

Title 297 WAC

WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT BOARD

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Chapter 297-10 WAC

ELECTION OF LAW ENFORCEMENT OFFICER AND FIRE FIGHTER REPRESENTATIVES

WAC

297-10-010	Election of law enforcement officer and fire fighter representatives.
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WAC 297-10-010 Election of law enforcement officer and fire fighter representatives. The election of the law enforcement officer and the fire fighter member of the Washington Law Enforcement Officers' and Fire Fighters' Retirement Board, as provided for in § 5, chapter 209, Laws of 1969, Ex. Sess., as now or as hereafter amended, shall be conducted as follows:

(1) The first regular election will be held during April, 1970, to elect a representative of the law enforcement officer members for a one-year term, and a representative of the fire fighter members for a two-year term. The second regular election shall be held during April, 1971, to elect a representative of the law enforcement officer members for a two-year term. Thereafter, a regular election shall be held during each ensuing April to elect, alternatively, a fire fighter member representative and a law enforcement officer representative for two-year terms respectively.

(2) All terms of office shall commence on the first day of May of the year of election, and the representatives elected shall serve until their successors are duly elected and qualified unless they shall die, resign, or cease to be members of the Retirement System except while on disability leave in the classification represented. In the event of a vacancy thus occurring prior to the

normal expiration of the term, a special election shall be called by the Retirement Board for a date certain for the election of a successor from the same service to fill out the remaining part of the term.

(3) Any member desiring to become a candidate to represent members in his classification may, during the third week of March of the year in which the election for representative of his classification is to occur (or in the event of a special election to fill a vacancy, during such period as the Board in its call shall specify) file with the Director of the Retirement System a type-written statement that he desires to be a candidate for the Board. The letter supporting his candidacy must be signed by at least twenty active members of the Retirement System in his classification.

(4) Each regular or special election shall be conducted under the supervision of the Washington Law Enforcement Officers' and Fire Fighters' Retirement Board, but shall be so conducted that the voting shall be secret and the ballots may be returned by mail. Ballots in order to be counted shall be received by the Director not later than the fourth Tuesday in April in the case of a regular election, and at least one full week prior to the date specified in the call in the case of a special election to fill a vacancy. The Board shall thereupon proceed to count the ballots and shall certify to the Secretary of State the candidate receiving the highest number of votes, who shall be deemed to have been elected. [Order XXI, § 297-10-010, filed 12/2/74. Prior: Order 70-1, § 297-10-010, filed 2/24/70.]

Chapter 297-15 WAC

DEFINITIONS

WAC

297-15-010	Definitions.
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WAC 297-15-010 Definitions. As used in these rules, unless a different meaning is plainly required by the context:

(A) "Retirement system" shall have the meaning established by RCW 41.26.030(1) as now or hereafter amended.

(B) "Employer" shall have the meaning established by RCW 41.26.030(2) as now or hereafter amended.

(C) "Law enforcement officer" shall have the meaning established by RCW 41.26.030(3) as now or hereafter amended.

(D) "Fire fighter" shall have the meaning established by RCW 41.26.030(4) as now or hereafter amended.

(E) "Retirement board" shall have the meaning established by RCW 41.26.030(5) as now or hereafter amended.

(F) "Employee" shall have the meaning established by RCW 41.26.030(10) as now or hereafter amended.

(G) "Disability board" shall have the meaning established by RCW 41.26.030(18) as now or hereafter amended.

(H) "Disability leave" shall have the meaning established by RCW 41.26.030(19) as now or hereafter amended.

(I) "Disability retirement" shall have the meaning established by RCW 41.26.030(20) as now or hereafter amended. [Order XXI, § 297-15-010, filed 12/2/74. Prior: Order 147, § 297-15-010, filed 8/2/71.]

Chapter 297-20 WAC MEMBERSHIP AND FUNCTION

WAC	
297-20-010	Members.
297-20-020	Officers.
297-20-030	Function.

WAC 297-20-010 Members. The Board is an independent agency of the state of Washington and is composed of the members specified by RCW 41.26.050 as now or hereafter amended. [Order 147, § 297-20-010, filed 8/2/71.]

WAC 297-20-020 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, within the month of February each year, elect a chairman and a vice chairman from its membership. [Order 147, § 297-20-020, filed 8/2/71.]

WAC 297-20-030 Function. The Board shall be vested with the general administration and responsibility for the proper operation of the Washington law enforcement officers' and fire fighters' retirement system and for making effective the provisions of chapter 41.26 RCW. All final orders, decisions or awards of the Board pertaining to administration of the retirement system and to disposition of disability retirement applications, 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, retirement or miscellaneous. Service retirement awards shall be processed and made by the director, assistant director or administrative officer of the law enforcement officers' and fire fighters' retirement system. [Order XX, § 297-20-030, filed 9/11/73; Order XIII, §

297-20-030, filed 7/12/73; Order 147, § 297-20-030, filed 8/2/71.]

Chapter 297-25 WAC BOARD ADMINISTRATION

WAC	
297-25-010	Location of the Board.
297-25-020	Meetings of the Board.
297-25-030	Office of the director.
297-25-040	Correspondence with the Board.
297-25-050	Identification.

WAC 297-25-010 Location of the Board. The Board shall meet in the Board Room located in the headquarters of the public employees' retirement system, located in the Capitol Plaza Building, Union and Eastside, Olympia, Washington. [Order XXI, § 297-25-010, filed 12/2/74. Prior: Order 147, § 297-25-010, filed 8/2/71.]

WAC 297-25-020 Meetings of the Board. The Board shall meet on the third Monday each month unless that is a holiday, or when the board determines otherwise, in advance, in which case another date may be established by the director. The Board may also meet on more frequent occasions if deemed advisable, on a convenient day set by the director. [Order XXI, § 297-25-020, filed 12/2/74. Prior: Order 147, § 297-25-020, filed 8/2/71.]

WAC 297-25-030 Office of the director. (A) Location: The office of the director of the system is currently located in the headquarters of the public employees' retirement system, Capitol Plaza Building, Union and Eastside, Olympia, Washington.

(B) 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 XXI, § 297-25-030, filed 12/2/74. Prior: Order 147, § 297-25-030, filed 8/2/71.]

WAC 297-25-040 Correspondence with the Board. All correspondence and official communications, including notices, appeals and pleadings must be in writing, served and filed with the director of the Board at its headquarters, Capitol Plaza Building, Union and Eastside, Olympia, Washington. [Order XXI, § 297-25-040, filed 12/2/74. Prior: Order 147, § 297-25-040, filed 8/2/71.]

WAC 297-25-050 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 XXIII, § 297-25-050, filed 4/22/76.]

**Chapter 297-30 WAC
DISABILITY ORDERS AND DENIALS**

WAC

- 297-30-010 Decision and order of the local board.
- 297-30-020 Processing applications.
- 297-30-030 Recording.
- 297-30-040 Legal examination.
- 297-30-050 Recommendation and conclusion.
- 297-30-060 Board decision on application.
- 297-30-070 Notification of member.
- 297-30-080 Miscellaneous applications.

WAC 297-30-010 Decision and order of the local board. Every decision and order of a local disability board granting a disability retirement allowance shall be forwarded to the retirement board through the Director. The Board shall review such decision and order in compliance with RCW 41.26.120 and the decision and order shall be affirmed or reversed and remanded to the local board. [Order XXI, § 297-30-010, filed 12/2/74. Prior: Order 147, § 297-30-010, filed 8/2/71.]

WAC 297-30-020 Processing applications. The processing of disability applications shall commence when the Director receives the written decision and order required by RCW 41.26.120. [Order XXI, § 297-30-020, filed 12/2/74. Prior: Order 147, § 297-30-020, filed 8/2/71.]

WAC 297-30-030 Recording. The director shall examine the materials and forms for completeness, make arrangements for filing and docketing the same and refer them to the legal adviser for examination. [Order 147, § 297-30-030, filed 8/2/71.]

WAC 297-30-040 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 director 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 may be needed, the director or legal adviser shall attempt to obtain such information. [Order 147, § 297-30-040, filed 8/2/71.]

WAC 297-30-050 Recommendation and conclusion. The director or the legal adviser shall prepare a summary and recommendation, based on all the facts in the member's file, and submit it to the Board for review. [Order 147, § 297-30-050, filed 8/2/71.]

WAC 297-30-060 Board decision on application. The Board shall act on appeals for acts of the retirement board or local disability board as follows: (A) Affirmance, by resolution.

(B) Reversal or reversal and remand, by resolution.

(C) Refusal or granting of miscellaneous application, by resolution.

(D) Referral back to the director for further investigation or information. [Order XXI, § 297-30-060, filed

12/2/74. Prior: Order 147, § 297-30-060, filed 8/2/71.]

WAC 297-30-070 Notification of member. The director shall forthwith notify the member and his employer of the Board's action and in case the decision is adverse to the member's position, shall notify the member of his right to appeal. [Order XXI, § 297-30-070, filed 12/2/74. Prior: Order 147, § 297-30-070, filed 8/2/71.]

WAC 297-30-080 Miscellaneous applications. Miscellaneous applications from decisions involving payment or non-payment of benefits, requiring the Board's decision shall be subject to the same general procedures as are set forth in WAC 297-30-010 through WAC 297-30-070, above. [Order XXI, § 297-30-080, filed 12/2/74. Prior: Order 147, § 297-30-080, filed 8/2/71.]

**Chapter 297-35 WAC
APPEALS TO THE BOARD**

WAC

- 297-35-010 Filing appeals in cases involving disability retirement applications.
- 297-35-020 Grievances.
- 297-35-030 Filing appeals in cases involving miscellaneous orders.
- 297-35-040 Appearance.
- 297-35-050 Parties.
- 297-35-060 Responsive pleadings.
- 297-35-070 Correction and amendment of notices and pleadings.
- 297-35-080 Notice of appeal.
- 297-35-090 Notice of hearing.
- 297-35-100 Hearing.
- 297-35-110 Order of proceedings at hearings.
- 297-35-120 Continuances.
- 297-35-130 Evidence.
- 297-35-140 In general.
- 297-35-150 Orders on hearings.
- 297-35-160 Decision and order on agreement of the parties.

WAC 297-35-010 Filing appeals in cases involving disability retirement applications. (See RCW 41.26.200-41.26.210) Any person aggrieved by any final decision of the retirement board must, before he appeals to the court of Thurston county, invoke the jurisdiction of the Board by filing with the director or an assistant director, either personally or by mail, within sixty (60) days from the date such decision was communicated to such person, a notice of appeal before the board. The notice of appeal must contain:

(A) The name and mailing address of the member or beneficiary, and the employer of the member at the time the original application for benefits was made.

(B) The name and legal residence of the appealing party, together with the mailing address of his representative, if any.

(C) The date and nature of the accident, injury or disease, the place it occurred and location of the employer.

(D) A statement naming the county in which the appealing party resides, and the city or town most convenient within the county where the hearing is to be held.

(E) A statement identifying the decision or action appealed from and that portion of the decision or action considered to be unjust or unlawful.

(F) 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.

(G) The type of relief sought, including specific dates at which time the appealing party believes the benefit accrued.

(H) 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.

(I) The appealing parties shall file with the director by mail or otherwise, the original and two (2) copies of the notice of appeal and the director 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. [Order XXI, § 297-35-010, filed 12/2/74. Prior: Order 147, § 297-35-010, filed 8/2/71.]

WAC 297-35-020 Grievances. Any person aggrieved by an order of a disability board must submit a notice of appeal as set out in WAC 297-35-010, within thirty (30) days in accordance with RCW 41.26.200. [Order 147, § 297-35-020, filed 8/2/71.]

WAC 297-35-030 Filing appeals in cases involving miscellaneous orders. The notice of appeal must contain:

(A) The name and mailing address of the appealing party and his representative, if any.

(B) The appealing party's legal residence or principal place of business within the state.

(C) A statement identifying the order appealed from.

(D) Grounds upon which the appealing party considers such order to be unjust or unlawful.

(E) A statement of facts in support of and following each stated ground of contention.

(F) The particular relief sought.

(G) 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.

(H) 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. [Order 147, § 297-35-030, filed 8/2/71.]

WAC 297-35-040 Appearance. Upon receipt of the notice of appeal the director shall forthwith mail copies to the employer, or any other interested party (except the appealing party and the retirement board). Such parties must file with the director a written notice of appearance. The notice of appearance must contain: (A) The name and address of the party.

(B) 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. [Order XXI, § 297-35-040, filed

12/2/74. Prior: Order 147, § 297-35-040, filed 8/2/71.]

WAC 297-35-050 Parties. The parties to an appeal shall be the appealing party, the retirement board, the employer, and all persons who have otherwise filed a notice of appearance and made a proper showing of interest in the appeal. The director 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 director 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, except that the retirement board shall be considered to have appeared automatically, and no notice of appearance need be filed. Service upon the representative of a party shall constitute service upon such party. [Order XXI, § 297-35-050, filed 12/2/74. Prior: Order 147, § 297-35-050, filed 8/2/71.]

WAC 297-35-060 Responsive pleadings. Within fifteen (15) 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. [Order 147, § 297-35-060, filed 8/2/71.]

WAC 297-35-070 Correction and amendment of notices and pleadings. Any notice of appeal, notice of appearance or responsive pleadings may be rejected by the director and returned to the party filing it if it is defective or insufficient. Correction thereof may be permitted by the director upon such terms as are just to the parties to the appeal. Any party may amend his notice of appeal or responsive pleadings, as the case may be, on such terms as the director may prescribe. [Order 147, § 297-35-070, filed 8/2/71.]

WAC 297-35-080 Notice of appeal. After the notice of appeal is filed, the director will grant the appeal and order pre-hearing conference or 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 director shall submit the application, together with the legal adviser's recommendation, to the board for a decision or award. The director shall forthwith notify all parties to the appeal, of the action of the Board. [Order 147, § 297-35-080, filed 8/2/71.]

WAC 297-35-090 Notice of hearing. If the director orders a hearing, notice thereof shall be mailed to all parties pursuant to Rule .08.080. (A) **Objections:** Any party must file his objection to the time appointed in the notice of hearing with the director of the board at its headquarters in Olympia, Washington, within ten (10) 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. [Order 147, § 297-35-090, filed 8/2/71.]

WAC 297-35-100 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, or the director, or the board's designated representative, who shall be the presiding officer and shall have the authority to conduct the hearing in an orderly manner. The director 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. [Order XXI, § 297-35-100, filed 12/2/74. Prior: Order 147, § 297-35-100, filed 8/2/71.]

WAC 297-35-110 Order of proceedings at hearings. It is the policy of the board, through the director, 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. [Order 147, § 297-35-110, filed 8/2/71.]

WAC 297-35-120 Continuances. Continuances may be granted by the director or the presiding officer 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. [Order XXI, § 297-35-120, filed 12/2/74. Prior: Order 147, § 297-35-120, filed 8/2/71.]

WAC 297-35-130 Evidence. (A) **General:** Subject to other provisions of this rule, all evidence as provided in RCW 34.04.100 is admissible which, in the opinion of the presiding officer, is the best evidence obtainable,

having due regard to necessity, availability and trustworthiness.

(B) **Sworn Testimony:** No testimony shall be received in evidence unless it shall have been taken by deposition or written interrogatories, or the witness shall have first sworn to or affirmed he will testify to the truth, the whole truth and nothing but the truth, in the matter being heard.

(C) **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.

(D) **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 (10) days after the hearing, by filing any necessary written briefs with the director 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. The director 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.

(E) **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 and shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in matters not involving trial by jury, in the superior court of the state of Washington. [Order XXI, § 297-35-130, filed 12/2/74. Prior: Order 147, § 297-35-130, filed 8/2/71.]

WAC 297-35-140 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), before a hearing upon inspection of the notice of appeal and the record of the Washington law enforcement officers' and fire fighters' retirement system in the case, or after a prehearing conference. 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 director to all parties to the appeal. [Order 147, § 297-35-140, filed 8/2/71.]

WAC 297-35-150 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 Washington law enforcement officers' and fire fighters' 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 Rule .08.410). [Order 147, § 297-35-150, filed 8/2/71.]

WAC 297-35-160 Decision and order on agreement of the 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 retirement board 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. [Order 147, § 297-35-160, filed 8/2/71.]

Chapter 297-40 WAC PRACTICE BEFORE THE BOARD

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

297-40-020	Testimony. [Order 147, § 297-40-020, filed 8/2/71.] Repealed by Order XXI, filed 12/2/74.
297-40-030	Unethical practices. [Order 147, § 297-40-030, filed 8/2/71.] Repealed by Order XXI, filed 12/2/74.]

WAC 297-40-010 Representation. No person may appear in a representative capacity before the board or its designated representative other than the following: (A) Attorneys-at-law duly qualified and entitled to practice before the supreme court of the state of Washington.

(B) 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.

(C) 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. [Order XXI, § 297-40-010, filed 12/2/74. Prior: Order 147, § 297-40-010, filed 8/2/71.]

WAC 297-40-040 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. [Order 147, § 297-40-040, filed 8/2/71.]

WAC 297-40-050 Appearance of certain persons prohibited. 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. [Order 147, § 297-40-050, filed 8/2/71.]

WAC 297-40-060 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 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. [Order 147, § 297-40-060, filed 8/2/71.]

WAC 297-40-070 Notice of hearing. 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. [Order 147, § 297-40-070, filed 8/2/71.]

WAC 297-40-080 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. [Order 147, § 297-40-080, filed 8/2/71.]

WAC 297-40-090 Upon whom served. All papers served by either the board or any part 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. [Order 147, § 297-40-090, filed 8/2/71.]

WAC 297-40-100 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. [Order 147, § 297-40-100, filed 8/2/71.]

WAC 297-40-110 Method of service. Service of papers shall be made personally, or, unless otherwise provided by law, by first-class, registered, or certified mail. [Order 147, § 297-40-110, filed 8/2/71.]

WAC 297-40-120 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 States mail properly stamped and addressed. [Order 147, § 297-40-120, filed 8/2/71.]

WAC 297-40-130 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 in Olympia, Washington. [Order XXI, § 297-40-130, filed 12/2/74. Prior: Order 147, § 297-40-130, filed 8/2/71.]

WAC 297-40-140 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. [Order 147, § 297-40-140, filed 8/2/71.]

WAC 297-40-150 Issuance to parties. Upon application of counsel or the 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. [Order XXI, § 297-40-150, filed 12/2/74. Prior: Order 147, § 297-40-150, filed 8/2/71.]

WAC 297-40-160 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. [Order 147, § 297-40-160, filed 8/2/71.]

WAC 297-40-170 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. (See chapter 2.40 RCW and RCW 5.56-.010). [Order 147, § 297-40-170, filed 8/2/71.]

WAC 297-40-180 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. [Order 147, § 297-40-180, filed 8/2/71.]

WAC 297-40-190 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. [Order XXI, § 297-40-190, filed 12/2/74. Prior: Order 147, § 297-40-190, filed 8/2/71.]

WAC 297-40-200 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 34.04.015). [Order 147, § 297-40-200, filed 8/2/71.]

WAC 297-40-210 Geographical scope. Refer to RCW 34.04.105 as now or hereafter amended. [Order 147, § 297-40-210, filed 8/2/71.]

WAC 297-40-220 Depositions—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. [Order 147, § 297-40-220, filed 8/2/71.]

WAC 297-40-230 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. [Order 147, § 297-40-230, filed 8/2/71.]

WAC 297-40-240 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. [Order 147, § 297-40-240, filed 8/2/71.]

WAC 297-40-250 Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than five 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. [Order XXI, § 297-40-250, filed 12/2/74. Prior: Order 147, § 297-40-250, filed 8/2/71.]

WAC 297-40-260 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 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. [Order 147, § 297-40-260, filed 8/2/71.]

WAC 297-40-265 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. [Order 147, § 297-40-265, filed 8/2/71.]

WAC 297-40-270 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. [Order 147, § 297-40-270, filed 8/2/71.]

WAC 297-40-280 Recordation. The officer before whom the deposition is to be taken shall put the witness on oath or affirmation 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. [Order 147, § 297-40-280, filed 8/2/71.]

WAC 297-40-290 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 waiver or of the illness or absence of the witness or 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 endorsed 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. [Order 147, § 297-40-290, filed 8/2/71.]

WAC 297-40-300 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. [Order 147, § 297-40-300, filed 8/2/71.]

WAC 297-40-310 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. [Order 147, § 297-40-310, filed 8/2/71.]

WAC 297-40-320 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. [Order 147, § 297-40-320, filed 8/2/71.]

WAC 297-40-330 Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths, 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. [Order XXI, § 297-40-330, filed 12/2/74. Prior: Order 147, § 297-40-330, filed 8/2/71.]

WAC 297-40-340 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. [Order 147, § 297-40-340, filed 8/2/71.]

WAC 297-40-350 Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Order 147, § 297-40-350, filed 8/2/71.]

WAC 297-40-360 Official notice—Matters of law. The board or its designated representative, upon request made before or during a hearing, will officially notice:

(A) **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 rule, orders and notices published in the Federal Register;

(B) **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, opinions of the

attorney general, and all rules, orders and notices filed with the code reviser;

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

(D) **Board Organization:** The board organization, administration, officers, personnel, official publications, and practitioners before it. [Order XXI, § 297-40-360, filed 12/2/74. Prior: Order 147, § 297-40-360, filed 8/2/71.]

WAC 297-40-370 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:

(A) **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;

(B) **Business Customs:** General customs and practices followed in the transaction of business;

(C) **Notorious Facts:** Facts so generally and 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 limited to, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(D) **Technical Knowledge:** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matters of its statutory duties, responsibilities or jurisdiction;

(E) **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;

(F) **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;

(G) **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 non-existence of the material fact assumed or denied in the decision;

(H) **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. [Order 147, § 297-40-370, filed 8/2/71.]

WAC 297-40-380 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 surrounding facts and circumstances:

(A) **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;

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

(C) **Delivery:** Except in a proceeding where the liability of the carrier for non-delivery 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;

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

(E) **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;

(F) **Interference with Remedy:** That evidence, with respect to a material fact which without substantial justification 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. [Order 147, § 297-40-380, filed 8/2/71.]

WAC 297-40-390 Stipulations and admissions of record. The existence or non-existence 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: (A) **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 or 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;

(B) **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. [Order 147, § 297-40-390, filed 8/2/71.]

WAC 297-40-400 Form and content of decision and order. Every decision and order, whether proposed, initial, or final, shall: (A) Be correctly captioned as to name of the board and name of the proceeding;

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

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

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

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

(F) 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. [Order 147, § 297-40-400, filed 8/2/71.]

WAC 297-40-410 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 matters only. [Order 147, § 297-40-410, filed 8/2/71.]

WAC 297-40-420 Prehearing conference rule. 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:

(A) The simplification of the issues;

(B) The necessity of amendments to the pleadings;

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

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

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

(F) The possibility of the parties agreeing to an order disposing of the matter at issue; or

(G) New medical facts; upon such facts being submitted by the appealing party or his representative, the retirement board 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. [Order 147, § 297-40-420, filed 8/2/71.]

WAC 297-40-430 Conclusion of prehearing conferences. 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 director or the board's designated representative for final decision or award. The director shall forthwith notify all parties to the appeal by mail, of the decision and order of the board. (A) **Other agreements prior to Hearing:** If at a prehearing conference, agreement upon final disposition of the appeal is not reached, the director 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.

(B) **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. [Order 147, § 297-40-430, filed 8/2/71.]

WAC 297-40-440 Submission of documentary evidence in advance. Where practicable the board or its designated representative may require: (A) 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;

(B) That documentary evidence not submitted in advance, as may be required by subdivision A, 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;

(C) 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. [Order 147, § 297-40-440, filed 8/2/71.]

WAC 297-40-450 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. [Order 147, § 297-40-450, filed 8/2/71.]

WAC 297-40-460 Expert or opinion testimony. 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. [Order 147, § 297-40-460, filed 8/2/71.]

WAC 297-40-470 Requirement of written testimony. 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. [Order 147, § 297-40-470, filed 8/2/71.]

WAC 297-40-480 Inspection of 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 297-40-470, but, wherever practicable that he restrict to a minimum the placing of such data in the record. [Order 147, § 297-40-480, filed 8/2/71.]

WAC 297-40-490 Certain testimony inadmissible. 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 297-40-460 or 297-40-470, 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. [Order 147, § 297-40-490, filed 8/2/71.]

WAC 297-40-500 Petitions for rule making, amendment or repeal. Pursuant to RCW 34.04.060, any interested person may petition the board requesting the promulgation, amendment, or repeal of any rule. [Order 147, § 297-40-500, filed 8/2/71.]

WAC 297-40-510 Contents of petition. 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. [Order 147, § 297-40-510, filed 8/2/71.]

WAC 297-40-520 Consideration of petition. 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. [Order 147, § 297-40-520, filed 8/2/71.]

WAC 297-40-530 Notice of disposition of petition. The board shall notify the petitioning party within thirty days of the meeting at which the petition was considered, of the disposition, if any of the petition. [Order XXI, § 297-40-530, filed 12/2/74. Prior: Order 147, § 297-40-530, filed 8/2/71.]

WAC 297-40-540 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:

- (A) Issue a non-binding declaratory ruling; or
- (B) Notify the person that no declaratory ruling is to be issued; or
- (C) 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.

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 non-binding declaratory ruling; or

(C) Notify the person that no declaratory ruling is to be issued. [Order XXI, § 297-40-540, filed 12/2/74. Prior: Order 147, § 297-40-540, filed 8/2/71.]

WAC 297-40-550 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.

At the top of the page shall appear the wording "BEFORE THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' 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".

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.

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, and shall be typewritten.

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.

At the top of the page shall appear the wording "BEFORE THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' 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".

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.

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, and shall be typewritten. [Order XXI, § 297-40-550, filed 12/2/74. Prior: Order 147, § 297-40-550, filed 8/2/71.]

Chapter 297-45 WAC

APPEAL TO THE SUPERIOR COURT

WAC

297-45-010 Notice of appeal to the superior court.
297-45-020 Certification of record.

WAC 297-45-010 Notice of appeal to the superior court. Upon an appeal from the decision and order of the board to the superior court pursuant to RCW 41.26-.210, 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 director 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 (30) days shall be jurisdictional. [Order 147, § 297-45-010, filed 8/2/71.]

WAC 297-45-020 Certification of record. The director or legal adviser shall within thirty (30) 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 director 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 court of appeals or the supreme court as in other cases. [Order 147, § 297-45-020, filed 8/2/71.]

Chapter 297-50 WAC

MINIMUM MEDICAL AND HEALTH STANDARDS FOR MEMBERSHIP IN THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

WAC

297-50-010 Purpose.
297-50-020 Minimum standards for membership—Physical examination.
297-50-030 Abdomen and gastrointestinal system.
297-50-040 Blood and blood-forming tissue diseases.
297-50-050 Dental.
297-50-060 Ears and hearing.

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297-50-140	Height, weight, and body build.
297-50-150	Lungs and chest wall.
297-50-160	Table 2—Table of weight—Men.
297-50-170	Table 3—Table of weight—Women.
297-50-180	Mouth, nose, pharynx, trachea, esophagus, and larynx.
297-50-190	Neurological disorders.
297-50-200	Psychoses, psychoneuroses, and personality disorders.
297-50-210	Skin and cellular tissues.
297-50-220	Spine, scapulae, ribs and sacroiliac joints.
297-50-230	Systemic diseases and miscellaneous conditions and defects.
297-50-240	Tumors and malignant diseases.
297-50-250	Venerable diseases.
297-50-260	Requirement—Mental examination.
297-50-270	Procedure—Mental examination.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

297-50-280	Waiver. [Order 149, § 297-50-280, filed 8/2/71.] Repealed by Order IV, filed 5/26/72.
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WAC 297-50-010 Purpose. The regulations contained in WAC 297-50-020 through 297-50-280 are adopted as the minimum medical and health standards which must be met or exceeded before a law enforcement officer or firefighter may become a member of the retirement system contained in chapter 41.26 RCW as now or hereafter amended. Such regulations are adopted pursuant to chapter 257, Laws of 1971 1st ex. sess., and are to be applied consistent with the provisions of that act. [Order 149, § 297-50-010, filed 8/2/71.]

WAC 297-50-020 Minimum standards for membership—Physical examination. (I) **Requirements:** (A) Medical examination administered by a licensed physician or surgeon as set forth under provisions of chapter 18.71 RCW. Physician or surgeon to be appointed by the appropriate city or county disability board.

(1) Causes for rejection will be consistent with recommendations outlined in these standards.

(B) A medical history will be supplied by each applicant to the examining physician. The medical history will include information on past and present diseases, injuries and operations.

(C) The applicant must possess normal vision. He must demonstrate normal visual functions and visual acuity not less than 20/100 vision in each eye without correction and corrected to 20/20 in the better eye and 20/30 in the lesser eye. He must possess normal color vision.

(D) Applicant must possess normal hearing. Hearing acuity level to be determined by audiometric hearing test.

(E) Applicant must be at least eighteen years of age, and shall not have reached thirty-five years of age at the time of appointment; provided that applicants successfully completing examinations and becoming eligible for

appointment within the prescribed age limits shall remain eligible for membership up to but not including January 1, 1973.

(F) Retention on a permanent basis by the employer of the results of the physical examination on all applicants employed under these standards is required.

(II) **Procedure:** (A) Completion of the report of medical history by the applicant.

(B) The physical examination will be conducted by a licensed physician or surgeon after a review of the report of medical history completed by the applicant.

(C) The physician shall record his findings on the report of medical history and shall note thereon, for evaluation by the hiring authority, any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature and whether applicant is or is not qualified. Reports of medical history shall be typewritten or printed and the summary of defects and diagnosis shall refer to the applicable section of these standards as cause for rejection.

(D) Physical examination reports shall be placed in permanent files by the employer and must be available for examination at any reasonable time by representatives of the retirement system board. [Order VIII, § 297-50-020, filed 10/19/72; Order IV, § 297-50-020, filed 5/26/72; Order 149, § 297-50-020, filed 8/2/71.]

WAC 297-50-030 Abdomen and gastrointestinal system. The causes for rejection for membership are:

(a) **Cholecystectomy**, sequelae of, such as postoperative stricture of common bile duct, reforming of stones in hepatic or common bile ducts, or incisional hernia, or postcholecystectomy syndrome when symptoms are so severe as to interfere with normal performance of duty.

(b) **Cholecystitis**, acute or chronic, with or without cholelithiasis if diagnosis is confirmed by usual laboratory procedures or authentic medical records.

(c) **Cirrhosis**, regardless of the absence of manifestations such as jaundice, ascites or known esophageal varices, abnormal liver function tests with or without history of chronic alcoholism.

(d) **Fistula**, in ano.

(e) **Gastritis**, chronic hypertrophic, severe.

(f) **Hemorrhoids.** (1) External hemorrhoids producing marked symptoms.

(2) Internal hemorrhoids, if large or accompanied with hemorrhage or protruding intermittently or constantly.

(g) **Hepatitis**, within the preceding 6 months, or persistence of symptoms after a reasonable period of time with objective evidence of impairment of liver function.

(h) **Hernia:** (1) Hernia other than small asymptomatic umbilical or hiatal.

(2) History of operation for hernia within the preceding 60 days.

(i) **Intestinal obstruction**, or authenticated history of more than one episode, if either occurred during the preceding 5 years, or if resulting conditions remain which produces significant symptoms or requires treatment.

(j) **Megacolon**, of more than minimal degree, *diverticulitis*, *regional enteritis*, and *ulcerative colitis*. *Irritable colon* of more than moderate degree.

(k) **Pancreas**, acute or chronic disease of, if proven by laboratory tests, or authenticated medical records.

(l) **Rectum**, stricture or prolapse of.

(m) **Resection, gastric or of bowel**; or gastroenterostomy; however minimal intestinal resection in infancy or childhood (for example: for intussusception or pyloric stenosis) is acceptable if the individual has been asymptomatic since the resection and if surgical consultation (to include upper and lower gastrointestinal series) gives complete clearance.

(n) **Scars**. (1) Scars, abdominal, regardless of cause, which show hernial bulging or which interfere with movements.

(2) Scar pain associated with disturbance of function of abdominal wall or contained visceral.

(o) **Sinuses**, of the abdominal wall.

(p) **Splenectomy**, except when accomplished for the following:

(1) Trauma.

(2) Causes unrelated to diseases of the spleen.

(3) Hereditary spherocytosis.

(4) Disease involving the spleen when followed by correction of the condition for a period of at least 2 years.

(q) **Tumors**. (See WAC 297-50-240).

(r) **Ulcer**: (1) Ulcer of the stomach or duodenum if diagnosis is confirmed by X-ray examination, or authenticated history thereof.

(2) Authentic history of surgical operation(s) for gastric or duodenal ulcer.

(s) **Other** congenital or acquired abnormalities and defect which preclude satisfactory performance of duties or which require frequent and prolonged treatment. [Order 149, § 297-50-030, filed 8/2/71.]

WAC 297-50-040 Blood and blood-forming tissue diseases. (1) Blood and blood-forming tissue diseases—The causes for rejection for appointment are:

(a) **Anemia**:

(1) Blood loss anemia—until both condition and basic cause are corrected.

(2) Deficiency anemia, not controlled by medication.

(3) Abnormal destruction of RBC's: Hemolytic anemia.

(4) Faulty RBC construction: Hereditary hemolytic anemia, thalassemia and sickle cell anemia.

(5) Myelophthistic anemia: Myelomatosis, leukemia, Hodgkin's disease.

(6) Primary refractory anemia: Aplastic anemia, DiGuglielmo's syndrome.

(b) **Hemorrhagic states**:

(1) Due to changes in coagulation system (hemophilia, etc.).

(2) Due to platelet deficiency.

(3) Due to vascular instability.

(c) **Leukopenia**, chronic or recurrent, associated with increased susceptibility to infection.

(d) **Myeloproliferative disease** (other than leukemia):

(1) Myelofibrosis.

(2) Megakaryocytic myelosis.

(3) Polycythemia vera.

(e) **Splenomegaly** until the cause is remedied.

(f) **Thromboembolic** disease except for acute, nonre-current conditions. [Order 149, § 297-50-040, filed 8/2/71.]

WAC 297-50-050 Dental. (1) Dental—The causes for rejection for appointment are:

(a) **Diseases of the jaws or associated tissues**, which are not easily remediable and which will incapacitate the individual or prevent the satisfactory performance of duty.

(b) **Malocclusion**, severe, which interferes with the mastication of a normal diet.

(c) **Orthodontic appliances**, individuals with orthodontic appliances attached to the teeth are administratively unacceptable so long as active treatment is required. Individuals with retainer orthodontic appliances who are not considered to require active treatment are administratively acceptable.

(d) **Oral tissues**, extensive loss of, in an amount that would prevent replacement of missing teeth with a satisfactory prosthetic appliance.

(e) Relationship between the mandible and maxilla of such a nature as to preclude future satisfactory prosthodontic replacement. [Order 149, § 297-50-050, filed 8/2/71.]

WAC 297-50-060 Ears and hearing. (1) Ears—The causes for rejection for appointment are:

(a) **Auditory canal**:

(1) Atresia or severe stenosis of the external auditory canal.

(2) Tumors of the external auditory canal except mild exostoses.

(3) Severe external otitis, acute or chronic.

(b) **Auricle**: Agenesis, severe; or severe traumatic deformity, unilateral or bilateral.

(c) **Mastoids**:

(1) Mastoiditis, acute or chronic.

(2) Residual or mastoid operation with marked external deformity which precludes or interferes with the wearing of a gas mask or helmet.

(3) Mastoid fistula.

(d) **Meniere's syndrome**.

(e) **Middle ear**:

(1) Acute or chronic suppurative otitis media. Individuals with a recent history of acute suppurative otitis media will not be accepted unless the condition is healed and a sufficient interval of time subsequent to treatment has elapsed to insure that the disease is in fact not chronic.

(2) Adhesive otitis media associated with hearing level by audiometric test of 20 db or more average for the speech frequencies (500, 1000, and 2000 cycles per second) in either ear regardless of the hearing level in the other ear.

(3) Acute or chronic serous otitis media.

(4) Presence of attic perforation in which presence of cholesteatoma is suspected.

(5) Repeated attacks of catarrhal otitis media; intact greyish, thickened drum(s).

(f) Tympanic membrane:

(1) Any perforation of the tympanic membrane.

(2) Severe scarring of the tympanic membrane associated with hearing level by audiometric test of 20 db or more average for the speech frequencies (500, 1000, and 2000 cycles per second) in either ear regardless of the hearing level in the other ear.

(g) **Other** diseases and defects of the ear which obviously preclude satisfactory performance of duty or which require frequent and prolonged treatment.

(2) **Hearing**—The causes for rejection for appointment is: *Hearing acuity level* by audiometric testing (regardless of conversational or whispered voice hearing acuity) greater than that described in Table 1 below. There is no objection to conducting the whispered voice test or the spoken voice test as a preliminary to conducting the audiometric hearing test. [Order 149, § 297-50-060, filed 8/2/71.]

WAC 297-50-070 Table 1—Table of acceptable audiometric hearing level.

TABLE OF ACCEPTABLE AUDIOMETRIC HEARING LEVEL

Acceptable Audiometric Hearing Level (Present American Standard) For Appointment								
	250	500	1000	2000	3000	4000	6000	8000
	256	512	1024	2048	2896	4096	6144	8192
a. Both ears—	(1) Average of six readings in these speech frequencies not greater than 20 decibels with no level greater than 25 decibels. (divide by six)				(2) 50	(2)	(1)	
or								
b. Better ear—	(1) 15	15	15	(2) 30	(2)	(1)		
Worse ear—	(1) (1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

- No requirement Medical History report to contain ASA readings.
- Not yet standardized Consult table below.

"Better ear" is interpreted to mean the ear with better hearing at the frequency level being tested.

CONVERSION TABLE

ASA		ISO	
Hz	Db	Hz	Db
500	15	500	30
1000	15	1000	25
2000	15	2000	25
4000	30	4000	35

[Order VII, § 297-50-070, filed 8/28/72; Order 149, § 297-50-070, filed 8/2/71.]

WAC 297-50-080 Endocrine and metabolic disorders. (1) Endocrine and metabolic disorders—the causes for rejection for appointment are:

(a) **Adrenal gland**, malfunction of, of any degree.

(b) **Cretinism.**

(c) **Diabetes insipidus.**

(d) **Diabetes mellitus.**

(e) **Gigantism or acromegaly.**

(f) **Glycosuria**, persistent, regardless of cause.

(g) **Goiter:** (1) Simple goiter with definite pressure symptoms or so large in size as to interfere with the wearing of a uniform or fire fighting equipment.

(2) Thyrotoxicosis.

(h) **Gout.**

(i) **Hyperinsulinism**, confirmed, symptomatic.

(j) **Hyperparathyroidism and hypoparathyroidism.**

(k) **Hypopituitarism**, severe.

(l) **Myxedema**, spontaneous or postoperative (with clinical manifestations and not based solely on low basal metabolic rate.)

(m) **Nutritional deficiency diseases** (including spru, beriberi, pellagra, and scurvy) which are more than mild and not readily remediable or in which permanent pathological changes have been established.

(n) **Other endocrine or metabolic disorders** which obviously preclude satisfactory performance of duty which require frequent and prolonged treatment. [Order 149, § 297-50-080, filed 8/2/71.]

WAC 297-50-090 Extremities. (1) **UPPER EXTREMITIES**—The causes for rejection for appointment are:

(a) **Limitation of motion.** An individual will be considered unacceptable if the joint ranges of motion are less than the measurements listed below.

(1) **Shoulder:** (a) Forward elevation to 90°.

(b) Abduction to 90°.

(2) **Elbow:** (a) Flexion to 100°.

(b) Extension to 15°.

(3) **Wrist:** A total range of 15° (extension plus flexion).

(4) **Hand:** Pronation to the first quarter of the normal arc.

(5) **Fingers:** Inability to clench fist, pick up a pin or needle, and grasp an object.

(b) **Hand and fingers:**

(1) Absence (or loss) of more than 1/3 of the distal phalanx of either thumb.

(2) Absence (or loss) of distal and middle phalanx of an index, middle or ring finger of either hand irrespective of the absence (or loss) of little finger.

(3) Absence of more than the distal phalanx of any two of the following fingers: index, middle finger or ring finger, of either hand.

(4) Absence of hand or any portion thereof except for fingers as noted above.

(5) **Hyperdactylia.**

(6) Scars and deformities of the fingers and/or hand which impair circulation, are symptomatic, are so disfiguring as to make the individual objectionable in ordinary social relationships, or which impair normal function to such a degree as to interfere with the satisfactory performance of duty.

(c) **Wrist, forearm, elbow, arm, and shoulder:** Healed disease or injury of wrist, elbow or shoulder with residual weakness or symptoms of such a degree as to preclude satisfactory performance of duty.

(2) **LOWER EXTREMITIES**—(See WAC 297-50-090(3)) The causes for rejection for appointment are:

(a) Limitation of motion. An individual will be considered unacceptable if the joint ranges of motion are less than the measurements listed below.

(1) **Hip.** (a) Flexion to 90°.

(b) Extension to 10° (beyond 0).

(2) **Knee.** (a) Full extension.

(b) Flexion to 90°.

(3) **Ankle.** (a) Dorsiflexion to 10°.

(b) Plantar flexion to 10°.

(b) **Foot and ankle.**

(1) Absence of one or more small toes of one or both feet, if function of the foot is poor or running or jumping is precluded, or absence of foot or any portion thereof except for toes as noted herein.

(2) Absence (or loss) of great toe(s) or loss of dorsal flexion thereof if function of the foot is impaired.

(3) Claw toes precluding the wearing of service boots.

(4) Clubfoot.

(5) Flatfoot, pronounced cases, with decided eversion of the foot and marked bulging of the inner border, due to inward rotation of the astragalus, regardless of the presence or absence of symptoms.

(6) Flatfoot, spastic.

(7) Hallux valgus, if severe and associated with marked exostosis or bunion.

(8) Hammer toe which interferes with the wearing of boots.

(9) Healed disease, injury or deformity including hyperdactylia which precludes running, is accompanied by disabling pain, or which prohibits wearing of service boots.

(10) Ingrowing toe nails, if severe, and not remediable.

(11) Obliteration of the transverse arch associated with permanent flexion of the small toes.

(12) Pes cavus, with contracted plantar fascia, dorsiflexed toes, tenderness under the metatarsal heads, and callosity under the weight bearing areas.

(c) **Leg, knee, thigh and hip.**

(1) Dislocated semilunar cartilage, loose or foreign bodies within the knee joint, or history of surgical correction of same if—

(a) Within the preceding 6 months.

(b) Six months or more have elapsed since operation without recurrence, and there is instability of the knee ligaments in lateral and anteroposterior directions in comparison with the normal knee or abnormalities noted on X-ray, there is significant atrophy or weakness of the

thigh musculature in comparison with the normal side, there is not acceptable active motion in flexion and extension, or there are other symptoms of internal derangement.

(2) Authentic history or physical findings of an unstable or internally deranged joint causing disabling pain or seriously limiting functions. Individuals with verified episodes of buckling or locking of the knee who have not undergone satisfactory surgical correction or if, subsequent to surgery, there is evidence of more than mild instability of the knee ligaments in lateral and anteroposterior directions in comparison with the normal knee, weakness or atrophy of the thigh musculature in comparison with the normal side, or if the individual requires medical treatment of sufficient frequency to interfere with the performance of duty.

(d) **General.**

(1) Deformities of one or both lower extremities which have interfered with function to such a degree as to prevent the individual from following a *physically active* vocation in life or which would interfere with the satisfactory completion of prescribed training and performance of duty.

(2) Diseases or deformities of the hip, knee, or ankle joint which interfere with walking, running, or weight bearing.

(3) Pain in lower back or leg which is intractable and disabling to the degree of interfering with walking, running, and weight bearing.

(4) Shortening of a lower extremity resulting in any limp of noticeable degree.

(3) **MISCELLANEOUS**—(See also WAC 297-50-090(1) and (2)). The causes for rejection are:

(a) **Arthritis.**

(1) Active or subacute arthritis, including Marie-Strumpell type.

(2) Chronic osteoarthritis or traumatic arthritis of isolated joints of more than minimal degree, which has interfered with the following of a physically active vocation in civilian life or which precludes the satisfactory performance of duty.

(3) Documented clinical history of rheumatoid arthritis.

(4) Traumatic arthritis of a major joint of more than minimal degree.

(b) **Disease of any bone or joint**, healed, with such resulting deformity or rigidity that function is impaired to such a degree that it will interfere with service.

(c) Dislocation, old unreduced; substantiated history of recurrent dislocations of major joints; instability of a major joint, symptomatic and more than mild; or if, subsequent to surgery, there is evidence of more than mild instability in comparison with the normal joint, weakness or atrophy in comparison with the normal side, or if the individual requires medical treatment of sufficient frequency to interfere with the performance of duty.

(d) **Fractures.**

(1) Malunited fractures that interfere significantly with function.

(2) Ununited fractures.

(3) Any old or recent fracture in which a plate, pin, or screws were used for fixation and left in place and which may be subject to easy trauma, i.e., as a plate tibia, etc.

(e) **Injury of a bone or joint** within the preceding 6 weeks, without fracture or dislocation, of more than a minor nature.

(f) **Muscular paralysis**, contracture, or atrophy, if progressive or of sufficient degree to interfere with service.

(f.1) **Myotonia congenita**, confirmed.

(g) **Osteomyelitis**, active or recurrent, of any bone or substantiated history of osteomyelitis of any of the long bones unless successfully treated 2 or more years previously without subsequent recurrence or disqualifying sequelae as demonstrated by both clinical and X-ray evidence.

(h) **Osteoporosis**.

(i) **Scars**, extensive, deep or adherent, of the skin and soft tissues or neuromas of an extremity which are painful, which interfere with muscular movements, which preclude the wearing of equipment, or that show a tendency to break down.

(j) **Chondromalacia**, manifested by verified history of joint effusion, interference with function, or residuals from surgery. [Order 149, § 297-50-090, filed 8/2/71.]

WAC 297-50-100 Eyes and vision. (1) Eyes—
The causes for rejection for appointment are:

(a) **Lids.** (1) Blepharitis, chronic more than mild. Cases of acute blepharitis will be rejected until cured.

(2) Blepharospasm.

(3) Dacryocystitis, acute or chronic.

(4) Destruction of the lids, complete or extensive, sufficient to impair protection of the eye from exposure.

(5) Disfiguring cicatrices and adhesions of the eyelids to each other or to the eyeball.

(6) Growth or tumor of the eyelid other than small early basal cell tumors of the eyelid, which can be cured by treatment, and small nonprogressive symptomatic benign lesions.

(7) Marked inversion or eversion of the eyelids sufficient to cause unsightly appearance or watering of eyes (entropion or ectropion).

(8) Lagophthalmos.

(9) Ptosis interfering with vision.

(10) Trichiasis, severe.

(b) **Conjunctive.** (1) Conjunctivitis, chronic, including vernal catarrh and trachoma. Individuals with acute conjunctivitis are unacceptable until the condition is cured.

(2) Pterygium:

(a) Pterygium recurring after three operative procedures.

(b) Pterygium encroaching on the cornea in excess of 3 millimeters or interfering with vision.

(c) **Cornea.** (1) Dystrophy, corneal, of any type including keratoconus of any degree.

(2) Keratitis, acute or chronic.

(3) Ulcer, corneal; history of recurrent ulcers or corneal abrasions (including herpetic ulcers).

(4) Vascularization or opacification of the cornea from any cause which interferes with visual function or is progressive.

(d) **Uveal tract.** Inflammation of the uveal tract except healed traumatic choroiditis.

(e) **Retina.** (1) Angiomatoses, phakomatoses, retinal cysts, and other congenito-hereditary conditions that impair visual function.

(2) Degenerations of the retina to include macular cysts, holes and other degenerations (hereditary as acquired degenerative changes) and other conditions affecting the macula. All types of pigmentary degenerations (primary and secondary).

(3) Detachment of the retina or history of surgery for same.

(4) Inflammation of the retina (retinitis or other inflammatory conditions of the retina to include Coat's disease, diabetic retinopathy, Earles' disease, and retinitis proliferans).

(f) **Optic nerve.** (1) Congenito-hereditary conditions of the optic nerve or any other central nervous system pathology affecting the efficient function of the optic nerve.

(2) Optic neuritis, neuroretinitis, or secondary optic atrophy resulting therefrom or document history of attacks of retrovulbar neuritis.

(3) Optic atrophy (primary or secondary).

(4) Papilledema.

(g) **Lens.** (1) Aphakia (unilateral or bilateral).

(2) Dislocation, partial or complete, of a lens.

(3) Opacities of the lens which interfere with vision or which are considered to be progressive.

(h) **Ocular mobility and motility.** (1) Dislopia, documented, constant or intermittent from any cause or of any degree interfering with visual function (i.e., may suppress).

(2) Diplopia, monocular, documented, interfering with visual function.

(3) Mystagmus, with both eyes fixing, congenital or acquired.

(4) Strabismus of 40 prism diopters or more, uncorrectable by lenses to less than 40 diopters.

(5) Strabismus of any degree accompanied by documented diplopia.

(6) Strabismus, surgery for the correction of, within the preceding 6 months.

(i) **Miscellaneous defects and diseases.**

(1) Abnormal conditions of the eye or visual fields due to diseases of the central nervous system.

(2) Absence of an eye.

(3) Asthenopia severe.

(4) Exophthalmos, unilateral or bilateral.

(5) Glaucoma, primary or secondary.

(6) Hemianopsia of any type.

(7) Loss of normal pupillary reflex [reflex] reactions to light or accommodation to distance or Adies syndrome.

(8) Loss of visual fields due to organic disease.

(9) Night blindness associated with objective disease of the eye. Verified congenital night blindness.

(10) Residuals of old contusions, lacerations, penetrations, etc., which impair visual function required for satisfactory performance of duty.

(11) Retained intra-ocular foreign body.

(12) Tumors. See a(6) above and WAC 297-50-240.

(13) Any organic disease of the eye or adnexa not specified above which threatens continuity of vision or impairment of visual functions.

(2) **VISION**—The causes for medical rejection for appointment are:

(a) Distant visual acuity not less than 20/100 vision in each eye without correction and corrected to 20/20 in the better eye and 20/30 in the lesser eye within 8 diopters of plus or minus refractive error.

(b) **Near visual acuity.** Near visual acuity of any degree which does not correct to at least J-6 in the better eye.

(c) **Refractive error.** Any degree of refractive error in spherical equivalent of over — 8.00 or + 8.00; or if ordinary spectacles cause discomfort by reason of ghost images, prismatic displacement, etc.; or if an ophthalmological consultation reveals a condition which is disqualifying.

(d) **Contact lens.** Complicated cases requiring contact lens for adequate correction of vision as keratoconus, corneal scars, and irregular astigmatism. [Order VII, § 297-50-100, filed 8/28/72; Order IV, § 297-50-100, filed 5/26/72; Order 149, § 297-50-100, filed 8/2/71.]

WAC 297-50-110 Genito-urinary system. (1) GENITALIA. The causes for rejection for appointment are:

(a) **Bartholinitis,** Bartholin's cyst.

(b) **Cervicitis,** acute or chronic manifested by leukorrhea.

(c) **Dysmenorrhea,** incapacitating to a degree which necessitates recurrent absences of more than a few hours from routine activities.

(d) **Endometriosis,** or confirmed history thereof.

(e) **Hemaphroditism.**

(f) **Menopausal syndrome,** either physiologic or artificial if manifested by more than mild constitutional or mental symptom, or artificial menopause if less than 13 months have elapsed since cessation of menses. In all cases of artificial menopause, the clinical diagnosis will be reported; if accomplished by surgery, the pathologic report will be obtained and recorded.

(g) **Menstrual cycle,** irregularities of, including menorrhagia, if excessive; metrorrhagia; polymenorrhea; amenorrhea, except as noted in (f) above.

(h) **New growths of the internal or external genitalia** except single uterine fibroid, subserous, asymptomatic, less than 3 centimeters in diameter, with no general enlargement of the uterus. See also paragraphs S-1 and 2.

(i) **Oophoritis,** acute or chronic.

(j) **Ovarian cysts,** persistent and considered to be of clinical significance.

(k) **Pregnancy.**

(l) **Salpingitis,** acute or chronic.

(m) **Testicle(s).**

(1) Absence or nondescent of both testicles.

(2) Undiagnosed enlargement or mass of testicle or epididymis.

(3) Undescended testicle.

(n) **Urethritis,** acute or chronic, other than gonorrheal urethritis without complications.

(o) **Uterus.**

(1) Cervical polyps, cervical ulcer, or marked erosion.

(2) Endocervicitis, more than mild.

(3) Generalized enlargement of the uterus due to any cause.

(4) Malposition of the uterus if more than mildly symptomatic.

(p) **Vagina.**

(1) Congenital abnormalities or severe lacerations of the vagina.

(2) Vaginitis, acute or chronic, manifested by leukorrhea.

(q) **Varicocele or hydrocele,** if large or painful.

(r) **Vulva.**

(1) Leukoplakia.

(2) Vulvitis, acute or chronic.

(s) Major abnormalities and defects of the genitalia such as a change of sex, a history thereof, or complications (adhesions, disfiguring scars, etc.) residual to surgical correction of these conditions.

(2) **URINARY SYSTEM**—(See, WAC 297-50-080(1), 297-50-240(1) and (2)). The causes for rejection for appointment are:

(a) **Albuminuria** if persistent or recurrent including so-called orthostatic or functional albuminuria.

(b) **Cystitis, chronic.** Individuals with acute cystitis are unacceptable until the condition is cured.

(c) **Enuresis** determined to be a symptom of an organic defect not amendable to treatment. (See also paragraph 0-3c).

(d) **Epispadias or hypospadias** when accompanied by evidence of infection of the urinary tract or if clothing is soiled when voiding.

(e) **Hematuria, cylindruria,** or other findings indicative of renal tract disease.

(f) **Incontinence** of urine.

(g) **Kidney.**

(1) Absence of one kidney, regardless of cause.

(2) Acute or chronic infections of the kidney.

(3) Cystic or polycystic kidney, confirmed history of.

(4) Hydronephrosis or pyonephrosis.

(5) Nephritis, acute or chronic.

(6) Pyelitis, pyelonephritis.

(h) **Penis,** amputation of, if the resulting stump is insufficient to permit micturition in a normal manner.

(i) **Peyronie's disease.**

(j) **Prostate gland,** hypertrophy of, with urinary retention.

(k) **Renal calculus.**

(1) Substantiated history of bilateral renal calculus at any time.

(2) Verified history of renal calculus at any time with evidence of stone formation within the preceding 12 months, current symptoms or positive X-ray for calculus.

(l) **Skeneitis.**

(m) **Urethra.**

- (1) Stricture of the urethra.
- (2) Urethritis, acute or chronic, other than gonorrheal urethritis without complications.
- (n) **Urinary fistula.**
- (o) **Other diseases and defects of the urinary system** which obviously preclude satisfactory performance of duty or which require frequent and prolonged treatment. [Order 149, § 297-50-110, filed 8/2/71.]

WAC 297-50-120 Head and neck. (1) **HEAD.** The causes for rejection for appointment are:

- (a) **Abnormalities** which are apparently temporary in character resulting from recent injuries until a period of 3 months has elapsed. These include severe contusions and other wounds of the scalp and cerebral concussion.
- (b) **Deformities** of the skull in the nature of depressions, exostoses, etc., of a degree which would prevent the individual from the wearing of a gas mask or headgear.
- (c) **Deformities of the skull of any degree** associated with evidence of disease of the brain, spinal cord, or peripheral nerves.
- (d) **Depressed fractures near central sulcus** with or without convulsive seizures.
- (e) **Loss or congenital absence** of the bony substance of the skull except that the examiner may find individuals acceptable when—
 - (1) The area does not exceed 2.5 centimeters square, and does not overlie the motor cortex or a dural sinus.
 - (2) There is no evidence of alteration of brain function in any of its several spheres (intelligence, judgment, perception, behavior, motor control, sensory function, etc.).
 - (3) There is no evidence of bone degeneration, disease, or other complications of such a defect.
- (f) **Unsightly deformities**, such as large birthmarks, large hairy moles, extensive scars, and mutilations due to injuries or surgical operations; ulcerational fistulae, atrophy, or paralysis of part of the face or neck.
- (2) **NECK**—The causes for rejection for appointment are:

- (a) **Cervical ribs** if symptomatic, or so obvious that they are found on routine physical examination. (Detection based primarily on X-ray is not considered to meet this criterion).
- (b) **Congenital cysts** of branchial cleft origin or those developing from the remnants of the thyrofolossal duct, with or without fistulous tracts.
- (c) **Fistula**, chronic draining, of any type.
- (d) **Healed tuberculosis lymph nodes** when extensive in number or densely calcified.
- (e) **Nonspastic contraction** of the muscles of the neck or cicatricial contracture of the neck to the extent that it interferes with the wearing of a uniform or equipment or so disfiguring as to make the individual objectionable in common social relationships.
- (f) **Spastic contraction** of the muscles of the neck, persistent, and chronic.
- (g) **Tumor of thyroid or other structures of the neck.** (See WAC 297-50-240(1) and (2)). [Order 149, § 297-50-120, filed 8/2/71.]

WAC 297-50-130 Heart and vascular system. (1) **HEART.** The causes for rejection for appointment are:

- (a) **All organic valvular diseases of the heart**, including those improved by surgical procedures.
- (b) **Coronary artery disease** or myocardial infarction, old or recent or true angina pectoris, at any time.
- (c) **Electrocardiographic evidence** of major arrhythmias such as—
 - (1) Atrial tachyardia, flutter, or fibrillation, ventricular tachycardia or fibrillation.
 - (2) Conduction defects such as first degree atrio-ventricular block and right bundle branch block. (These conditions occurring as isolated findings are not unfitting when cardiac evaluation reveals no cardiac disease.)
 - (3) Left bundle branch block, 2d and 3d degree AV block.
 - (4) Unequivocal electrocardiographic evidence of old or recent myocardial infarction; coronary insufficiency at rest or after stress; or evidence of heart muscle disease.
 - (d) **Hypertrophy or dilation of the heart** as evidenced by clinical examination or roentgenographic examination and supported by electrocardiographic examination. Care should be taken to distinguish abnormal enlargement from increased diastolic filling as seen in the well conditioned subject with a sinus bradycardia.
 - (e) **Myocardial insufficiency** (congestive circulatory failure, cardiac decompensation) obvious or covert, regardless of cause.
 - (f) **Paroxysmal tachycardia** within the preceding 5 years, or at any time if recurrent or disabling or if associated with electrocardiographic evidence of accelerated A-V conduction (Wolff-Parkinson-White).
 - (g) **Pericarditis; endocarditis; or myocarditis**, history or finding of, except for a history of a single acute idiopathic or coxsackie pericarditis with no residuals.
 - (h) **Tachycardia** persistent with a resting pulse rate of 100 or more, regardless of cause.
- (2) **VASCULAR SYSTEM.** The causes for rejection for appointment are:
 - (a) **Congenital or acquired lesions of the aorta and major vessels**, such as syphilitic aortitis, demonstrable atherosclerosis which interferes with circulation, congenital or acquired dilatation of the aorta (especially is associated with other features of Marfan's syndrome), and pronounced dilatation of the main pulmonary artery.
 - (b) **Hypertension** evidenced by preponderant blood pressure readings of 150-mm or more systolic in an individual over 35 years of age or preponderant readings of 140-mm or more systolic in an individual 35 years of age or less. Preponderant diastolic pressure over 90-mm diastolic is cause for rejection at any age.
 - (c) **Marked circulatory instability** as indicated by orthostatic hypotension, persistent tachycardia, severe peripheral vasomotor disturbances and sympatheticotonia.
 - (d) **Peripheral vascular disease** including Raynaud's phenomena, Buerger's disease (thromboangitis obliterans), erythromelalgia, arteriosclerotic and diabetic vascular diseases. Special tests will be employed in doubtful cases.
 - (e) **Thrombophlebitis.**

(1) History of thrombophlebitis with persistent thrombus or evidence of circulatory obstruction or deep venous incompetence in the involved veins.

(2) Recurrent thrombophlebitis.

(f) **Varicose veins**, if more than mild, or if associated with edema, skin ulceration, or residual scars from ulceration.

(3) **MISCELLANEOUS**. The causes for rejection for appointment are:

(a) **Aneurysm of the heart or major vessel**, congenital or acquired.

(b) **History and evidence of a congenital abnormality** which has been treated by surgery but with residual abnormalities or complications, for example: Patent ductus arteriosus with residual cardiac enlargement or pulmonary hypertension; resection of a coarctation of the aorta without a graft when there are other cardiac abnormalities or complications; closure of a secundum type atrial septal defect when there are residual abnormalities or complications.

(c) **Major congenital abnormalities and defects of the heart and vessels** unless satisfactorily corrected without residuals or complications. Uncomplicated dextrocardia and other minor asymptomatic anomalies are acceptable.

(d) **Substantiated history of rheumatic fever or chorea** within the previous 2 years, recurrent attacks of rheumatic fever or chorea at any time, or with evidence of residual cardiac damage. [Order 149, § 297-50-130, filed 8/2/71.]

WAC 297-50-140 Height, weight, and body build.

(1) **HEIGHT**. The causes for rejection for appointment are:

(a) For appointment:

(1) **Men**. Height below ----- inches or over ----- inches, as specified by hiring agency.

(2) **Women**. Height below ----- inches or over ----- inches, as specified by hiring agency.

(2) **WEIGHT**. The causes for rejection for appointment are:

(a) **Weight related to height** which is below the minimum shown in Table 2 for men and Table 3 for women.

(b) **Weight related to age and height** which is in excess of the maximum shown in WAC 297-50-160, Table 2, for men and WAC 297-50-170, Table 3, for women.

(3) **BODY BUILD**. The causes for rejection for appointment are:

(a) **Congenital malformation of bones and joints**.

(b) **Deficient muscular development** which would interfere with the completion of required training.

(c) **Evidence of congenital asthenia** (slender bones; weak thorax; visceroptosis, severe chronic constipation; or "drop heart" if marked in degree).

(d) **Obesity**. Even though the individual's weight is within the maximum shown in Table 2 or 3 he will be reported as medically unacceptable when the medical and musculature, constitutes obesity of such a degree as to interfere with the satisfactory completion of prescribed training. [Order 149, § 297-50-140, filed 8/2/71.]

WAC 297-50-150 Lungs and chest wall. (1) **GENERAL**. The following conditions are causes for rejection for appointment, until study indicates recovery without disqualifying sequelae:

(a) **Abnormal elevation of the diaphragm** on either side.

(b) **Acute abscess** of the lung.

(c) **Acute bronchitis** until the condition is cured.

(d) **Acute fibrinous pleurisy**, associated with acute nontuberculous pulmonary infection.

(e) **Acute mycotic disease** of the lung such as coccidioidomycosis and histoplasmosis.

(f) **Acute nontuberculous pneumonia**.

(g) **Foreign body in trachea or bronchus**.

(h) **Foreign body of the chest wall** causing symptoms.

(i) **lobectomy**, history of, for a nontuberculous non-malignant lesion with residual pulmonary disease. Removal of more than one lobe is cause for rejection regardless of the absence of residuals.

(j) **Other traumatic lesions** of the chest or its contents.

(k) **Pneumothorax**, regardless of etiology or history thereof.

(l) **Recent fracture** of ribs, sternum, clavicle, or scapula.

(m) **Significant abnormal findings** on physical examination of the chest.

(2) **TUBERCULOUS LESIONS**. (See also WAC 297-50-230(1)). The causes for rejection for appointment are:

(a) **Active tuberculosis** in any form or location.

(b) **Pulmonary tuberculosis**, active within the past 5 years.

(c) **Substantiated history or X-ray findings** of pulmonary tuberculosis of more than minimal extent at any time; or minimal tuberculosis not treated with a full tear of approved chemotherapy or combined chemotherapy and surgery; or a history of pulmonary tuberculosis with reactivation, relapse, or other evidence of poor host resistance.

(3) **NONTUBERCULOUS LESIONS**. The causes for rejection for appointment are:

(a) **Acute mastitis**, chronic cystic mastitis, if more than mild.

(b) **Bronchial asthma**, except for childhood asthma with a trustworthy history of freedom from symptoms since the 12th birthday.

(c) **Bronchitis**, chronic with evidence of pulmonary function disturbance.

(d) **Bronchiectasis**.

(e) **Bronchopleura fistula**.

(f) **Bullous or generalized pulmonary emphysema**.

(g) **Chronic abscess of lung**.

(h) **Chronic fibrous pleuritis** of sufficient extent to interfere with pulmonary function or obscure the lung field in the roentgenogram.

(i) **Chronic mycotic diseases** of the lung including coccidioidomycosis; residual cavitation or more than a few small-sized inactive and stable residual modules demonstrated to be due to mycotic disease.

(j) **Empyema**, residual sacculation or unhealed sinuses of chest wall following operation for empyema.

(k) Extensive pulmonary fibrosis from any cause, producing dyspnea on exertion.

(l) Foreign body of the lung or mediastinum causing symptoms or active inflammatory reaction.

(m) Multiple cystic disease of the lung or solitary cyst which is large and incapacitating.

(n) New growth on breast, history of mastectomy.

(o) Osteomyelitis of rib, sternum, clavicle, scapula, or vertebra.

(p) Pleurisy with effusion of unknown origin within the preceding 5 years.

(q) Sarcoidosis. (See WAC 297-50-230(1)).

(r) Suppurative periostitis of rib, sternum, clavicle, scapula, or vertebra. [Order 149, § 297-50-150, filed 8/2/71.]

WAC 297-50-160 Table 2--Table of weight--Men.

TABLE OF WEIGHT—MEN

Table of Acceptable Weight (in Pounds) as Related to Age and Height for Males

Height (Inches)	Minimum (regardless of age)	Maximum			
		19—20 years	21—24 years	25—30 years	31—35 years
60—	100	163	173	173	173
61—	102	171	176	175	175
62—	103	174	178	178	177
63—	104	178	182	181	180
64—	105	183	184	185	185
65—	106	187	190	191	190
66—	107	191	196	197	196
67—	111	196	201	202	201
68—	115	202	207	208	207
69—	119	208	213	214	212
70—	123	214	219	219	218
71—	127	219	224	225	223
72—	131	225	231	232	230
73—	135	231	239	238	237
74—	139	237	246	246	243
75—	143	243	253	253	251
76—	147	248	260	260	257
77—	151	254	267	267	264
78—	153	260	275	273	271

[Order 149, § 297-50-160, filed 8/2/71.]

WAC 297-50-170 Table 3--Table of weight--Women.

TABLE OF WEIGHT—WOMEN

Table of Acceptable Weight (in Pounds) as Related to Age and Height for Females

Height (Inches)	Minimum (regardless of age)	Maximum			
		19—20 years	21—24 years	25—30 years	31—35 years
58—	90	121	123	126	124
59—	92	123	125	129	126
60—	94	125	127	132	128
61—	96	127	129	135	131
62—	98	129	132	139	132
63—	100	135	136	141	136
64—	102	136	140	144	140
65—	104	140	144	148	145
66—	106	144	149	151	150
67—	109	147	151	156	154
68—	112	152	158	159	159
69—	115	158	160	164	162
70—	118	162	166	168	167
71—	122	168	171	171	171
72—	125	171	175	176	175

[Order 149, § 297-50-170, filed 8/2/71.]

WAC 297-50-180 Mouth, nose, pharynx, trachea, esophagus, and larynx. (1) MOUTH. The causes for rejection for appointment are:

- (a) Hard palate, perforation of.
- (b) Harelip, unless satisfactorily repaired by surgery.
- (c) Leukoplakia, if severe.
- (d) Lips, unsightly mutilations of, from wounds, burns or disease.
- (e) Ranula, if extensive. (See WAC 297-50-240(1) and (2)).

(2) NOSE. The causes for rejection for appointment are:

- (a) Allergic manifestations.
 - (1) Chronic atrophic rhinitis.
 - (2) Hay fever if severe; or if not controllable by anti-histamines or by desensitization, or both.
 - (b) Choana, atresia, or stenosis of, if symptomatic.
 - (c) Nasal septum, perforation of:
 - (1) Associated with interference of function, ulceration or crusting, and when the result of organic disease.
 - (2) If progressive.
 - (3) If respiration is accompanied by a whistling sound.
 - (d) Sinusitis, acute.
 - (e) Sinusitis, chronic, when more than mild.
 - (1) Evidenced by any of the following: Chronic purulent nasal discharge, large nasal polyps, hyperplastic

changes of the nasal tissues, or symptoms requiring frequent medical attention.

(2) Confirmed by transillumination or X-ray examination or both.

(3) **PHARYNX, TRACHEA, ESOPHAGUS, AND LARYNX.** The causes for rejection for appointment are:

(a) **Esophagus**, organic disease of, such as ulceration, varices, achalsia; peptic esophagitis; if confirmed by appropriate X-ray or esophagoscopy examinations.

(b) **Laryngeal paralysis**, sensory or motor, due to any cause.

(c) **Larynx**, organic disease of, such as neoplasm, polyps, granuloma, ulceration, and chronic laryngitis.

(d) **Plica dysphonia venricularis.**

(e) **Tracheostomy or tracheal fistula.**

(4) **OTHER DEFECTS AND DISEASES.** The causes for rejection are:

(a) **Aphonia.**

(b) **Deformities or conditions of the mouth, throat, pharynx, larynx, esophagus, and nose**, which interfere with mastication and swallowing of ordinary food, with speech, or with breathing.

(c) **Destructive syphilitic disease of the mouth, nose, throat, larynx, esophagus.** (See WAC 297-50-250).

(d) **Pharyngitis and nasopharyngitis**, chronic, with positive history of objective evidence, if of such a degree as to result in excessive time lost in the fire or law enforcement environment. [Order 149, § 297-50-180, filed 8/2/71.]

WAC 297-50-190 Neurological disorders. The causes for rejection for appointment are:

(a) **Degenerative disorders.**

(1) Cerebellar and Friedreich's ataxia.

(2) Cerebral arteriosclerosis.

(3) Encephalomyelitis, residuals of, which preclude the satisfactory performance of duties.

(4) Huntington's chorea.

(5) Multiple sclerosis.

(6) Muscular atrophies and dystrophies of any type.

(b) **Miscellaneous.**

(1) Congenital malformations if associated with neurological manifestations and meningocele even if uncomplicated.

(2) Migraine when frequent and incapacitating.

(3) Paralysis or weakness, deformity, discoordination, pain, sensory disturbances of consciousness, or personality abnormalities regardless of cause which are of such a nature or degree as to preclude the satisfactory performance of duty.

(4) Tremors, spasmodic torticollis, athetosis or other abnormal movements more than mild.

(c) **Neurosyphilis of any form** (general paresis, tabes dorsalis, meningovascular syphilis).

(d) **Paroxysmal convulsive disorders**, disturbances of consciousness, all forms of psychomotor or temporal lobe epilepsy or history thereof except for seizures associated with toxic states or fever during childhood up to the age of 12.

(e) **Peripheral nerve disorder.**

(1) Polyneuritis.

(2) Mononeuritis or neuralgia which is chronic or recurrent and of an intensity that is periodically incapacitating.

(3) **Neurofibromatosis.**

(f) **Spontaneous subarachnoid hemorrhage**, verified history of, unless cause has been surgically corrected. [Order 149, § 297-50-190, filed 8/2/71.]

WAC 297-50-200 Psychoses, psychoneuroses, and personality disorders. (1) **PSYCHOSES.** The causes for rejection for appointment are:

Psychosis or authenticated history of a psychotic illness other than those of a brief duration associated with a toxic or infectious process.

(2) **PSYCHONEUROSES.** The causes for rejection for appointment are:

(a) History of a psychoneurotic reaction which caused:

(1) Hospitalization.

(2) Prolonged care by a physician.

(3) Loss of time from normal pursuits for repeated periods even if of brief duration, or

(4) Symptoms or behavior of a repeated nature which impaired school or work efficiency.

(b) History of a brief psychoneurotic reaction or nervous disturbance within the preceding 12 months which was sufficiently severe to require medical attention or absence from work or school for a brief period (maximum of 7 days).

(3) **PERSONALITY DISORDERS.** The causes for rejection for appointment are:

(a) **Character and behavior disorders**, as evidenced by:

(1) Frequent encounters with law enforcement agencies, or anti-social attitudes or behavior which, while not a cause for administrative rejection, are tangible evidence of an impaired characterological capacity to adapt to the service.

(2) Overt homosexuality or other forms of sexual deviant practices such as exhibitionism, transvestism, voyeurism, etc.

(3) Chronic alcoholism or alcohol addiction.

(4) Drug use or addiction.

(b) **Character and behavior disorders** where it is evident by history and objective examination that the degree of immaturity, instability, personality inadequacy, and dependency will seriously interfere with adjustment in the service as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers and fellow-workers, and other society groups.

(c) **Other symptomatic immaturity reactions** such as authenticated evidence of enuresis which is habitual or persistent, not due to an organic condition occurring beyond early adolescence (age 12 to 14) and stammering or stuttering of such a degree that the individual is normally unable to express himself clearly or to repeat commands.

(d) **Specific learning defects** secondary to organic or functional mental disorders. [Order 149, § 297-50-200, filed 8/2/71.]

WAC 297-50-210 Skin and cellular tissues. The causes for rejection for appointment are:

(a) **Acne.** Severe, when the face is markedly disfigured, or when extensive involvement of the neck, shoulders, chest, or back would be aggravated by or interfere with the wearing of required equipment.

(b) **Atopic dermatitis.** With active or residual lesions in characteristic areas (face and neck, antecubital and popliteal fossae, occasionally wrists and hands), or documented history thereof.

(c) **Cysts, other than pilonidal.** Of such a size or location as to interfere with the normal wearing of required equipment. *Cysts, pilonidal.* Pilonidal cysts, if evidenced by the presence of a tumor mass or a discharging sinus.

(d) **Dermatitis factitia.**

(e) **Dermatitis herpetiformis.**

(f) **Eczema.** Any type which is chronic and resistant to treatment.

(f.1) **Elephantiasis or chronic lymphedema.**

(g) **Epidermolysis bullosa; pemphigus.**

(h) **Fungus infections,** systemic or superficial types: If extensive and not amendable to treatment.

(i) **Furunculosis.** Extensive, recurrent, or chronic.

(j) **Hyperhidrosis** of hands or feet: Chronic or severe.

(k) **Ichthyosis.** Severe.

(l) **Leprosy.** Any type.

(m) **Leukemia cutis;** mycosis fungoides, Hodgkins' disease.

(n) **Lichen planus.**

(o) **Lupus erythematosus** (acute, subacute, or chronic) or any other dermatosis aggravated by sunlight.

(p) **Neurofibromatosis** (Von Recklinghausen's disease).

(q) **Nevi or vascular tumors:** If extensive, unsightly, or exposed to constant irritation.

(r) **Psoriasis** or verified history thereof.

(s) **Radiodermatitis.**

(t) **Scars** which are so extensive, deep or adherent that they may interfere with the wearing of required equipment, or that show a tendency to ulcerate.

(u) **Scleroderma.** Diffuse type.

(v) **Tuberculosis.** (See WAC 297-50-230(1)).

(w) **Warts, plantar,** which have materially interfered with the following of a useful vocation in civilian life.

(x) **Urticaria.** Chronic.

(y) **Xanthoma.** If disabling or accompanied by hypercholesterolemia or hyperlipemia.

(z) **Any other chronic skin disorder** of a degree or nature which requires frequent outpatient treatment or hospitalization, interferes with the satisfactory performance of duty, or is so disfiguring as to make the individual objectionable in ordinary social relationships.

(aa) **Tattoos on any part of the body** which in the opinion of the examining physician are obscene or so extensive on exposed areas as to be considered unsightly, are administratively disqualifying. [Order 149, § 297-50-210, filed 8/2/71.]

WAC 297-50-220 Spine, scapulae, ribs and sacroiliac joints. (1) **SPINE AND SACROILIAC JOINTS** (also see WAC 297-50-090(3)). Report of Medical History by examining physician requires a full back X-ray (Cervical-Dorsal-Lumbar-Sacral). The causes for rejection for appointment are:

(a) **Arthritis** (See WAC 297-50-090(3a)).

(b) **Complaint of disease or injury of the spine or sacroiliac joints** either with or without objective signs and symptoms which have prevented the individual from successfully following a physically active vocation in civilian life. Substantiation or documentation of the complaint without symptoms and objective signs is required.

(c) **Deviation or curvature of spine** from normal alignment, structure, or function (scoliosis, kyphosis, or lordosis, spina bifida occulta, spondylolysis, etc.) if:

(1) Mobility and weight-bearing power is poor.

(2) More than moderate restriction of normal physical activities is required.

(3) Of such a nature as to prevent the individual from following a *physically active vocation* in civilian life.

(4) Of a degree which will interfere with the wearing of required equipment.

(5) Symptomatic, associated with positive physical finding(s) demonstrable by X-ray.

(d) **Disease of the lumbosacral or sacroiliac joints** of a chronic type and obviously associated with pain referred to the lower extremities, muscular spasm, postural deformities and limitation of motion in the lumbar region of the spine.

(e) **Granulomatous diseases** either active or healed.

(f) **Healed fracture of the spine or pelvic bones** with associated symptoms which have prevented the individual from following a physically active vocation in civilian life or which preclude the satisfactory performance of required duties.

(g) **Ruptured nucleus pulposus** (herniation of intervertebral disk) or history of operation for this condition.

(h) **Spondylolysis or spondylolisthesis** that is symptomatic or is likely to interfere with performance of duty or is likely to require assignment limitations.

(2) **SCAPULAE, CLAVICLES, AND RIBS** (See WAC 297-50-090(3)). The causes for rejection for appointment are:

(a) **Fractures,** until well healed, and until determined that the residuals thereof will not preclude satisfactory performance of required duties.

(b) **Injury within the preceding 6 weeks,** without fracture, or dislocation, of more than a minor nature.

(c) **Osteomyelitis** of rib, sternum, clavicle, scapula, or vertebra.

(d) **Prominent scapulae** interfering with function or with the wearing of required equipment. [Order 149, § 297-50-220, filed 8/2/71.]

WAC 297-50-230 Systemic diseases and miscellaneous conditions and defects. (1) **SYSTEMIC DISEASES.** The causes for rejection for appointment are:

(a) **Dermatomyositis.**

(b) **Lupus erythematosus;** acute, subacute, or chronic.

(c) **Progressive systemic sclerosis.**

(d) **Reiter's Disease.**

(e) **Sarcoidosis.**

(f) **Scleroderma,** diffuse type.

(g) **Tuberculosis:**

(1) Active tuberculosis in any form or location.

(2) Pulmonary tuberculosis.

(3) Confirmed history of tuberculosis of a bone or joint, genitourinary organs, intestines, peritoneum or mesenteric glands at any time.

(4) Meningeal tuberculosis; disseminated tuberculosis.

(2) **GENERAL AND MISCELLANEOUS CONDITIONS AND DEFECTS.** The causes for rejection for appointment are:

(a) **Allergic manifestations.**

(1) **Allergic rhinitis** (hay fever) (See WAC 297-50-080(2)).

(2) **Asthma** (See WAC 297-50-190(3b))

(3) **Allergic dermatoses** (See WAC 297-50-210(1)).

(4) **Visceral, abdominal, and cerebral allergy**, if severe or not responsive to treatment.

(b) **Any acute pathological condition**, including acute communicable diseases, until recovery has occurred without sequelae.

(c) **Any deformity which is markedly unsightly** or which impairs general functional ability to such an extent as to prevent satisfactory performance of duty.

(d) **Chronic metallic poisoning especially beryllium, manganese, and mercury.** Undesirable residuals from lead, arsenic, or silver poisoning make the examinee medically unacceptable.

(e) **Cold injury**, residuals, of (example: frostbite, chilblain, immersion foot, or trench foot) such as deep seated acne, paresthesia, hyperhidrosis, easily traumatized skin, cyanosis, amputation of any digit or ankylosis.

(f) **Positive tests for syphilis** with negative TPI test unless there is a documented history of adequately-treated lues or any of the several conditions which are known to give a false-positive S.T.S. (vaccinia, infectious hepatitis, immunizations, a typical pneumonia, etc.) or unless there has been a reversal to a negative S.T.S. during an appropriate followup period (3 to 6 months).

(g) **Filariasis; trypanosomiasis; amebiasis; schistosomiasis;** (hookworm) associated with anemia, malnutrition, etc., if more than mild, and other similar worm or animal parasitic infestations, including the carrier states thereof.

(h) **Heat pyrexia** (heatstroke, sunstroke, etc.): Documented evidence of predisposition (includes disorders of sweat mechanism and previous serious episode), recurrent episodes requiring medical attention, or residual injury resulting therefrom (especially cardiac, cerebral, hepatic, and renal).

(i) **Industrial solvent** and other chemical intoxication, chronic including carbon bisulfide, trichlorethylene, carbon tetrachloride, and methyl cellosolve.

(j) **Mycotic infection** of internal organs.

(k) **Myositis or fibrositis**, severe, chronic.

(l) **Residuals of tropical fevers** and various parasitic or protozoal infestations which in the opinion of the medical examiner preclude the satisfactory performance of duty. [Order 149, § 297-50-230, filed 8/2/71.]

WAC 297-50-240 Tumors and malignant diseases.

(1) **BENIGN TUMORS.** The causes for rejection for appointment are:

(a) **Any tumor of the:**

(1) **Auditory Canal**, if obstructive.

(2) **Eye or orbit.**

(3) **Kidney, bladder, testicle, or penis**

(4) **Central nervous system and its membranous coverings** unless 5 years after surgery and no otherwise disqualifying residuals of surgery or original lesion.

(b) **Benign tumors of the thyroid** or other structures of the neck, including enlarged lymph nodes, if the enlargement is of such degree as to interfere with the wearing of required equipment.

(c) **Benign tumors of the abdominal wall** if sufficiently large to interfere with required duties.

(d) **Benign tumors of bone** likely to continue to enlarge, be subjected to trauma during service, or show malignant potential.

(e) **Tongue, benign tumor of,** if it interferes with function.

(f) **Breast, thoracic contents, or chest wall**, tumors, of other than fibromata lipomata, and inclusion of sebaceous cysts which do not interfere with required duties.

(g) For tumors of the internal or external female genitalia.

(2) **MALIGNANT DISEASES AND TUMORS.** The causes for rejection for appointment are:

(a) **Leukemia**, acute or chronic.

(b) **Malignant lymphomata.**

(c) **Malignant tumor of any kind**, at any time, substantiated diagnosis of, even though surgically removed, confirmed by accepted laboratory procedures, except as noted in WAC 297-50-100(1)(6). [Order 149, § 297-50-240, filed 8/2/71.]

WAC 297-50-250 Venereal diseases. In general the finding of acute, uncomplicated venereal disease which can be expected to respond to treatment is not a cause for medical rejection for appointment. The causes for rejection are:

(a) **Chronic venereal disease** which has not satisfactorily responded to treatment. The finding of a positive serologic test for syphilis following adequate treatment of syphilis is not in itself considered evidence of chronic venereal disease which has not responded to treatment. (WAC 297-50-230(2f)).

(b) **Complications and permanent residuals** of venereal disease if progressive, of such nature as to interfere with the satisfactory performance of duty, or if subject to aggravation in the performance of required duties.

(c) **Neurosyphilis.** (See WAC 297-50-190(1c)). [Order 149, § 297-50-250, filed 8/2/71.]

WAC 297-50-260 Requirement—Mental examination. (A) All applicants must be screened by a licensed physician, who may at his discretion, request the assistance of a psychiatrist or clinical psychologist.

(B) The causes for rejection for appointment are:

(1) **Psychosis** or authenticated history of a psychotic illness other than those of a brief duration associated with a toxic or infectious process.

(2) A history of a psychoneurotic reaction which caused:

(a) **Hospitalization.**

(b) **Prolonged care** by a physician.

(c) Loss of time from normal pursuits for repeated periods even if of brief duration.

(d) Symptoms or behavior of a repeated nature which impaired school or work efficiency.

(3) A history of a brief psychoneurotic reaction or nervous disturbance within the preceding 12 months which was sufficiently severe to require medical attention or absence from work or school for a brief period.

(4) Character or behavior (personality) disorders as evidenced by:

(a) Frequent encounters with the law enforcement agencies, or antisocial attitudes or behavior which, while not a cause for rejection, are tangible evidence of an impaired characterological capacity to adapt to the demands of the service.

(b) Sexual deviant practice such as exhibitionism, transvestism, voyeurism, etc.

(c) Chronic alcoholism or alcohol addiction.

(d) Drug addiction. (including the use of)

(5) Character and behavior disorders where it is evident by history and objective examination that the degree of immaturity, instability, personality inadequacy and dependency will seriously interfere with the performance of duties as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers, and fellow-workers and other social groups.

(6) Other symptomatic immaturity reactions such as authenticated evidence of neurosis which is habitual or persistent, not due to an organic condition occurring beyond early adolescence (age 12 to 14) and stammering and stuttering of such degree that the individual is normally unable to express himself clearly or to converse in a normal manner.

(7) Specific learning defects secondary to organic or functional mental disorders.

(C) The employing department shall permanently retain the results of the mental examination as documented by the examiner. [Order 2, § 297-50-260, filed 2/23/77; Order 149, § 297-50-260, filed 8/2/71.]

WAC 297-50-270 Procedure—Mental examination. (A) Applicants will complete preliminary history forms as required by the examiner. The "Report of Medical History" completed by the applicant will be made available to the examiner.

(B) During the psychiatric interview, the examining physician will evaluate each individual sufficiently to eliminate those with symptoms of a degree that would impair their effective performance of duty.

(1) The applicant's behavior will be observed and an estimate made of his current mental status.

(2) Any evidence of disorganized or unclear thinking, or unusual thought control, or undue suspiciousness, or of apathy or "strangeness" will be noted.

(3) Any unusual emotional expression such as depression, expansiveness, withdrawal or marked anxiety, which is out of keeping with the content of the interview will be noted and carefully evaluated.

(C) The results of the examination will be recorded and that record or a summary of recommendations will be forwarded to the hiring authority.

(D) The mental examination report will be retained in permanent files by the employing department and must be available for examination at any reasonable time by representatives of the retirement system board. [Order 149, § 297-50-270, filed 8/2/71.]

Chapter 297-55 WAC PUBLIC RECORDS

WAC

297-55-010	Purpose.
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297-55-120	Records index.
297-55-130	Agency address.
297-55-140	Adoption of form.
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WAC 297-55-010 Purpose. The purpose of this chapter shall be to ensure compliance by the law enforcement officers' and fire fighters' retirement board with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with §§ 25-32 of that act, dealing with public records. [Order 22, § 297-55-010, filed 5/4/73.]

WAC 297-55-020 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, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents."

(3) **LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT BOARD.** The law enforcement officers' and fire fighters retirement board is the board established by RCW 41.26.050. The law enforcement officers' and fire fighters' retirement system shall hereinafter be referred to as the "system". Where appropriate, the term law enforcement officers' and fire fighters' retirement system also refers to the staff and employees of the law enforcement officers' and fire fighters' retirement board. [Order 22, § 297-55-020, filed 5/4/73.]

WAC 297-55-030 Description of central and field organization of law enforcement officers' and fire fighters' retirement system. (1) LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM. The law enforcement officers' and fire fighters' retirement system is a state retirement agency. The Administrative Office of the law enforcement officers' and fire fighters' retirement system and its staff are located in the Capitol Plaza Building at Union and East-side, Olympia, Washington. [Order XXI, § 297-55-030, filed 12/2/74. Prior: Order 22, § 297-55-030, filed 5/4/73.]

WAC 297-55-040 Operations and procedures. The law enforcement officers' and fire fighters' retirement board is charged with the administration of the Washington law enforcement officers' and fire fighters' retirement system. Its duties are set forth in RCW 41-26.060 as follows:

"The administration of this system is hereby vested in the board of the Washington public employees' retirement system pursuant to RCW 41.26.050 and the board shall:

"(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

"(2) As of March 1, 1970, and at least every two years thereafter, through its actuary, make an actuarial valuation as to the mortality and services experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;

"(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary.

"(4) Keep a record of all its proceedings, which shall be open to inspection by the public;

"(5) From time to time adopt such rules and regulations not inconsistent with this chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the board;

"(6) Provide for investment, reinvestment, deposit and withdrawal of funds;

"(7) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Washington law enforcement officers' and fire fighters' retirement system, and furnish a copy thereof to each employer, and to such members as may request copies thereof;

"(8) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

"(9) Perform such other functions as are required for the execution of the provisions of this chapter;

"(10) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for the safeguarding of the funds and assets of the system;

"(11) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate;

"(12) Pay from the retirement system expense fund the expenses incurred in administration of the retirement system from those funds appropriated for that purpose.

"(13) Perform any other duties prescribed elsewhere in this chapter: *Provided*, That all disability claims shall be submitted and approved or disapproved by the disability boards established by this chapter and the retirement board shall have authority to approve or disapprove disability retirement requests only."

The methods by which one may communicate with the board and the procedures for appeals and other matters are set forth in chapter 297-10 through 297-50 WAC inclusive.

[Order 22, § 297-55-040, filed 5/4/73.]

WAC 297-55-050 Public records available. All public records of the law enforcement officers' and fire fighters' retirement system, as defined in WAC 257-55-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by § 31, chapter 1, Laws of 1973, and WAC 297-55-020. [Order 22, § 297-55-050, filed 5/4/73.]

WAC 297-55-060 Public records officer. The law enforcement officers' and fire fighters' 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 law enforcement officers' and fire fighters' 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 22, § 297-55-060, filed 5/4/73.]

WAC 297-55-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the law enforcement officers' and fire fighters' 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 22, § 297-55-070, filed 5/4/73.]

WAC 297-55-080 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 law enforcement officers' and fire fighters' 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 record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the 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 22, § 297-55-080, filed 5/4/73.]

WAC 297-55-090 Copying. No fee shall be charged for the inspection of public records. The system shall charge a fee for providing copies or for using the system's copying equipment. The fees charged shall be the amount necessary to reimburse the system for its actual costs incident to such copying or equipment use. [Order XXI, § 297-55-090, filed 12/2/74. Prior: Order 22, § 297-55-090, filed 5/4/73.]

WAC 297-55-100 Exemptions. (1) The system reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 257-55-080 is exempt under the provisions of § 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to § 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 22, § 297-55-100, filed 5/4/73.]

WAC 297-55-110 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 22, § 297-55-110, filed 5/4/73.]

WAC 297-55-120 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 22, § 297-55-120, filed 5/4/73.]

WAC 297-55-130 Agency 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 law enforcement officers' and fire fighters' retirement system, c/o Public Records Officer, 201 General Administration Building, Olympia, Washington 98504. [Order 22, § 297-55-130, filed 5/4/73.]

WAC 297-55-140 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 22, § 297-55-140, filed 5/4/73.]

WAC 297-55-990 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 Withheld
 Granted Withheld In Part

(2) If withheld, name the exemption contained in § 31, chapter 1, 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 22, Appendix A—Form (codified as WAC 297-55-990), filed 5/4/73.]

Chapter 297-60 WAC

DEDUCTIONS FROM PENSION PAYMENTS FOR INSURANCE PURPOSES

WAC 297-60-010 Deductions from pension payments for insurance purposes.

WAC 297-60-010 Deductions from pension payments for insurance purposes. Deductions for any insurance premiums will only be authorized (pursuant to RCW 41.26.180) where there is a retired group consisting of 100 or more individuals who are paying premiums to one single person, association, cooperative, or corporation. The preliminary authorization and information is to be coordinated by a representative of the group acceptable to the Retirement Board. Where such deductions are withheld, the retirement board is not responsible or liable for any failure to make premium payments on time or in the proper amount. [Order XXI, § 297-60-010, filed 12/2/74. Prior: Order XXI, § 297-60-010, filed 11/28/73.]