exclude from the appeal any party who has unreasonably delayed the filing of a notice of appearance. Upon determination that a person has made a proper showing of interest the executive secretary will forthwith mail him a copy of the notice of appeal. There shall be no obligation to serve notices, pleadings or correspondence upon any person who has not entered an appearance as provided herein. Service upon the representative of a party shall constitute service upon such party. [Rule .05.020, filed 3/23/60.]

WAC 184-05-050 Responsive pleadings. Within fifteen days after the mailing of a copy of the notice of appeal to any party, such party may file an answer to the allegations contained in a notice of appeal. Such filing will be taken in lieu of a notice of appearance in case no notice of appearance shall have previously been filed. [Rule .05.030, filed 3/23/60.]

WAC 184-05-060 Correction and amendment of notices and pleadings. Any notice of appeal, notice of appearance or responsive pleadings may be rejected by the executive secretary and returned to the party filing it if it is defective or insufficient. Correction thereof may be permitted by the executive secretary upon such terms as are just to the parties to the appeal. Any party may amend his notice of appeal or responsive pleading, as the case may be, on such terms as the executive secretary may prescribe. [Rule .05.040, filed 3/23/60.]

WAC 184-05-070 Board action—Notice of appeal. After the notice of appeal is filed, the executive secretary will grant the appeal and order a hearing, except in cases where the appeal may be lawfully determined by a final decision or award without a hearing. In

such cases, the executive secretary shall submit the application, together with the legal adviser's recommendation, to the board for a decision or award. The executive secretary shall forthwith notify all parties to the appeal, of the action of the board. [Rule .06.010, filed 3/23/60.]

WAC 184-05-080 Board action—Notice of hearing—Objections. If the executive secretary orders a hearing, notice thereof shall be mailed to all parties pursuant to WAC 184-08-080. Any party must file his objection to the time appointed in the notice of hearing with the executive secretary of the board at its headquarters in Olympia, Washington, within ten days after the notice is communicated to him. If the board acts favorably upon such objections all parties to the appeal will be notified of cancellation of the notice objected to and in due course an amended notice will be issued in accordance with this rule. [Rule .06.020, filed 3/23/60.]

WAC 184-05-090 Board action—Hearing. The hearing will be held in accordance with the notice of hearing unless the appeal shall be disposed of prior to the date of the hearing. The hearing will be held before a member of the board, the executive secretary, or its designated representative, who shall be the presiding officer and shall have the authority to conduct the hearing in an orderly manner. The executive secretary may appoint a representative to preside at each hearing if he or a member of the board is unable to conduct the hearing. The presiding officer at the hearing shall administer the oath, preserve and enforce order and rule on procedure, applications, motions and objections made during the course of the hearing. Rulings by the presiding officer on all procedural applications, motions and objections will be part of the record. The presiding officer may also, at any time prior to the final disposition of the appeal, recess the hearing for a prehearing or informal conference as provided in WAC 184-08-430. [Rule .06.030, filed 3/23/60.]

WAC 184-05-100 Board action—Order of proceedings at hearings. It is the policy of the board, through the executive secretary, to schedule and hold a single hearing for the taking of all evidence to be presented by all parties in a case on appeal. The party who bears the burden of proof must initially introduce all the evidence for his case-in-chief. Other parties may introduce the evidence necessary to their cases-in-chief. In the event there is more than one party, they may either present their cases-in-chief successively or may join in their presentation. Rebuttal evidence will be received in similar order. The board, or its designated representative, may at any time present additional evidence as it deems necessary to decide the appeal fairly and equitably. If a party desires to present evidence in rebuttal to any evidence so presented by the board, he must make application therefor, immediately following conclusion of such evidence. Such application will be granted by the assignment of a time and place for the taking of such rebuttal evidence. Opportunity for cross examination will be given immediately following the direct examination of any witness. [Rule .06.040, filed 3/23/60.]

WAC 184-05-110 Board action—Continuances. Continuances may be granted by the executive secretary or its designated representative for hardship upon a proper showing thereof in the record. Reasons for continuances known to any parties prior to the date specified in the notice of hearing, must be assigned in an application for continuance. The application must be forthwith filed upon discovery of such reasons, as responsive pleadings, and served upon the other parties in accordance with the provision of WAC 184-08-090 through 184-08-140. [Rule .06.050, filed 3/23/60.]

WAC 184-05-120 Board action—Evidence. (1) **General.** Subject to other provisions of this rule, all relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence obtainable, having due regard to necessity, availability and trustworthiness;

(2) **Sworn testimony.** No testimony shall be received in evidence unless it shall have been taken by deposition or written interrogatories in accordance with WAC 184-08-230 through 184-08-360 or the witness shall have first sworn to testify to the truth, the whole truth and nothing but the truth, in the matter being heard;

(3) **Cross examination.** Every party shall have the right of cross examination of a witness other than his own, if it is necessary for a full and true disclosure of the facts;

(4) **Objections.** Objection to the admission or exclusion of evidence must be in short form, stating the legal grounds of the objection relied upon and the transcript will not include extended argument or debate. All objections shall be deemed waived unless renewed before the end of the hearing. Renewal of such objections shall consist of two steps:

(a) Forthwith upon the making of the ruling by the presiding officer, notifying him of intention to renew, followed by an offer of proof in cases of exclusion of testimony and;

(b) Within ten days after the hearing, by filing any necessary written briefs with the executive secretary of the board, briefs to be used in cases where there was an exclusion of testimony. The briefs and offers of proof must be served upon the other parties of the proceedings in accordance with WAC 184-08-090 through 184-08-140. The executive secretary shall submit all such materials to the board and it shall consider the ruling of the presiding officer as on an appeal and in case of error shall order the correction of the record accordingly;

(5) **Rulings.** The presiding officer may, in his discretion, either with or without objection, exclude inadmissible evidence and order cumulative or repetitious evidence discontinued. In ruling upon objections to the competency or admissibility of evidence and disposing of appeals from such rulings, if any, the presiding officer shall give due consideration to the requirement that hearings be informal in the application of the rules applicable in the superior court of the state of Washington. [Rule .06.060, filed 3/23/60.]

WAC 184-05-130 Disposition of appeals—In general. Appeals may be decided after hearing on the evidence submitted at the hearing, by confirmation of

the agreement with the parties without further hearing (either with or without a prehearing conference) or before a hearing upon inspection of the notice of appeal and the record of the state employees' retirement system in the case. All appeals will be decided by a vote of a majority of the members of the board and final disposition of every appeal will be by written decision and order adopted by resolution and made part of the record of the board. Copies of such decision and order shall be forthwith mailed by the executive secretary to all parties to the appeal. [Rule .07.010, filed 3/23/60.]

WAC 184-05-140 Disposition of appeals—Orders on hearings. If an appeal is granted and the parties do not obtain final disposition of such appeal by agreement, the record of the board shall be the exclusive basis for the decision and order of the board. Such record will consist of the notice of appeal, the decision of the board from which appeal is taken, the responsive pleadings and notices of appearance and any other written applications, notices or requests duly filed in the appeal by any party. Such record will also include all depositions, written interrogatories, the transcript of testimony and other proceedings at the hearings, together with all exhibits offered. No part of the record of the state employees' retirement system or other documents shall be made part of the record of the board unless offered in evidence at the hearing. After the hearing and completion of the record, a majority of the board shall consider the record and dispose of the appeal by a written decision and order and adopt it by resolution. Such written decision and order shall contain the opinion, findings of fact, conclusions of law and order of the board. See WAC 184-08-410. [Rule .07.020, filed 3/23/60.]

WAC 184-05-150 Disposition of appeals—Decision and order on agreement of parties. If at any time prior to or during the hearings, whether or not pursuant to a prehearing or informal conference, agreement concerning final disposition of appeal is reached by the parties, the executive secretary or its designated representative will supersede further hearing pending the board's determination upon such agreement. If it finds that such agreement is in conformity with the law and the facts, a decision and order in accordance therewith shall be made. [Rule .07.030, filed 3/23/60.]

Chapter 184-08 WAC PRACTICE AND PROCEDURE

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WAC 184-08-010 Appearance and practice before the board—Who may appear. No person may appear in a representative capacity before the board or its designated representative other than the following:

(1) Attorneys-at-law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys-at-law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys-at-law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the board and have been duly qualified and authorized by the board to appear in a representative capacity.

(4) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation. [Rule .08.010, filed 3/23/60.]

WAC 184-08-020 Appearance and practice before the board—Appearance in certain proceedings may be limited to attorneys. In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the board or its designated representative determines that representation in such hearing requires a high degree of legal training, experience, and skill, the board or its designated representative may limit those who may appear in a representative capacity to attorneys-at-law. [Rule .08.020, filed 3/23/60.]

WAC 184-08-030 Appearance and practice before the board—Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the board to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind. [Rule .08.030, filed 3/23/60.]

WAC 184-08-040 Appearance and practice before the board—Standards of ethical conduct. All persons appearing in proceedings before the board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the board may decline to permit such person to appear in a representative capacity in any proceeding before the board. [Rule .08.040, filed 3/23/60.]

WAC 184-08-050 Appearance and practice before the board—Appearance by former employee of agency or former member of attorney general's staff. No former employee of the board or member of the attorney general's staff may at any time after severing his employment

with the board or the attorney general appear, except with the written permission of the board in compliance with RCW 42.22.040, in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the board. [Rule .08.050, filed 3/23/60.]

WAC 184-08-070 Computation of time. In computing any period of time prescribed or allowed by the board rules, by order of the board or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. [Rule .08.070, filed 3/23/60.]

WAC 184-08-080 Notice and opportunity for hearing in contested cases. In any appeal, all parties shall be served with a notice at least 15 days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1) and WAC 184-05-010 and 184-05-020. [Rule .08.080, filed 3/23/60.]

WAC 184-08-090 Service of process—By whom served. The board shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Rule .08.090, filed 3/23/60.]

WAC 184-08-100 Service of process—Upon whom served. All papers served by either the board or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. [Rule .08.100, filed 3/23/60.]

WAC 184-08-110 Service of process—Service upon parties. The final order, and any other paper required to be served by the board upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Rule .08.110, filed 3/23/60.]

WAC 184-08-120 Service of process—Method of service. Service of papers shall be made personally, or, unless otherwise provided by law, by first-class, registered, or certified mail. [Rule .08.120, filed 3/23/60.]

WAC 184-08-130 Service of process—When service complete. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail, upon deposit in the United State mail properly stamped and addressed. [Rule .08.130, filed 3/23/60.]

WAC 184-08-140 Service of process—Filing with board. Papers required to be filed with the board shall not be deemed filed until actual receipt of the papers by the board at its headquarters, 201 General Administration Building, Olympia, Washington. (P.O. Box 927.) [Rule .08.140, filed 3/23/60.]

WAC 184-08-150 Subpoenas—Form. Every subpoena shall name the board and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place. [Rule .08.150, filed 3/23/60.]

WAC 184-08-160 Subpoenas—Issuance to parties. Upon application of counsel or other representative authorized to practice before the board for any party, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The board may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought. [Rule .08.160, filed 3/23/60.]

WAC 184-08-170 Subpoenas—Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law. [Rule .08.170, filed 3/23/60.]

WAC 184-08-180 Subpoenas—Fees. Witnesses summoned before the board shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington. [Rule .08.180, filed 3/23/60.]

WAC 184-08-190 Subpoenas—Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the board or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than a representative of the board, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service. [Rule .08.190, filed 3/23/60.]

WAC 184-08-200 Subpoenas—Quashing. Upon motion made promptly, and in any event at least 3 days before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the board or its designated representative may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions. [Rule .08.200, filed 3/23/60.]

WAC 184-08-210 Subpoenas—Enforcement. Upon application and for good cause shown, the board will seek judicial enforcement of subpoenas issued to parties and which have not been quashed. (See RCW 41.40.419). [Rule .08.210, filed 3/23/60.]

WAC 184-08-220 Subpoenas—Geographical scope. Refer to RCW 41.40.414. [Rule .08.220, filed 3/23/60.]

WAC 184-08-230 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding; provided that, if the deponent is a party, his deposition shall not be taken until he has received notice of the hearing. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the statutes pertaining to subpoenas. (See RCW 41.40.414). [Rule .08.230, filed 3/23/60.]

WAC 184-08-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. [Rule .08.240, filed 3/23/60.]

WAC 184-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the board or agreed upon by the parties by stipulation in writing filed with the board. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding. [Rule .08.250, filed 3/23/60.]

WAC 184-08-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the board and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the presiding officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. [Rule .08.260, filed 3/23/60.]

WAC 184-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the board or its designated representatives may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the board, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the board; or the board may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the board or its designated representative may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the board. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Rule .08.270, filed 3/23/60.]

WAC 184-08-275 Depositions and interrogatories in contested cases—Extension and continuance. The board or its designated representative may extend the hearing date or continue a hearing if any party requires additional time to complete discovery by deposition or written interrogatories. [Rule .08.275, filed 3/23/60.]

WAC 184-08-280 Depositions and interrogatories in contested cases—Oral examination and cross examination. Examination and cross examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Rule .08.280, filed 3/23/60.]

WAC 184-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under

his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, or mechanical device, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Rule .08.290, filed 3/23/60.]

WAC 184-08-300 Depositions and interrogatories in contested cases—Signing attestation and return.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the (refusal to sign together with the reason, if any, given therefor; and the deposition) may then be used as fully as though signed, unless on a motion to suppress the board holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the board, or its designated representative, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Rule .08.300, filed 3/23/60.]

WAC 184-08-310 Depositions and interrogatories in contested cases—Use and effect.

Subject to rulings by the presiding officer upon objections, a deposition taken and filed as provided in this rule, will not become a part of the record in the proceeding until received in evidence by the presiding officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the presiding officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Rule .08.310, filed 3/23/60.]

WAC 184-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents.

Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken. [Rule .08.320, filed 3/23/60.]

WAC 184-08-330 Depositions upon interrogatories—Submission.

Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. The party so served, may serve cross-interrogatories upon the party proposing to take the deposition. The latter may serve redirect interrogatories upon the party who served cross-interrogatories. [Rule .08.330, filed 3/23/60.]

WAC 184-08-340 Depositions upon interrogatories—Interrogation.

Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 184-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Rule .08.340, filed 3/23/60.]

WAC 184-08-350 Depositions upon interrogatories—Attestation and return.

The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the board, or its designated representative, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Rule .08.350, filed 3/23/60.]

WAC 184-08-360 Depositions upon interrogatories—Provisions of deposition rule.

In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Rule .08.360, filed 3/23/60.]

WAC 184-08-370 Official notice—Matters of law. The board or its designated representative, upon request made before or during a hearing, will officially notice;

(1) **Federal law:** The constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies, executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law:** The constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports, decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser;

(3) **Governmental organization:** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States the several states and foreign nations;

(4) **Board organization:** The board organization, administration, officers, personnel, official publications, and practitioners before its bar. [Rule .08.370, filed 3/23/60.]

WAC 184-08-380 Official notice—Material facts. In the absence of controverting evidence, the board or its designated representative upon request made before or during a hearing, may officially notice:

(1) **Board proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter or its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the board or its designated representative may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any pre-hearing conference or oral hearing or argument, or make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the presiding officer of the board may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be

taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board, its designated representative or other employees or agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them. [Rule .08.380, filed 3/23/60.]

WAC 184-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the board, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly co-exists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact. [Rule .08.390, filed 3/23/60.]

WAC 184-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of

record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or non-existence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the board or its designated representative, that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding. [Rule .08.400, filed 3/23/60.]

WAC 184-08-410 Form and content of decisions in contested cases. Refer to RCW 41.40.418. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of the board and name of the proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or decision and order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same. [Rule .08.410, filed 3/23/60.]

Reviser's note: RCW 41.40.418 was repealed by section 17, chapter 128, Laws of 1969.

WAC 184-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the presiding officer may proceed promptly to conduct the hearing on relevant and material matter only. [Rule .08.420, filed 3/23/60.]

WAC 184-08-430 Prehearing conference rule—Authorized. In any proceeding the board or its designated representative upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

(1) The simplification of the issues;

(2) The necessity of amendments to the pleadings;

(3) The possibility of obtaining stipulations, admissions of facts and of documents;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the proceeding;

(6) New medical facts; upon such facts being submitted by the appealing party or his representative, the executive secretary or its designated representative may, on his own motion, agree to another medical examination on behalf of the board to assist in the expeditious disposition of the appeal. [Rule .08.430, filed 3/23/60.]

WAC 184-08-440 Prehearing conference rule—Conclusion of prehearing conferences. (1) **Agreement on all issues.** If at any informal conference the parties reach agreement upon all the issues involved in the appeal so that it may be finally disposed of in accordance with the law and the facts, further hearing will be discontinued and the appeal shall be submitted to the board by the executive secretary for final decision or award. The executive secretary shall forthwith notify all parties to the appeal by mail, of the decision and order of the board.

(2) **Other agreements prior to hearing.** If at a prehearing conference, agreement upon final disposition of the appeal is not reached, the executive secretary or the designated representative, will make an order which recites the action taken at the conference, the agreements of the parties concerning issues, admissions, witnesses, medical facts, stipulations and other matters that may be of assistance in subsequent proceedings, and the issues remained to be considered at the hearing. Such order, subject to modification at the hearing shall control the subsequent course of the proceedings.

(3) **Other agreements during hearing.** If at any recess during a hearing, an informal conference is held which does not result in final disposition of the appeal upon agreement of the parties, the presiding officer will state on the record of the hearing, the results of such conferences. Such statements on the record, subject to modification at the hearing, shall control the subsequent course of the proceedings. [Rule .08.440, filed 3/23/60.]

WAC 184-08-450 Submission of documentary evidence in advance. Where practicable the board or its designated representative may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the presiding officer and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subsection (1) be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party

will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection. [Rule .08.450, filed 3/23/60.]

WAC 184-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Rule .08.460, filed 3/23/60.]

WAC 184-08-470 Expert or opinion testimony based on economic and statistical data—Number and qualifications of witnesses. The board or its designated representatives in all classes of cases should, where practicable, make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications. [Rule .08.470, filed 3/23/60.]

WAC 184-08-480 Expert or opinion testimony based on economic and statistical data—Written sworn statements. The board or its designated representative, in all classes of cases where it is practicable and permissible, require, and when not so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the presiding officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses. [Rule .08.480, filed 3/23/60.]

WAC 184-08-490 Expert or opinion testimony based on economic and statistical data—Supporting data. The board or its designated representatives, in its or his discretion but consistent with the rights of the

parties, may cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 184-08-480 but, wherever practicable that he restrict to a minimum the placing of such data in the record. [Rule .08.490, filed 3/23/60.]

WAC 184-08-500 Expert or opinion testimony based on economic and statistical data—Effect of noncompliance with WAC 184-08-470 or 184-08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 184-08-470 or 184-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements. [Rule .08.500, filed 3/23/60.]

WAC 184-08-540 Petitions for rule making, amendment or repeal—Who may petition. Any interested person may petition the board requesting the promulgation, amendment, or repeal of any rule. [Rule .08.540, filed 3/23/60.]

WAC 184-08-550 Petitions for rule making, amendment or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule, together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Rule .08.550, filed 3/23/60.]

WAC 184-08-560 Petitions for rule making, amendment or repeal—Agency must consider. All petitions shall be considered by the board, and the board may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule. [Rule .08.560, filed 3/23/60.]

WAC 184-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. The board shall notify the petitioning party within a reasonable time of the disposition, if any of the petition. [Rule .08.570, filed 3/23/60.]

WAC 184-08-580 Declaratory rulings. As prescribed by RCW 34.04.080, any interested person may petition the board for a declaratory ruling. The board shall consider the petition and within a reasonable time it shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or

(3) Set a reasonable time and place for a hearing, or submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission of written evidence upon the issues involved.

(4) If a hearing is held or evidence submitted, the board shall within a reasonable time:

- (a) Issue a binding declaratory rule; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued. [Rule .08.580, filed 3/23/60.]

WAC 184-08-590 Declaratory rulings—Forms. Any interested person petitioning the board for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

(1) At the top of the page shall appear the wording "BEFORE THE STATE EMPLOYEES' RETIREMENT BOARD." On the left side of the name below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "Petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(3) The original and two legible copies shall be filed with the board. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

(4) Any interested person petitioning the board requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

(5) At the top of the page shall appear the wording "BEFORE THE STATE EMPLOYEES' RETIREMENT BOARD." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)". Opposite the foregoing caption shall appear the word "petition."

(6) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed

shall either be set forth in full or shall be referred to by the board rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(7) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size. [Rule .08.590, filed 3/23/60.]

Chapter 184-09 WAC APPEAL TO THE SUPERIOR COURT

WAC

- 184-09-010 Notice of appeal to superior court.
- 184-09-020 Certification of record.

WAC 184-09-010 Notice of appeal to superior court. Upon an appeal from the decision and order of the board to the superior court pursuant to RCW 41.40.420, the appealing party within thirty (30) days from the decision and order of the board must perfect his appeal by serving notice of appeal on the executive secretary of the board by personal service or by mailing a copy thereof and filing the notice of appeal together with proof of service with the clerk of the court of Thurston county. The service and the filing together with proof of service of the notice of appeal all within thirty days shall be jurisdictional. [Rule .09.010, filed 3/23/60.]

WAC 184-09-020 Certification of record. The executive secretary shall within thirty days after receipt of such notice of appeal, serve and file on behalf of the board, notice of appearance upon the appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The executive secretary shall promptly serve upon the appellant or his attorney of record and file with the clerk of the court a certified copy of the complete record of the hearing before the board which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the supreme court as in other cases. See RCW 41.40.420, 41.40.430, and 41.40.440. [Rule .09.020, filed 3/23/60.]

Reviser's note: RCW 41.40.430 was repealed by section 17, chapter 128, Laws of 1969.

Chapter 184-12 WAC CONTRIBUTIONS

WAC

- 184-12-010 Excess contributions to employees' savings fund.

WAC 184-12-010 Excess contributions to employees' savings fund. Pursuant to authority granted by RCW 41.40.330(2) the following regulation shall cover all applications by members of the retirement system for

permission to make excess contributions to the employees' savings fund, effective immediately:

The total contributions of a member of the state employees' retirement system to the employees' savings fund in any calendar year shall in no event exceed ten percent of the member's earnable compensation for that calendar year. [Filed 5/11/65.]

Chapter 184-16 WAC

RETIREMENT ALLOWANCE DEDUCTIONS FOR PAYMENT OF CERTAIN INSURANCE PREMIUMS

WAC

184-16-010	Purpose and scope.
184-16-020	Definitions.
184-16-030	Scope of authority.
184-16-040	Procedure.
184-16-050	Revocability.
184-16-060	Effective date.

WAC 184-16-010 Purpose and scope. These rules are hereby promulgated by the Retirement Board of the Washington Public Employees' Retirement System in order to implement and give effect to the provisions of section 6, chapter 127, Laws of 1967, whereby the Legislature enacted an exception to the statutory prohibition against assignment of retirement benefits, to the extent of allowing a beneficiary of a retirement allowance to authorize deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions, in accordance with rules and regulations that may be promulgated by the Retirement Board. [Order 1, § 184-16-010, filed 12/1/67, effective 2/1/68.]

WAC 184-16-020 Definitions. As used in these rules, unless a different meaning is plainly required by the context:

(a) "Group life insurance policy or plan" means a contract of group life insurance issued by an insurance carrier authorized to do business in the state of Washington which meets one of the group requirements set forth in chapter 48.24 RCW.

(b) "Group disability insurance policy or plan" means a group disability insurance contract issued by an insurance carrier authorized to do business in the state of Washington which meets the requirements of chapter 48.21 RCW, and the term shall also include a group health care service contract as issued pursuant to, and regulated by, the provisions of chapter 48.40 RCW.

(c) To the extent that they are defined by RCW 41.40.010, all other terms used in these rules which are thereby defined shall be given the same meaning herein as is set forth in the cited statute. [Order 1, § 184-16-020, filed 12/1/67, effective 2/1/68.]

WAC 184-16-030 Scope of authority. Any beneficiary of a retirement allowance payable for service or disability under the provisions of chapter 41.40 RCW may, in the manner provided for by section 4 of these

rules, authorize the Retirement Board to deduct therefrom, on a monthly basis only, such amounts as are due as premiums on any group life or disability insurance policy or plan currently covering the beneficiary, issued to the employer by which he was employed prior to his retirement for the benefit of a group comprised of himself and his fellow public employees, under authority granted to the employer by act of the Washington Legislature: *Provided*, That the deduction for medical insurance and/or life insurance premiums will only be authorized for any retired group coverage of 100 or more members and that the preliminary authorization and information be coordinated by a representative group acceptable to the Retirement Board as pertains to care and proper treatment of confidential information. [Order XXI, § 184-16-030, filed 11/28/73; Order 1, § 184-16-030, filed 12/1/67, effective 2/1/68.]

WAC 184-16-040 Procedure. Any eligible beneficiary, as described by section 3 of these rules, who desires to authorize the retirement allowance deduction for payment of insurance premiums provided for by these rules, shall notify the Retirement Board of his intention in writing at least 30 days prior to the date upon which the first deduction is to be made and shall execute and file with the Retirement Board a formal authorization on such form as may be hereinafter provided by the Retirement Board. [Order 1, § 184-16-040, filed 12/1/67, effective 2/1/68.]

WAC 184-16-050 Revocability. No authorization for a retirement allowance deduction for payment of insurance premiums, as made pursuant to these rules, shall be revocable except upon submission to the Retirement Board of an express written revocation, which shall be first applicable to the retirement allowance deduction which would otherwise be made at the end of the calendar month following the month within which the statement of revocation is filed. [Order 1, § 184-16-050, filed 12/1/67, effective 2/1/68.]

WAC 184-16-060 Effective date. The effective date of these rules shall be February 1, 1968. [Order 1, § 184-16-060, filed 12/1/67, effective 2/1/68.]

Chapter 184-20 WAC PUBLIC RECORDS

WAC

184-20-010	Purpose.
184-20-020	Definitions.
184-20-030	Description of central and field organization of the public employees' retirement system.
184-20-040	Operations and procedures.
184-20-050	Public records available.
184-20-060	Public records officer.
184-20-070	Office hours.
184-20-080	Requests for public records.
184-20-090	Copying.
184-20-100	Exemptions.
184-20-110	Review of denials of public records requests.
184-20-120	Records index.
184-20-130	Request for records by mail—Address.
184-20-140	Adoption of form.

184-20-990 Appendix A—Form—Request for public records.

WAC 184-20-010 Purpose. The purpose of this chapter shall be to ensure compliance by the public employees' retirement board with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25-32 of that act, dealing with public records. [Order 23, § 184-20-010, filed 5/4/73.]

WAC 184-20-020 Definitions. (1) **PUBLIC RECORDS.** "Public record" includes any writing containing information relating to the conduct of governmental 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.** "Writing means handwriting, type-writing, 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) **PUBLIC EMPLOYEES' RETIREMENT BOARD.** The public employees' retirement board is the board established by RCW 41.40.020 and 41.40.030. The public employees' retirement system shall hereinafter be referred to as the "system". Where appropriate, the term public employees' retirement system also refers to the staff and employees of the public employees' retirement board. [Order 23, § 184-20-020, filed 5/4/73.]

WAC 184-20-030 Description of central and field organization of the public employees' retirement system.

(1) **PUBLIC EMPLOYEES' RETIREMENT SYSTEM.** The public employees' retirement system is a state retirement agency. The administrative office of the public employees' retirement system and its staff are located at 201 General Administration Building, Olympia, Washington. [Order 23, § 184-20-030, filed 5/4/73.]

WAC 184-20-040 Operations and procedures. The public employees' retirement board is charged with the administration of the Washington public employees' retirement system. Its duties are set forth in RCW 41.40.020, 41.40.050, 41.40.060, 41.40.065 and 41.40.071 as follows:

"A state employees' retirement system is hereby created for the employees of the state of Washington and its political subdivisions. The administration and management of the retirement system, the responsibility for making effective the provisions of this chapter, and the authority to make all rules and regulations necessary therefor are hereby vested in a retirement board. All such rules and regulations shall be governed by the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement system herein provided

for shall be known as the Washington Public Employees' Retirement System." (RCW 41.40.020)

"(1) **Board—Oath of office—Quorum.** Each member of the retirement board, created by this chapter, upon his election or appointment, shall take an oath of office which shall be immediately filed in the office of the secretary of state. A majority of the retirement board shall constitute a quorum for the transaction of any business at any meetings of the board.

"(2) **Board members serve without compensation.** The members of the retirement board shall serve without compensation, but shall suffer no loss because of absence from their regular employment, and shall be reimbursed for all actual necessary expense incurred in performance of their duties in accordance with the statutes of the state of Washington." (Emphasis theirs) (RCW 41.40.050)

"The retirement board shall elect from its membership a chairman and a vice chairman, shall appoint a director and assistant director of the retirement system, and may employ or engage such other actuarial, medical, clerical, technical, and administrative employees or consultants as may be necessary for the proper operation of the retirement system. The compensation of all persons so appointed, employed and engaged shall be fixed in accordance with compensation schedules adopted by the board." (RCW 41.40.060)

"The retirement board shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system; and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. At least once in each five year period, the retirement board shall cause an actuarial investigation to be made into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. Upon the basis of such actuarial investigation the retirement board shall adopt from time to time such tables as are deemed necessary for the proper operation and funding of the retirement system and for making effective the provisions of this chapter." (RCW 41.40.065)

"The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to invest or reinvest, or to authorize the state finance committee to invest or reinvest, such funds in the following classes of investments, and not otherwise:

"(1) Bonds, notes, or other obligations of the United States, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof;

"(2) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; and full faith and credit obligations of, or

obligations unconditionally guaranteed as to principal and interest by any other state of the United States and the Commonwealth of Puerto Rico;

"(3) Bonds, debentures, notes, or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder;

"(4) Bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state: *Provided*, That the issuer has not, within ten years prior to the making of the investment, been in default for more than ninety days in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

"(5) Bonds, notes, or other obligations issued, guaranteed or assumed by any municipal or political subdivision of any other state of the United States: *Provided*, That any such municipal or political subdivision, or the total of its component parts, shall have a population as shown by the last preceding federal census of not less than ten thousand and shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

"(6) Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city of Canada which has a population of not less than one hundred thousand inhabitants: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: *Provided further*, That the issuer shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

"(7) Bonds, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, or by the federal national mortgage association or the inter-American bank;

"(8) Bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1916, known as the 'federal farm loan act', as amended or supplemented from time to time;

"(9) Obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority;

"(10) Obligations of any other state or the Commonwealth of Puerto Rico, municipal authority or political subdivision within the state or the commonwealth issued pursuant to the laws of such state

or commonwealth with principal and interest payable from tolls or other special revenues: *Provided*, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

"(11) Bonds, debentures and other obligations issued by any corporation duly organized and operating in any state of the United States of America: *Provided*, That such securities can qualify for an 'A' rating or better by two nationally recognized rating agencies;

"(12) Capital notes or debentures of any national or state bank doing business in the United States of America;

"(13) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America;

"(14) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state: *Provided*, That the investment in any such savings and loan association shall not exceed the amount insured by the federal savings and loan insurance corporation;

"(15) Savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: *Provided*, That the deposit in such banks shall not exceed the amount insured by the federal deposit insurance corporation;

"(16) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended), or are guaranteed by the veterans administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, so as to give the investor protection at least equal to that provided by the said national housing act or the said servicemen's readjustment act;

"(17) Appropriate contracts of life insurance or annuities from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases in the judgment of the retirement board be appropriate or necessary to carry out the purpose of this chapter;

"(18) Subject to the limitations hereinafter provided, investments may be made in the shares of certain open-end investment companies: *Provided*, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed five percent of the assets of such company and shall only be made in the shares of such companies as are registered as 'open-end companies' under the federal Investment Company Act of 1940, as

amended. Such company must be at least ten years old and have net assets of at least fifty million dollars. It must have no outstanding bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase;

"(19) Subject to the limitations hereinafter provided, investments may be made in preferred or common stock of corporations created or existing under the laws of the United States, or any state, district or territory thereof: *Provided*, That

"(a) The board receives advice in writing on all stock investments, both purchases and sales, from an investment counsel. This counsel shall be an investment counseling firm hired on a contractual basis. Such advice shall become part of the official minutes of the next succeeding meeting of the board. The counsel shall not be engaged in the business of buying, selling, or otherwise marketing securities during the time of its employment by the board.

"(b) Stock and open-end investment company investments shall not exceed, in the aggregate, twenty-five percent of the total assets of the system.

"(c) Such investment in the stock of any one company shall not exceed five percent of the common shares outstanding.

"(d) No single common stock investment, based on cost, may exceed two percent of the assets of the fund.

"(e) Such stock is registered on a national securities exchange, as provided in the 'Securities Exchange Act of 1934' as amended. Such registration shall not be required with respect to the following stocks:

"(i) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds represented by capital, surplus, and undivided profits of at least twenty million dollars.

"(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least twenty million dollars.

"(iii) Any preferred stock.

"(iv) The common stock of Washington corporations which meet all other listed qualifications except that of being registered on a national exchange.

"(f) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

"For the purpose of meeting disbursements for annuities and other payments in excess of the receipts,

there shall be kept available by the retirement board an amount, not exceeding ten percent of the total amount in the funds provided by this chapter, on deposit in the state treasury.

"All investments made and all investment agreements, contracts, or proceedings made or entered into by the retirement board in accordance with state laws governing any such investments, agreements, contracts or proceedings prior to March 23, 1965, are hereby validated, ratified, approved and confirmed." (RCW 41.40.071)

The methods by which one may communicate with the board and the procedures for appeals and other matters are set forth in chapter 184-01 through 184-16 WAC inclusive. [Order 23, § 184-20-040, filed 5/4/73.]

Reviser's note: RCW 41.40.071 was repealed by section 17, chapter 103, Laws of 1973 1st ex. sess.

WAC 184-20-050 Public records available. All public records of the public employees' retirement system, as defined in WAC 184-20-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and WAC 184-20-020. [Order 23, § 184-20-050, filed 5/4/73.]

WAC 184-20-060 Public records officer. The public employees' retirement system's public records shall be in the charge of the public records officer designated by the agency. The person so designated shall be located in the administrative office of the agency. The public records officer shall be responsible for the following: The implementation of the public employees' retirement system's rules and regulations regarding release of public records, coordinating the staff of the system in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 23, § 184-20-060, filed 5/4/73.]

WAC 184-20-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the public employees' retirement system. 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 23, § 184-20-070, filed 5/4/73.]

WAC 184-20-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 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 public employees' retirement system which shall be available at its administrative office. The form shall be presented to the public records officer; or

to any member of the system's staff, if the public records officer is not available, at the administrative office of the system during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the records;
- (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 system'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 23, § 184-20-080, filed 5/4/73.]

WAC 184-20-090 Copying. No fee shall be charged for the inspection of public records. The system shall charge a fee of 2¢ per page of copy for providing copies of public records and 5¢ for use of the system's copy equipment. This charge is the amount necessary to reimburse the system for its actual costs incident to such copying. [Order 23, § 184-20-090, filed 5/4/73.]

WAC 184-20-100 Exemptions. (1) The system reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 184-20-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the system 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 1, Laws of 1973. 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 23, § 184-20-100, filed 5/4/73.]

WAC 184-20-110 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 director of the system. The director shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the system as soon as legally possible 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 system has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 23, § 184-20-110, filed 5/4/73.]

WAC 184-20-120 Records index. (1) **INDEX.** The system 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 of any private party."

(2) **AVAILABILITY.** The current index promulgated by the system 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 23, § 184-20-120, filed 5/4/73.]

WAC 184-20-130 Request for records by mail—Address. All communications with the system including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the system's decisions and other matters, shall be addressed as follows: Washington public employees' retirement system, c/o Public Records Officer, 201 General Administration Building, Olympia, Washington 98504. [Order 23, § 184-20-130, filed 5/4/73.]

WAC 184-20-140 Adoption of form. The system hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for Public Record." [Order 23, § 184-20-140, filed 5/4/73.]

WAC 184-20-990 Appendix A—Request for public records.

APPENDIX A
REQUEST FOR PUBLIC RECORDS

Name of Requestor:

Address:

Phone:

Date of Request:

Time of Request:

Nature of Request

1. Index Reference -----

2. If not identifiable by reference to the index, then describe the document(s) in detail -----

Signature -----

For Office Use Only:

(1) Request Record Record
Granted [] Withheld [] Withheld In Part []

(2) If withheld, name the exemption contained in section 31, chapter 211, Laws of 1973, which authorizes the withholding of the record or part of record: Subsection (1) ().

(3) If withheld, briefly explain how the exemption applies to the record withheld.

(4) If request granted, time -----, day -----

[Order 23, Appendix A (codified as WAC 184-20-990), filed 5/4/73.]