

(6) Whenever any individual utilizes any park facility in accordance with the terms of any contract, lease, or concession agreement, with the commission.

The seven day limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section. [Statutory Authority: RCW 43.51.040(2) and 43.51.060(6). 78-05-082 (Order 39), § 352-32-280, filed 5/1/78; Order 34, § 352-32-280, filed 7/29/77.]

WAC 352-32-285 Applicability of standard fees to volunteers in parks. The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

- (1) The Park Manager has determined that the personal service is desirable;
- (2) at least four hours of service per day are performed for each campsite occupied;
- (3) the service performed does not replace or supplant that which would otherwise be performed by Parks employees or contractors;
- (4) the service performed is not one commonly performed by members of an organized trade union;
- (5) the service performed does not result in any type of development which will necessarily create future operating costs to the commission.

The seven day limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

This section does not expand or limit the provisions of RCW 43.51.130 - 43.51.160.

This section shall expire as of the 30th day of September, 1981. [Statutory Authority: RCW 43.51.040(2) and 43.51.060(6). 78-05-082 (Order 39), § 352-32-285, filed 5/1/78.]

Chapter 352-36 WAC

REGULATIONS FOR THE USE AND CONTROL OF VEHICULAR TRAFFIC ON THE OCEAN BEACHES

WAC
352-36-020 Vehicular traffic—Where permitted—Generally.
352-36-025 Equestrian traffic.

WAC 352-36-020 Vehicular traffic—Where permitted—Generally. Subject to the restrictions set forth in subsequent sections of this chapter, and except at the point of intersection of any access road and the beach, the use of motor vehicles on and along the ocean beaches shall be permitted only on that area between the extreme upper or landward limit of the hard sand area and the clam beds, and defined as the "driveable beach" in WAC 352-36-010(10). The operation, or parking, of any vehicle is prohibited above and on the landward side of the driveable beach. The provisions of this section shall not apply to official vehicles engaged in authorized

law enforcement, maintenance or sanitary patrol activities or emergency vehicles while engaged in the performance of any necessary service. [Statutory Authority: RCW 43.51.040, 43.51.660 and 43.51.680. 79-12-080 (Order 43), § 352-36-020, filed 11/30/79, effective 1/1/80; Order 13, § 352-36-020, filed 4/19/72.]

WAC 352-36-025 Equestrian traffic. (1) Equestrian traffic shall be permitted on and along the ocean beaches within the seashore conservation area year round except where prohibited by this rule or other provision of statute or rule.

(2) Equestrian traffic shall be permitted only on that area between the extreme upper and landward limit of the hard sand area and the clam beds.

(3) Equestrian access shall be permitted at the point of intersection of any access road and the beach or any equestrian trail designated by the Commission. Upland owners shall also be allowed equestrian access to and from their property, except for commercial purposes.

(4) Within the seashore conservation area, equestrian traffic shall yield the right-of-way to all pedestrian or vehicular traffic.

(5) Horses shall be ridden at a walk or led through areas of heavy pedestrian concentration. [Statutory Authority: RCW 43.51.040, 43.51.660 and 43.51.680. 79-12-080 (Order 43), § 352-36-025, filed 11/30/79, effective 1/1/80.]

Title 356 WAC

DEPARTMENT OF PERSONNEL

Chapters

- 356-06 General provisions.
- 356-10 Classification.
- 356-14 Compensation plan.
- 356-15 Compensation plan appendix.
- 356-18 Leave.
- 356-22 Recruitment—Examinations.
- 356-26 Registers—Certification.
- 356-30 Appointments—Separations.
- 356-34 Disciplinary actions—Appeals.
- 356-38 Training.
- 356-39 Human resource development.
- 356-46 Miscellaneous.

**Chapter 356-06 WAC
GENERAL PROVISIONS**

WAC
356-06-010 Definitions.
356-06-020 Exemptions.
356-06-060 Personnel board—Composition—Appointment.
356-06-070 Personnel board—Procedure—Quorum.
356-06-080 Personnel board—Powers—Duties.

WAC 356-06-010 Definitions. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT – A temporary appointment made from within the service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL – Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or, (2) work providing direct assistance to executive or administrative personnel.

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – 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.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

ANNIVERSARY DATE – Original entry date into state service as adjusted by leave without pay or break in service.

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

BARGAINING UNIT – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD – The state personnel board.

BUMPING – The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

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

DATE OF ELECTION – The date of election is the date the director certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE MANAGEMENT (As used in chapter 42 of these rules) – All personnel who have substantial responsibility for the formulation of personnel and labor relations policies, or for directing and controlling program operations of an agency, department or major administrative division thereof or employees regularly engaged in personnel work in other than a clerical capacity but including the secretary to an agency personnel officer.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing

the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the merit system rule on which

an employee is entitled to the next salary step increment within range as stated in the compensation plan.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full time or part time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for six months.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the director as "Project Employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular Civil Service employees, cannot be facilitated through the regular Civil Service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of a permanent employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION-IN-FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION IN SALARY – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the lower class which was held prior to the employee's last promotion.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force is not credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any individual having substantial responsibility on behalf of management regularly to participate in the performance of all or most of the following functions: Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not of a merely routine nature but requires the exercise of independent judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employees who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Employment during the absence of a permanent employee on leave; or

for work done at a workload peak and normally lasting for less than six months and having an end in sight; or public service type employment performed for the state as alternative service to the country as approved by the selective service system and as referred by the Selective Service Commission in accordance with the Selective Service Regulation, Section 1622.14. Employment under the alternative service provisions of this rule shall be limited to the following agency: Department of Natural Resources.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER – The change of an employee who has gained permanent status in a class with no break in service from one to another classified position having the same salary sub-range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who,

upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: *Provided*, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unmarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: *Provided* such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary sub-range of an employee's class or a salary amount that falls between the steps of a salary sub-range of an employee's class. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-06-010, filed 1/19/78; Order 113, § 356-06-010, filed 11/30/77; Order 112, § 356-06-010, filed 11/7/77; Order 109, § 356-06-010, filed 9/7/77; Order 100, § 356-06-010, filed 3/30/77; Order 98, § 356-06-010, filed 1/13/77, effective 2/13/77; Order 94, § 356-06-010, filed 11/2/76, effective 1/1/77; Order 92, § 356-06-010, filed 10/5/76, effective 11/5/76; Order 89, § 356-06-010, filed 6/30/76, effective 7/31/76; Order 86, § 356-06-010, filed 5/4/76; Order 82, § 356-06-010, filed 9/26/75; Order 80, § 356-06-010, filed 7/16/75; Order 78, § 356-06-010, filed 5/19/75, effective 7/1/75; Order 77, § 356-06-010, filed 5/7/75; Order 74, § 356-06-010, filed 3/7/75; Order 71, § 356-06-010, filed 12/30/74; Order 69, § 356-06-010, filed

9/30/74; Order 63, § 356-06-010, filed 2/26/74; Order 58, § 356-06-010, filed 9/10/73; Order 57, § 356-06-010, filed 7/31/73; Order 51, § 356-06-010, filed 12/19/72; Order 47, § 356-06-010, filed 6/14/72; Order 42, § 356-06-010, filed 1/11/72; Permanent and Emergency Order 39, § 356-06-010, filed 9/15/71; Order 36, § 356-06-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-010.]

WAC 356-06-020 Exemptions. The provisions of this title do not apply to:

(1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.

(2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.

(4) Employees of the state printing office.

(5) The officers of the Washington state patrol.

(6) Elective officers of the state.

(7) The chief executive officer of each agency.

(8) In the departments of employment security and fisheries, the director and the director's confidential secretary.

(9) In the department of social and health services, the secretary, deputy secretary, personnel director, administrative assistant, if any; not to exceed six assistant secretaries and one confidential secretary for each of the above ten named officers: *Provided*, That such confidential secretary must meet the minimum qualifications for the class of Secretary 2 as determined by the state personnel board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the Director to be equivalent.

[(g)] Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington state fruit commission.

(b) Washington state apple commission.

(c) Washington state dairy products commission.

(d) Washington state wheat commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: *Provided, however,* That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in

addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary. [Statutory Authority: RCW 41.06.150(17). 79-12-012 (Order 137), § 356-06-020, filed 11/13/79; 78-05-025 (Order 119), § 356-06-020, filed 4/14/78; Order 63, § 356-06-020, filed 2/26/74; Order 37, § 356-06-020, filed 8/17/71, effective 9/17/71; Order 36, § 356-06-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-020.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 356-06-060 Personnel board--Composition--Appointment. (1) The Personnel Board shall consist of three members appointed by the governor and confirmed

by the senate. Each member must: Have clearly demonstrated an interest and belief in the merit principle; shall not hold any other employment with the state; shall not have been an officer of a political party within one year prior to appointment; shall not become a candidate for partisan political office during his/her term on the board.

(2) Members of the board shall serve overlapping terms of six years. A member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the remainder of such term.

(3) The board shall annually elect a chairman and vice-chairman from among its members to serve one year. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-06-060, filed 4/14/78; Order 36, § 356-06-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-090.]

WAC 356-06-070 Personnel board--Procedure--Quorum. In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. The board shall conduct hearings when called by the Chairman of the Board or by a majority of the members. An official notice of the calling of a hearing shall be filed with the secretary, and all of the members shall be notified of the hearing within a reasonable period of time prior to its convening. When Merit System Rules, personnel policies, classification and pay plans, and amendments thereto are to be considered by the board, 20 days' notice shall be given to employee representatives and agencies affected. The board will give due consideration to proposals submitted by such representatives or agencies prior to action on such personnel policies, classifications or pay plans. The presence of two members of the board shall constitute a quorum to transact business. In the conduct of hearings or investigations, a member of the board, or the Director of Personnel, may administer oaths. A written public record of the actions of the board will be maintained. No material may be released nor statement of findings may be made without the approval of a majority of the board. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-06-070, filed 4/14/78; Order 36, § 356-06-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-100.]

WAC 356-06-080 Personnel board--Powers--Duties. It shall be the responsibility of the board to:

(1) Establish general policies for the administration of Merit System examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the Merit System.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the State

Civil Service Law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions with the number of names equal to two more names than there are vacancies to be filled. The names shall represent applicants ranked highest on eligibility lists.

(c) Examinations for all positions in the competitive and noncompetitive service.

(d) Appointments.

(e) Probationary periods of six months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment, both according to seniority.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the Director of the Office of Financial Management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular increments within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service.

(p) Compliance with existing veterans preference statutes. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-06-080, filed 4/14/78; Order 75, § 356-06-080, filed 3/24/75; Order 36, § 356-06-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-110.]

Chapter 356-10 WAC CLASSIFICATION

WAC

356-10-030

356-10-050

356-10-060

Positions—Allocation—Reallocation.

Positions—Reallocation upward—Incumbents.

Allocation—Request for review.

WAC 356-10-030 Positions--Allocation--Reallocation. (1) Position allocations or reallocations shall be based upon an investigation of duties and responsibilities assigned and/or performed and other information and

recommendations. Every position shall be allocated to an established class.

(2) Allocations may be made by:

(a) The director or designated staff of the Department of Personnel; OR,

(b) By agency directors or other designees authorized under (3) below.

(3) Agency directors may request and the Director of Personnel may approve, the authorization of the agency director or designee to approve or disapprove the allocation or reallocation of positions to established classes under the Merit System Rules and procedures approved by the Director of Personnel.

(4) It shall be the duty of the appointing authority and/or the personnel representative to report to the Director of Personnel any changes in duties, responsibilities or organization in a position which may affect position allocation.

(5) Agencies shall establish procedures for processing and reporting new positions, changes in position duties, and requests for position review to provide proper maintenance of the classification plan. The procedure shall provide for individual employee requests for position review, based on duties and responsibilities, through the agency personnel office to the Director of Personnel. This procedure will not cause undue delay in the Director of Personnel or designee reviewing the requested reclassification. Such procedures shall be reviewed and approved by the Director of Personnel or designee. Notice of changes in this procedure initiated by agencies, will be provided to exclusive bargaining representatives and a copy to the Director of Personnel.

(6) Questions concerning the previous classification of employees due to the retitling, reallocating or reclassification of positions will be determined by the Director of Personnel or designee.

(7a) Employees affected by agency initiated reallocations shall be notified in writing by the agency not less than 20 calendar days in advance of the intended date of the action, provided that this notice requirement shall not preclude the establishment of effective dates for other than competitive reallocations as provided in WAC 356-10-050.

(b) Any official authorized in (2) above to make allocation or reallocation determinations shall immediately transmit a written notice of the determination to the employee in the position affected by that determination. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)], 79-03-010 (Order 128), § 356-10-030, filed 2/14/79; 78-12-026 (Order 126), § 356-10-030, filed 11/15/78; Order 77, § 356-10-030, filed 5/7/75; Order 75, § 356-10-030, filed 3/24/75; Order 36, § 356-10-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-030, 356-08-040, 356-08-050 and 356-16-175.]

WAC 356-10-050 Positions--Reallocation upward--Incumbents. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined

by the Director of Personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the rule governing promotion.

(2) Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year, shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the Director of Personnel or designee.

(b) The employee passes the appropriate examination.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within 60 days, the provisions governing reduction-in-force shall apply. This shall not preclude the employee's eligibility for a provisional appointment under these rules. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency- or major subdivision-wide classification review planned and conducted by the Department of Personnel, when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) Paragraphs (1) or (2) apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The Director of Personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) The effective date of other than competitive reallocations and appointments in (2) and (5) above will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the Department of Personnel. Receipt of such classification questionnaires shall be acknowledged by the Department of Personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the Department of Personnel.

(7) The Department of Personnel, the Director of Personnel, and the State Personnel Board shall not award additional compensation to an employee for any

period prior to the date on which the classification questionnaire was received by the Department of Personnel. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 79-03-010 (Order 128), § 356-10-050, filed 2/14/79; 78-12-026 (Order 126), § 356-10-050, filed 11/15/78; 78-10-070 (Order 123), § 356-10-050, filed 9/26/78; Order 84, § 356-10-050, filed 10/20/75, effective 11/17/75; Order 64, § 356-10-050, filed 3/20/74; Order 36, § 356-10-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-080.]

WAC 356-10-060 Allocation--Request for review. A review by the Director of Personnel or designee of the determination of the allocation or reallocation of a position may be requested by an employee who is incumbent in the position at the time the position reallocation was requested or by the agency director as follows:

(1) The written request for a review must be filed with the Director of Personnel within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The Director of Personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the Director of Personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the Director of Personnel or designee shall set a date for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated Department of Personnel analyst: *provided*, That the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The Director of Personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency may request a review of the determination of the Director of Personnel or designee by the State Personnel Board. The written request for a board review must be filed with the Director of Personnel within 30 calendar days following notification of the Director of Personnel or designee's determination and must contain the reason and basis for the review. The review by the State Personnel Board will be limited to the documents from the proceedings before the director or designee, and the State Personnel Board, in its discretion, may schedule a hearing for argument or it may issue a decision without a hearing. Any of the above designated parties may submit or may be required to submit a written memorandum. The State Personnel Board will issue a written determination and provide each of the participating parties with a copy.

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the Director of Personnel or designee has

had a reasonable period of time to re-examine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 79-03-010 (Order 128), § 356-10-060, filed 2/14/79; 78-12-026 (Order 126), § 356-10-060, filed 11/15/78; 78-10-070 (Order 123), § 356-10-060, filed 9/26/78; Order 87, § 356-10-060, filed 5/4/76, effective 6/5/76; Repealed by Order 81, § 356-10-060, filed 8/21/75, effective 9/21/75*; Order 36, § 356-10-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-090.]

**Chapter 356-14 WAC
COMPENSATION PLAN**

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|------------|--|
| WAC | |
| 356-14-025 | Repealed. |
| 356-14-030 | Compensation plan--Approval by the director of the office of financial management. |
| 356-14-050 | Compensation plan--Reporting periodic recommendations. |
| 356-14-110 | Salary--Periodic increment dates--Original--Subsequent. |
| 356-14-120 | Salary--Periodic increment date--Promotion. |
| 356-14-140 | Salary--Increase on promotion. |
| 356-14-180 | Salary--Reversion--Computation. |
| 356-14-200 | Salary--Interagency movement. |
| 356-14-210 | Salary--Accrued leave credits--Transfer--Effect. |
| 356-14-270 | Salary--Overtime payment on separation from job. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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|------------|--|
| 356-14-025 | Compensation--Housing Committee--Responsibilities. [Order 77, § 356-14-025, filed 5/7/75.] Repealed by 78-05-025 (Order 119), filed 4/14/78. Statutory Authority: RCW 41.06.150(17). |
|------------|--|

WAC 356-14-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 356-14-030 Compensation plan--Approval by the director of the office of financial management. Adoption and revision of the compensation plan is subject to the approval of the Director of the Office of Financial Management in accordance with the provisions of RCW 43.88.160(1)(c). [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-14-030, filed 4/14/78; Order 36, § 356-14-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-121.]

WAC 356-14-050 Compensation plan--Reporting periodic recommendations. The results of the salary survey shall be forwarded with a recommended salary schedule to the Governor and the Director of the Office of Financial Management for their use in preparing budgets to be submitted to the succeeding legislature. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-14-050, filed 4/14/78; Order 36, § 356-14-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-181.]

WAC 356-14-110 Salary--Periodic increment dates--Original--Subsequent. (1) The periodic increment date (PID) is the date on which an employee automatically advances to a higher dollar amount in the range to which the employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit his/her retention in a job status.

(2) The dollar amount of the increase will be two salary schedule increments; except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the Compensation Plan Appendix or chapter 15.

(3) The original periodic increment date for an employee is:

(a) Six continuous months from the date the employee began work at the first step of a salary range, or

(b) One calendar year from the date on which the employee began work at an intervening salary step; provided that in either (a) or (b):

(i) Any work period starting before the 16th of the month will count as a full month.

(ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

(4) The date shall be recomputed following leaves of absence without pay, in accordance with WAC 356-18-220, breaks in serve due to reduction-in-force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

(5) A periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the Merit System Rules. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-110, filed 9/18/79; 78-06-017 (Order 120), § 356-14-110, filed 5/12/78; Order 109, § 356-14-110, filed 9/7/77; Order 36, § 356-14-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-134.]

WAC 356-14-120 Salary--Periodic increment date--Promotion. An employee who receives a salary increase through promotion shall retain his/her present periodic increment date except:

(1) When the employee is placed at the first step, the employee either retains his/her present periodic increment date or assumes a new one six calendar months from the promotion, whichever date occurs first.

(2) An employee with no periodic increment date, because he/she is being promoted from a maximum step or

a Y-rated amount above the maximum step of a range, will assume a new periodic increment date if the employee is moving to a minimum or intervening salary step as provided in WAC 356-14-110. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-120, filed 9/18/79; Order 109, § 356-14-120, filed 9/7/77; Order 36, § 356-14-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-135.]

WAC 356-14-140 Salary--Increase on promotion.

(1) An employee who is promoted less than six basic salary ranges shall have his/her salary increased by the next two salary schedule increments over the basic salary he/she received immediately prior to the promotion, or

(a) To the minimum step of the newly assigned range, if the minimum dollar amount is higher, or

(b) To the maximum step of the newly assigned range, if a two-increment increase would have otherwise placed the employee above the maximum step of the range, or

(c) To the next higher salary schedule dollar amount which would represent more than a one-increment increase but no more than a two-increment increase, if the employee's basic salary was between two salary schedule steps, and (a) or (b) above do not apply.

(2) When an employee is promoted to a new classification at least six basic salary ranges above his/her former classification, he/she shall have his/her salary increased by the next four salary schedule increments over his/her former basic salary; or

(3) When an employee is promoted in either situation (a) or (b) below, his/her salary shall be increased by the next four salary schedule increments over his/her former salary:

(a) The employee is promoted over an intervening class in his/her class series, or

(b) An employee is promoted from one class series to a higher class series and over an intervening class in the new series which would have represented a promotion.

(4) Whenever a promotion would require an employee to move his/her residence to another geographic area to be within a reasonable commuting distance of the new place of work, he/she shall have his/her salary increased by the next four salary schedule increments over the former basic salary.

(5) Employees will be entitled to only one of the increases of (2), (3) or (4) above, and not the accumulation, when the situations happen within 12 months of each other.

(6) When the increase prescribed in (2), (3) and (4) above would result in a salary above the maximum of a range or the increase was from an amount between the steps, then the same limitations prescribed in (1) (a), (b) or (c) will prevail.

(7) Any additional salary ranges that were afforded by a special pay provision shall not be used in the above computations.

(8) The dollar amount increase is stated otherwise in the Compensation Plan Appendix or chapter 15 but will not be used in the above computation.

(9) Increases will not be provided as above when teachers' salaries are prescribed in the teachers and principal salary schedules. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-140, filed 9/18/79; 78-06-017 (Order 120), § 356-14-140, filed 5/12/78; Order 109A, § 356-14-140, filed 10/6/77, effective 11/6/77; Order 109, § 356-14-140, filed 9/7/77; Order 36, § 356-14-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-139.]

WAC 356-14-180 Salary--Reversion--Computation. A reverted employee shall be paid at the step of the range which he/she normally would have received had he/she not been promoted. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-180, filed 5/12/78; Order 36, § 356-14-180, filed 7/1/71, effective 8/1/71.]

WAC 356-14-200 Salary--Interagency movement. An employee who moves from one agency to another shall remain on his/her present payroll through the final calendar day preceding the change and be entered upon the payroll of the new employing agency upon his/her first work day. If the change occurs following the last day of the month, he/she shall be entered on the new employer's payroll on the first day of the succeeding month. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-200, filed 5/12/78; Order 36, § 356-14-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-141.]

WAC 356-14-210 Salary--Accrued leave credits--Transfer--Effect. When an employee moves from one state agency to another, regardless of status and with no interruption in service, the accrued leave shall be transferred to the new agency even though the employee may not be eligible to use the vacation leave until he/she has completed a total of six months' continuous service. The employee is not entitled to separation pay for the accrued leave as a result of the change. Pay for the accrued vacation leave is due only when an employee separates from state service. Movement from one agency to another is not termination of employment with state government. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-210, filed 5/12/78; Order 36, § 356-14-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-145.]

WAC 356-14-270 Salary--Overtime payment on separation from job. Employees moving from one to another agency or employees leaving state employment shall be compensated in cash for accumulated overtime by the agency from which the employee is being separated. (1) In the event of death of an employee, accumulated overtime shall be paid to appropriate persons as provided by law.

(2) If a function or program, together with assigned employees, is transferred from one to another agency, all accumulated overtime shall also be transferred. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-270, filed 5/12/78; Order 36, § 356-

14-270, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-156.]

**Chapter 356-15 WAC
COMPENSATION PLAN APPENDIX**

| | |
|------------|---------------------------------------|
| WAC | |
| 356-15-020 | Work period designations. |
| 356-15-030 | Overtime provisions and compensation. |
| 356-15-050 | Holiday compensation. |
| 356-15-120 | Special assignment pay provisions. |
| 356-15-130 | Special pay ranges. |

WAC 356-15-020 Work period designations. The personnel board shall assign a specific work period designation to each classification. The personnel board may authorize a work period designation which differs from the class-wide designation for specific positions having atypical working conditions. When two or more designations are indicated for a job classification, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation.

(1) Scheduled (S):

(a) Standard: Full time positions with conditions of employment which may be completed within five consecutive work days each having the same starting time and lasting not more than eight working hours, and occurring within the same workweek.

(b) Alternate: Full time positions with conditions of employment which may be completed within:

(i) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(ii) Four work days lasting not more than ten working hours each within the same workweek; or

(iii) Ten consecutive work days with four consecutive days off; or

(iv) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(2) Nonscheduled (NS): Full time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions normally have no scheduled starting and/or quitting time, but management may designate specific tasks which require assigned hours.

(3) Exceptions (E): In determining which positions are designated in the "Exceptions" work period, the personnel board shall consider the following factors:

(a) Positions which meet the definition (WAC 356-06-010) of administrative personnel, agricultural personnel, executive personnel, housed personnel, law enforcement personnel, professional personnel.

(b) Positions which have historically been paid overtime by the state.

(c) Positions which have direct counterparts in private industry or other governmental jurisdictions and which have an historical or prevailing practice of paying overtime.

(d) Other factors it may deem to be appropriate. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-15-020, filed 9/18/79; Order 113, § 356-15-020, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-020, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-020, filed 5/4/76, effective 10/1/76.]

WAC 356-15-030 Overtime provisions and compensation. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty working hours in one workweek or eighty working hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020(1)(b)(iv).

(c) Work on a holiday (except Sunday when it is within the assigned workshift).

(d) Work on a scheduled day off.

(e) Law enforcement work in excess of 240 hours in a work period of 28 consecutive days (60 hours in a work period of 7 consecutive days or in the case of any work period between 7 and 28 days, a proportionate number of hours in such a work period).

(2) Scheduled work period employees shall receive overtime compensation for work which meets (1)(a) through (d). However, an agency is not obligated to pay overtime due to a change in the work day or workweek, when such change is in response to a written request from an employee for employee convenience.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets (1)(b) through (d) and may be paid overtime compensation for work which meets (1)(a).

(4) Exception work period employees are not normally compensated beyond their regular rate of pay for work which meets (1)(a) through (d). However, they may be compensated for any of those conditions if their appointing authority deems it appropriate. The rate of overtime compensation may be fixed by the appointing authority but may not exceed time-and-one-half the regular rate of pay for these employees.

Law enforcement employees shall receive overtime compensation for work that meets (1)(e) and at the rate of time-and-one-half.

(5) Unless otherwise provided in the work period designations or other personnel board decisions, the rate of overtime compensation for scheduled and nonscheduled work period employees shall be time-and-one-half.

Overtime compensation shall be paid in either cash or compensatory time off, provided that such compensation

is paid in a manner consistent with the overtime liquidation provisions of the merit system rules.

Only when an agency and the employee agree may compensatory time off be used in lieu of cash compensation for overtime. When compensatory time is utilized by scheduled or nonscheduled work period employees it shall be compensated at the rate of time-and-one-half. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-15-030, filed 9/18/79; Order 113, § 356-15-030, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-030, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-030, filed 5/4/76, effective 10/1/76.]

WAC 356-15-050 Holiday compensation. (1) All full-time employees shall be compensated for the days that are designated as holidays, except Sundays, as listed in WAC 356-18-020 and 356-18-030(2), (3) and (4) at a straight-time rate even though they do not work. In addition:

(a) Scheduled and nonscheduled work period employees shall be compensated for the hours actually worked on a holiday at a time-and-one-half rate.

(b) Exception work period employees, while not normally compensated additionally for work performed on a holiday, may be compensated for the hours actually worked on a holiday at a rate not to exceed time-and-one-half, when their appointing authority deems it appropriate.

(2) Compensation shall be in either cash or compensatory time as indicated in WAC 356-15-030(5). [Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-15-050, filed 6/12/78; Order 98, § 356-15-050, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-050, filed 5/4/76, effective 10/1/76.]

WAC 356-15-120 Special assignment pay provisions. Classes to which this rule applies are marked with the letters "AP" after their titles in the compensation plan.

(1) For supervision, training and counseling of mentally retarded residents or mental patients. Basic salary range plus two salary ranges shall be paid only to employees in the classes below who have this supervision assigned.

0610 - Retail Clerk 1
0612 - Retail Clerk 2
8003 - Food Service Aide 1
8005 - Food Service Aide 2
8007 - Food Service Aide 3
8205 - Laundry Worker 1
8430 - Seamstress 1
8432 - Seamstress 2

(2) For full time assignment to forklift operations. Basic salary range plus \$10 per month shall be paid only to employees in the class below who have this duty assigned.

7770 - Warehouse Worker 1

(3) For required scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than master diver) who have this duty assigned.

(4) For (a) assignment to a telephone board with four or more positions; (b) specific assignment to primary responsibility for security communications control or emergency admissions processing at an institution; or (c) direct supervisory responsibility over PBX operators having assignments (a) or (b) above. Basic salary range plus two ranges shall be paid only to employees in the classes below who are assigned these responsibilities.

- 0215 - PBX Operator
- 0216 - Chief PBX Operator

(5) For assignment to operate highway equipment rated above their present classification. Basic salary range plus the hourly difference between the top step of the Maintenance Technician 3 class and the top step of the salary range representing a four-range increase over the Maintenance Technician 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four hours pay at the higher rate for each work day in which they are required to operate the higher level equipment. Overtime for such assignments will be computed at one-and-one-half times the higher salary rate. This special assignment pay shall not apply to employees operating higher level highway equipment in a bona fide training assignment. This special pay provision shall apply only to employees in the classes below.

- 7107 - Maintenance Technician 1
- 7109 - Maintenance Technician 2
- 7111 - Maintenance Technician 3
- 7115 - Maintenance Lead Technician
- 7182 - Ferry Operator 1

(6) The board may approve special pay provisions to the compensation plan to reflect hazardous/dangerous working conditions of specific positions when: (1) such conditions are not normally expected of those positions assigned to the respective classes; and (2) such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the position works.

(7) Basic salary range plus four ranges shall be paid to employees in the Wildlife Control Agent (4105), Wildlife Agent 1 (4110) and 2 (4111) classes. This compensation is for all hours worked subject to provisions of WAC 356-15-030(1)(e).

(8) Basic salary plus four ranges shall be paid to fisheries employees in the Fisheries Patrol Officer (4120), Fisheries Patrol Boat Operator 1 (4127) and Airplane Pilot 1 (7348) classes. This compensation is in lieu of all hours worked subject to provisions of WAC 356-15-030(1)(e).

(9) Basic salary range plus four ranges for each day employees within the classification of custodian are assigned specific duties which require the use of scaffolding or safety harnesses when cleaning windows from the outside and above the first floor. Also, basic salary plus two ranges for employees within the classification of custodian who are assigned fulltime to a floor care crew and operate heavy duty floor cleaning and waxing equipment. [Statutory Authority: RCW 41.06.150(17).

79-12-012 (Order 137), § 356-15-120, filed 11/13/79. Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 79-08-029 (Order 130), § 356-15-120, filed 7/16/79; 79-01-023 (Order 127), § 356-15-120, filed 12/18/78; 78-12-026 (Order 126), § 356-15-120, filed 11/15/78; Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-15-120, filed 6/12/78; Order 110, § 356-15-120, filed 10/6/77; Order 100, § 356-15-120, filed 3/30/77; Order 98, § 356-15-120, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-120, filed 5/4/76, effective 10/1/76.]

WAC 356-15-130 Special pay ranges. Classes to which a special range applies are marked with the applicable letter designation after their range number in the Compensation Plan.

Special pay ranges are used to more nearly parallel unusual prevailing pay ranges in other governmental jurisdictions and in private industry.

(1) **"E" Range:** This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the minimum step of such a range is the same as step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after 6 months at step E and two annually thereafter up to the maximum step of the range.

(2) **"L" Range:** This special range is used only for the class of Liquor Store Clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is steps A, D, G and K, which represents ten percent per periodic increase.

Example

Steps

| | A | [B] | [C] | D | [E] | [F] | G | [H] | [I] | [J] | K |
|-----------|-------|-----|-----|-----|-----|------|------|------|------|------|------|
| Range 22L | \$868 | 890 | 912 | 959 | 983 | 1007 | 1058 | 1085 | 1112 | 1140 | 1168 |

NOTE: This atypical range will not be found in the Washington state salary schedule.

(3) **"M" Range:** This special range is used only for the class of Job Service Center Interviewer Assistant (3006). It is comprised of steps A, B and C only.

[Statutory Authority: RCW 41.06.150(17). 79-12-012 (Order 137), § 356-15-130, filed 11/13/79; Order 109, § 356-15-130, filed 9/7/77; Order 98, § 356-15-130, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-130, filed 5/4/76, effective 10/1/76.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 356-18 WAC
LEAVE

| | |
|------------|--|
| WAC | |
| 356-18-020 | Holidays. |
| 356-18-030 | Holidays—Rules—Regulations governing. |
| 356-18-040 | Holidays—During leave without pay. |
| 356-18-050 | Sick leave credit—Purpose—Accrual—Conversion. |
| 356-18-060 | Paid sick leave—Use. |
| 356-18-070 | Sick leave—Reporting. |
| 356-18-080 | Sick leave—Workmen's compensation—Adjustment. |
| 356-18-100 | Vacation leave—Computation—How made. |
| 356-18-120 | Miscellaneous leave. |
| 356-18-140 | Leave without pay. |
| 356-18-160 | Military leave—Reemployment. |
| 356-18-220 | Leave—Extension of anniversary date—Periodic increment date—Effect—Exceptions. |

WAC 356-18-020 Holidays. (1) Legal holidays are designated by statute. The following are legal holidays as established by RCW 1.16.050:

| | |
|--|-----------------------------|
| Sunday | |
| New Year's Day | January 1 |
| Lincoln's Birthday | February 12 |
| Washington's Birthday | Third Monday in February |
| Memorial Day | Last Monday of May |
| Independence Day | July 4 |
| Labor Day | First Monday in September |
| Veteran's Day | November 11 |
| Thanksgiving Day | Fourth Thursday in November |
| The day immediately following Thanksgiving Day | |
| Christmas Day | December 25 |

(2) Employees, except hourly rated faculty employees and those employees employed on the basis of contracts for a specified number of work days or faculty appointments, may select another day each calendar year on which to take an additional holiday as provided in WAC 356-18-025. [Statutory Authority: RCW 41.06.150(17), 78-04-014 (Order 117), § 356-18-020, filed 3/9/78; Order 109, § 356-18-020, filed 9/7/77; Order 87, § 356-18-020, filed 5/4/76; Order 65, § 356-18-020, filed 4/22/74; Order 36, § 356-18-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-350.]

WAC 356-18-030 Holidays--Rules--Regulations governing. (1) The holidays cited in WAC 356-18-020 except Sundays are paid nonworking days for eligible employees.

(2) When operational necessity requires that employees work on a holiday except Sundays, they shall be compensated in accordance with the applicable provisions of the Compensation Plan Appendix and chapter 356-15 WAC.

(3) For employees on a Monday through Friday work schedule:

(a) Whenever any legal holiday falls on a Saturday, the preceding Friday shall be the holiday. Whenever any legal holiday, other than a Sunday, falls on a Sunday, the following Monday shall be the holiday.

(4) For employees working at least thirty-two hours per week but not on a Monday through Friday work schedule:

(a) When a holiday (other than Sunday) as identified in WAC 356-18-020(1) falls on the employee's scheduled work day, that day will be considered the holiday.

(b) When a holiday (other than Sunday) as identified in WAC 356-18-020(1) falls on the employee's scheduled day off, agency heads shall, with respect to each individual employee, treat either the last preceding or the next following work day as the holiday.

(5) Temporary employees shall be given compensatory time or compensated for holidays in the same manner as permanent employees.

(6) Part-time employees who were on the payroll for at least ten working days during the month (but not including the holiday) and on their regularly scheduled work day immediately preceding the holiday and their regularly scheduled work day immediately following the holiday will be given compensatory time for the holiday in a proportionate amount of time actually worked during the month. [Statutory Authority: RCW 41.06.150(17), 78-04-014 (Order 117), § 356-18-030, filed 3/9/78; Order 109, § 356-18-030, filed 9/7/77; Order 36, § 356-18-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-360, 356-12-380.]

WAC 356-18-040 Holidays--During leave without pay. An employee who would otherwise be entitled to a holiday but is on leave without pay will receive compensation for the holiday provided he/she has been in pay status for ten working days during the month, not counting the holiday. [Statutory Authority: RCW 41.06.150(17), 78-06-017 (Order 120), § 356-18-040, filed 5/12/78; Order 36, § 356-18-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-370.]

WAC 356-18-050 Sick leave credit--Purpose--Accrual--Conversion. (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) Eight hours of sick leave credit shall be granted for each month in which a full-time employee is in pay status for 15 or more calendar days.

(3) 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 sick leave balance at the end of the previous year exceeds 480 hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours 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 total 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 department of retirement systems (DRS).

(c) No contributions are to be made to the department of retirement systems (DRS) for such payments in (a) or (b) above, nor shall such payments be reported to DRS as compensation.

(4) An employee who separates for any reason other than retirement or death shall not be paid for his/her accrued sick leave.

(5) Former employees who are again employed within two years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050(3)(b).

(6) Employees coming under the jurisdiction of the state personnel board from the jurisdiction of the higher education personnel board by the provisions of WAC 356-06-055(4) shall be credited with their sick leave accumulated with the higher education system. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-18-050, filed 9/18/79; Order 80, § 356-18-050, filed 7/16/75; Order 69, § 356-18-050, filed 9/30/74; Order 52, § 356-18-050, filed 12/19/72; Order 49, § 356-18-050, filed 8/17/72; Order 48, § 356-18-050, filed 7/19/72; Order 36, § 356-18-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020, 356-12-040.]

WAC 356-18-060 Paid sick leave—Use. (1) Personal Illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(2) Illness of Relatives or Household Members: Accumulated sick leave shall be granted up to five days for each occurrence or as extended by the agency when an employee is required to be absent from work for any of the following reasons:

(a) Illness, injury or preventative health care of members of the employee's household or relatives of the employee that requires the employee's attendance.

(b) For purposes of provisions of (2), "relatives" shall include:

(1) Spouse.

(2) Son, daughter, grandchild, or foster child.

(3) Grandparent or parent.

(c) For purposes of the provisions of (2); and (3) (a) below:

Members of household means "Persons who reside in same home, who have reciprocal and natural and/or

moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

(3) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

(a) Death of members of the employee's household or relatives of the employee or the employee's spouse.

(b) For purposes of the provisions of (3), "relatives" shall include:

(1) Spouse.

(2) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.

(3) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

(4) Inability of employee to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

(5) In addition to the reasons listed above, emergency care of a child in the custody of and residing in the home of an employee. (Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.)

(6) When a condition listed under (1) (a), or (c) above arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. [Statutory Authority: RCW 46.06.150(17). 79-03-010 (Order 128), § 356-18-060, filed 2/14/79; Order 84, § 356-18-060, filed 10/20/75; Order 64, § 356-18-060, filed 3/20/74; Order 51, § 356-18-060, filed 12/19/72; Order 48, § 356-18-060, filed 7/19/72; Order 46, § 356-18-060, filed 5/9/72; Order 44, § 356-18-060, filed 4/14/72; Order 36, § 356-18-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020 (part), 356-12-100 (part).]

WAC 356-18-070 Sick leave—Reporting. (1) Absence due to illness or injury shall be reported at the beginning of the absence and in accordance with agency procedure.

(2) Upon the return to work the employee shall complete a written statement explaining the nature of the absence. The appointing authority may require a medical certificate.

(3) Sick leave shall be charged in units of half or full days or if the agency wishes on an hourly basis. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-070, filed 5/12/78; Order 36, § 356-18-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-021.]

WAC 356-18-080 Sick leave--Workmen's compensation--Adjustment. (1) The employee shall file an application for workmen's compensation in accordance with state law for a period of absence from work due to injury or occupational disease resulting from state employment.

(2) An employee may elect to receive only time loss compensation rather than utilize any available sick leave credits. The employing agency shall make such option known to the employee.

(3) Should an employee elect to receive both time loss compensation and paid sick leave, sick leave credits may be used only to the following extent:

(a) Total number of hours which would have been charged to sick leave, minus number of hours at regular salary for which payment was made by the workmen's compensation fund.

(4) If an employee has no sick leave accumulated, the words *vacation leave* may be substituted for *sick leave* above.

(5) Should any employee apply for time loss compensation and the claim is then or later denied, sick leave and vacation leave may be used for the absence in accordance with other provisions of this rule.

(6) Until eligibility for workmen's compensation is determined by the Department of Labor and Industries, the agency may pay full sick leave, provided that the employee shall return any subsequent overpayment to the agency. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-080, filed 5/12/78; Order 36, § 356-18-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-022.]

WAC 356-18-100 Vacation leave--Computation--How made. When an employee separates from service by reason of resignation, layoff, dismissal, retirement or death, and is entitled to cash credit or payment for any unliquidated vacation leave, compensation shall be computed by using the formula published by the Office of Financial Management.

(1) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction-in-force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), RCW 41.06.100, or WAC 356-30-045.

(2) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

(3) The separation cited in (1) above will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register. [Statutory Authority: RCW 41.06.150(17).

78-06-017 (Order 120), § 356-18-100, filed 5/12/78; Order 109, § 356-18-100, filed 9/7/77; Order 82, § 356-18-100, filed 9/26/75; Order 63, § 356-18-100, filed 2/26/74; Order 48, § 356-18-100, filed 7/19/72; Order 45, § 356-18-100, filed 4/17/72, effective 6/1/72; Order 36, § 356-18-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-070, 356-12-100 (part).]

WAC 356-18-120 Miscellaneous leave. (1) Leave with pay may be allowed to permit an employee to take an examination for a State position, serve as a member of a jury, or perform other civil duties.

(2) Employees who receive compensation for performing civil duties during working hours shall retain their regular salary but the amount of such additional compensation up to the amount of the employee's basic salary shall be returned or credited back to the agency. The employees shall retain travel reimbursement, and per diem, if any. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-18-120, filed 9/18/79; Order 77, § 356-18-120, filed 5/7/75; Order 36, § 356-18-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-110.]

WAC 356-18-140 Leave without pay. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.

(2) Leave without pay may be authorized for any reasons applicable to:

(a) Leave with pay.

(b) Educational leave.

(c) Newborn or adoptive child care leave as provided in WAC 356-18-150.

(d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the director of personnel.

(3) Leave of absence without pay shall not be allowed to an extent aggregating more than 12 months in any consecutive period of five years, except for leaves of absence for military, U.S. Public Health Service, Peace Corps, authorized government leave of no more than two years' duration, for employees receiving time loss compensation or for leaves under provisions of WAC 356-39-120. [Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-18-140, filed 9/18/79. Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-18-140, filed 9/26/78; Order 99, § 356-18-140, filed 2/24/77; Order 69, § 356-18-140, filed 9/30/74; Order 63, § 356-18-140, filed 2/26/74; Order 46, § 356-18-140, filed 5/9/72; Order 36, § 356-18-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-130, 356-12-140, 356-12-180.]

WAC 356-18-160 Military leave--Reemployment.

(1) Any person who is a resident of this state and who

voluntarily or upon demand vacates a position of employment to determine physical fitness to enter or who actually does enter upon active duty or training in the Washington National Guard, the armed forces of the United States or the United States public health service shall be reemployed within 90 days of discharge under the conditions prescribed in WAC [RCW] 73.16.031 through 73.16.061.

(2) Such persons must return to state service within three months after serving four years or less provided that any additional service imposed by law will not affect their reemployment rights (RCW 73.16.035). [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-160, filed 5/12/78; Order 36, § 356-18-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-150, 356-12-160.]

WAC 356-18-220 Leave--Extension of anniversary date--Periodic increment date--Effect--Exceptions. When an employee is on leave of absence without pay for any period in excess of 15 consecutive calendar days, except military and U.S. Public Health Service leave, state service in an exempt position, or from government service which had Director of Personnel approval or on leave following injuries sustained while performing the state-position duties, the anniversary date and periodic increment date of such employees shall be moved forward in amount equal to the entire duration of that leave of absence. A leave of absence without pay of 15 calendar days or less will not affect the anniversary date. The periodic increment date and anniversary date will be continued if the leave of absence was an educational leave of absence in accordance with the provisions of WAC 356-39-120. When an employee is in a position assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a 12-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-18-220, filed 9/26/78; Order 36, § 356-18-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-200.]

Chapter 356-22 WAC

RECRUITMENT--EXAMINATIONS

WAC

| | |
|------------|---|
| 356-22-070 | Applications--Disqualification. |
| 356-22-100 | Examinations--Time and place. |
| 356-22-120 | Examinations--Promotional--Evaluations--Regulations. |
| 356-22-130 | Examinations--Minimum qualifications waived or modified--Examinations modified. |
| 356-22-170 | Examination results--Notice requirements. |
| 356-22-180 | Examination--Oral examining board. |
| 356-22-190 | Examinations--Physical. |
| 356-22-200 | Examination--Verification of application content. |
| 356-22-230 | Examinations--Noncompetitive. |

WAC 356-22-070 Applications--Disqualification. The director is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, or, after examination, may disqualify such applicant or remove his/her name from a register or refuse to certify any person otherwise eligible on a register if:

(1) The applicant is found to lack any of the requirements established for the class.

(2) The applicant is so disabled as to be rendered unfit to perform the duties of the class.

(3) The applicant is addicted to the use of narcotics, or the habitual excessive use of intoxicating liquors.

(4) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he[]she is applying.

(5) The applicant has made a false statement of material fact in the application.

(6) The applicant has previously been dismissed or requested to resign from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(7) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(8) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(9) The applicant has otherwise violated provisions of these rules.

(10) The applicant has taken part in the compilation, administration or correction of the examination. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-070, filed 5/12/78; Order 36, § 356-22-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-120.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 356-22-100 Examinations--Time and place. Examinations shall be held at such times and places as are necessary to meet the requirements of the state service, provide economical administration, and be generally convenient for applicants. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-100, filed 5/12/78; Order 36, § 356-22-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-150.]

WAC 356-22-120 Examinations--Promotional--Evaluations--Regulations. (1) Inter- and intra-agency promotional examinations shall be announced as the director determines the need and shall be open to permanent and trial service employees and employees who have been separated by reduction-in-force within the last year who meet the minimum requirements of the position. Promotional examinations shall consist of any

combination of written, performance or oral test, or rating of training and experience.

(2) The announcement of the promotional examination shall specify the desirable or minimum requirements, the parts of the examination and the method of rating. Announcements shall be prominently posted by all appropriate agencies to ensure that the information is reasonably available to all.

(3) For a class used by only one agency, a promotional evaluation may be used in promotional scores if the class is in workweek group E and all competing employees are employed by the same agency at the time of the examination.

(4) When any of the conditions in (3) above are not met, a promotional evaluation may be used in promotional scores provided that the director determines such promotional evaluations are practical and necessary to improve the effectiveness of the examination. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-120, filed 5/12/78; Order 49, § 356-22-120, filed 8/17/72; Order 42, § 356-22-120, filed 1/11/72; Order 36, § 356-22-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-020.]

WAC 356-22-130 Examinations--Minimum qualifications waived or modified--Examinations modified.

(1) Upon the written request of the appointing authority, the director may waive or modify the minimum qualifications for a class to fill a vacant position on a one-examination basis only when (a) there is an incomplete register following recent recruiting; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the director determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The director may admit to an examination an applicant who does not technically meet the published minimum qualifications if the director determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The director may modify or substitute, for a handicapped applicant, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the handicap of the individual to be tested when, in the judgment of the director, all or portions of the examination constitutes an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the handicap. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-130, filed 5/12/78; Order 80, § 356-22-130, filed 7/16/75, effective 8/16/75; Permanent and Emergency Order 50, § 356-22-130, filed 10/19/72; Order 36, § 356-22-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-024.]

WAC 356-22-170 Examination results--Notice requirements. Each applicant shall receive written notice of his/her final rating as soon as it is computed. Within 30 calendar days following the test, the applicant may request and receive information regarding his/her score on any part of the examination, or may give written authorization for the appointing authority, personnel officer, or employee representative to obtain the information. The same information may, upon request, be furnished to an agency personnel officer or appointing authority concerning a certified eligible. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-170, filed 5/12/78; Order 36, § 356-22-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-210.]

WAC 356-22-180 Examination--Oral examining board. The members of oral examining boards shall be chosen primarily for their ability to judge the technical and personal qualifications of people in their general field of work, impartially and objectively. At least one member by past experience and training shall be generally familiar with the nature of work in the class. No examining board may have less than two members. No person holding political office or any officer or committee member of any political organization shall serve as a member of such board. If conditions require establishing multiple boards, tests and instructions shall be structured to insure uniformity of examining conditions and rating standards. Members of an oral examination board shall disclose each instance in which they know an applicant to the extent that they have formed a prior personal bias for or against an applicant and shall disqualify themselves without rating the applicant or biasing the remaining members. [Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-22-180, filed 3/9/78; Order 36, § 356-22-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-220.]

WAC 356-22-190 Examinations--Physical. Before appointment, applicants may be required to pass a health examination relevant to the physical demands of the work. The cost of such examination will be borne by the employing agency. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-190, filed 5/12/78; Order 36, § 356-22-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-240.]

WAC 356-22-200 Examination--Verification of application content. The director may investigate the applicant's training and experience to verify the statements contained in the application. If the investigation produces information affecting the rating of training and experience, the director shall rerate the applicant's record accordingly and make any necessary adjustments in the register. The director shall also promptly notify the applicant of such rerating within ten calendar days following completion of the investigation. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-200, filed 5/12/78; Order 36, § 356-

22-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-140.]

WAC 356-22-230 Examinations--Noncompetitive.

(1) The noncompetitive service comprises those unskilled, seasonal and temporary classes or positions for which the Personnel Board has determined ranked registers to be impracticable. Although exactly the same selection procedures may be used as in the competitive service, they need not be applied beyond the point of determining that a given applicant achieves a passing score.

(2) The Director of Personnel may designate agency personnel officers to act in the director's behalf, as agents of the Department of Personnel, for purposes of establishing and maintaining unranked registers within the noncompetitive service for those positions approved by the Personnel Board. The Director of Personnel shall be responsible for developing necessary procedures which include yearly audit provisions. Applicants shall have appeal rights to the Director of Personnel in accordance with other provisions of these rules. [Statutory Authority: RCW 41.06.150(17). 79-11-046 (Order 136), § 356-22-230, filed 10/15/79, effective 1/1/80; Order 77, § 356-22-230, filed 5/7/75, effective 6/7/75; Order 71, § 356-22-230, filed 12/30/74; Order 36, § 356-22-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-280.]

**Chapter 356-26 WAC
REGISTERS--CERTIFICATION**

WAC

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| 356-26-060 | Certification--General methods. |
| 356-26-070 | Certification--Registers--Order of rank--Exception. |
| 356-26-130 | Certification--Selective--When permitted. |

WAC 356-26-060 Certification--General methods.

Upon receipt of a request for certification, the Director of Personnel shall normally certify to the appointing authority a list of names equal in number to two more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction-in-force register; the service-wide reduction-in-force register; or the dual agency reversion register.

(2) Where all names are certified exclusively from an open competitive register, the Director of Personnel may certify in ranked order up to all of the names from the open competitive register: *Provided*, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute three names per vacancy to be filled.

(3) When more than one candidate has the same examination rating, three names shall be certified as determined by lot.

(4) Additional names may be referred from the unranked registers when completing a certification. When an unranked register is used to complete a certification, all names appearing on that register shall be certified;

however, if a complete certification is possible when an unranked register is used, then the next register shall not be utilized.

(5) The Director of Personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the Director of Personnel with employees being automatically advanced after completion of one year's service in the lower level class.

(6) When the vacancy to be filled is identified as part of an agency's Affirmative Action goals as established by their approved Affirmative Action Plan, the Director of Personnel may, except where there are employees on the reduction-in-force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, State Law Against Discrimination, or for Federal Contract Compliance Purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the Department of Personnel a determination prior to the utilization of this rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The Director of Personnel or his/her designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than three names available to fill the position:

Messenger Clerk
Receptionist
Clerk 1
Clerk 2
Clerk-Steno 1 Visually Handicapped
Clerk-Steno 2 Visually Handicapped
Clerk-Typist 1
Clerk-Typist 2
Dictating Machine Transcriber
Power Keyboard Operator 1
Power Keyboard Operator 2
Clerk-Steno 1
Clerk-Steno 2
PBX Operator
Remote Terminal Typist 1
Remote Terminal Typist 2
Data Entry Operator 1
Data Entry Operator 2

If such certification contains three or more available promotional candidates, agencies shall appoint from the promotional candidates. [Statutory Authority: RCW

41.06.150(17). 79-12-072 (Order 138), § 356-26-060, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-060, filed 10/15/79, effective 1/1/80; Order 112, § 356-26-060, filed 11/7/77; Order 96, § 356-26-060, filed 12/10/76 and 12/20/76; Order 77, § 356-26-060, filed 5/7/75; Order 68, § 356-26-060, filed 6/25/74; Order 66, § 356-26-060, filed 5/28/74; Order 56, § 356-26-060, filed 6/25/73; Order 54, § 356-26-060, filed 4/26/73; Order 36, § 356-26-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-020.]

WAC 356-26-070 Certification--Registers--Order of rank--Exception. The Director of Personnel will normally certify names from the registers in the following order:

- (1) Agency reduction-in-force register.
- (2) Service-wide reduction-in-force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Service-wide reversion register.
- (6) Transfer register.
- (7) Voluntary demotion register.
- (8) Service-wide promotional register.
- (9) Reemployment unranked register.
- (10) Open competitive register.

However, if the Director of Personnel and appointing authority establish that it is in the best interest of the state to broaden the competition, the initial certification may be made from those names standing highest when registers (4), (8), and (10) are considered as one. A written request from the appointing authority must be submitted prior to recruitment. [Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-070, filed 11/30/79, effective 1/1/80; Order 72, § 356-26-070, filed 1/30/75; Order 36, § 356-26-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-030.]

WAC 356-26-130 Certification--Selective--When permitted. An appointing authority may request a selective certification of eligibles who have specialized qualifications that are required for the successful performance of the duties of the position. This request must be made prior to certification.

If the Director of Personnel determines that the facts and reasons justify the request, the highest ranking eligibles who have the specialized qualifications shall be certified.

(1) Selective certification of eligibles of only one sex shall not be made unless there is clear evidence that efficient performance of duties to be assigned could be performed by only the sex specified.

(2) Notwithstanding any other provision of these Rules, selective certification from the open competitive register may be initiated by the Director of Personnel to increase employment of minority personnel, which for purposes of this regulation shall include Blacks, Orientals, Indians, other non-whites, and Mexican- and Spanish-Americans. Such selective certification may be initiated when the Director of Personnel determines that

minority personnel are, in proportion to the total minority population of the state, under-represented either within state employment as a whole or in a geographical area of work. Such selective certification shall apply only when all names are from the open competitive register.

(3) The Director of Personnel may selectively certify eligibles who are filling project positions to fill permanent positions. Such selective certification shall apply only from names on an open competitive register. [Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-130, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-130, filed 10/15/79, effective 1/1/80; Order 69, § 356-26-130, filed 9/30/74; Order 47, § 356-26-130, filed 6/14/72; Order 39, § 356-26-130, filed 9/15/71; Order 36, § 356-26-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-090.]

Chapter 356-30 WAC

APPOINTMENTS--SEPARATIONS

WAC

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| 356-30-005 | Appointments--Permitted within rules. |
| 356-30-015 | Appointments--Prohibition of multiple appointments to single position--Exceptions. |
| 356-30-050 | Appointments--Emergency--How made--Status. |
| 356-30-070 | Appointments--Acting. |
| 356-30-075 | Appointments--Veterans--Noncompetitive. |
| 356-30-080 | Temporary employment--Exempt service. |
| 356-30-143 | Intergovernmental mobility. |
| 356-30-146 | Project employment--CETA--Title II and VI. |
| 356-30-210 | Transfer--Between agencies--Restrictions. |
| 356-30-300 | Performance evaluation--Requirements--Monitoring. |

WAC 356-30-005 Appointments--Permitted within rules. No person may be appointed to or within the classified service except as provided by these rules. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-30-005, filed 5/12/78.]

WAC 356-30-015 Appointments--Prohibition of multiple appointments to single position--Exceptions. Multiple appointments to single positions within the classified service shall be restricted to the following situations:

(1) Tandem or part-time employment where the total FTE's for all persons in the position(s) does not exceed one FTE per position

(2) reasonable training periods

(3) periods of approved leave of absence

(4) emergency, temporary, or acting appointments made in accordance with the Merit System Rules.

Any exceptions not permitted by this section must be approved in advance by the Director of Personnel, or designee. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-092 (Order 124), § 356-30-015, filed 10/2/78.]

WAC 356-30-050 Appointments--Emergency--How made--Status. (1) When an emergency occurs requiring the immediate services of a person or persons, the appointing authority may appoint a person without

following the normal procedures governing appointment. However, the appointment shall be based on the availability and fitness of the applicant without regard to race, religion, sex, age, national origin, political affiliation or other nonjob related considerations. Emergency appointments and their justification shall be reported immediately to the Director of Personnel on the approved form.

(2) An emergency appointment of an individual shall not exceed 60 calendar days.

(3) Service in an emergency appointment shall not constitute a part of the employee's probationary service. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 79-08-029 (Order 130), § 356-30-050, filed 7/16/79; Order 109, § 356-30-050, filed 9/7/77; Order 36, § 356-30-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-170.]

WAC 356-30-070 Appointments--Acting. (1) An acting appointment is an appointment of a temporary nature made from within the service to a supervisory or managerial position.

(2) Acting appointments must be approved in advance by the Director of Personnel and shall not exceed six months; however, in the event of pending major organizational changes affecting the position, the Director of Personnel may approve requests for month to month extensions for a period not to exceed 30 days beyond the date of the appointment of a permanent incumbent to that position.

(3) Appointment shall be from among those employees interested and available to accept such an appointment regardless of minimum requirements. Primary consideration should, however, be given to eligibles on the agency promotional register for the class or for a related class as determined by the Director of Personnel and the agency.

(4) An employee accepting an acting appointment shall be paid according to the rule regarding promotion, and if competitively appointed to the position will continue the basic salary and periodic increment dates set under the acting conditions.

(5) An employee shall not achieve permanent status in the higher class and upon termination of the acting appointment shall resume his/her permanent position and salary including increments which may have accrued. [Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-30-070, filed 11/30/79, effective 1/1/80; Order 56, § 356-30-070, filed 6/25/73; Order 36, § 356-30-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-194.]

WAC 356-30-075 Appointments--Veterans--Noncompetitive. (1) Appointing authorities shall prefer veterans, as defined in (2)(a) below and their widows, widowers and spouses during their initial entrance into state service when considering selecting persons from eligible lists to fill vacancies in the noncompetitive service as described in WAC 356-22-230(1). Those veterans, widows, widowers and eligible spouses determined to be at least equal to nonveterans shall be preferred over the

nonveterans except appointing authorities may, with the approval of the Director of Personnel, consider sex, race, national origin, handicaps, and periods of military service when endeavoring to satisfy their established and approved agency affirmative action plans.

(2) For the purpose of defining the eligible veterans and their widows, widowers and spouses referred to in (1) above:

(a) "Veteran" means honorably discharged persons following active service in any war of the United States or in any military campaign for which a campaign ribbon shall have been awarded.

(b) "Widow" and "Widower" means the person who was married to the veteran defined in (a) above at the time of the veteran's death and who has not since remarried.

(c) "Spouse" means the person married to the veteran as defined in (a) above, when that veteran has a service connected permanent and total disability.

(3) "Equal" as referred to in (1) above shall be determined by the appointing authorities as follows:

(a) Filling vacancies from the lists in the noncompetitive service. The appointing authority shall use a score resulting from an established systematic evaluation of the applicant's work and/or educational and training background, evaluated both for length of time and quality of experiences. Also, appointing authorities may uniformly use other merit factors that are specifically job-related in making determinations. When appointing authorities do select persons other than those listed in (2) who have lesser scores than those persons listed in (2), they shall forward to the Director of Personnel an explanation and the relative standing of the eligibles selected.

(b) A description of the established systematic evaluation system by agencies must be submitted to the Director of Personnel. Upon request, the Director of Personnel will make the services of the Department of Personnel available, to recommend the merit and job-related factors and procedures for judging relative qualities. [Statutory Authority: RCW 41.06.150(17). 79-11-046 (Order 136), § 356-30-075, filed 10/15/79, effective 1/1/80.]

WAC 356-30-080 Temporary employment--Exempt service. Appointments to temporary positions as defined in WAC 356-06-020(15) are exempt from these Rules provided:

(1) There is no involvement in federal grant-in-aid.

(2) Positions have been reported to the Director of Personnel.

(3) Compensation and minimum qualifications of appointees are consistent with those for comparable classified positions.

(4) That the appointment lasts for no more than nine months for single appointments or no more than nine cumulative months for multiple appointments within a calendar year, except when a temporary employee replaces a permanent employee who has been granted a leave of absence without pay in accordance with WAC 356-18-140 and WAC 356-39-120 and 130. In such

cases, the temporary appointment may extend to the date the employee on leave is scheduled to return.

(5) That a two-month break in service has occurred since the last temporary appointment of the same person in the same agency, except for multiple appointments as indicated in (4) above.

Established registers, certification, and referral service are available for use in filling temporary positions. A temporary employee, appointed following certification from the register, may enter a probationary period and subsequently gain permanent status, when a change in agency needs results in the permanent availability of the position. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-12-026 (Order 126), § 356-30-080, filed 11/15/78; Order 36, § 356-30-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-210, 356-24-230, 356-24-240.]

WAC 356-30-143 Intergovernmental mobility. In accordance with the intent of the Intergovernmental Personnel Act (P.L. 91-648) regarding mobility assignments and/or notwithstanding any other provisions of these rules, the state Personnel Board or designee may authorize appointments into the classified service from other governmental units when such appointments are for purposes of cross-training or sharing of expertise across governmental boundaries. Such appointments shall be time limited. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-30-143, filed 9/26/78. Statutory Authority: RCW 41.06.150(17), 78-06-017 (Order 120), § 356-30-143, filed 5/12/78.]

WAC 356-30-146 Project employment--CETA--Title II and VI. (1) Participants hired under the Comprehensive Employment and Training Act have all merit system rights and benefits given regular state employees except as specifically prohibited by the Act as passed by Congress. Participants will not have reduction-in-force rights afforded after 18 months of service within the project.

(2) Appointment requirements other than meeting minimum qualifications may be waived for appointment to project positions which have been established to provide employment opportunities under the Federal Comprehensive Employment and Training Act.

(3) Participants who gain permanent status within the project, and are currently employed in the following classifications, are eligible to compete on a promotional basis for positions in regular state service:

Clerical Aide
Conservation Aide
Human Service Aide
Maintenance Aide

Participants on a promotional register shall be ranked after regular permanent employees on the same register. [Statutory Authority: RCW 41.06.150(17), 79-09-034 (Order 132), § 356-30-146, filed 8/16/79, effective 10/1/79; Order 106, § 356-30-146, filed 7/25/77.]

WAC 356-30-210 Transfer--Between agencies--Restrictions. The transfer of a permanent employee between agencies, within class or between classes (subject to the limitations of WAC 356-30-200), may be made at any time with the approval of the appointing authorities concerned, provided employees who have been separated due to reduction in force and employees who have been notified that they are scheduled for reduction-in-force have first been offered the transfer in accordance with their seniority. Report of the transfer shall be made to the Director of Personnel. Employees who transfer under the provisions of this section shall not serve a trial service period and shall be permanent employees of the gaining agency. For purposes of this section, each institution and branch office may be considered an agency. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-30-210, filed 9/26/78; Order 53, § 356-30-210, filed 1/15/73; Order 36, § 356-30-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-100.]

WAC 356-30-300 Performance evaluation--Requirements--Monitoring. (1) Agencies will evaluate the performance of their full-time, part-time and tandem subordinate employees at least once:

(a) During the first four months, when the individual employee is in either probationary or trial service status.

(b) A year when the individual employee is in permanent status.

(2) The evaluation will be conducted during the month preceding the employee's anniversary date, except an agency can establish, on a consistent basis, a date which better accommodates a specific work cycle. The alternate date will not extend the appraisal beyond the limits prescribed in (a) and (b) above.

(3) Agencies will utilize the procedures and evaluation forms prescribed by the Director of Personnel. The procedures shall include provisions whereby individual agencies may, with the approval of the Director of Personnel, supplement the process with special performance factors peculiar to the specific organizational needs.

(4) The procedures and forms shall:

(a) Be designed to aid in communications between supervisors and subordinates and clarify duties and expectations.

(b) Be designed to inform employees of their performance strengths and weaknesses.

(c) Be based on performance toward the goals and objectives of the agency and its sub-units.

(d) Include provisions for the counseling and the development of employees.

(5) The Department of Personnel shall monitor the evaluation of employees for timeliness, effectiveness and standardization. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-12-026 (Order 126), § 356-30-300, filed 11/15/78; Order 36, § 356-30-300, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-191.]

Chapter 356-34 WAC
DISCIPLINARY ACTIONS--APPEALS

WAC

356-34-170 Filing of papers with the state personnel board.

WAC 356-34-170 Filing of papers with the state personnel board. Papers required to be filed with the state Personnel Board shall not be deemed filed until actual receipt of the papers by the Personnel Board at the office of the Director of Personnel in Olympia, Washington. The Director of Personnel or designee shall issue an acknowledgment stating the date filed. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-34-170, filed 9/26/78; Order 36, § 356-34-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-160.]

Chapter 356-38 WAC
TRAINING

WAC

356-38-010 through 356-38-170 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 356-38-010 Training general—Purpose and objectives. [Order 36, § 356-38-010, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-020 Training—Responsibility. [Order 36, § 356-38-020, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-030 Agency organization for training. [Order 36, § 356-38-030, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-040 In-service training—Definition—Biennial plan. [Order 36, § 356-38-040, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-050 Out-service training—Definitions—Exclusions. [Order 36, § 356-38-050, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-060 Out-service training—General. [Order 36, § 356-38-060, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-070 Out-service training—Selection of employees. [Order 36, § 356-38-070, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-080 Out-service training—Salary and related costs. [Order 36, § 356-38-080, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-090 Out-service training—Employee contracts. [Order 36, § 356-38-090, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-100 Out-service training—Uncompleted assignments. [Order 36, § 356-38-100, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-110 Out-service training—Agency policy and plan. [Order 36, § 356-38-110, filed 7/1/71, effective

356-38-120

356-38-130

356-38-140

356-38-150

356-38-160

356-38-170

- 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- Tuition reimbursement—Definition—Purpose. [Order 36, § 356-38-120, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- Tuition reimbursement—Eligibility conditions of reimbursement. [Order 93, § 356-38-130, filed 11/2/76; Permanent and Emergency Order 39, § 356-38-130, filed 9/15/71; Order 36, § 356-38-130, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- Educational leave of absence—Condition. [Order 71, § 356-38-140, filed 12/30/74; Order 36, § 356-38-140, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- Annual training reporting. [Order 36, § 356-38-150, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- Training—When conducted—Allowances in compensatory time. [Order 36, § 356-38-160, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- Training—Credit for completion—Effect. [Order 36, § 356-38-170, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).

WAC 356-38-010 through 356-38-170 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 356-39 WAC
HUMAN RESOURCE DEVELOPMENT

WAC

- 356-39-010 Chapter purpose.
- 356-39-020 Human resource development—State-wide philosophy/definition.
- 356-39-030 Human resource development—Assignment of responsibilities.
- 356-39-040 Agency job assignments for developmental purposes.
- 356-39-050 Agency human resource development planning.
- 356-39-060 Department of personnel human resource development planning.
- 356-39-070 Agency evaluation of human resource development activities.
- 356-39-080 Department of personnel review of agencies' human resource development reports.
- 356-39-090 Required managerial training.
- 356-39-100 Tuition reimbursement—Agency authority and responsibility.
- 356-39-110 Tuition reimbursement—Employee eligibility and responsibility.
- 356-39-120 Education leave without pay—Agency authority and responsibility.
- 356-39-130 Education leave without pay—Employee eligibility and responsibility.
- 356-39-140 Provisions for considering training as time worked.

WAC 356-39-010 Chapter purpose. This chapter sets forth the board's philosophy on elements of human resource development. Further, this chapter establishes regulatory policies on and assigns specific responsibilities for those elements of human resource development to the department of personnel, the agencies and individual employees. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-010, filed 1/19/78.]

WAC 356-39-020 Human resource development-- State-wide philosophy/definition. Optimum utilization of its human resources aids state government in providing effective and economic services. Therefore, it is the personnel board's philosophy that a highly productive, motivated workforce be achieved and maintained through a state-wide program of human resource development. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-020, filed 1/19/78.]

WAC 356-39-030 Human resource development-- Assignment of responsibilities. The responsibility for human resource development is shared by agencies and employees.

- (1) Each agency is responsible for providing:
 - (a) Orientation
 - (b) Agency-required, job-related training
 - (c) Assistance with career planning
- (2) Each employee is responsible for:
 - (a) Personal career planning
 - (b) Maintenance of professional and other licenses
 - (c) Participation in agency-required training
- (3) The Department of Personnel shall support human resource development by:
 - (a) Consulting with agencies in their human resource development activities, upon request
 - (b) Providing training which is interagency in scope
 - (c) Providing guidelines for human resource development planning and evaluation in accordance with WAC 356-39-060 and WAC 356-39-080. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-030, filed 1/19/78.]

WAC 356-39-040 Agency job assignments for developmental purposes. Agencies may make the following planned training assignments for employee development without incurring reallocation or compensation obligations:

- (1) Performance of higher level responsibilities on a time-limited basis.
- (2) Rotational or special project job assignments.
- (3) Transfers or reassignments to different duties and responsibilities within job classification. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-040, filed 1/19/78.]

WAC 356-39-050 Agency human resource development planning. (1) Each agency shall prepare a human resource development plan for a biennial period, with revision as needed. The plan shall be based on an assessment of the human resource development needs within the agency and consideration of the agency's budget.

(2) The plan shall state the agency's policies and objectives for human resource development. The policies shall include at a minimum the following:

- (a) Criteria for employee participation in human resource development activities during work hours
- (b) Criteria for educational leave
- (c) Criteria for tuition reimbursement

(d) Provisions for considering human resource development needs identified in the agency's performance appraisal process and affirmative action plan

(3) The plan shall identify the resources available to achieve its stated objectives. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-050, filed 1/19/78.]

WAC 356-39-060 Department of personnel human resource development planning. Each agency shall submit a summary of its biennial human resource development plan to the department of personnel for review.

(1) The department shall provide each agency with an evaluation of its plan. The evaluation may include recommendations for sharing resources to meet common objectives among the agencies.

(2) Upon agency request, the department shall assist in the preparation of the agency's plan.

(3) The department shall prepare a human resource development plan with objectives and identification of resources to accomplish interagency human resource development activities which have been proposed through agency plans. The department shall distribute its plan to the agencies.

(4) The department shall consider each agency's human resource development activities in preparation of the State's Classification Plan and in the department's testing process. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-060, filed 1/19/78.]

WAC 356-39-070 Agency evaluation of human resource development activities. Each agency shall develop an evaluation process to determine the effectiveness of its human resource development activities.

(1) This evaluation process shall include an assessment of:

- (a) The effectiveness of the training
- (b) The impact of the training on job performance
- (c) The contribution of the training to achievement of career development goals

(2) The department of personnel shall assist agencies in the development of their evaluation process upon their request.

(3) Each agency shall submit an annual summary of evaluation data on its human resource development activities to the department of personnel. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-070, filed 1/19/78.]

WAC 356-39-080 Department of personnel review of agencies' human resource development reports. The department of personnel shall review each agency's annual evaluation as it relates to the agency's human resource development plan.

(1) The department shall summarize the agencies' reports, highlighting innovative techniques that have inter-agency application, and shall submit the summary to the agencies, the personnel board, the governor and the legislature.

(2) The department shall develop an evaluation process to determine the effectiveness of its human resource development activities. In its annual evaluation summary, the department shall include data from this evaluation process. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-080, filed 1/19/78.]

WAC 356-39-090 Required managerial training. An agency may require employees in positions with responsibilities which include planning, directing or evaluating the work of other employees to complete managerial training. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-090, filed 1/19/78.]

WAC 356-39-100 Tuition reimbursement--Agency authority and responsibility. (1) Agencies may approve for full or partial tuition reimbursement a qualified course conducted by an educational institution, vocational school, or a professional training organization. To qualify, a course must have an objective of furthering an employee's career development plan and/or changing or enhancing the employee's skills, knowledge, attitude, or behavior. The course must be directly related to a function of state government.

(2) Agencies shall reimburse eligible employees who have satisfactorily completed a course which was previously approved for tuition reimbursement. Agencies may prepay employee's tuition or registration fees.

(3) Agency funds expended for tuition reimbursement will be limited to tuition or registration fees, and will not include textbooks, supplies or other school expenses.

(4) Approvals for any one employee should be limited to no more than the equivalent of six credit hours during any one academic quarter or semester. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-100, filed 1/19/78.]

WAC 356-39-110 Tuition reimbursement--Employee eligibility and responsibility. (1) An employee shall be in permanent, or permanent project, status at the time payment is made.

(2) An employee shall not receive federal or state educational reimbursement funds that exceed the total tuition for any course.

(3) An employee shall provide written evidence of satisfactory completion of the course for which payment is made. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-110, filed 1/19/78.]

WAC 356-39-120 Education leave without pay--Agency authority and responsibility. (1) An agency may authorize educational leave without pay for an eligible employee to attend an accredited educational institution in a matriculated status to enhance the employee's career service in state government.

(2) Educational leave without pay will be approved in advance for a specific period of time, not to exceed twenty-four continuous months.

(3) An employee on educational leave without pay will accrue seniority and periodic increments while on

educational leave without pay, provided the employee has successfully completed the academic commitment for which the educational leave was granted.

(4) The return to employment will be in accordance with rules regarding reduction-in-force and all other applicable rules and must be accomplished within thirty days of course completion. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-120, filed 1/19/78.]

WAC 356-39-130 Education leave without pay--Employee eligibility and responsibility. (1) Employees with permanent, or permanent project, status are eligible to be considered for education leave.

(2) Employees granted educational leave are responsible for:

(a) Gaining matriculated status at an accredited educational institution.

(b) Maintaining a satisfactory standing consistent with the approved course of study.

(c) Supplying the agency with documentation of satisfactory progress toward and completion of the agreed upon academic commitment. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-130, filed 1/19/78.]

WAC 356-39-140 Provisions for considering training as time worked. Agencies may require employees to attend training during and/or outside of working hours. However:

(1) Employee attendance at agency-required training, either during or outside working hours, shall be considered time worked and compensated in accordance with merit system rules.

(2) Employee attendance at training not required by an agency, either on approved leave from or outside of working hours, shall be voluntary and not considered time worked. Agencies need not compensate employees for attendance at training when it is not considered time worked.

(3) Agencies may develop policies which allow employees to attend time-limited human resource development activities without requiring employees to take leave. Such human resource development activities must be directly related to a function of state government. [Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-140, filed 1/19/78.]

Chapter 356-46 WAC MISCELLANEOUS

WAC

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| 356-46-010 | Political activity--Regulations. |
| 356-46-020 | Discrimination--Prohibitions. |
| 356-46-030 | Disclosure of political, religious affiliations--Prohibited. |
| 356-46-050 | Payroll certification. |
| 356-46-100 | Rules--Amendments--Notice. |
| 356-46-130 | State housing committee--Responsibilities. |

WAC 356-46-010 Political activity--Regulations.
(1) Solicitation for or payment to any partisan, political

organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited: *Provided, however,* That officers of employee organizations shall not be prohibited from soliciting dues or contributions from members of their organization. No person shall solicit on state property any contribution to be used for partisan, political purposes.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) A classified civil service employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties in state employment as determined by the appointing authority.

(4) The rules and regulations of the United States Civil Service Commission which pertain to political activities may apply to some employees. Persons engaged in federal loans or grants-in-aid programs should inquire about their own situations and contemplated activities. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-010, filed 9/26/78; Order 75, § 356-46-010, filed 3/24/75; Order 36, § 356-46-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-140.]

WAC 356-46-020 Discrimination--Prohibitions. No discrimination shall be exercised, threatened, or promised by any person in the employ of the agency or the state Personnel Board against or in favor of any applicant, eligible, or employee because of political or religious opinions or affiliations, or race, sex, age, handicap or veteran's status. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-020, filed 9/26/78; Order 36, § 356-46-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-150.]

WAC 356-46-030 Disclosure of political, religious affiliations--Prohibited. No recommendation of any applicant, eligible or employee involving a disclosure of political or religious opinions or affiliations shall be considered or filed by the agencies, the state Personnel Board or any office or employee concerned in making appointments or promotions. [Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-030, filed 9/26/78; Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-030, filed 6/12/78; Order 36, § 356-46-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-160.]

WAC 356-46-050 Payroll certification. In accordance with the requirements of RCW 41.06.270, the following procedure for certification of payrolls is hereby

established by joint action of the board and the director of the Office of Financial Management.

(1) Before presentment to any disbursing officer, each agency head, or designee, shall make the following certification on each payroll register which reflects payments to employees covered by the provisions of chapter 41.06 RCW:

"I hereby certify that amounts listed in this payroll are true and correct charges, and that employees rendering service in a position covered by chapter 41.06 RCW have been employed in accordance with the provisions thereof and the rules, regulations, and orders issued thereunder.

By -----
(title) (date)"

(2) The certification shall be signed by the agency head, or designee. One copy of each certified payroll register shall be maintained as [a] part of the record files of the agency and a duplicate copy submitted to the director. [Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-050, filed 6/12/78; Order 36, § 356-46-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-181.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 356-46-100 Rules--Amendments--Notice. Whenever necessary or desirable, the director shall consult with agencies and employee representatives affected to receive recommended amendments to the Merit System Rules. After 20 calendar days' notice to the above affected groups, the board shall hold hearings to approve, modify or reject the recommendation. Copies of approved amendments shall be sent to all agencies and made available for public distribution. [Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-100, filed 6/12/78; Order 36, § 356-46-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-240.]

WAC 356-46-130 State housing committee--Responsibilities. (1) To assist the board in determining policy and establishing rental and utility charges and allowances for employees residing in agency-supplied housing, there is hereby created a State Housing Committee consisting of:

- (a) A chairperson appointed by the director and from the staff of the Department of Personnel.
- (b) A representative from:
 - (i) Department of Social and Health Services
 - (ii) Department of Transportation
 - (iii) Department of Natural Resources
 - (iv) Department of Fisheries
 - (v) Department of Game
 - (vi) Parks and Recreation Commission
 - (vii) Department of Veterans Affairs, and

(viii) Any employee organization representing affected employees of the above listed agencies.

Each agency shall appoint as its representative an employee who has knowledge of on-site housing conditions.

(2) It shall be the responsibility of the committee to:

(a) Establish procedures for

(i) conducting committee business on a scheduled basis,

(ii) reviewing problems concerning rent, utilities, and housing maintenance, and

(iii) facilitating communications between affected agencies and employees; and

(b) Recommend to the board for approval guidelines for determining rental rates, utility rates, and other incidences of agency-supplied housing.

(3) Any agency supplying housing shall determine the rental and utility rates to charge employees according to the guidelines and the findings approved by the board.

(4) Within thirty days of the determination of such charges as rental or utility rates, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the affected agency or the employee may appeal to the board for a decision which shall be final and binding upon all parties.

(5) All public meetings of the committee shall be held in compliance with the Open Public Meetings Act. [Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-130, filed 6/12/78; Order 106, § 356-46-130, filed 7/25/77; Order 103, § 356-46-130, filed 6/23/77; Order 100, § 356-46-130, filed 3/30/77.]

Title 360 WAC PHARMACY, BOARD OF

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Chapter 360-11 WAC PROFESSIONAL PHARMACEUTICAL EDUCATION

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| 360-11-010 | Continuing education. |

WAC 360-11-010 Continuing education. (1) Commencing July 1, 1975, no renewal certificate of registration shall be issued by the board of pharmacy until the applicant submits satisfactory proof to the board that during the calendar year preceding his or her application for renewal he or she has participated in courses of continuing professional pharmaceutical education of the types and number of continuing education credits specified by the board. Such continuing education is hereby declared to be a mandatory requirement for license renewal, except that pharmacists applying for the first annual renewal of their certificate of registration shall be exempt from the provisions of this regulation.

(2) A pharmacist who desires to reinstate his or her license after having been unlicensed for over one year shall, as a condition to reinstatement of his or her license, complete such continuing education credits as may be specified by the board in each individual case. [Statutory Authority: RCW 69.50.201. 79-04-048 (Order 147, Resolution 3-79), § 360-11-010, filed 3/27/79; Order 116, § 360-11-010, filed 11/9/73.]

Chapter 360-12 WAC PHARMACISTS

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| 360-12-015 | Examinations. |
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| 360-12-120 | Licensed pharmacists—Employed as responsible man- agers—Duty to notify board. |
| 360-12-130 | Registered pharmacists—Reinstatement. |

WAC 360-12-015 Examinations. (1) The examination for licensure as a pharmacist shall be known as the full board examination and shall consist of both theoretical and practical sections in such form as may be determined by the board.

(2) The score required to pass the overall examination shall be 75 percent. In addition, the scores achieved in the jurisprudence and written practice of pharmacy sections of the exam shall be no lower than 75 percent and the scores achieved on the other sections of the exam shall be no lower than 60 percent.

(3) An examinee failing any portion of the examination other than the jurisprudence section shall retake the regularly scheduled full board examination.

(4) An examinee failing the jurisprudence portion of the full board examination shall be allowed one retake of the jurisprudence portion at a time and place to be specified by the board.

(5) An examinee failing the retake of the jurisprudence examination shall be required to retake the full board examination. [Statutory Authority: RCW 69.50.201. 79-04-048 (Order 147, Resolution 3-79), § 360-12-015, filed 3/27/79.]

WAC 360-12-050 Applicants—Reciprocity applicants. (1) Applicants for license by reciprocity whose