

period elsewhere prescribed or mandated for certification.

3. In all other instances of termination of a trainee's academy assignment, the commission shall allow such trainee's admission to any subsequent academy only if:

a. such trainee has been terminated by the employing agency and subsequently is re-hired by it, or

b. such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.

4. Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Law Enforcement Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the commission pursuant to the procedural rules and regulations adopted by the commission. [Statutory Authority: RCW 43.101.080(8), 78-02-036 (Order 13-B), § 139-22-010, filed 1/17/78; Order 7407, § 139-22-010, filed 3/29/77.]

Title 142 WAC

DAIRY PRODUCTS COMMISSION

Chapter

142-12 Dairy products--Milk assessment regulations.

Chapter 142-12 WAC

DAIRY PRODUCTS--MILK ASSESSMENT REGULATIONS

WAC

142-12-026 Assessment rate on Class I and Class II milk.

WAC 142-12-026 Assessment rate on Class I and Class II milk. The assessment as set forth in RCW 15.44.085 which is levied on every hundredweight of Class I or Class II milk sold by a dealer, including any milk sold by a producer who acts as a dealer, is hereby increased from five-eighths of one cent per hundredweight to three-fourths of one cent per hundredweight. [Statutory Authority: RCW 15.44.085, 78-11-025 (Order 78-1), § 142-12-026, filed 10/16/78, effective 1/1/79.]

Title 162 WAC

HUMAN RIGHTS COMMISSION (Formerly: Discrimination, Board Against)

Chapters

162-04 General provisions.
162-08 Practice and procedure.

Chapter 162-04 WAC GENERAL PROVISIONS

WAC

162-04-024 Chairperson pro tem.
162-04-026 Clerk.
162-04-050 Ethics and conflicts of interest.

WAC 162-04-024 Chairperson pro tem. (1) The commission may designate one of its members as chairperson pro tem for a particular time or for an indefinite time, to serve at the will of the commission. If the commission has not designated a chairperson pro tem and the chairperson is absent from the state, ill, or otherwise unable to carry out the duties of chairperson, then the most senior member of the commission other than the chairperson shall serve as chairperson pro tem until the chairperson is again able to carry out the duties of chairperson.

(2) The chairperson pro tem may exercise all of the powers of the chairperson during the time when the chairperson is absent, ill, or otherwise unable to carry out the duties of chairperson. [Statutory Authority: RCW 42.18.250, 49.60.120, and chapter 49.60 RCW, 78-02-065 (Order 39), § 162-04-024, filed 1/23/78. Formerly WAC 162-08-024.]

WAC 162-04-026 Clerk. (1) **Designation.** The executive secretary with the advice and consent of the chairperson shall designate a staff member to serve as clerk of the commission.

(2) **Qualifications.** The person designated as clerk shall not have any duties involving the investigation or conciliation of complaints or the prosecution of tribunal hearings. If the clerk has been actively involved in the investigation or conciliation of a case or the prosecution of a tribunal hearing in any capacity other than as clerk, he or she shall not thereafter serve as clerk for that case, and a substitute clerk shall be designated. The purpose of this subsection is to ensure compliance with RCW 34.04.115, restricting consultation with hearing officers, and RCW 49.60.250, 2d paragraph.

(3) **Duties.** The clerk shall have the duty and power to:

(a) Attend commission meetings and provide aid and services to the chairperson and commissioners as requested by the executive secretary.

(b) Assist the chairperson of the commission in appointing hearing tribunals, issuing notices of hearing and carrying out all other duties of the chairperson under RCW 49.60.250.

(c) Keep custody of the minutes of commission meetings, declaratory rulings, rulemaking orders, and the commission's order register, and other records of action by the commissioners.

(d) Keep custody of the file of complaints after they are referred to the commission for action or report of no reasonable cause at a meeting, or upon certification of the file to the chairperson under RCW 49.60.250. The clerk shall deliver the investigator's file of cases ready for hearing to the commission's chief counsel and shall obtain return of the file when litigation is completed.

(e) Respond to requests for information on actions by the commissioners or hearing tribunals and furnish copies of records and files in the clerk's possession pursuant to WAC 162-04-030, Public Access to Records.

(f) Have custody of the commission's seal.

(g) Certify copies of commission records under the commission's seal.

(h) Serve as clerk of hearing tribunals. In this capacity, the clerk, subject to the direction of the tribunal chairperson, shall keep custody of the official file of the tribunal hearing, date stamp and file all papers filed in the proceeding when the tribunal is not convened, serve all notices and papers required to be served by the tribunal, make the physical arrangements for hearings, provide for making and preserving the record of hearings, make transportation and other arrangements for tribunal members, respond to inquiries about tribunal practices and procedures, and generally do all things necessary and appropriate for the clerk of the judicial body to do.

(i) Serve as personal advisor to the chairperson of the commission and hearing tribunals on matters relating to the hearing process.

(j) Perform such other duties as the chairperson of the commission or the chairperson of a hearing tribunal shall assign from time to time, consistent with their duties.

(4) Upon direction from the chairperson of the commission, the chairperson of a hearing tribunal, or the executive secretary, whichever is the appropriate authority, the clerk may enter upon his or her own signature, procedural orders, notices of hearing, orders appointing hearing tribunals, notices of rulemaking, and similar items.

(5) **Independence.** The clerk when assisting the chairperson of the commission to carry out the chairperson's duties under RCW 49.60.250 and when serving as clerk of a hearing tribunal shall be free from supervision of the executive secretary and other staff members of the commission to the extent necessary to ensure that the chairperson of the commission and the hearing tribunals are free from influence from staff persons having a prosecuting function. [Statutory Authority: RCW 42.18.250, 49.60.120, and chapter 49.60 RCW. 78-02-065 (Order 39), § 162-04-026, filed 1/23/78. Formerly WAC 162-08-026.]

WAC 162-04-050 Ethics and conflicts of interest.

(1) **Purpose.** This section is intended to guide the commission's staff and commissioners on official ethics, and to carry out the policies and purposes of chapter 42.18 RCW, the Executive Conflict of Interest Act, as provided in RCW 42.18.250.

(2) **General rule.** It is the duty of all employees of the commission and of all commissioners to maintain the highest standard of ethics in all official actions, and specifically to comply strictly with the requirements of the Executive Conflict of Interest Act, chapter 42.18 RCW.

(3) **Specific matters.** The following applications of the rule are for guidance on common problems and to serve

as examples for extension by analogy; they are not a complete catalog of applications of the general rule:

(a) **Dealing with parties.** No commission employee who has duties with respect to a complaint pending before the commission shall deal in any way with the complainant or respondent, on a business or personal basis, except for routine transactions done on the same basis as other members of the public transact business with the party. An employee may continue to deal privately with a public utility or continue to shop at a party's store, if the employee deals with appropriate customer service representatives or salespersons and does not identify his or her official position or mix official business into the transaction. In circumstances unlike these, employees shall either not deal with parties or shall report the matter to the employee's supervisor, who shall relieve the employee of responsibility for the case. Commissioners who have nonroutine dealings with parties shall abstain from voting or other action on the matter.

(b) **Accepting things of value.** No commission employee or commissioner shall accept anything of economic value from a party to a complaint before the commission, or from any other person who is dealing with the commission, except under circumstances permitted in RCW 42.18.190. Permitting another person to pay for an employee's lunch is within the prohibition of this paragraph, but accepting a cup of coffee under normal office hospitality is not. If the coffee is ordered in a restaurant the prohibition of this section applies.

(c) **Honorariums for speaking.** If the speaking engagement is within the course of a person's official duties, acceptance of an honorarium or other compensation is prohibited. RCW 42.18.190. Payment of travel expenses and living expenses while traveling, or reimbursement of the commission for these expenses, is not prohibited, if the trip and payment arrangement have been approved by the employee's supervisor. It is not necessary for a person who is on the program to pay for a meal that is served, or for the price of admission to the seminar, where the custom is to not charge persons on the program for the meal at which they are speaking, or for admission to the seminar. The prohibitions of this subparagraph do not apply to commissioners, because speaking outside of commission meetings is not a duty of commissioners.

(d) **Job offers.** No employee of the commission shall make or continue an application or request for employment with a party to a case or other matter before the commission while the employee has official duties with respect to that case or matter. If any employee is assigned a case or matter while he or she has an application pending for employment with a party to the case or matter, the employee shall either withdraw the application or report the facts to his or her supervisor and the supervisor shall relieve the employee from further responsibility for the case or matter. If any employee receives and considers a job offer from a party to a case or other matter pending before the commission with which the employee has official responsibilities the employee

shall report the facts to his or her supervisor and the supervisor shall relieve the employee from any further responsibility for the case or matter.

(4) **Indirect transactions.** These rules and the Executive Conflict of Interest Act apply to conflicts of interest and ethical problems whether they come directly or indirectly through members of a person's family, through corporations of which the employee is an officer, director, trustee, partner, or employee, or through other means. [Statutory Authority: RCW 42.18.250, 49.60.120, and chapter 49.60 RCW. 78-02-065 (Order 39), § 162-04-050, filed 1/23/78; Order 32, § 162-04-050, filed 3/21/77. Formerly WAC 162-08-050.]

Chapter 162-08 WAC PRACTICE AND PROCEDURE

WAC

162-08-024	Repealed.
162-08-026	Repealed.
162-08-050	Repealed.
162-08-071	Complaints by aggrieved persons.
162-08-093	Reference to staff.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

162-08-024	Chairperson pro tem. [Order 30, § 162-04-024 (codified as WAC 162-08-024), filed 11/23/76.] Repealed by 78-02-065 (Order 39), filed 1/23/78. Statutory Authority: RCW 42.18.250, 49.60.120 and chapter 49.60 RCW. Later promulgation, see WAC 162-04-024.
162-08-026	Clerk. [Order 30, § 162-04-026 (codified as WAC 162-08-026), filed 11/23/76.] Repealed by 78-02-065 (Order 39), filed 1/23/78. Statutory Authority: RCW 42.18.250, 49.60.120 and chapter 49.60 RCW. Later promulgation, see WAC 162-04-026.
162-08-050	Ethics and conflicts of interest. [Order 30, § 162-04-050 (codified as WAC 162-08-050), filed 11/23/76.] Repealed by 78-02-065 (Order 39), filed 1/23/78. Statutory Authority: RCW 42.18.250, 49.60.120 and chapter 49.60 RCW. Later promulgation, see WAC 162-04-050.

WAC 162-08-024 Repealed. See Disposition Table at beginning of this chapter.

WAC 162-08-026 Repealed. See Disposition Table at beginning of this chapter.

WAC 162-08-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 162-08-071 Complaints by aggrieved persons.
(1) **Scope of section.** This section applies to complaints by persons claiming to be aggrieved by an alleged unfair practice filed under RCW 49.60.230(1), and to complaints by employers or principals filed under RCW 49.60.230(3). Complaints issued by the commission are covered by WAC 162-08-072.

(2) **Signature and oath.** A complaint shall be in writing, signed by the complainant or the complainant's

lawyer, and sworn to before a notary public or other person authorized by law to administer oaths. Notarial service for this purpose is available without charge at all offices of the commission.

(3) **Contents.** A complaint shall contain the following:

(a) The name of the person making the complaint;

(b) The name, address and telephone number, if any, of the person against whom the complaint is made, if known to the complainant;

(c) A specific charge of an unfair practice;

(d) A clear and concise statement of the facts which constitute the alleged unfair practice;

(e) The date or dates of the alleged unfair practice, and if the alleged unfair practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred.

(4) **Forms.** Printed complaint forms are available at all commission offices.

(5) **Time for filing.** The complaint must be filed within six months after the date of occurrence of the alleged unfair practice. RCW 49.60.230. If the alleged unfair practice is of a continuing nature, the date of the occurrence of the unfair practice shall be deemed to be any date subsequent to the commencement of the alleged unfair act up to and including the date when the alleged unfair practice stopped.

(6) **Computation of time.** The six month period for filing a complaint expires at 5:00 p.m. on the day before the corresponding day of the sixth month following the event. If this day is a Saturday, Sunday, or a legal holiday, the time expires at 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. For example, a complaint of an event occurring on 5 January would ordinarily have to be filed by 5:00 p.m. on 4 July, but since 4 July is a legal holiday, the time for filing the complaint would expire at 5:00 p.m. on 5 July, or at 5:00 p.m. Monday, if 5 July comes on a Saturday or Sunday.

(7) **Technical defects.** A complaint shall not be considered defective because it lacks any technical requirement, including the oath, if the technical requirement is later met or if no one is legally harmed. [Statutory Authority: RCW 49.60.120(3) and 34.04.020. 79-11-041 (Order 40), § 162-08-071, filed 10/12/79; Order 35, § 162-08-071, filed 9/2/77; Order 7, § 162-08-071, filed 1/19/68.]

WAC 162-08-093 Reference to staff. Unless the chairperson of the commission directs otherwise for a particular complaint, all complaints shall be investigated by the section of the staff designated for that purpose by the executive secretary, and the executive secretary shall have full power to assign and reassign cases for investigation by particular staff persons, and to assign and reassign staff persons to the section of the staff that investigates complaints, on a full time or part time basis. [Statutory Authority: RCW 42.18.250, 49.60.120 and chapter 49.60 RCW. 78-02-065 (Order 39), § 162-08-093, filed 1/23/78; Order 35, § 162-08-093, filed 9/2/77.]