

(j) Specificity: The agency or association requires that any reference to its accreditation of accredited institutions clearly specifies the areas and levels for which accreditation has been received.

(k) Reliability:

(i) The agency or association demonstrates reliability, competence, and experience by providing evidence of the acceptance of its policies, evaluative criteria, procedures, and evaluation decisions by educators, educational institutions, other accrediting bodies, practitioners, and employers;

(ii) It has no less than two years' experience as an accrediting agency or association;

(iii) It reflects in the composition of its policy and decision-making bodies the community of interests directly affected by the scope of its accreditation.

(l) Autonomy:

(i) The agency or association performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

(ii) It provides in its operating procedures for protection against conflict of interest in the rendering of its judgments and decisions.

(2) Inclusion in the current list of accrediting agencies and associations recognized by the United States Commissioner of Education may be accepted by the council as evidence of compliance with the standards established in subsection (1) of this section: *Provided*,

(a) That the agency or association grants institutional accreditation, as defined in WAC 250-55-020(5); and

(b) That the council may at any time require such additional evidence and make such additional investigation as in its judgment may be necessary to verify compliance with the standards in subsection (1) of this section for purposes of granting, denying, or discontinuing recognition of an accrediting agency or association under this chapter.

(3) The council shall adopt and maintain an up-to-date a list of those accrediting agencies and associations which are recognized by the council as meeting the requirements of this section. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-220, filed 12/18/79.]

**Title 251 WAC
HIGHER EDUCATION PERSONNEL
BOARD**

Chapters

- 251-04 General provisions.
- 251-06 Classification.
- 251-08 Compensation.
- 251-09 Hours of work--Premium pay.
- 251-10 Separation--Discipline.
- 251-12 Appeals.
- 251-14 Collective bargaining.
- 251-18 Employment--Appointment.

- 251-20 Employee performance evaluation.
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**Chapter 251-04 WAC
GENERAL PROVISIONS**

- WAC
- 251-04-020 Definitions.
- 251-04-040 Exemptions.

WAC 251-04-020 Definitions. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" - A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

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

"APPOINTING AUTHORITY" - A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" - Within a class or job category, the existence of qualified persons of the under-represented groups in the employed and unemployed workforce in that class or job category within the defined recruitment area.

"BOARD" - The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" – The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" – A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

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

"CLASSIFIED SERVICE" – All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" – The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" – A program designed to increase the employment of persons of under-represented groups to correct a condition of under-representation of such persons caused by present or past practices or other conditions which have resulted in limited employment opportunity for members of the affected groups. (Also see separate definitions of "availability," "job categories," and "under-representation".)

"COUNSELING EXEMPTION" – Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

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

"DEVELOPMENT" – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" – The personnel director of the higher education personnel board.

"DISMISSAL" – The termination of an individual's employment for just cause as specified in these rules.

"ELIGIBLE" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and

passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" – A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

- (1) Primary duty must be management of a recognized department or subdivision; and
- (2) Must customarily and regularly direct the work of two or more employees; and
- (3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and
- (4) Must customarily and regularly exercise discretionary powers; and
- (5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption".)

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person who:

- (1) has a physical or mental impairment which substantially limits one or more major life activity;
- (2) has a record of such an impairment; or
- (3) is regarded as having such an impairment. For purposes of affirmative action, the major life activity affected must be employment.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"INSTRUCTIONAL YEAR" – The schedule established annually by an institution to identify the period required to meet the educational requirements of a given academic or training program.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the

same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds, curtailment of work, or good faith reorganization for efficiency purposes:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The last period of unbroken service in the classified service of the higher education institution. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken institution service the veteran's active military service to a maximum of five years' credit.

"LAYOFF UNIT" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.

"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six months of employment in a class following appointment from an eligible list of a nonpermanent employee of the institution.

"PROBATIONARY REAPPOINTMENT" – Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"REALLOCATION" – The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" – A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and

such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" – A voluntary termination of employment.

"REVERSION" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved.

"SEPARATION" – Resignation, retirement, layoff or dismissal from the classified service.

"SUPERVISOR" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" – An enforced absence without pay for disciplinary purposes.

"TEMPORARY EMPLOYMENT" –

(1) Work performed in the absence of an employee on leave; or

(2) Extra work required at a work load peak or special projects, or cyclic work loads not to exceed one hundred eighty calendar days.

"TRAINING" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" – An employee initiated change from one classified position to another in the same class within the institution without a break in service.

"TRIAL SERVICE" – The initial period of employment following promotion, demotion or lateral movement into a class in which the employee has not held permanent status, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules.

"UNDER-REPRESENTATION" – Having fewer employees by racial or ethnic minority, handicap, or sex within a class or job category than would reasonably be expected their availability; or than are included in the institution's approved corrective employment goal for that class or job category per WAC 251-18-390(1).

"UNION SHOP" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" - An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" - Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" - 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. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-04-020, filed 5/25/78, effective 7/1/78; Order 63, § 251-04-020, filed 11/22/77; Order 61, § 251-04-020, filed 8/30/77, effective 10/1/77; Order 52, § 251-04-020, filed 2/26/76, effective 3/29/76; Order 51, § 251-04-020, filed 1/20/76; Order 46, § 251-04-020, filed 9/19/76; Order 37, § 251-04-020, filed 10/15/74; Order 25, § 251-04-020, filed 7/17/73; Order 21, § 251-04-020, filed 5/24/73; Order 19, § 251-04-020, filed 12/20/72; Order 12, § 251-04-020, filed 5/23/72, effective 6/25/72; Order 8, § 251-04-020, filed 6/17/71, effective 7/19/71; Order 4, § 251-04-020, filed 2/19/71; Order 3, § 251-04-020, filed 1/15/71; Order 2, § 251-04-020, filed 3/12/70; Order 1, § 251-04-020, filed 9/15/69.]

WAC 251-04-040 Exemptions. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2)(a) Students employed under separately funded student assistance work programs, or who are employed in a position directly related to the major field of study to provide training opportunity; or who are elected or appointed to student body offices or student organization

positions such as student officers or student news staff members.

(b) Persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule.

(c) Temporary employees filling positions identified in subsection (2) of the definition of "temporary employment" in WAC 251-04-020.

(d) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: *Provided*, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(6) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(7) Any employee having a classified service status in a position may take a temporary appointment in an exempt position, with the right to return to the regular position, or to a like position, at the conclusion of such temporary appointment. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(8) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-18-420. [Statutory Authority: RCW 28B.16.100. 78-10-090 (Order 70), § 251-04-040, filed 9/29/78, effective 11/1/78; Order 64, § 251-04-040, filed 12/23/77, effective 1/23/78; Order 63, § 251-04-040, filed 11/22/77, effective 12/22/77; Order 61, § 251-04-040, filed 8/30/77, effective 10/1/77; Order 10, § 251-04-040, filed 12/16/71; Order 4, § 251-04-040, filed 2/19/71; Order 1, § 251-04-040, filed 9/15/69.]

Chapter 251-06 WAC
CLASSIFICATION

WAC

251-06-050	Position allocation—Reallocation.
251-06-060	Position review.
251-06-070	Allocation appeal—Higher education personnel board.
251-06-080	Position reallocation—Effect on incumbent.

WAC 251-06-050 Position allocation—Reallocation. (1) The personnel officer shall allocate or reallocate each classified position to the appropriate class in the classification plan. In determining the class to which the position should be allocated, specifications describing each class shall be considered as a whole. Consideration should be given to the general duties, specific tasks, responsibilities, and relationships to other classes as a composite description of the kind of employment that the class is intended to embrace. The personnel officer shall allocate the employee's position to the class which best describes the overall duties and responsibilities.

(2) When there are permanent and substantive changes in the functions of a position involving the addition, reduction, or modification of duties and responsibilities, the personnel officer shall reallocate the position to the appropriate class. The employee shall be notified of the action including the effective date, as provided in WAC 251-06-065 and be informed that the appeal rights provided in WAC 251-06-070 may be exercised within thirty calendar days of service of the notification or the effective date of the action, whichever is later. [Statutory Authority: RCW 28B.16.100. 79-06-076 (Order 74), § 251-06-050, filed 5/30/79, effective 7/1/79; Order 61, § 251-06-050, filed 8/30/77, effective 10/1/77; Order 10, § 251-06-050, filed 12/16/71; Order 1, § 251-06-040, filed 9/15/69. Formerly WAC 251-06-040.]

WAC 251-06-060 Position review. (1) Whenever an employee feels that his/her position is not allocated to the proper class, the employee or his/her representative may request a position review by the personnel officer, provided:

(a) The request must be in writing and describe the work assigned and performed which is alleged to be outside the class specification, and

(b) Six months must have elapsed since the date of the employee's last request for a review of this position as provided in this section.

(2) The personnel officer will investigate the position and issue a written response to the employee or employee representative within sixty calendar days of receipt of the request. If the personnel officer does not approve the reallocation, the response must state the reason(s) that the position does not warrant reallocation. The response must include a notice to the employee that an appeal, as provided in WAC 251-06-070, may be exercised within thirty calendar days of service of the response or the effective date of the action, whichever is later. [Statutory Authority: RCW 28B.16.100. 79-06-076 (Order 74), § 251-06-060, filed 5/30/79, effective

7/1/79; 78-05-060 (Order 67), § 251-06-060, filed 4/27/78, effective 6/1/78; Order 61, § 251-06-060, filed 8/30/77, effective 10/1/77; Order 10, § 251-06-060, filed 12/16/71.]

WAC 251-06-070 Allocation appeal—Higher education personnel board. (1) The employee or employee representative may file a written appeal with the board under provisions of WAC 251-06-050 or 251-06-060 when:

(a) The response required in WAC 250-06-060(2) is not issued to the employee or employee representative within the required sixty calendar day period following receipt of the employee request; or

(b) The response fails to address the specific reason(s) that the request was not approved; or

(c) The employee disagrees with the results of a position review conducted by the personnel officer. The written appeal should include information which will assist the board in determining the proper allocation of the position.

(2) Within thirty calendar days of receipt of the appeal, the director will investigate the appeal and attempt to resolve the allocation to the satisfaction of all parties. This may be extended by thirty calendar days provided the affected employee is given notice of the extension. The employee will be notified of the director's recommended allocation and of the right to pursue the case to hearing if desired. If the employee wishes to pursue the case to hearing, he/she must so notify the director within twenty-one calendar days of service of the director's notice.

(3) The burden of proof in an allocation appeal shall rest with the appellant.

(4) Allocation appeal hearings will be informal and will allow sufficient time for the parties to present facts pertinent to the proper allocation of a position. The appellant may represent him/herself or may be represented by any person of his/her choosing at the hearing. In appeals heard by a hearing examiner, the hearing examiner will issue a recommended decision within thirty calendar days of the hearing. The recommended decision will be transmitted to both parties by certified mail with a statement regarding the right to file exceptions to the recommended decision. Within thirty calendar days of service of the recommended decision, any party adversely affected may file written exception to the recommended decision. If no written exceptions are filed, the hearing examiner's recommended decision will become final forty calendar days after service of the recommended decision unless within that forty calendar day period the board issues a notice to each of the parties that a hearing will be scheduled for reconsideration of the hearing examiner's recommended decision. When exceptions are filed, such written statements must indicate in detail the specific items of the recommended decision to which exception is taken. Thereafter, a hearing on the exceptions will be scheduled before the board at which time all parties may present written and/or oral argument. Within thirty calendar days of hearing the testimony or arguments upon exceptions, the board will

issue a decision which is final and binding. [Statutory Authority: RCW 28B.16.100. 79-12-088 (Order 81), § 251-06-070, filed 12/3/79; 78-06-068 (Order 68), § 251-06-070, filed 5/25/78, effective 7/1/78; Order 63, § 251-06-070, filed 11/22/77; Order 61, § 251-06-070, filed 8/30/77, effective 10/1/77; Order 37, § 251-06-070, filed 10/15/74; Order 10, § 251-06-070, filed 12/16/71.]

WAC 251-06-080 Position reallocation--Effect on incumbent. (1) An employee occupying a position that is reallocated to a class with a higher salary range maximum, is affected as follows:

(a) When reallocation is a result of an accumulation of duties by the incumbent over a period of at least six months, the incumbent may elect to remain in the position following reallocation providing he/she meets the minimum qualifications for the class. The minimum qualifications may be waived by the director if it is determined that the incumbent has demonstrated sufficient experience to satisfactorily perform the duties of the class. Successful completion of the higher level duties by the incumbent for at least six months satisfies the examination requirement and confers permanent status. Documentation of such service shall be kept on file for each reallocation request approved;

(b) When reallocation will require immediate changes in the duties of the position, it will be filled in accord with chapter 251-18 WAC. The incumbent will be given an opportunity to compete for the position. If the employee is not selected, or chooses not to compete, subsection (2)(a), (b), and (d) will apply.

(2) An employee occupying a position which is reallocated to a class with a lower salary range maximum has the following options:

(a) Transfer to a vacant position within the current class;

(b) Be afforded such bumping rights and placement on layoff lists as would be provided in layoff;

(c) Demote with the position;

(d) In addition, the employee may make him/herself available for appointment on or before the effective date of the reallocation via the institution's transfer/lateral movement/voluntary demotion procedure.

(3) Establishment of salary and periodic increment following reallocation shall be as provided in WAC 251-08-100 and 251-08-112. [Statutory Authority: RCW 28B.16.100. 78-10-090 (Order 70), § 251-06-080, filed 9/29/78, effective 11/1/78; Order 61, § 251-06-080, filed 8/30/77, effective 10/1/77; Order 44, § 251-06-080, filed 6/25/75; Order 10, § 251-06-080, filed 12/16/71.]

**Chapter 251-08 WAC
COMPENSATION**

WAC	
251-08-100	Periodic increment date.
251-08-112	Salary--Reallocation.
251-08-160	Payroll certification.

WAC 251-08-100 Periodic increment date. (1) For purposes of payment of periodic increment increases, the effective date shall be determined as follows:

(a) The first of the current month for actions occurring between the first and the fifteenth of the month; or

(b) The first of the following month for actions occurring between the sixteenth and the end of the month.

(2) The periodic increment date of new employees or probationary employees who are reappointed to a new class during the probationary period shall be established:

(a) Upon completion of the probationary period for those appointed at the first step in the salary range; or

(b) Upon completion of twelve months' service in the class for those appointed at a salary step above the first step in the salary range.

(3) The periodic increment date of all employees shall be changed as follows:

(a) Upon promotion, the existing periodic increment date will be eliminated and a new date established to be effective upon completion of the trial service period;

(b) Upon reappointment of a probationary employee during the probationary period, the former periodic increment date will be eliminated and a new date established as provided in WAC 251-08-100(2);

(c) Upon reallocation under WAC 251-06-080(1)(a) of an employee who is at the top step of the current salary range, the employee will be given a new periodic increment date which will be six months following the reallocation action;

(d) When a leave of absence without pay exceeds ten working days in any calendar month, or exceeds ten consecutive working days, the date will be extended by one month, except as provided by WAC 251-22-180 and 251-18-380;

(e) When employees return from layoff status, the date will be reestablished and extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff;

(f) When an instructional-year leave of absence without pay exceeds ninety calendar days, the periodic increment date shall be extended on a month-for-month basis. Provisions of WAC 251-08-100(3)(d) shall apply to that period exceeding the ninety calendar days. Instructional-year employees serving a probationary or trial service period will have their periodic increment dates extended by an amount of time equal to the period in which the employee is on leave of absence without pay;

(g) When employees are reverted from trial service following promotion (or return from alternate appointment), the periodic increment date held prior to promotion or layoff will be reestablished;

(h) When the board or the director order remedial action per WAC 251-12-600, the periodic increment date may be modified as part of the order.

(4) The periodic increment date of all employees shall remain unchanged for all other actions including, but not limited to, transfer within class, appointment to another class with the same or lower salary range maximum, and reallocations except as provided in WAC 251-08-100(3)(c).

(5) The periodic increment date for incumbents of exempt positions which are converted to classified status shall be established as provided in WAC 251-18-420. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-08-100, filed 5/25/78, effective 7/1/78; Order 64, § 251-08-100, filed 12/23/77; Order 61, § 251-08-100, filed 8/30/77, effective 10/1/77; Order 29, § 251-08-100, filed 1/22/74; Order 21, § 251-08-100, filed 5/24/73; Order 18, § 251-08-100, filed 10/25/72, effective 7/1/73.]

WAC 251-08-112 Salary--Reallocation. (1) An employee occupying a position that is reallocated to a class with a higher salary range maximum shall receive an increase in the same manner as is provided for promotion in WAC 251-08-110. The periodic increment date shall be established as provided in WAC 251-08-100.

(2) An employee occupying a position that is reallocated to a class with a lower salary maximum shall be placed in the salary step in the new range which is equal to the current salary, provided such salary does not exceed the top step of the new salary range.

(3) When reallocation is necessary because the board has created, abolished, or modified a class, the incumbent will remain in the position and the following will apply:

(a) An employee occupying a position reallocated to a class with a lower salary range maximum will be placed at the step in the new salary range which is equal to the current salary and will be allowed to achieve the salary maximum of the former class at the time of reallocation. The employee will lose the right to such salary maintenance if he/she voluntarily demotes, promotes, or moves to another class;

(b) An employee occupying a position reallocated to a class with a higher salary range maximum will receive an increase as provided in WAC 251-08-110;

(c) A reallocation which results from the board's abolishment of a class will be effective the date of the board's action. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-08-112, filed 5/25/78, effective 7/1/78; Order 61, § 251-08-112, filed 8/30/77, effective 10/1/77.]

WAC 251-08-160 Payroll certification. A disbursing officer shall not pay any employee holding a position covered by the Higher Education Personnel Law unless the employment is in accordance with chapter 28B.16 RCW and the provisions of these rules. The board and the institutions of higher education including the state board for community college education which shall act for the various community colleges shall jointly establish procedures for the certification of payrolls. [Statutory Authority: RCW 28B.16.100 and 28B.16.190. 79-03-030 (Order 72), § 251-08-160, filed 2/27/79, effective 4/2/79.]

Chapter 251-09 WAC
HOURS OF WORK--PREMIUM PAY

WAC	
251-09-020	Work period designations.
251-09-030	Overtime.
251-09-090	Special premium pay.

WAC 251-09-020 Work period designations. Each position will be assigned by the personnel officer to one of the work period designations identified below, and employees will be informed of their eligibility for overtime compensation.

(1) **Scheduled work periods**, within which there are two work schedules:

(a) **Regular work schedule.** The regular work schedule for full time classified employees shall consist of five consecutive and uniformly scheduled eight hour days in a seven day period. Uniformly scheduled means a daily repetition of the same working hours and a weekly repetition of the same working days.

(b) **Alternate work schedule.** Operational necessity or employee convenience may require positions that are normally designated regular work schedule to work an alternate forty hour work schedule (other than five uniform and consecutive eight hour days in a seven day period), or as provided by the Washington State Minimum Wage Law in conjunction with the federal law which provides for an eighty hour workweek in a fourteen day period for hospital personnel. Alternate work schedules shall be made available upon request of the director.

(2) **Nonscheduled work period.** The nonscheduled work period designation applies to those positions for which the hours cannot be scheduled but which work a forty hour week and do not meet any of the other work period designations. The personnel officer shall designate positions as nonscheduled in accordance with the institution's procedure approved by the director.

(3) **Excepted work period.** The excepted work period designation applies to classes and positions which meet the HEPB definitions of executive, administrative, or professional employees and are assigned to salary ranges twenty-three and above. Qualifying classes will be approved by the director. Each personnel officer will be responsible for determining the positions designated "excepted" at his/her institution. The personnel officer will develop a procedure for verifying "excepted" positions which will be available for review by the director. [Statutory Authority: RCW 28B.16.100. 79-12-088 (Order 81), § 251-09-020, filed 12/3/79; Order 62, § 251-09-020, filed 8/30/77, effective 10/1/77.]

WAC 251-09-030 Overtime. (1) Any one of the following constitutes overtime:

(a) Work in excess of the daily work shift for full-time employees assigned to scheduled work period positions;

(b) Work in excess of forty hours in one workweek for employees assigned to scheduled or nonscheduled work period positions; or

(c) For hospital personnel assigned to a fourteen day schedule, work in excess of eighty hours in a fourteen day period.

(2) Overtime worked by employees assigned to scheduled or nonscheduled work period positions shall be compensated at a rate of one and one-half times the employee's straight time hourly rate including shift differential for all overtime worked as provided in subsection (1) of this section.

(3) Employees assigned to scheduled or nonscheduled work period positions shall receive monetary payment as compensation for overtime worked; however, at the employee's request compensatory time off at one and one-half times the overtime hours worked may be granted in lieu of monetary payment, except that agricultural employees shall receive compensatory time off or monetary payment at the option of the institution.

(4) Use of accrued compensatory time shall be approved by the employing official with consideration being given to the work requirements of the department and the wishes of the employee. Compensatory time off may be scheduled by the employing official during the final sixty days of a biennium.

(5) Employees assigned to excepted work period positions normally do not qualify for overtime. Under circumstances in which the employee is directed to work an excessive amount of overtime, the personnel officer may authorize additional compensation in cash or compensatory time off not to exceed one and one-half times the employee's regular rate. The employee may petition the personnel officer for compensation of the directed overtime.

(6) For purposes of computing overtime compensation, holidays or leave with pay during the employee's regular work schedule shall be considered as time worked. [Statutory Authority: RCW 28B.16.100. 79-06-076 (Order 74), § 251-09-030, filed 5/30/79, effective 7/1/79; 78-06-068 (Order 68), § 251-09-030, filed 5/25/78, effective 7/1/78; Order 62, § 251-09-030, filed 8/30/77, effective 10/1/77.]

WAC 251-09-090 Special premium pay. The board or the director may approve special premium pay required by the employer due to unique working conditions, as may be requested by the personnel officer of an institution. Actions approved by the director are subject to confirmation by the board. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-09-090, filed 5/25/78, effective 7/1/78; Order 62, § 251-09-090, filed 8/30/77, effective 10/1/77.]

Chapter 251-10 WAC SEPARATION--DISCIPLINE

WAC

251-10-030	Layoff.
251-10-034	Layoff rights—Interlocal Cooperation Act.
251-10-035	Layoff—Special employment programs.
251-10-055	Layoff lists—Institution-wide.
251-10-060	Layoff lists—State-wide.
251-10-140	Immediate dismissal.

WAC 251-10-030 Layoff. (1) An appointing authority may separate or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds, curtailment of work, or good faith reorganization for efficiency reasons.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-04-020, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in WAC 251-10-030(5) and (6). The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate institution-wide layoff list(s).

(4) Written notice of at least fifteen calendar days must be given to the employee after he/she has selected one of the options or upon completion of the option period.

(5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to comparable position(s), as determined by the personnel officer, in:

(a) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(b) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option WAC 251-10-030 (5)(a) or (5)(b) provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(6) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (5) above shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

(i) At the same level or lower than the class from which the employee is being laid off; and

(ii) Vacant or held by a provisional, temporary, or probationary employee; and

(iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection (6) will be required to serve a trial service period.

(7) In order to be offered a layoff option or return from layoff to a position for which selective certification as identified in WAC 251-18-250(1)(a) has been authorized by the personnel officer, the employee must possess the required prerequisite skill(s) called for in the selective certification.

(8) In a layoff action involving a position for which a particular sex is a bonafide occupational requirement, as approved by the Washington State Human Rights Commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(9) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction-in-force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the board per WAC 251-12-080.

(10) Layoff actions for employees of special employment programs as identified in WAC 251-18-410 shall be administered as provided in WAC 251-10-035. [Statutory Authority: RCW 18B.16.100 [28B.16.100]. 79-07-096 (Order 76), § 251-10-030, filed 6/29/79, effective 8/1/79. Statutory Authority: RCW 28B.16.100. 79-03-029 (Order 71), § 251-10-030, filed 2/27/79, effective 4/2/79; Order 61, § 251-10-030, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-030, filed 6/25/75; Order 41, § 251-10-030, filed 3/17/75; Order 35, § 251-10-030, filed 7/23/74; Order 32, § 251-10-030, filed 3/19/74; Order 8, § 251-10-030, filed 6/17/71, effective 7/19/71; Order 4, § 251-10-030, filed 2/19/71; Order 1, § 251-10-030, filed 9/15/69.]

WAC 251-10-034 Layoff rights--Interlocal Cooperation Act. Classified personnel who leave their positions to accept employment with an administrative body established for higher education under the Interlocal Cooperation Act (chapter 39.34 RCW) will, in the event of layoff from that administrative body, retain layoff

rights earned at the former institution. [Statutory Authority: RCW 28B.16.100. 79-08-120 (Order 78), § 251-10-034, filed 7/31/79.]

WAC 251-10-035 Layoff--Special employment programs. (1) Institutions participating in special employment programs qualifying under the conditions identified in WAC 251-18-410 shall establish a special employment program layoff unit.

(2) An appointing authority may separate or reduce the number of working hours or the work year of a special employment program employee without prejudice because of lack of funds, curtailment of work, good faith reorganization for efficiency purposes, or when an incumbent must be separated due to the salary or longevity requirements of Public Law 95-524.

(3) A permanent status special employment program employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsection (5) of this section. Employment options are limited to positions within the special employment program layoff unit and/or program for which the employee qualifies. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate special employment program layoff list(s).

(4) The appointing authority must provide the employee at least fifteen calendar days written notice beyond the date of selection of an option or the completion of the option period, whichever is sooner. The notice shall inform the employee of his/her right to appeal the layoff action to the board per WAC 251-12-080.

(5) Within the special employment program layoff unit, a permanent status employee scheduled for layoff shall be offered the following:

(a) Except as provided in subsection (5)(b) of this section, employees who are being laid off shall be offered options within the layoff unit and placement on special employment program layoff lists in class(es) with the same or lower salary range maximum that are:

(i) Class(es) in which the employee has held permanent status;

(ii) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(b) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment as provided in Public Law 95-524 shall not be afforded layoff options but shall be placed on the special employment program layoff list(s) for which they are eligible.

(6) The provisions of WAC 251-10-030 (7) and (8) relative to selective certification and bonafide occupational requirements shall apply to special employment program layoff actions.

(7) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as

provided in WAC 251-18-180. [Statutory Authority: RCW 18B.16.100 [28B.16.100]. 79-07-096 (Order 76), § 251-10-035, filed 6/29/79, effective 8/1/79; Order 61, § 251-10-035, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-035, filed 6/25/75.]

WAC 251-10-055 Layoff lists--Institution-wide.

(1) The names of permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class or service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

- (a) The employee has requested placement on the list;
- (b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and
- (c) The class has the same or lower salary range maximum as the class from which laid off.

In addition such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be re-employed in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that, unless the employee so requests, he/she may not be removed via this procedure from the layoff list for the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s). [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-10-055, filed 5/25/78, effective 7/1/78; Order 61, § 251-10-055, filed 8/30/77, effective 10/1/77.]

WAC 251-10-060 Layoff lists--State-wide. (1) A permanent employee of any institution of higher education, related board, or state agency who is on layoff status or is scheduled for layoff shall, upon his/her request, be placed on the state-wide layoff list(s) at any higher education institutions or related boards: *Provided, That:*

(a) The employee must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination; and

(b) The list must be for:

- (i) Class(es) in which he/she has held permanent status; or
- (ii) Lower class(es) in the same class series; or for

(iii) Equivalent classes under the jurisdiction of the state department of personnel; and

(c) The option must be exercised by the affected employee within thirty calendar days of the effective date of layoff.

(2) Employees shall be ranked by their total layoff seniority as measured by their last period of unbroken service in the classified service of the state. The list shall consist of two categories and certification within each category shall be in order of:

(a) Employees of higher education institutions/related boards;

(b) Employees of other state agencies.

(3) The duration of eligibility on this list shall be one year from the date of placement on the list.

(4) Referral from this list shall be on a rule of three.

(5) Employees appointed from this list shall be required to serve a probationary period of six months. Termination during the probationary period shall not affect the employees' status on state-wide layoff lists upon which they previously have been placed.

(6) Employees appointed from this list shall be credited with unused sick leave accrued at the time of layoff. Annual leave shall be computed as provided in WAC 251-22-060.

(7) The institution will provide each employee scheduled for layoff with a copy of this rule and the comparable state department of personnel rule and a listing of institutions, related boards, or offices of the state department of personnel which they may contact. It shall be the responsibility of the employee to contact the institution/related board, or the state department of personnel if he/she has an interest in being placed on the respective state-wide layoff list(s).

(8) Certification from the state-wide layoff list shall be as provided in WAC 251-18-240. [Statutory Authority: RCW 28B.16.100. 78-10-090 (Order 70), § 251-10-060, filed 9/29/78, effective 11/1/78; Order 61, § 251-10-060, filed 8/30/77, effective 10/1/77; Order 32, § 251-10-060, filed 3/19/74.]

WAC 251-10-140 Immediate dismissal. When the appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120, but the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-10-140, filed 5/25/78, effective 7/1/78; Order 61, § 251-10-140, filed 8/30/77, effective 10/1/77.]

Chapter 251-12 WAC
APPEALS

WAC

251-12-095	Appeals—Limitations.
251-12-240	Burden of proof.
251-12-600	Remedial action.

WAC 251-12-095 Appeals--Limitations. Appeals shall not be processed per WAC 251-12-090 if the same charges have been filed with the board for mediation/arbitration per WAC 251-14-100(2), 251-14-110(2), or as a complaint charging an unfair labor practice per WAC 251-14-080. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-12-095, filed 5/25/78, effective 7/1/78.]

WAC 251-12-240 Burden of proof. (1) At any hearing on appeal from a layoff, demotion, suspension, reduction, or dismissal the institution shall have the burden of proof.

(2) At any hearing on appeal from an allocation, the burden of proof shall rest with the appellant.

(3) At any hearing on exceptions to a hearing examiner's recommended decision per the provisions of WAC 251-12-085 or to a director's determination per the provisions of WAC 251-12-075, 251-12-600, or 251-18-115, the party filing the exceptions shall have the burden of proof. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-12-240, filed 5/25/78, effective 7/1/78; Order 61, § 251-12-240, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-240, filed 9/15/69.]

WAC 251-12-600 Remedial action. When it has been determined that an individual has served six consecutive months in an institution in a position subject to the civil service but whose appointment by the institution has not been in accordance with the provisions of these rules, and the employee was not a party to the willful disregard of the rules, the director may take such appropriate action as to confer permanent status, set provision for salary maintenance, establish appropriate seniority, determine accrual of benefits, and such other actions as may be determined appropriate pursuant to the best standards of personnel administration. The order of the director shall be final and binding unless exceptions to the order, as provided in WAC 251-12-085(a) through (e), are filed with the board within thirty calendar days of the date of service of the order. The board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order. [Statutory Authority: RCW 28B.16.100. 79-03-029 (Order 71), § 251-12-600, filed 2/27/79, effective 4/2/79; Order 61, § 251-12-600, filed 8/30/77, effective 10/1/77.]

Chapter 251-14 WAC
COLLECTIVE BARGAINING

WAC

251-14-040	Election and certification of exclusive representative.
251-14-080	Unfair labor practices—Powers of board—Procedure.

WAC 251-14-040 Election and certification of exclusive representative. (1) The director shall certify an employee organization as exclusive representative of the employees of a bargaining unit when such organization shows proof that it represents a majority of such employees at the close of the last preceding payroll period and such proof is not contested by the appointing authority, the director, or any other interested party. Prior to certification, the director shall give ten calendar days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested as herein provided and that the proof of majority representation may be contested within ten calendar days. The director shall determine whether the proof of representation is satisfactory, and if it is not satisfactory shall require that an election be held.

The director will require that an election be held when not less than thirty percent of the employees in a bargaining unit petition for an election during the ten calendar day notice period: *Provided, however,* That unless another employee organization shows proof of at least thirty percent representation, such an election shall be limited to the issue as to whether or not the employees desire certification of the petitioning employee organization as exclusive representative.

(2) The director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of request. Upon granting a request for an election, the director shall give written notice thereof and allow ten calendar days for other employee organizations desiring their names placed on the ballot to show satisfactory proof of at least ten percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of notice of election.

(3) The director or designee, at a pre-election conference, shall review with interested employee organizations and the appointing authority or designee the standards and procedures for the conduct of the election, shall inform all affected employees of the conditions set forth therein, and shall distribute sample ballots. The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing satisfactory proof of at least ten percent representation within the unit, and shall provide a choice for any employee within the unit to designate that

he/she does not desire to be represented by an exclusive representative. All employees on the active payroll and employed within the bargaining unit at the time of election are eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot. Absentee ballots may be requested prior to date of election, but will be counted only if received by the director or designee no later than two regular working days following the closing date of election. Where more than one organization is on the ballot and none receives a majority of all votes cast in such election, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second largest number of votes.

(4) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of representation by any organization whether on the ballot or otherwise, nor shall any person in that area engage in any other form of electioneering.

(5) An employee organization receiving a majority of all votes cast in such an election, or run-off, shall be certified by the director as the exclusive representative of the employees in the bargaining unit.

(6) When an employee organization has been certified as the exclusive representative of the employees in a bargaining unit, it shall be entitled to act for, and to negotiate collective agreements covering all employees in the unit, and shall be responsible for representing the interests of all such employees. Individual grievances or group grievances of employees may, however, be presented by them to management and may be adjusted by management so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments.

(7) Another exclusive representative election shall not be held concerning the same bargaining unit until the lapse of at least twelve months from the date of the last previous exclusive representative election. [Statutory Authority: RCW 28B.16.100. 78-07-072 (Order 69), § 251-14-040, filed 6/30/78, effective 8/1/78; Order 61, § 251-14-040, filed 8/30/77, effective 10/1/77; Order 44, § 251-14-040, filed 6/25/75; Order 25, § 251-14-040, filed 7/17/73; Order 2, § 251-14-040, filed 3/12/70.]

WAC 251-14-080 Unfair labor practices--Powers of board--Procedure. (1) The board, or its designee, whose final decision is appealable to the board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Unfair labor practice charges shall be filed on a form provided by the director or designee, and shall be filed in the office of the director within sixty calendar days after the parties become aware of the alleged unfair labor practice(s). The form shall be signed by the

charging party or an authorized representative and shall contain the following:

(a) The name and address of the institution.

(b) The name and address of the party or organization filing the charge.

(c) A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates, places and the unfair labor practice section relied upon in support of the charge.

(3) Upon receipt of an unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not substantially without merit, a complaint shall be issued and a hearing scheduled as provided by these rules.

(4) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven calendar days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five calendar days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

(5) For the purpose of all hearings and investigations, which, in the opinion of the board or its designee are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee shall at all reasonable times have access to for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.

(6) The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty days after the board or its designee has entered its findings of fact, shall have power to petition the superior court of the state, within the county wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the

county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee. [Statutory Authority: RCW 28B.16.100. 78-05-060 (Order 67), § 251-14-080, filed 4/27/78, effective 6/1/78; Order 61, § 251-14-080, filed 8/30/77, effective 10/1/77; Order 52, § 251-14-080, filed 2/26/76; Order 2, § 251-14-080, filed 3/12/70.]

Chapter 251-18 WAC

EMPLOYMENT--APPOINTMENT

WAC

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WAC 251-18-020 Examination notice--Publicity--Duration. (1) The personnel officer is responsible for determining when to open an eligible list and conduct examinations. Each personnel officer shall develop and maintain on file a procedure by which employees who have indicated an interest in promotion through the established procedure are made aware of promotional opportunities within the organizational unit.

(2) Public notice of examinations to establish eligible lists shall be made via recruitment bulletin for the duration of the announcement and such other publicity as the personnel officer deems warranted in the interest of attracting adequate numbers of qualified applicants. The minimum period for posting recruitment bulletins will be seven calendar days; for an open competitive posting the

personnel officer may authorize a shorter minimum posting period. The personnel officer may extend the duration of a posting as required by giving public notice in the same manner as the original notice.

(3) Examination notices are of two types:

(a) Those having definite duration; and

(b) Those having indefinite duration during which application may be made. Prior to closing a notice published for an indefinite period, public notice of at least three calendar days shall be given. Such notice may take either of the following forms:

(i) Public notice given in the same manner as the original notice; or

(ii) A statement on the bulletin board posting that when sufficient applications are received, the application period may be closed upon three days prior notice.

[Statutory Authority: RCW 28B.16.100. 79-03-029 (Order 71), § 251-18-020, filed 2/27/79; Order 61, § 251-18-020, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-020, filed 9/19/75; Order 35, § 251-18-020, filed 7/23/74; Order 3, § 251-18-020, filed 1/15/71.]

WAC 251-18-030 Examination notice--Content.

(1) Bulletin board postings except open-continuous shall specify as a minimum the title and salary range of the class for which the eligible list is open; the nature of the work to be performed; the experience and training required; the time, place and manner of making application; the minimum qualifications established for admission to the examination; and the type of examination required for the class.

(2) Bulletin board postings and examination announcements for open-continuous eligible lists shall specify the title and salary range of the class for which the eligible list is open, the manner of making application, and the location and procedure for obtaining information regarding minimum qualifications and examination requirements.

(3) When the personnel officer elects to establish a combined eligible list as provided in WAC 251-18-181 and 251-18-240(4), to limit the number of eligibles to be placed on a noncompetitive eligible list, or to limit the number of applicants to be admitted to the entire examination as provided in WAC 251-18-060(3), such information shall be included in the bulletin board posting. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-18-030, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-030, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-030, filed 9/19/75; Order 3, § 251-18-030, filed 1/15/71.]

WAC 251-18-070 Application forms. Applications for employment shall be filed on forms prescribed by the personnel officer. Any question in any application form or examination shall be in compliance with applicable state and/or federal law. [Statutory Authority: RCW 28B.16.100. 78-02-094 (Order 65), § 251-18-070, filed 1/30/78; Order 61, § 251-18-070, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-070, filed 1/15/71.]

WAC 251-18-110 Application--Disqualification--Rejection. The personnel officer may reject an application or an applicant for good and sufficient reason. Whenever the personnel officer rejects an application or an applicant under the provisions of these rules, he/she shall furnish a written statement of the specific reasons therefor and advise the applicant of the right of appeal per WAC 251-18-115, except in those instances in which he/she was present at the time of notification of rejection or disqualification. [Statutory Authority: RCW 28B.16.100. 78-02-094 (Order 65), § 251-18-110, filed 1/30/78; Order 61, § 251-18-110, filed 8/30/77, effective 10/1/77; Order 38, § 251-18-110, filed 11/18/74; Order 4, § 251-18-110, filed 2/19/71.]

WAC 251-18-115 Examination--Eligibility--Right of appeal or review. (1) An applicant shall have the right to appeal to the higher education personnel board as provided in subsection (2) when:

- (a) His/her application has been rejected; or
- (b) He/she feels the examination/certification process or score unfair, in error, or not applied uniformly; or
- (c) His/her name has been removed from an eligible list.

(2) Such appeal must be in writing and be filed in the office of the director within thirty calendar days after the effective date of the action appealed. The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:

(a) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction or dismissal, as provided in WAC 251-12-080 through 251-12-260; or

(b) The director may investigate the case and based upon that investigation issue a determination.

- (i) When the appellant is a classified employee of the institution, within thirty calendar days of the date of service either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety.

- (ii) When the appellant is not a classified employee of the institution, the director's determination shall be final and binding; or

(c) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing. [Statutory Authority: RCW 28B.16.100. 79-12-088 (Order 81), § 251-18-115, filed 12/3/79; 78-02-094 (Order 65), § 251-18-115, filed 1/30/78; Order 61, § 251-18-115, filed 8/30/77, effective 10/1/77.]

WAC 251-18-130 Examination--Veterans preference. The claiming of the following veterans preference provisions is the responsibility of the applicant and must

be claimed within eight years of the date of release from active service.

(1) The term "veteran" as used in these rules shall include any person who has served in any branch of the armed forces of the United States during World War I, World War II, the Korean Conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress. "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on May 7, 1975.

(2) Only persons who received an honorable discharge; a physical discharge under honorable conditions; or who were released from active duty under honorable circumstances shall be eligible for veterans preference.

(3) Only those veterans who receive a passing final score on an examination, prior to addition of veterans preference, shall be eligible to receive such preference.

(4) In all competitive examinations, veterans shall be given a preference by adding to their achieved passing final scores, based upon a possible rating of one hundred points as perfect, a percentage of the achieved score under the following conditions:

(a) Ten percent of the passing final score to a veteran who is not receiving any veterans retirement payments. This preference shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(b) Five percent of the passing final score to a veteran who is receiving any veterans retirement payments. This percentage shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(c) Five percent of the passing final score to a veteran who, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war. This preference shall be limited to the first promotional examination following return from military service. [Statutory Authority: RCW 28B.16.100. 78-10-090 (Order 70), § 251-18-130, filed 9/29/78, effective 11/1/78; Order 61, § 251-18-130, filed 8/30/77, effective 10/1/77; Order 35, § 251-18-130, filed 7/23/74; Order 3, § 251-18-130, filed 1/15/71.]

WAC 251-18-140 Examination results--Notification. (1) Within ten working days after scoring the examination, the personnel officer will provide each applicant competing in an examination with written notice of his/her score or failure to obtain a passing score and in addition his/her appeal rights per the provisions of WAC 251-18-115. Any applicant or authorized representative may request in writing that the personnel officer review the examination rating and/or score within fifteen calendar days after notification of the score. If an error in scoring has been made, it will be corrected and the eligible's name will be placed at the appropriate place on the eligible list. A correction so made shall not invalidate any appointment previously made from the list.

(2) The personnel officer will notify the candidate of the date of placement on the eligible list and the date of expiration. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-18-140, filed 5/25/78, effective 7/1/78; 78-02-094 (Order 65), § 251-18-140, filed 1/30/78; Order 61, § 251-18-140, filed 8/30/77, effective 10/1/77; Order 35, § 251-18-140, filed 7/23/74; Order 21, § 251-18-140, filed 5/24/73; Order 3, § 251-18-140, filed 1/15/71.]

WAC 251-18-160 Examination—Medical. (1) Candidates for employment or promotion shall take a medical examination if prescribed for the position to which appointment is sought. All candidates must conform with medical regulations for state employment established by the Washington State Board of Health.

(2) A medical examination and/or doctor's certificate also may be required where a question arises concerning the fitness of the incumbent to perform the duties of his/her position. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-18-160, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-160, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-160, filed 1/15/71.]

WAC 251-18-176 Modification of minimum qualifications. When a vacancy exists and active and reasonable recruiting efforts fail to establish an eligible list for the class, the personnel officer may request that the director modify the minimum qualifications. If satisfied that reasonable effort has been made to recruit at the established minimum qualifications the director may modify the minimum qualifications for that recruiting cycle on a one-time basis. On approval, the personnel officer shall initiate recruiting at the reduced minimum qualifications. Such temporary modification will be reported to the board at the next regular meeting.

Appointments made from employment lists established in this manner will be in accordance with these rules. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-18-176, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-176, filed 8/30/77, effective 10/1/77.]

WAC 251-18-181 Eligible lists—Combined. For positions in classes which meet the HEPB definitions of administrative, executive, or professional employees, the personnel officer may combine into a single list all the eligible lists provided in WAC 251-18-180, except the institution-wide layoff list. Such combined list shall be established by class and shall contain the names of all candidates who have successfully completed the examination for the class. Ranking of eligibles shall be in the order of their final earned rating on the examination as indicated below:

(1) Permanent employees of the institution shall have added to their final passing score a five percent permanent employee preference bonus.

(2) All other candidates on the combined eligible list shall be placed on the list with their final passing score. [Statutory Authority: RCW 28B.16.100. 78-06-068

(Order 68), § 251-18-181, filed 5/25/78, effective 7/1/78; 78-02-094 (Order 65), § 251-18-181, filed 1/30/78; Order 61, § 251-18-181, filed 8/30/77, effective 10/1/77.]

WAC 251-18-200 Eligible lists—Removal of name—Notification. (1) The name of an eligible may be removed from an eligible list by the personnel officer for good and sufficient reason. Whenever any person's name is removed from an eligible list he/she shall be notified of the specific reasons for such removal and advised of the right to request a review by the personnel officer per subsection (2) of this section; except in instances where the eligible:

(a) Has requested removal from the list in writing;

(b) Has failed to respond within ten calendar days to a written inquiry or within three calendar days to a telegraphed inquiry from the personnel office relative to availability for appointment;

(c) Has failed to notify the personnel office of changes of address; or

(d) Is an open competitive candidate and has been removed from an eligible list due to expiration of eligibility.

(2) Such person may, within five working days of notification, make a written request to the personnel officer for restoration to such eligible list for the duration of eligibility. The personnel officer, after full consideration of the request, may restore the name to the eligible list, or refuse to do so. The person shall be notified of the personnel officer's action and of the right of appeal per WAC 251-18-115. [Statutory Authority: RCW 28B.16.100. 79-03-029 (Order 71), § 251-18-200, filed 2/27/79; Order 61, § 251-18-200, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-200, filed 1/15/71.]

WAC 251-18-230 Certification—Request for. When a vacancy in the classified service is to be filled, the employing official shall submit a personnel requisition to the personnel officer. If the position meets the HEPB definitions of administrative, executive or professional employees and the employing official wishes to request that the personnel officer consider utilizing a combined eligible list, or if special or outstanding qualifications are desirable for the position under consideration, these requests shall be noted on the requisition. [Statutory Authority: RCW 28B.16.100. 78-02-094 (Order 65), § 251-18-230, filed 1/30/78; Order 61, § 251-18-230, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-230, filed 1/15/71.]

WAC 251-18-240 Certification—Method. (1) Upon receipt of a personnel requisition, the personnel officer shall provide to the employing official a certification of names in writing. Certification from eligible lists will be made in the manner and in the strict order of priority provided in subsections (3) and (4) of this section.

(2) In the case of certification made from an institution-wide layoff list, the personnel officer shall certify the eligible with the greatest layoff seniority. If there are no eligibles on the institution-wide layoff list for the

class, the personnel officer shall certify to the employing official two more names than there are vacancies to be filled by the certification in strict order of standing on the eligible list(s); except that if there are no existing promotional eligible lists at the time of certification, and there are eligibles on the special employment program layoff lists, the certification will be limited to the senior eligible on the list.

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Except as provided in subsection (4) of this section eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

- (a) Institution-wide Layoff List
- (b) Organizational Unit Promotion List
- (c) Institution-wide Promotion List
- (d) Special Employment Program Layoff List
- (e) State-wide Layoff List
- (f) Open Competitive or Noncompetitive List.

(4) If the position for which certification is being made meets the HEPB definitions of administrative, executive, or professional employees and there are no eligibles on the institution-wide layoff list for the class, the personnel officer may elect to combine eligible lists provided in subsection (3)(b) through (f) of this section per the provisions of WAC 251-18-181. Certification from this combined eligible list shall be on the basis of two more names than there are vacancies to be filled by the certification, even if the lists contain persons from the special employment program layoff list. [Statutory Authority: RCW 28B.16.100. 78-02-094 (Order 65), § 251-18-240, filed 1/30/78; Order 61, § 251-18-240, filed 8/30/77, effective 10/1/77; Order 57, § 251-18-240, filed 3/18/77, effective 4/18/77; Order 44, § 251-18-240, filed 6/25/75; Order 41, § 251-18-240, filed 3/17/75; Order 39, § 251-18-240, filed 12/24/74; Order 32, § 251-18-240, filed 3/19/74; Order 21, § 251-18-240, filed 5/24/73; Order 14, § 251-18-240, filed 6/18/72; Order 4, § 251-18-240, filed 2/19/71.]

WAC 251-18-260 Certification--Incomplete. When the number of names available for filling any vacancy is fewer than three, the employing official may make an appointment from the certification or decline to do so. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-18-260, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-260, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-260, filed 1/15/71.]

WAC 251-18-330 Trial service period. (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class, unless

- (a) during the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or
- (b) the class is lower in that same class series, or
- (c) the employee is being reallocated per the provisions of WAC 251-06-080(1)(a), or

(d) the employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-18-400(5).

(2) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion). The personnel officer shall determine which position to preempt.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(3) Reversion from trial service is not appealable to the Board when prior to the reversion the employee was provided written notice detailing the deficiencies in performance and specific changes required, and was given an opportunity to overcome the deficiencies. Such opportunity is not required when the employee lacks a technical skill that would require more training time to acquire than is available in the trial service period.

(4) In the event an employee is on leave without pay status for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay.

(5) Successful completion of the trial service period shall result in permanent status in the class.

(6) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged. [Statutory Authority: RCW 28B.16.100. 78-02-094 (Order 65), § 251-18-330, filed 1/30/78; Order 61, § 251-18-230, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-230, filed 1/15/71.]

WAC 251-18-340 Appointment--Permanent status. Permanent status appointments shall be made under the following conditions:

(1) Upon successful completion of a six month probationary period or trial service period.

(2) Demotion, either voluntary or involuntary, when made to a class in which the employee has held permanent status during the current period of employment at the institution.

(3) Transfer within a class.

(4) Certification from a layoff list for a class in which the employee had permanent status at the time of layoff or lower classes in the same class series for which the employee is qualified.

(5) Conversion, per the provisions of WAC 251-18-420, of the incumbent of an exempt position which is converted to classified status, provided the incumbent has been employed for at least six months in the exempt position. [Statutory Authority: RCW 28B.16.100. 78-02-094 (Order 65), § 251-18-340, filed 1/30/78; Order 64, § 251-18-340, filed 12/23/77; Order 61, § 251-18-340, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-340, filed 1/15/71.]

WAC 251-18-380 Appointment--Instructional year.

(1) Positions established for periods coinciding with the instructional year of the institution are to be filled in accord with chapter 251-18 WAC.

(2) Employees occupying such positions may be placed on leave of absence without pay by the appointing authority for the scheduled vacation periods coinciding with the instructional year. Such leave of absence does not constitute a break in service and shall not be deducted from the employees' length of service in granting periodic increments except as provided in WAC 251-08-100(3)(f), nor in computing the employee's annual leave accrual rate.

(3) The personnel officer will maintain position rosters indicating all extended instructional year positions within the layoff unit which will become available to instructional year employees during the scheduled vacation period, and will maintain a seniority listing of eligible employees. The personnel officer will post the rosters by April 1 of each year. Eligible employees will have fifteen calendar days after the posting to indicate their availability for the positions.

(4) Within the layoff unit, extended instructional year positions filled during the scheduled vacation period will be filled by instructional year employees having the greatest institutional seniority.

(5) Transfers for instructional year employees will be handled in accord with the institution's transfer procedure as provided in WAC 251-18-346. [Statutory Authority: RCW 28B.16.100. 79-03-029 (Order 71), § 251-18-380, filed 2/27/79; Order 61, § 251-18-380, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-380, filed 5/24/73; Order 12, § 251-18-380, filed 5/23/72, effective 6/25/72.]

WAC 251-18-410 Special employment programs.

(1) Special employment programs are those programs designated by the director which are designed and implemented to reduce unemployment and/or provide training opportunities to enable persons to become more employable. Special employment programs are funded in

total, or in part, from sources other than the normal sources available to the institutions.

(2) Positions created for special employment programs are included in the regular classified service of an institution. Participants have the rights and benefits of classified employees, except as precluded by WAC 251-10-035 or higher statutory authority. The primary distinction is that each institution shall establish a separate layoff unit to include all special employment programs. When special employment program positions are abolished or when an incumbent must be separated due to the salary or longevity mandates of Public Law 95-524, layoffs will occur as provided in WAC 251-10-035. [Statutory Authority: RCW 18B.16.100 [28B.16.100]. 79-07-096 (Order 76), § 251-18-410, filed 6/29/79, effective 8/1/79; Order 61, § 251-18-410, filed 8/30/77, effective 10/1/77; Order 44, § 251-18-410, filed 6/25/75.]

WAC 251-18-420 Appointment--Conversion of exempt position. (1) Incumbents of positions which are converted from exempt to classified service for the following reasons may be placed within the classified service as provided in subsections (2) through (9) of this section:

(a) When it has been determined that the exempt position does not meet the criteria for exemption per WAC 251-04-040(1), (3), (4) or (5) and thus is inappropriately exempt;

(b) When an organizational realignment has caused the exempt position to become inappropriately exempt by no longer meeting the criteria for exemption per WAC 251-04-040(1), (3), (4) or (5); or

(c) When an institution elects to convert a position which has been exempt per the provisions of WAC 251-04-040(5).

(2) An incumbent whose position is converted as indicated in subsection (1)(c) of this section must have served a minimum of one year in the position being converted in order to be subject to the provisions of this section.

(3) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for entry into the class.

(4) The incumbent shall enter the classified position with permanent status unless he/she has been employed less than six months in the exempt position being converted, in which case he/she shall hold probationary status until a total of six months has been served.

(5) The incumbent shall be placed at the first step within the salary range or range extension which is not less than the current exempt salary.

(6) The periodic increment date shall be established based on the date of conversion to the classified service or the date of last salary increase, whichever is sooner. Those employees at or above the top step of the new range shall not be assigned a P.I.D.

(7) The incumbent shall be credited with unused accrued sick leave on the books at the time of conversion and shall continue to accrue at the rate of one day per month as provided in WAC 251-22-100.

(8) The incumbent shall be credited with unused accrued annual leave on the books at the time of conversion and shall accrue at the same rate as for classified employees as provided in WAC 251-22-060.

(9) Layoff seniority for the incumbent shall be established based upon unbroken service at the institution. [Statutory Authority: RCW 28B.16.100. 79-03-029 (Order 71), § 251-18-420, filed 2/27/79; Order 64, § 251-18-420, filed 12/23/77.]

Chapter 251-20 WAC

EMPLOYEE PERFORMANCE EVALUATION

WAC	
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251-20-020	Employee performance evaluation—Forms.
251-20-030	Method of evaluation.
251-20-040	Employee performance evaluation—Procedure.
251-20-050	Employee performance evaluation—General provisions.
251-20-060	Employee performance evaluation—Responsibility.

WAC 251-20-010 Employee performance evaluation—Authority, purpose. (1) The rules contained in this chapter follow from the authority of the higher education personnel law, RCW 28B.16.105, which provides in part, ". . . the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher learning for the appraisal of employee job performance at least annually . . ."

(2) It is the board's intent that employing officials or designated supervisory personnel will conduct annual performance evaluations to record and inform employees regarding how well they have contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-20-010, filed 5/25/78, effective 7/1/78.]

WAC 251-20-020 Employee performance evaluation—Forms. (1) Standardized performance evaluation forms approved by the board shall be used to record employee evaluations. The forms shall contain standard "performance factors" and shall provide for one or more "optional factors" developed by the institution, which reflect organizational requirements and specific job-related aspects of performance.

(2) The approved forms shall accommodate the provisions of WAC 251-20-040.

(3) The approved forms may be supplemented with other forms and/or information used by an institution to support the ratings recorded on the approved forms. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-20-020, filed 5/25/78, effective 7/1/78.]

WAC 251-20-030 Method of evaluation. (1) Employee performance is to be rated for each "performance

factor" on the approved form on the basis of criteria determined by the supervisor. To assist in the rating the employee's supervisor will:

(a) Provide the employee with a copy of the specification for the class; and

(b) Identify thereon, or on the approved form or attached thereto, those portions of the specification which relate to the position held; and

(c) Identify on the approved form or attached thereto criteria to be evaluated which set forth the supervisor's expectations with regard to factors of quality, quantity, job knowledge and working relationships.

Criteria recorded as part of the performance evaluation process shall remain in effect for future evaluations unless action is taken to modify or replace them.

(2) Each "performance factor" will be rated and recorded according to a scale which differentiates varied levels of employee performance. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-20-030, filed 5/25/78, effective 7/1/78.]

WAC 251-20-040 Employee performance evaluation—Procedure. (1) Each employee shall be evaluated at least annually by his/her supervisor. The evaluation process shall use the form(s) as provided in WAC 251-20-020 and shall be in accord with the provisions of this chapter.

(2) Prior to review by the second level of supervision, the employee shall be provided an opportunity to comment on the evaluation and to discuss his/her comments and the final evaluation with the supervisor.

(3) The evaluation shall be reviewed by the employee's second level of supervision (or management designee as determined by the institution).

(4) Performance evaluations shall be retained in the employee's file for no more than three years. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-20-040, filed 5/25/78, effective 7/1/78.]

WAC 251-20-050 Employee performance evaluation—General provisions. An appeal against action under this chapter shall be restricted to allegations of irregularities in the use of the approved form and/or the procedures outlined in WAC 251-20-030. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-20-050, filed 5/25/78, effective 7/1/78.]

WAC 251-20-060 Employee performance evaluation—Responsibility. The personnel officer shall be responsible for establishing and administering the employee performance evaluation system for the institution. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-20-060, filed 5/25/78, effective 7/1/78.]

**Chapter 251-22 WAC
HOLIDAYS--LEAVE**

WAC	
251-22-060	Annual leave—Accrual.
251-22-124	Sick leave—Compensation for.

251-22-125 Sick leave--Former employees.
251-22-200 Leave of absence without pay.

WAC 251-22-060 Annual leave--Accrual. (1) Full-time employees eligible for annual leave shall accrue annual leave, to be credited monthly, at the following rates:

- (a) During the first year of continuous state employment - 12 days (8.0 hours per month);
- (b) During the 2nd year of continuous state employment - 13 days (8 hours, 40 minutes per month);
- (c) During the 3rd and 4th years of continuous state employment - 14 days (9 hours, 20 minutes per month);
- (d) During the 5th through the 9th years of total state employment - 15 days (10 hours per month);
- (e) During the 10th year of total state employment - 16 days (10 hours, 40 minutes per month);
- (f) During the 11th year of total state employment - 17 days (11 hours, 20 minutes per month);
- (g) During the 12th year of total state employment - 18 days (12 hours per month);
- (h) During the 13th year of total state employment - 19 days (12 hours, 40 minutes per month);
- (i) During the 14th year of total state employment - 20 days (13 hours, 20 minutes per month);
- (j) During the 15th year of total state employment - 21 days (14 hours per month);
- (k) During the 16th and succeeding years of total state employment - 22 days (14 hours, 40 minutes per month).

(2) Employees working less than full time schedules shall accrue annual leave credit on the same prorata basis that their appointment bears to a full time appointment.

(3) Per the provisions of WAC 251-18-380(2), the scheduled period of instructional year leave of absence without pay shall not be deducted for purposes of computing the rate of annual leave accrual for instructional year employees.

(4) The following shall apply for purposes of computing years of qualifying state employment:

- (a) Employment in the legislative and/or the judicial branch shall not be credited;
- (b) Employment exempt by the provisions of WAC 251-04-040(2) or employment under the state personnel board jurisdiction which is analogous to the conditions specified in WAC 251-04-040(2) shall not be credited;
- (c) Each contract year of full time faculty and/or administrative exempt employment within the higher education institutions shall be credited as a year of qualifying service;
- (d) Employment in part time classified positions shall be credited as full time service.

(5) Annual leave credits shall not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, nor shall credit be given toward the rate of annual leave accrual. [Statutory Authority: RCW 28B.16.100. 79-03-029 (Order 71), § 251-22-060, filed 2/27/79, effective 4/2/79; Order 61, § 251-22-060, filed 8/30/77, effective 10/1/77; Order 49, § 251-22-060, filed 1/16/76; Order 47, § 251-22-

060, filed 11/19/75; Order 23, § 251-22-060, filed 6/20/73, effective 1/1/74; Order 16, § 251-22-060, filed 7/27/72, effective 7/1/73.]

WAC 251-22-124 Sick leave--Compensation for. (1) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 480 hours may choose to convert sick leave hours earned in the previous calendar year minus those used during the year to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979 due to retirement or death shall be compensated for their unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the retirement system.

(2) Compensation for unused sick leave shall not be used in computing the retirement allowance; therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.

(3) An employee who separates from the classified service for any reason other than retirement or death shall not be paid for accrued sick leave. [Statutory Authority: RCW 28B.16.100. 79-10-055 (Order 80), § 251-22-124, filed 9/17/79.]

WAC 251-22-125 Sick leave--Former employees.

(1) Former state employees who are reemployed within three years of separation shall have their former sick leave balance restored for use as provided in WAC 251-22-110.

(2) Upon subsequent retirement or death of a retired state employee who has returned to state service, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the provisions of WAC 251-22-124(1)(b); this restriction shall not apply to other returning employees. [Statutory Authority: RCW 28B.16.100. 79-10-055 (Order 80), § 251-22-125, filed 9/17/79; Order 61, § 251-22-125, filed 8/30/77, effective 10/1/77.]

WAC 251-22-200 Leave of absence without pay.

(1) Leave of absence without pay may be allowed for any of the following reasons:

- (a) Conditions applicable for leave with pay;
- (b) Maternity leave;
- (c) Educational leave;

(d) Leave for Government service in the public interest;

(e) To accommodate annual work schedules of employees occupying positions established on the basis of an instructional year as specified in WAC 251-18-380.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Annual leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, except as provided in WAC 251-18-380(2).

(5) A classified employee taking a temporary appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of such temporary appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the temporary employment. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-22-200, filed 5/25/78, effective 7/1/78; Order 61, § 251-22-200, filed 8/30/77, effective 10/1/77; Order 12, § 251-22-200, filed 5/23/72, effective 6/25/72; Order 3, § 251-22-200, filed 1/15/71.]

Title 252 WAC HIGHWAY COMMISSION

Chapters

252-02	Commission--Organization.
252-03	Public access to information and records.
252-04	Utility lines--Franchises and permits.
252-06	Limited access hearings.
252-08	Practice and procedure.
252-09	Transportation commission and transportation department State Environmental Policy Act rules.
252-10	State aid.
252-10B	Allocation of federal safer off-system road (SOS) funds.
252-12	Highway property.
252-20	Limited access highways.
252-24	Size, weight, load-weight, and cargo restricted highways--Equipment.
252-30	Highway illumination and policy on signs.
252-32	Vehicle parking restrictions.
252-34	Transit vehicle stop zones.
252-34A	Vehicle turn restrictions.
252-36	Speed restrictions.
252-40	Highway Advertising Control Act.
252-42	Motorist information signs.

252-44	Junkyards adjacent to highways.
252-50	Small businesses and minority contractors.
252-60	Acquisition of works of art.
252-80	Highway department personnel.
252-85	State ferries and ferry terminals.
252-300	Washington toll bridge authority.
252-990	Appendix--Manual on uniform traffic control devices for streets and highways.

Chapter 252-02 WAC COMMISSION--ORGANIZATION

WAC
252-02-001 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

252-02-001 Description of organization. [Order 270, § 252-02-001, filed 6/24/76; Order 204, § 252-02-001, filed 10/23/74; Order 69, § 252-02-001, filed 9/24/70; Order 4, filed 4/17/68.] Repealed by 79-01-033 (DOT Order 10 & Comm. Order 1, Resolution 13), filed 12/20/78. Statutory Authority: 1977 ex.s. c 151.

WAC 252-02-001 Repealed. See Disposition Table at beginning of this chapter.

Chapter 252-03 WAC PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC
252-03-010 through 252-03-990 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

252-03-010 Purpose. [Order 190, § 252-03-010, filed 7/26/74; Order 189, § 252-03-010, filed 7/24/74.] Repealed by 79-01-033 (DOT Order 10 & Comm. Order 1, Resolution 13), filed 12/20/78. Statutory Authority: 1977 ex.s. c 151. Later promulgation, see WAC 468-06-010.

252-03-020 Definitions. [Order 190, § 252-03-020, filed 7/26/74; Order 189, § 252-03-020, filed 7/24/74.] Repealed by 79-01-033 (DOT Order 10 & Comm. Order 1, Resolution 13), filed 12/20/78. Statutory Authority: 1977 ex.s. c 151. Later promulgation, see WAC 468-06-020.

252-03-025 Exempted records. [Order 190, § 252-03-025, filed 7/26/74; Order 189, § 252-03-025, filed 7/24/74.] Repealed by 79-01-033 (DOT Order 10 & Comm. Order 1, Resolution 13), filed 12/20/78. Statutory Authority: 1977 ex.s. c 151. Later promulgation, see WAC 468-06-030.

252-03-030 Description of central and field organization of the Washington State Highway Commission, Department of Highways. [Order 190, § 252-03-030, filed 7/26/74; Order 189, § 252-03-030, filed 7/24/74.] Repealed by 79-01-033 (DOT Order 10 & Comm. Order 1, Resolution 13), filed 12/20/78. Statutory Authority: 1977 ex.s. c 151. Later promulgation, see WAC 468-06-040.

252-03-040 Public records officer. [Order 190, § 252-03-040, filed 7/26/74; Order 189, § 252-03-040, filed 7/24/74.] Repealed by 79-01-033 (DOT Order 10 & Comm. Order 1, Resolution 13), filed 12/20/78.